
PLUMAS COUNTY
ZONING ADMINISTRATOR
Minutes of the Meeting of September 23, 2010

The Plumas County Zoning Administrator convened in a meeting on September 23, 2010, at 3:03 p.m. in the Veterans Memorial Hall, Chester. Zoning Administrator, Randy Wilson, presiding. Senior Planner, James Graham, is in attendance.

I. AGENDA

The agenda is approved as submitted.

II. PUBLIC COMMENT OPPORTUNITY

A member of the public questions who the owner is of the 44 acres of land on the east side of the project that is currently for sale, and whether or not it is part of the Walker Ranch development. Randy Wilson, Zoning Administrator, replies that there is no development proposal on it and he does not know the owner's name.

III. VESTING TENTATIVE SUBDIVISION MAP & PLANNED DEVELOPMENT PERMIT: LAKE FRONT AT WALKER RANCH – LAKE ALMANOR ASSOCIATES, LLP; APNs 103-010-004 through 009; 103-010-016; 103-010-032; and 103-020-011 through 019 (Lake Almanor); T.28N/R.7E/S.11, 12,13, 14, 23 and 24; Planner: James Graham

Randy Wilson, Zoning Administrator, presents the proposal for a Vesting Tentative Subdivision Map and Planned Development Permit encompassing 1,397 acres of land for a proposed mix of land uses including single-family and multi-family residential, commercial area, hotel/spa, open space dedication area, open space buffers, and golf course land uses in conjunction with a Planned Development Permit, which requires diversification in the relationships of structures, lot sizes, and open spaces in a planned fashion and allows modifications or exceptions, including transfers of density, from the zoning and subdivision requirements. This project is located south of Highway 36, north of the Lake Almanor Country Club, west of County Road A-13 and Clifford Drive, and east of Lake Almanor. On March 2, 2010, the Plumas County Board of Supervisors certified Environmental Impact Report #84 for this project.

James Graham, Senior Planner, gives a Power Point presentation elaborating on the details of the project as reflected in the Staff Report. Wilson questions if the applicant, owner, or representative have anything to say on behalf of the project and if they are in agreement with the conditions of approval on the Planned Development Permit and Vesting Tentative Subdivision Map. Richard Floch, land planner for Lake Almanor Associates, states they are in agreement with the proposed conditions of approval. Floch states a letter was received by David Brayshaw and that the issues raised in the letter have been dealt with.

Graham points out that Condition #106 needs to be added, which states the Planned Development Permit shall comply with the Mitigation Monitoring Program as set forth in the EIR. In addition, a change needs to be made to Table 1 in Condition #80 as follows: SR147 NB and SR147 SB should be listed as Mitigation #4.2-1d. Lastly, Finding #80, Item 3, should state "This alternative would *not* provide . . ."

Wilson questions Graham if any other project on the Peninsula was required to develop a centralized wastewater treatment system like this project. Graham replies that none have. Wilson also questions if any other project on the peninsula has engaged in any offsite road improvements similar to what this project has been commissioned to do. Graham replies that none have been required to the same extent as this project.

Wilson opens the public hearing at 3:25 p.m.

A number of neighbors and citizens are in attendance and voice the following concerns with the project:

1) Is the project viable considering the current economic situation? 2) Is there an adequate water supply? 3) Will Lake Almanor be affected by the leachfields? 4) Which fire district will provide fire protection? 5) How will this project interface with the Lake Almanor Country Club? 6) What industry will support the development? 7) What type of commercial development is proposed? 8) When will the golf course be constructed? 9) What is the timeline for the project? 10) Is there a Statement of Overriding Considerations? 11) Will there be traffic signals at Highway 36 and Clifford Drive? 12) What is the history of property ownership? 13) What safeguards are in place to prevent deforestation? 14) Will the residents be year round or seasonal? 15) How long is the approval good for? 16) Who will pay for road maintenance? 17) Who will build and fund the chip facility? 18) Will there be a homeowner's association? 19) Will the project be sold? 20) Why is wood burning not permitted? 21) Public relations problem concerning the water supply. 22) Information regarding the water supply was not well dispersed throughout the community.

Rick Archbold, General Manager of Lake Almanor Country Club, voices the following concerns: 1) Adequacy of water supply. 2) Security of LACC from the 16 abutting lots. 3) Timing of Phases 4 and 5. 4) Dust and noise pollution. 5) Who is responsible for road maintenance? 6) Why another golf course? 7) More commercial operations when businesses in the county are closing. 8) Urban or rural blight caused by lack of development. 9) When will the Sheriff substation and fire department be built? 10) Part-time residency. 11) Is the project being set up to be sold?

