



**COUNTY OF PLACER**  
**Community Development/Resource Agency**

Michael J. Johnson, AICP  
Agency Director

**PLANNING**  
**SERVICES DIVISION**

Paul Thompson, Deputy Director

**MEMORANDUM**

**TO:** Honorable Board of Supervisors

**FROM:** Michael J. Johnson, AICP  
Agency Director

**DATE:** July 23, 2013

**SUBJECT:** **NORTHSTAR FOREST FLYER (PCPA20130040) – THIRD-PARTY APPEAL – REQUEST TO CONTINUE APPEAL PUBLIC HEARING TO FUTURE DATE AND TIME TO BE RE-NOTICED**

**ACTION REQUESTED**

1. Continue the third-party appeal public hearing for the Northstar Forest Flyer project to a future date and time to be re-noticed.

**BACKGROUND**

On February 9, 2013, Northstar California submitted an application for a Conditional Use Permit to allow for the construction and operation of an all-weather toboggan-style downhill coaster to be located at the mid-mountain area of Northstar California.

Planning Commission Action

The Northstar Forest Flyer project was heard by the Planning Commission at its May 23, 2013 meeting. After considering the staff report and recommendation, as well as the Errata to the staff report and the Augmented Findings, the Planning Commission unanimously adopted a motion (7-0-0-0) to adopt the Mitigated Negative Declaration and approve the Mitigation Monitoring and Reporting Plan. The Planning Commission also approved the requested entitlement, a Conditional Use Permit to allow for the construction and operation of the Forest Flyer alpine coaster. In reaching this decision, the Planning Commission found that the Project is consistent with the goals and policies in the Martis Valley Community Plan and the provisions of the Placer County Zoning Ordinance, that the project is compatible with the existing and surrounding development of the Northstar California resort, and that the Mitigated Negative Declaration was complete, adequate and in full compliance with CEQA.

A third-party appeal (Attachment 2) was filed on May 31, 2013 by Greg Gatto, attorney for Stoel Rives, on behalf of the Aspen Grove Owners Association ("appellant") with additional arguments submitted on June 4, 2013. The appeal challenges the Planning Commission adoption of the Mitigated Negative Declaration and approval of the Conditional Use Permit for the Northstar Forest Flyer project. The appeal challenges the adequacy of the Mitigated Negative Declaration, and the bases for approval of the conditional use permit.

**REQUEST TO CONTINUE APPEAL**

On July 9, 2013, the applicant submitted a written request to continue the Board of Supervisors hearing on the appeal off-calendar (Attachment C) in order to "have the opportunity to understand and address the issues raised in the appeal". The appellant was contacted through its attorney Greg Gatto and provided a copy of this request. The appellant is willing to consent to the continuance off calendar but

wishes to ensure that (1) Placer County Code section 17.60.110(D)(4) is not triggered and (2) the Board will "at some future date to be agreed to by the parties" "hold a hearing on the appeal" (Gatto email, July 11, 2013). Section 17.60.110(D)(4) provides that "if a public hearing is not commenced within ninety days or an alternative time period is not agreed upon by the appellant and the appeal body, the decision rendered by the last hearing body shall be deemed affirmed." This provision is not triggered in this case. The applicant and appellant both agreed to the July 23<sup>rd</sup> hearing date, which is within the 90 day period. Section 17.60.110(D)(4) authorizes both "an alternative time period" if agreed to by the Board and appellant as well as continuances from "time to time" of the appeal hearing. The current request before this Board is to consider a request to continue the date of the appeal hearing and if the Board wishes to grant that request, what the time frame for the continuance will be. Another section that is important to highlight is Section 17.60.110(C)(3), which states that a "decision being appealed shall be set aside and of no effect until final action by the appeal body." A continuance off calendar within or outside of the 90 day period is not a "final action by the appeal body". The second concern raised by appellant is the applicant's request to continue this matter "off-calendar". Appellant wishes to ensure that this appeal will eventually be heard "at some future date to be agreed to by the parties". (Gatto email, July 11, 2013.) It is within the authority of the Board to continue this appeal off calendar or continue it to a future date and time certain. As discussed above, until the Board renders "final action" on the appeal, the appeal remains active (17.60.110(C)(3)). Continuing the same "off-calendar" does not change that status, it only indicates that a specific date and time cannot be ascertained at this point in time and once it is, the new date and time will be re-noticed.

