



Placer County Counsel

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ANTHONY J. La BOUFF
County Counsel

GERALD O. CARDEN
Chief Deputy

December 28, 2007

Laura Brown
The Union
464 Sutton Way
Grass Valley, CA 95945

Re: Your Public Records Requests—Royal Gorge Project

Dear Ms. Brown:

This letter will serve as a response to your email to Michael Johnson dated December 17, 2007, requesting examination and possible copying of certain documents relating to the proposed Royal Gorge Specific Plan (the "Project"). This letter will also serve as a response to your e-mail to me dated December 24, 2007.

On June 5, 2007, in accordance with Section 17.58.015 of the Placer County Code, the applicant submitted a pre-development application for the proposed Project consisting of a number of documents. All of the documents submitted in conjunction with this pre-development process are available for your inspection.

In a memorandum prepared by the Planning Director that was forwarded to the applicant on August 5, 2007, the types of documents that would be required by the County for its application to be considered sufficiently complete for the County to begin processing the Project were described. This document is available for your inspection.

On November 21, 2007, the Project applicant submitted a number of documents to the County for its review as to whether these documents met the requirements set forth in the letter of the Planning Director with the request that these documents not be distributed to the public. These "pre-submittal" draft documents were provided to allow County staff to give the applicant direction as to whether these were the type and quality of documents that the County would accept as part of a full application package. "Pre-submittal" drafts would be superseded by the formal Project application submittals and would not be relied upon or utilized in any way by the County during its review and evaluation of the Project. The Project applicant submitted the documents to the County based upon an understanding with the County that, while some documents might eventually be incorporated into a formal Project application, this pre-

Laura Brown
Re: Your Public Records Request
December 28, 2007
Page 2

submittal information would not be part of the Project record until and unless included as part of that formal application.

The County believes that these documents constitute preliminary drafts not to be retained by the public agency in the ordinary course of business and could be considered exempt in accordance with Section 6254(a) of the Public Records Act. Recognizing the interest expressed by the public in this project, but being cognizant of the fact that these documents were not submitted by the Project applicant with the intent to be relied upon by the County or distributed to the public as if they were the formal Project application, the applicant was contacted and informed of your request. The County stated that unless the applicant chose to withdraw these documents, the County would make them available to the public for inspection.

On December 13, 2007, the Project applicant submitted a letter to the County requesting the return of all the pre-submittal documents. It was the County's intention to honor this request and return all copies of these documents to the applicant.

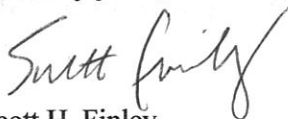
On December 20, 2007, the County received a letter from an attorney for the Serene Lakes Property Owners Association objecting to the return of the documents to the applicant. The County voluntarily agreed to not return these documents to the applicant until either the issue of their status is resolved by further discussions between the parties or the matter is submitted to a court for adjudication.

On December 28, 2007, the County received a letter from the attorney for Royal Gorge LLC stating that they are modifying their request and will allow the County to retain one copy of the documents for the County file. Because these documents will now be retained by the County in its project file, the County considers them to be public records and available for your inspection and copying. Please be aware that the County will have only has one hard copy, and does not have them in an electronic format.

Please contact the County Planning Department at (530) 745-3000 to arrange a time for inspection.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,



Scott H. Finley
Deputy County Counsel

Cc: Michael Johnson, Planning Director