

Taryn Vanderpan

From: Sherral Morford <smptmft@att.net>
Sent: Wednesday, December 30, 2020 1:19 PM
To: BOS Members; Quincy Yaley; NRizzi@Tuolumne.ca.us
Subject: The destruction of Sawmill Mountain

As the property owner of Lillaskog Lodge on Packard Canyon Road I am writing to underscore an email I set about a week ago. I am stunned by the continuing level of arrogance and dismissiveness displayed in continuing to push for a wholly inappropriate development of Sawmill Mountain. Any one of the dozens of arguments against it would in itself be enough reason to cease and desist. In spite of the objections raised re: traffic, wildlife protection, fire protection, sewage issues and more, It is **very** telling that the perpetrators just plow ahead. This behavior in itself should raise a huge red flag. I am again making a plea for those of you as our powers to be to stand by the protection and preservation of Tuolumne County, show respect for the residents, and ultimately make the right decision.

Sherral Morford

Taryn Vanderpan

From: deTar, Matthew <detar@ohio.edu>
Sent: Wednesday, December 30, 2020 1:15 PM
To: BOS Members
Cc: Quincy Yaley; Natalie Rizzi
Subject: Comments on Continued Terra Vi Appeal Meeting

Dear Board of Supervisors,

I am writing to express concern with the way the board has handled the process for consideration of the Terra Vi development EIR review. At the Board meeting on December 29, it became clear that the EIR is not complete and does not give the Board sufficient information to evaluate the project's impact on mass evacuation in the case of a wildfire, traffic safety, or water levels in area wells. Additionally, the Draft EIR was not recirculated to the public when a new sewage treatment plan for the development was proposed between the Draft EIR and the Final EIR, leaving no room for public comment on this significantly new piece of the development which includes an entirely new building. Most glaringly, the Final EIR did not attach or address detailed comments made by John Buckley, who commented on this missing information at the December 29 meeting.

Instead of carefully considering this major development project, the Board and the Planning Commission have pushed to fast-track and ram through this development at every stage without even following the proper legal procedures. The first indication of this was the board's willingness to accept an "appeal" from Claire Cosovich on the development. Ms. Cosovich is engaged to be married to the son of the landowner (Mr. Manly) of the Terra Vi site. The disingenuousness of this appeal was made clear at the December 29 meeting when Ms. Cosovich declared that she actually did support the project after reading the Final EIR, a document which was available before she appealed. The Board's desire to fast-track the Terra Vi development appears to mimic the interests of the landowner of the Terra Vi site rather than represent the interests of the public.

Additionally, in the rush to approve the Terra Vi development without proper consideration of the project's impacts, the Board of Supervisors appears also to be close to violating or already in violation of California public meetings laws. No quorum of supervisors can meet to discuss public matters in private. The continuation of the December 29 meeting to December 31 occurred during a recess directly after John Buckley made comments about significant omissions from the EIR. Although a quorum of Board members were visible in the same room on the meeting video, no discussion of the reasoning for continuing the meeting was made public. After a recess that was nearly twice as long as originally announced, the Board returned to the call for mere seconds to announce that the meeting had been continued to December 31. I find it very difficult to believe that a quorum of Board members did not discuss their decision to continue this meeting until December 31 during this recess.

This kind of sloppy, rushed policymaking that overlooks law was also indicated on numerous occasions by the Board itself during the December 29 meeting. During that meeting, numerous Board members mentioned that they had met with the developer at the project site. If these meetings occurred with more than one Board member present, or if Board members drove in the same car out to the site, it is imperative that all conversation about the project be disclosed to the public. The process of this Board's attempt to approve the Terra Vi development is sloppy, unrepresentative of the public concern, and seems to indicate a desire to benefit a single landowner and a Southern California developer rather than the interests of the county.

