

Dear Commissioners:

I vehemently oppose a 15 year map extension via this Development Agreement (DA) without a new environmental analysis. The original discretionary approval for Alto is now 5 years old, the MND (Mitigated Negative Declaration) is 8 years old, and the data it was based upon is at least 9 years old. Conditions have changed a lot in El Dorado County over the past 9-10 years.

Additionally:

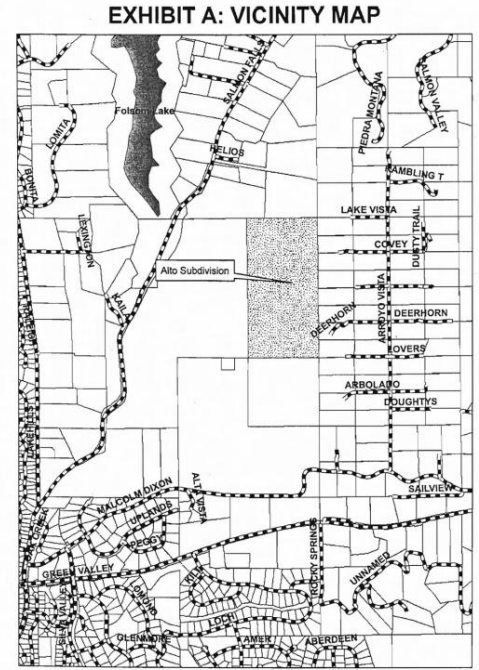
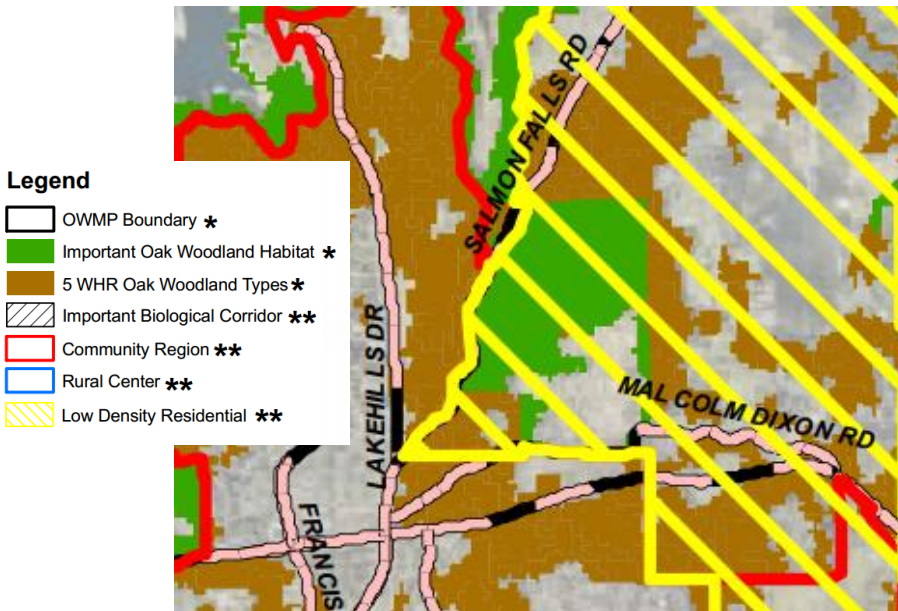
1. The staff report indicates the money received from the developer in exchange for this time extension would be used for traffic analysis and design to benefit the Green Valley corridor. However, the DA language says that the money may be used for *anything* of 'public benefit' (Article 4, p16/44, 'Contribution for Community Benefit').
2. Traffic conditions have changed, with evidence that Measure Y constraints must be considered, *and* the oak ordinance utilized in the MND is out of date due to court ordered changes. You cannot legally move forward to utilize this outdated environmental document for a new project. As proposed by the DA, *the 2009 MND will be used for all future subsequent project approvals needed for the project over the next 15 years* (Section 3.10 (16/44) 'Environmental Mitigation').
3. There are so many issues with the original oak impact analysis, there should be no consideration whatsoever to extending the tentative map using the outdated reports.
 - a. The original report is 10 years old; that's ten years of growth on the oak canopy.
 - b. There is NO mention in the MND that this parcel is within Important Oak Woodland Habitat (map attached)
 - c. The oak removal estimates did not include the buildable area for each lot shown on the tentative map, as was claimed in the staff report. It also does not include the areas cleared for fire safe requirements in the conditions of approval, or the septic field areas.
 - d. No 'envelopes' were conditioned to limit oak removal, and there is not adequate open area on site for buyers to provide oak tree replacement on their parcels. Note that the in lieu fee option has since been thrown out in court.
4. The DA appears to set the amount of the project impact fees back to the level they were at the time of the original 2009 approval (DA Article 5, section C, p17/44, 'Impact Fees')
5. DA Article 3, section 3.02 (p12/44) indicates the DA "*shall prevail over any County law or policy that is enacted or imposed by a citizen-sponsored initiative or referendum, or by the County Board of Supervisors...*" I am not an attorney - is it standard for the Board to give up this control?
6. Per section 3.03 'Applicable County Law', (p13&14/44), wraps up with item 7 saying the only new county laws that would apply to the project would be those accepted in writing by the developer at its sole discretion. Again, is that typical?
7. Section 3.11 (p16/44) states that the developer "in its sole and absolute discretion may terminate this Agreement" with written notice. A DA typically requires dissolution by both parties.
8. The annual periodic review under Section 9.04 is at the cost of the county, and a report not completed is deemed 'a finding of good faith compliance'. This is not in the taxpayers, or county residents, best interest.
9. As written, the DA allows the director of Development Services to enter into amendments to the Agreement *without notice or public hearing* (Section 10.08, p24/44, 'Amendments'). This promotes backroom deals in an era where public trust is already an issue.

If the developer would like a map extension, **a new environmental analysis should be provided.** Period.

Ellen Van Dyke
Rescue Resident

Important Oak Woodland Habitat

(BOS 6/25/07)



Approved staff report, March 2009

From pg9: "Development envelopes with potential driveway locations were initially analyzed in order to determine the extent of oak impacts as a result of infrastructure improvements and due to future residential development of the project."

In actuality, only the roadway was taken into account (see H1).

Exhibit H1: Oak Canopy Exhibit

