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Via E-mail – Hard Copy to Follow

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Re: Homewood Mountain Resort Ski Area Master Plan: Premature Scheduling of Hearing on Appeal

Dear Messrs. Finley, Breuch and Ms. Krach:

On Monday, October 31, 2011, I received an e-mail from Shirlee I. Herrington, the Executive Secretary for Placer County's Community Development/Resource Agency attaching a Notice of Public Hearing scheduled for November 15, 2011 for the Homewood Mountain Ski Area Master Plan project. The hearing notice includes considering the appeal filed by the Friends of the West Shore, the League to Save Lake Tahoe, and the Tahoe Area Sierra Club filed this past Wednesday, October 26, 2011.

I am writing to point out several inconsistencies between the date of the scheduled hearing and the County's procedure for hearing the groups' appeal and believe the noticed date is premature.

First, Section 17.60.110(C)(1) of the Placer County Code provides that "within thirty (30) days of the date of filing the appeal, the appellant shall provide to the Planning Department all written materials which the applicant desires the appellate body to consider at the appeal hearing, including, if applicable, any proposed changes to the project." By scheduling the hearing for November 15 – a mere 20 days after the notice of appeal – the County has failed to provide appellants sufficient time to provide additional written materials as provided by Code Section 17.60.110(C)(1). Similarly, Section 17.60.110(C)(4) provides for any additional written materials submitted within 30-days by the appellants to be forwarded to the Applicant, who then has a right to submit responsive materials no later than 10-days prior to the hearing. That entire component of the County's appeal procedure has been cut off by the premature hearing date.

Second, the County cannot schedule a hearing on the appeal prior to the Planning Director's completion of a report on the appeal. Section 17.60.110(D)(2) entitled "Report and Scheduling of Hearing" provides that "[w]hen an appeal has been filed, the planning director shall

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prepare a report on the matter and shall schedule the matter for consideration by the appropriate appeal body identified in subsection A of this section *after completion of the report.*" (emphasis added). Yesterday, I contacted Mr. Breuch and inquired whether any additional staff report has been prepared for the appeal. Mr. Breuch indicated that a staff report was being prepared and would likely be available on or about November 10, 2011. Because the Planning Director has not completed the report required by Section 17.60.110(D)(2), the Department has no authority to schedule the appeal at this time.

Although the Board of Supervisors retains the right to decide not to hold a hearing on the appeal, that decision also must await the timelines for written materials provided by Section 17.60.110(C) and the Supervisors' review of the report required by Section 17.60.110(D)(2). Section 17.60.110(D)(4)(b). Given the significant public interest in the Homewood Mountain Resort project, appellants believe that a hearing on the appealed matters, as well as the matters already slated for the Board of Supervisors' review and approval, should be held. Appellants, however, respectfully request that the Board reschedule the hearing so as to allow for appellants to submit additional documents, if any, and for the hearing to be scheduled consistent with the timing of the Planning Director's requisite report. A short extension of the hearing schedule would not be prejudicial to the County or the applicant given the existing schedule for the TRPA governing board's consideration of the project on December 14, 2011.

Thank you for considering appellants' concerns. We would appreciate your prompt response.

Sincerely,



Michael Lozeau  
Lozeau Drury LLP

cc via e-mail:

Susan Gearhart, Friends of the West Shore  
Judi Tornese, Friends of the West Shore  
Mason Overstreet, Friends of the West Shore  
Carl Young, League to Save Lake Tahoe  
Laurel Ames, Tahoe Area Sierra Club