



PLACER COUNTY COUNSEL

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November 8, 2011

Via Facsimile (510) 836-4205 and First Class Mail

Michael Lozeau
Lozeau/Drury
410 12th Street, Suite 250
Oakland, CA 94607

Re: Your letter of dated November 2, 2011: Homewood Mountain Resort Hearing

Dear Mr. Lozeau:

I am responding to your letter dated November 2, 2011, to Maywan Krach, Allen Breuch and the undersigned. You contend that the County's scheduling of the hearing for the Homewood Mountain Resort project before the Board of Supervisors on November 15, 2011, is premature, and have requested that the matter be rescheduled.

I have carefully reviewed the sections of the Placer County Code you have cited, and respectfully disagree that the current hearing has been scheduled in conflict with those provisions or to the detriment of your clients' appeal rights. Specifically, the intent of Section 17.60.110(C)(1) is to ensure that an appellant's materials are received prior to the date of a hearing so the County and the appellee have an opportunity to review them prior to the hearing, not to provide an appellant the right to have a full thirty (30) days to submit materials. Furthermore, Section 17.60.110(D)(1) does not require the Planning Director to have a report prepared prior to scheduling a hearing date, but that the report must be completed prior to the hearing date so the public may have an opportunity to review it. Accordingly, the County will be retaining the presently scheduled hearing date of November 15.

Nonetheless, in order to afford your clients the fullest opportunity to participate in this matter, staff will be recommending to the Board of Supervisors that on November 15, the Board proceed as follows: hear the staff presentation on the matter, open the public hearing, hear from you on behalf of the appellant, hear from the applicant, receive general public comment, and upon the conclusion of public comment, close the hearing to further public testimony, but keep the hearing record open to allow the appellants to submit further documentation up through

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November 28, 2011. The hearing will be continued to the next available scheduled Board meeting for further action, which is December 6, 2011, in Auburn. The hearing will be reopened at that time for the limited purpose of receiving any further public comment by the appellant on the materials submitted, and the response of the County and the applicant. At that point, the hearing will be closed and deliberations will be conducted.

The foregoing approach allows the public the full opportunity to comment on this project at a hearing in the Tahoe area and your clients a full thirty (30) days to submit their appeal materials to be considered by the Board, albeit the final decision will perforce occur in Auburn. I trust this will satisfy your clients' concerns in this matter.

Very truly yours,

PLACER COUNTY COUNSEL'S OFFICE

By: 
Scott H. Finley, Supervising Deputy

Cc: Tom Miller, CEO
Michael Johnson, CDRA Director