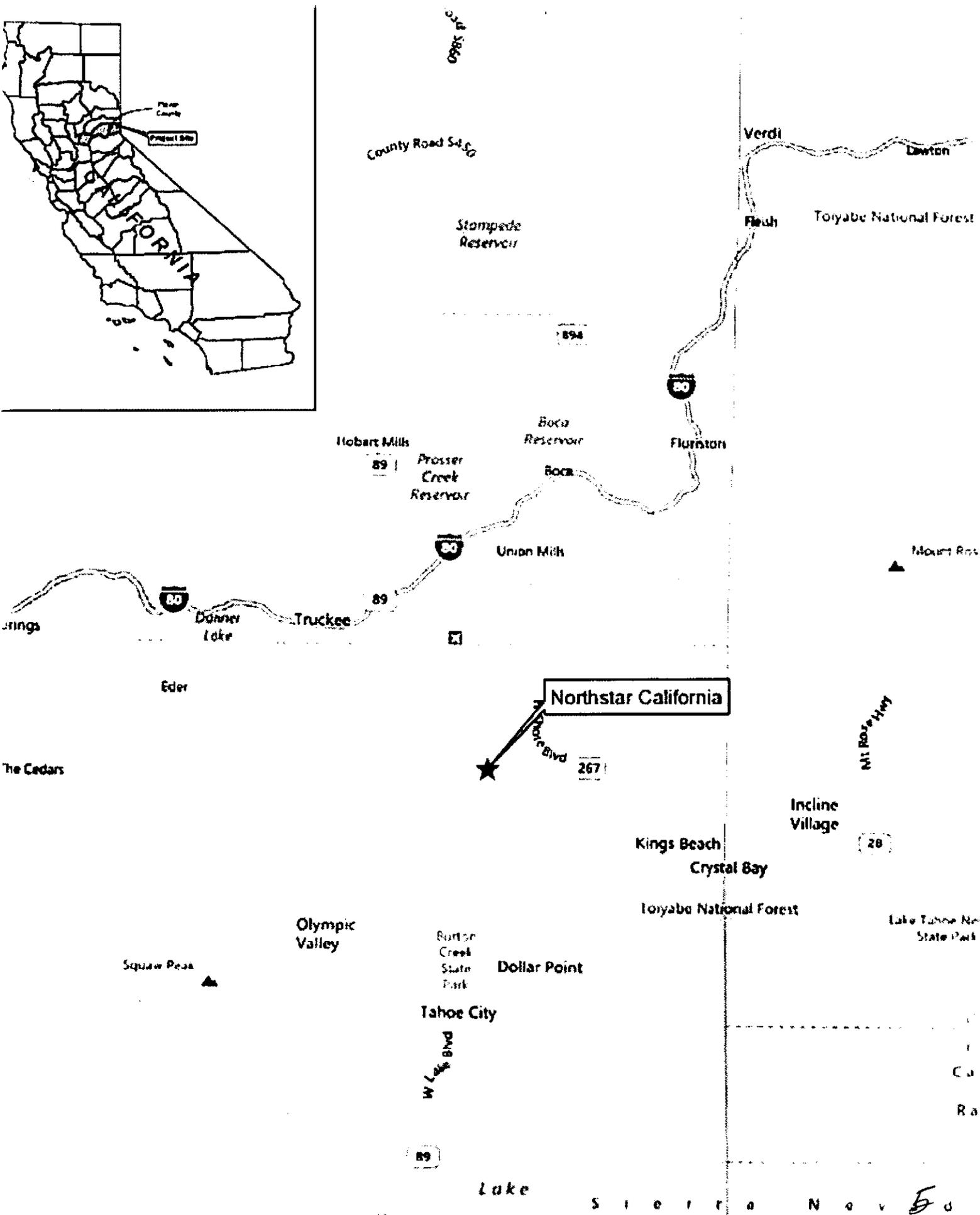
**RECOMMENDATION**

Staff recommends that the Board of Supervisors continue the appeal public hearing for the Northstar Forest Flyer to a future date and time to be re-noticed. At such time that a new appeal hearing date is set, a new public hearing notice will be published and distributed to the applicant, the appellant, and all interested parties.

