



PLACER COUNTY PLANNING DEPARTMENT

Reserved for Date Stamp

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RECEIVED

STAFF REPORT DUE 8/13/07

JUL 20 2007

PLANNING APPEALS

CDRA

The specific regulations regarding appeal procedures may be found in the Placer County Code, Chapters 16 (Subdivision), 17 (Planning and Zoning), and 18 (Environmental Review Ordinance).

OFFICE USE ONLY

Last Day to Appeal 7/23/07 (5 pm)
Letter
Oral Testimony
Zoning RF-B-Y-SP-MR ZONING
Maps: 7-full size and 1 reduced for Planning Commission items

Appeal Fee \$ 465.00
Date Appeal Filed 7/20/07
Receipt # 07-0041622
Received by ED B.
Geographic Area EAST

TO BE COMPLETED BY THE APPLICANT

- 1. Project name Determination Letter Re: LDA-786
2. Appellant(s) Richard J. Goodwin 530-637-4644
Address 19520 PLACER HILLS RD, COLFAX CA 95713
3. Assessor's Parcel Number(s): 072-030-001 (old), 072-030-061-000 (new)
4. Application being appealed (check all those that apply):
Administrative Approval (AA- )
Use Permit (CUP/MUP- )
Parcel Map (P- )
General Plan Amendment (GPA- )
Specific Plan (SPA- )
[X] Planning Director Interpretation 5/18/07 (date)
Minor Boundary Line Adj. (MBR- )
Tentative Map (SUB- )
Variance (VAA- )
Design Review (DSA- )
Rezoning (REA- )
Rafting Permit (RPA- )
Env. Review (EIAQ- )
Other:
5. Whose decision is being appealed: Planning Director's
6. Appeal to be heard by: BOARD OF SUPERVISORS
7. Reason for appeal (attach additional sheet if necessary and be specific): See attached

(If you are appealing a project condition only, please state the condition number)

Note: Applicants may be required to submit additional project plans/maps.

Signature of Appellant(s) [Signature]

T:\PLN\Application & Brochure Masters\Appeal.doc; 8/06

IF FAXED TO \* SUPPLEMENTAL INFO TO BE SENT HARD COPY.

MICHAEL J. COB - 4099
CO. CO - 4069
EHS -
E.S. EXHIBIT C
FAC SVCS - PARKS 6809
APCD-2373 BLDG 14

Date: 19 July 2007

To: Michael J. Johnson, AICP  
Director of Planning  
Placer County  
3091 County Center Drive  
Auburn, CA 95603

Placer County Board of Supervisors  
175 Fulweiler Avenue  
Auburn, CA 95603

Re: Letter to Brigit Barnes, Esq. Dated May 18, 2007 with subject:  
Planning Director's Determination Regarding Status of LDA-786

RECEIVED

JUL 20 2007

CDRA

Dear Mr. Johnson and the Placer County Board of Supervisors:

By this letter, I formally appeal the determination of May 18, 2007 regarding the status of LDA-786 and the July 12<sup>th</sup>, 2007 planning commission decision to uphold the determination on appeal, and hereby request public hearings pursuant to Section 17.60.110 of the Placer County Zoning Ordinance (see attached) with the Placer County Board of Supervisors. Your letter states that LDA-786 "cannot" and has not lapsed under Section 17.58.160(B)(2) of the Zoning Ordinance.

The grounds for my appeal are as follows:

First, neither Placer County Planning nor the County have jurisdiction to determine whether LDA-786 has lapsed, in light of pending litigation in *Meadow Vista Protection v. Chevreaux*, Placer County Superior Court Case No. SCV 19614. Trial for this complaint is expected to occur on November 13<sup>th</sup>, 2007. The determination letter does not mention this case.

Second, the determination letter does not mention a single legal authority relevant to lapse, abandonment or vested rights. Attached to this appeal form are three recent legal briefs submitted in the court case mentioned above, which specifically address abandonment and vested rights and why those determinations do not save LDA-786 from lapse.

Third, the most recent Planning Department document relied on is a 1987 letter from the then-Planning Director Thomas D. McMahan. The lapse wording wasn't put into the Zoning Ordinance until 1995. The 1987 letter doesn't have any effect on a later-adopted ordinance.

Fourth, no input was solicited from members of the community and planning apparently relied solely on a letter from Chevreaux's attorney. Of course Chevreaux only provided information helpful to its interests. This should not be adequate grounds for an official determination.

Fifth, the determination repeatedly refers to an intermittent use of permit LDA-786 when "intermittent" is a usage neither mentioned anywhere in the permit itself nor in the Placer

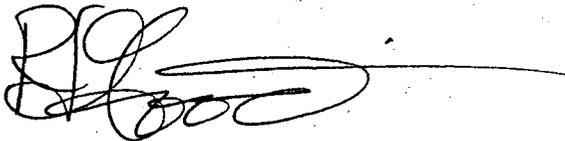
County Code. It does not appear that ~~you~~<sup>J</sup> Placer County Counsel was consulted before issuing this determination nor does it appear that any investigation was performed into the actual facts of the case.

Sixth, to label Chevreaux's operation of an asphalt plant as "intermittent" based on "need" and "demand" is a Herculean exaggeration. One brief period of operation in 32 years and no operation at all for 26 years is hardly "intermittent."

Finally, the letter does not follow the rules in Section 17.02.050(E) of the Zoning Ordinance. That section requires you to "quote the provisions of the chapter being interpreted, together with an explanation of their meaning or applicability in the particular or general circumstances that caused the need for interpretation."

For these reasons, I am appealing the determination letter and requesting that the letter be declared void. Pursuant to Section 17.60.110(C)(1) I reserve the right to furnish additional explanatory materials within 30 days of the date of this letter.

Sincerely,



Richard Goodwin  
19520 Placer Hills Road  
Colfax, CA 95713

Attachments:

Letter to Brigit Barnes, Esq. dated May 18, 2007 from Michael J. Johnson

Motion for Summary Adjudication submitted to Placer County Court February 22, 2007

Reply Brief in Support of Motion for Summary Adjudication submitted to Placer County Court May 10, 2007

Supplemental Brief in Support of Motion for Summary Adjudication Regarding Legal Effect of Planning Director's Determination

Section 17.60.110 of the Placer County Zoning Ordinance