Finally, what is most terrifying to me is that people's lives are at stake in this development. A Board that is so willing to circumvent the process of review of a major development certainly is not considering their responsibility to prevent a mass evacuation catastrophe like what happened in Paradise in the Camp Fire. The Board's approach to the Terra Vi project is not only sloppy in process and lacking proper review, it is dangerous. A development in a severe fire danger area that does not properly evaluate mass evacuation events puts everyone on the 120 corridor in jeopardy. The Board has clearly demonstrated that nothing about this process has been carefully considered.

Please save face by voting to recirculate the EIR to the public or deny the project outright. This Terra Vi approval process is an embarrassing and dangerous mess.

Matthew deTar, PhD
he/him/his
Assistant Professor
School of Communication Studies
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20 E. Union St.
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Taryn Vanderpan

From: Elizabeth Erickson <elizerickson@gmail.com>
Sent: Wednesday, December 30, 2020 12:55 PM
To: BOS Members; Quincy Yaley; Natalie Rizzi
Subject: Terra Vi Comments

To the Board of Supervisors:

These comments are in regards to the flawed Terra Vi EIR.

1. This project is being rushed through without adequate consideration.
2. The disingenuous appeal from Clare Cosovich. Besides the issue that she is the Fiance' of Nick Manley, she filed an appeal in regards to her concerns on the water issues. At the meeting she presented an incoherent presentation in which she changed her stance on her appeal and stated there are no issues with water. This appeal and presentation of such an appeal should be an embarrassment to the County, their integrity and good-faith.
3. Water Issues. The lack of water and the issue that was brought up that the developer installed a water filter on one residents well due to a strange taste. The County should be concerned when all residents have water issues. Not just taste, but what about the lack of water available and contamination.
4. Water Contamination.
5. The questionable helipad. The county and the EIR say different things.
6. The "missing" 25 page response from CSERC comments.
7. NOT all of us received the New Agenda notice after last night's abrupt end to the hearing.
8. Safety. The EIR and the county continue to gloss over the Safety issues that are asked.
9. WILDFIRE - the danger is real and it is laughable that the County assumes that firefighters will be "available" when it is critical fire season in California.
10. 45 people presented at the open comments. Only 6 of those people spoke in favor. A few never stated their name, others are not from the 120 Corridor.

These are only some of the major issues with the EIR. The Lot line adjustment and map act violation is a whole other issue that the country is not addressing.

The Board in good faith and to keep their integrity should not be trying to pass a project with so many incomplete, unresolved issues on the last day of the year. The County at every chance has been acting on the bare minimum requirements, sending out EIR's after business hours on a Friday prior to holidays. This would be the time for the Board to show that the County actually listens and cares for all their residents and is willing to work and do their due diligence to not allow a project with so many flawed aspects.

Thank you,
Elizabeth Erickong

Taryn Vanderpan

From: Kay Crow <kaycrow2@gmail.com>
Sent: Wednesday, December 30, 2020 12:12 PM
To: Quincy Yaley

I am not in favor if this project moving forward because of water and fire and ambulance issues.
Kay Crow
Groveland property owner

Taryn Vanderpan

From: Geoff Dowd <geoff.dowd@gmail.com>
Sent: Wednesday, December 30, 2020 10:56 AM
To: BOS Members
Cc: Quincy Yaley; Natalie Rizzi
Subject: Terra Vi - EIR Missing comments?

Dear Board of Supervisors,

I just learned that 25 pages of comments from the Central Sierra Environmental Resource Center were left out of the final EIR, which I read. How could this be possible?

From my point of view, this completely undermines the process, and sadly the reputation of The County. This shines a light on the real motivations to ramrod the approvals through, and ultimately in self-interest (MONEY). It's shameful.