**ATTACHMENTS:**

- Attachment A: Vicinity Map
- Attachment B: Site Plan
- Attachment C: Request to continue Appeal, Northstar California (July 9, 2013)

- cc: Appellant – Greg Gatto, Stoel Rives Attorney
- Appellant – Aspen Grove Owners Association
- Applicant – Jen Mader, Northstar California
- Phil Frantz – Engineering and Surveying Division
- Amber Conboy – Department of Public Works
- Janelle Heinzler – Special Districts
- Justin Hansen – Environmental Health Services
- Andy Fisher – Placer County Parks Division
- Tom Thompson – Air Pollution Control District
- Brad Albertazzi – Placer County Fire/CDF
- Karin Schwab – County Counsel's Office
- Paul Thompson – Deputy Planning Director
- George Rosasco – Supervising Planner



**ATTACHMENT A**



# Proposed Forest Flyer February 2013

- Legend**
-  Downhill Alignment
  -  Uphill Alignment
  -  Existing Lifts
  -  Parcels

Trimont Land Company  
110-050-069

Trimont Land Company  
110-050-070

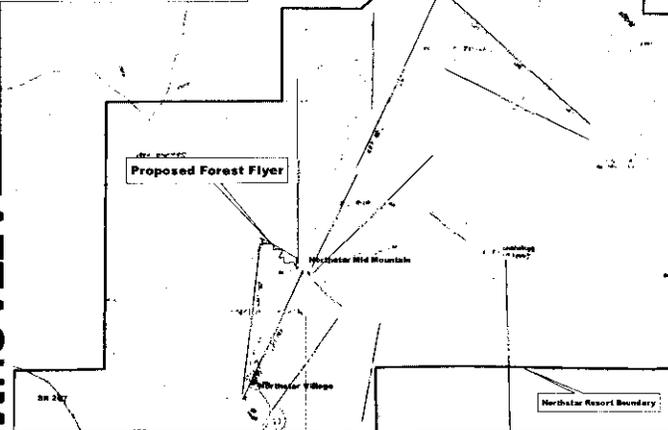
Proposed Attendant  
Building

Forest Flyer  
Uphill Alignment

Forest Flyer  
Downhill Alignment

Proposed Storage  
Building

Forest Flyer Vicinity Map



Mid Mountain Maintenance

Northstar Mountain Properties LLC  
110-050-047

Trimont Land Company  
110-050-039

Highlands Fire Station

Big Springs Daylodge

NCS  
110-050-063

Northstar Mountain Properties LLC  
110-050-071

# NORTHSTAR<sup>TM</sup>

July 9, 2013

Michael J. Johnson, AICP  
Agency Director / Planning Director  
Placer County Community Development / Resource Agency  
3091 County Center Drive  
Auburn, CA 95603

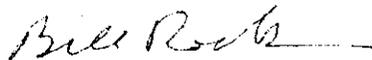
Dear Mr. Johnson:

## NORTHSTAR FOREST FLYER CONDITIONAL USE PERMIT APPEAL REQUEST FOR OFF-CALENDAR CONTINUANCE

Northstar California hereby requests that the appeal of the Northstar Forest Flyer Conditional Use Permit (PCPA 20130040) be continued off-calendar so that we may have the opportunity to understand and address the issues raised in the appeal of the Planning Commission's May 23, 2013 project approval.

Thank you for your assistance in this matter. Please contact me or Jen Mader of my staff if you have questions or need further information.

Sincerely,



Bill Rock  
Vice President & Chief Operating Officer  
Northstar California Resort