In response to some of these concerns, Randy Wilson, Zoning Administrator, and James Graham, Senior Planner make the following comments:

Everyone has a constitutional right to apply for a project. The Environmental Impact Report extensively analyzed issues affecting the environment and all issues can be mitigated except for Air quality, Biology, and Noise. All costs of development are the burden of the developer, not the County. The developers have to pay mitigation monitoring fees to cover the cost of development. The Project is within the Peninsula Fire District and they will provide fire protection. There is no condition regarding a barrier that would divide this project from LACC, but it is less likely that someone would trespass through someone's lot to access LACC than they would now. A water supply evaluation was performed and it was determined that there is sufficient water to serve this development at full buildout. The density of the current zoning allows for 4,600 lots to be created. This subdivision is creating about 3,000 less than that. Page 64 of the Staff Report contains the Statement of Overriding Considerations. Project buildout is 100 years. Wood burning is not allowed because of the mitigation measure for air quality impacts. Smoke is the single greatest cause of the smog in the wintertime. The developer must satisfy the conditions of approval before certain steps are undertaken, and many of those conditions require additional studies. Improvement Plans need to be complied with before they can actually record maps and do work on the ground.

In further response to the concerns raised, Richard Floch, Land Planner for Lake Almanor Associates, and Mark Nicholson, applicant representative, make the following comments:

No one knows for sure about market demand, buildout rate, timelines, etc. – it's the nature of the business of land development. It is highly dependent upon economic conditions, which are cyclical. Five years ago, before the economic downturn, they thought they had a 10-year project, that it would be phased in a manner where the 1,600 units would come online a few hundred a year and there would be a diversity of different kinds of product available on the market. Now they're faced with a longer buildout than they ever anticipated, and a greater need to build in phases. The phases may be smaller when they are actually recorded because each time a portion of the development goes forward, a lot of money is owed for fire district fees, road improvement fees, expert studies, etc. They have to begin the process of designing it today. They have to anticipate where they'll be 10 or 15 years from now so that the systems are economical at buildout, and work on the stages they pass on getting there. They cannot say how long the project will take. If the economy turns around at some point, phases will happen faster. They have been working on this for five years. They have a great deal of money to spend on engineering plans and other things so they can be ready when the economic conditions improve in the county. They are ready to hire a construction force and develop the plans to be in the market when things are ready to move. They have provided a fiscal impact study prepared by experts in this business that compared the tax revenues of various public agencies in the county to the property tax rates that exist today and the level of services that will be provided by those agencies, and the picture is positive. That report is available for review.

The golf course water demand during the early phases will be met by groundwater and probably the test wells. As the development grows, waste water will be converted to tertiary-treated water and used on the golf course. By the end of the project, no groundwater will be required for the golf course. The wastewater treatment plant is a tertiary treatment plant that meets current California standards for advance treatment so no disposal into the lake will be made.

They have never proposed any logging on the project. Half of the project is open space and the other half will have roads, golf course fairways, and home sites. Those areas will be cleared as necessary to accommodate those uses.

The commercial center will encompass about 100,000 sq. ft. of retail and office space. It's located in the north section of the project, about a ¼ mile from Highway 36 on A-13. They don't know what kind of businesses will go in there. It's designed to serve the peninsula area and it will be the first commercial center you come to as you enter the peninsula and the last one you leave on the way to Chester. It will be centrally located. Commercial businesses don't build until there is sufficient population.

There will be a Homeowners Association. Over half of the property will remain open space, but the rest of it will be maintained by the HOA, which will pay for maintenance through assessments.

Road maintenance is unclear right now. There is a condition of approval that states it will charge property owners a maintenance assessment. If that fails to happen, then the condition states that the roads will be maintained as private roads by a property owners association. They would like to see public maintenance. It won't be a burden on the general taxpayers of the county.

A Sheriff substation and fire department will be brought forward in the Development Agreement applied for with the County.

Lake Almanor Associates has owned this property for at least a dozen years. Portions of it will be sold and some parts may be developed by Lake Almanor Associates itself. Whatever happens, it will be subject to the Conditions of approval, which the County adopts. The conditions run with the property, not the owner. They would still be subject to the same requirements.

Traffic signals are one of the things included in the Capital Improvement Plan that they are funding. The chip facility would be funded by the Homeowner's Association.