- Geoff Dowd

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December 30, 2020

Via E-Mail

Tuolumne County Board of Supervisors
2 South Green St., 4th Floor
Sonora, CA 95370
bosm@co.tuolumne.ca.us

Re: Terra Vi Lodge Yosemite Project Appeal Hearing re Site
Development Permit SDP18-003 and Certification of
Final Environmental Impact Report

Dear Members of the Board of Supervisors:

We write on behalf of Save Sawmill Mountain to raise our concern that the Tuolumne County Board of Supervisors violated the Brown Act during a recess from its hearing of the above-referenced appeal. We also believe that the County's actions on the Terra Vi project display a clear bias in favor of the project applicant and to the detriment of the due process and fair hearing rights of neighboring property owners and residents. For reasons discussed below, we request the County re-notice the hearing on Save Sawmill Mountain's appeal and request that the appeal be heard by the new Board of Supervisors so that appellants and others receive the fair hearing that the law requires.

First, the Board's action to continue the hearing resulted from a violation of the Brown Act. After receiving testimony from John Buckley at the Central Sierra Environmental Resource Center regarding the failure to respond to CSERC's comments on the draft environmental impact report, the Board took what it claimed would be a "30 minute" break. Almost an hour later, the Board reconvened and the Board chair indicated that the County and the applicant had confirmed that no responses to CSERC's comments had been prepared and therefore the meeting would be continued to December 31, 2020. This announcement clearly indicates that discussions occurred between staff, the EIR consultant, and the Board. Such discussions are a violation of the Brown Act.

Government Code section 54950 provides “public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.” This obligation to conduct the public’s business in public applies to discussions between the Board and members of County staff, County Counsel (in the absence of a properly noticed closed session), and most certainly the applicant and its representatives. *See* 42 Op. Atty. Gen. 61 (1963). Any action taken in violation of the Brown Act is voidable. Because the continuance was ordered following discussions between the Board, staff, and the EIR consultant both the continuance and any actions taken at the hearing tomorrow will be a violation of the Brown Act.

Second, the County’s actions demonstrate clear bias in favor of the project applicant. Since the beginning of this process, the County has done the absolute minimum (and often less) that is required by law. The County has an obligation under Code of Civil Procedure 1094.5 to provide a fair hearing not just to the applicant, but also to appellants and landowners in the area. Neighboring property owners also have due process rights to a fair hearing. Actions taken by the Board during the meeting appeared rehearsed and designed to extend the time available for the applicant’s presentation even though the appellant and members of the public were strictly limited during their presentation. The decision to continue the hearing on the appeal to December 31 at 9 am—just hours before the new Board is seated—further demonstrates the Board’s bias toward the applicant. It appears that conversations were had during the continuance that included the applicant and/or its representatives. The County should not be strategizing with the applicant to determine how to hold its public hearings. *Petrovich Development Co. v. City of Sacramento* (2020) 48 Cal. App. 5th 963.

Third, under CEQA, the County has an obligation to consider all written comments on an EIR and to provide written responses to those comments. Pub. Res. Code § 21091(d)(1); Cal. Code Regs. tit. 14, § 15088(a). The County’s failure—for the *second time*—to respond to the comments of CSERC is inexcusable and calls into question its commitment to the public participation and public agency accountability requirements of CEQA. Furthermore, the members of the Board of Supervisors cannot comply with their obligation to independently review the environmental documents and consider public comments if responses to comments are still being prepared during the continuance of the public hearing on the project. *See* Pub. Res. Code §§ 21061, 21091(d).

Finally, we note that the County posted, just yesterday, a new greenhouse gas mitigation measure. This last minute effort does not cure the defects in the EIR’s failure to adequately analyze GHG impacts. Moreover, the measure itself improperly defers analysis of the Project’s GHG impacts and fails to provide assurance that the

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measure will actually be effective. For this reason, the County may not rely on this measure until it has adequately evaluated the Project's GHG impacts and identified feasible mitigation measures that will reduce these impacts in a document that is subject to public review and comment.

For these reasons, we urge the County to re-notice the hearing on Save Sawmill Mountain's appeal pursuant to the requirements of the Brown Act and Government Code section 65090 and 65094.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Ellison Folk

cc: Mary Beth Campbell, Save Sawmill Mountain