The golf course was proposed 5 years ago and they are still looking into it. The primary reason for the golf course was not just as a recreational amenity. It serves as a large area to use the recycled water rather than piping it someplace else. It's a contained system. When there are several golf courses in one area, the area becomes a destination, which benefits other businesses. Plumas County will have an increased reliance on tourism in the future. If the golf course doesn't make money, they would subsidize it. It's the developer's risk, not the public's.

Approval today allows them to move forward with the engineering design. That takes at least a year. They will move forward with discussions with the County on a Development Agreement. That may take a year as well. Once the improvement plans are approved, they can file a final map on the lots that could be sold as residential lots in the southern part of the property, as long as they have met all the conditions applicable to that phase. In the north portion of the property, with the exception of the commercial lots, the residential parcels are intended to be neighborhoods that will be designed in more detail. There will be public hearings on each tentative map as they are submitted to the County. That could take 8-10 years.

They have spent hundreds of thousands of dollars to hire experts to test for water sufficiency. They have hired three separate independent teams of licensed hydro-geologists. The County and Walker Ranch CSD hired their own expert to review the reports. They all came to the same conclusion that there is abundant ground water available. There is a licensing requirement for a public water system where any improvements have to meet the design standards and supply requirements of the State. Those are the more substantial requirements. That's the test they have to pass before they receive State licensing. They have done everything in their power to satisfy the need to provide the County with data regarding what's happening with groundwater in the area and determine if it is a problem, and it is not a problem.

The question keeps coming up as to how fast this project will progress. They're not out to do something that is a financial failure. The Nicholson Company has been doing developments for over 60 years. They have a great reputation for doing developments well. They stand behind the work they do and don't want to fail. They plan to start developing when the market says it's time. It's taken five years to get this far, and will take another year to get through the design phase. It is not possible to start this process and say you know where the economy is going to be six years from now.

There being no further comments the hearing is closed at 5:11 p.m.

DECISION

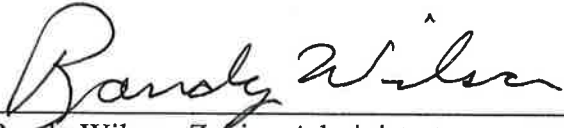
Zoning Administrator, Randy Wilson, makes the following decision:

1. Environmental Determination – Final EIR #84 was previously certified for this project. EIR #84 is adequate and sufficient for this project because the circumstances set forth in Section 15162 of the CEQA Guidelines have not arisen subject to the Findings set forth in Appendix A of Exhibit 5 in the Staff Report.
2. Approve the Planned Development Permit for Lake Front at Walker Ranch as described, including Final EIR #84 including the four exceptions listed in the Staff Report on Page 9, 1 through 4, subject to the conditions of approval outlined in Exhibit 6 and Findings outlined in Exhibit 7, with a modification to Condition #80 that the fourth and fifth references in Table 1 read 4.2-1d; and adding Condition #106 that states, “The conditions of the Planned Development Permit shall be subject to the requirements of the Mitigation Monitoring and Reporting Program.” In taking the actions as outlined in the Findings of Exhibit 7, make note that Finding #80 on page 57 is amended to read, “This alternative would *not* provide destination resort and golf course facilities enhancing the Lake Almanor area as a major visitor serving designation.” In adopting these findings, also adopting Finding #93 - Statement of Overriding Considerations.
3. Approve the Lake Front Vesting Tentative Subdivision Map dated October 5, 2005, identified as Exhibit 8, subject to the conditions of approval outlined in Exhibit 6 and the Findings outlined in Exhibit 7. Also making note that this map is approved under Section 664296 (Term of Subdivision Map approvals) of the Subdivision Map Act which provides for an initial 24-month approval.

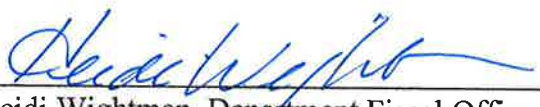
Zoning Administrator Notation: Any decision made as a result of this meeting may be appealed to the Board of Supervisors within ten (10) days of the decision. If the tenth day lands on the weekend, the end of the appeal period will be the next working day. The appeal will need to be based on relevant information stated or submitted at or prior to this meeting by a commenting public member or representative, or certain County department heads as stated by County Code. There is a filing fee for the appeal and the fee information is available from Planning and Building Services.

ADJOURN

There being no further business, the meeting adjourns at 5:16 p.m. The next regularly scheduled Zoning Administrator meeting is set for October 13, 2010, at 10:00 a.m. at the Planning & Building Services Conference Room located at 555 Main Street in Quincy.



Randy Wilson, Zoning Administrator



Heidi Wightman, Department Fiscal Officer II