

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

December 5, 2013

Commission Members

P Joseph Sullivan, District I
P Bob Malley, District II
P Olga Martin Steele, District III
P Don Deuchar, District IV
P Gil Schoux, District V

Staff Members

P Richard Coel, Director
P Kevin Ingram, Principal Planner
P Shanda Harry, Deputy County Counsel
P Danae Bowen, Office Assistant III

9:09 a.m. CALL TO ORDER

Pledge of Allegiance was led by Bob Malley.

Comm. Martin Steele moved, 2nd by Comm. Sullivan to approve the minutes of November 14, 2013.

9:09 a.m. CITIZEN'S INPUT – None

9:10 a.m. Public Hearing on consideration of a mitigated negative declaration based in Initial Study (IS 13-19) for Major Use Permit (UP 13-06). The project applicant is RESORT EQUITIES, LLC proposing the renovation and expansion of Konocti Harbor Resort & Spa, including the offering of a portion of resort units as fractional/timeshare type ownerships. The use permit will also incorporate all existing resort amenities including the outdoor concert venue. A Variance (VR 13-02) from the provisions of Shoreline Ordinance is also requested to permit the replacement of lakefront amenities and the construction of a new party deck. The project is located at 8710, 8727, 8770, 8780, 8790 and 8800 Soda Bay Road, Kelseyville and further described as APNs 009-002-14, 29, 33, 34, 35 and 36. (Kevin Ingram)

Kevin Ingram, Principal Planner, provided background information and a power point presentation of this project application.

Richard Coel, Community Development Director, spoke to the Variance proposal from the Clear Lake Shoreline Ordinance to permit the number of access points, the length and depth of the piers and the height of the proposed deck behind the main lodge building. He explained that staff has looked at the design of the facilities to address the concern of the number of encroachments and the Public Works Department is in support of the variance. He said staff feels that the variance findings can be made because of the uniqueness, prominence and the lack of public access to the lake in this area. He added that there will not be any shoreline vegetation removed for any of the facilities proposed.

Mr. Ingram said that staff organized a site visit, which was well attended by a number of different local and state agencies. This site visit and participation by various agencies was vital in staff's ability to complete this project in an expedited fashion.

Comm. Martin Steele asked if staff would speak to the hillside area where the new four-plex units are going and what vegetation is actually there.

Mr. Ingram said there were only a handful of oak trees and the applicant has noted that they intend to protect the larger oak trees and other larger trees in this area. There would not be any removal of shoreline vegetation.

Comm. Martin Steele asked if an archeological survey will be done.

Mr. Coel said that staff agrees in principal with the comments provided by the Lake County Historical Society, but it should be slightly modified, because they presume the applicant will have an additional study done. He said staff designed the mitigation measures to either do an additional study or have a qualified monitor onsite from a local tribe. He said staff recommends if the additional study is done and it does not identify any resources particularly around those buildings that are going to be replaced, that they probably won't need an archeologist onsite during all the earthwork.

Comm. Martin Steele questioned the number of boat slips, acreage and aquatic issues inside the lake, since this project proposes to impact the lake itself. She asked about sediment impacts and fish spawning areas in these locations.

Mr. Coel said the shoreline improvements will consist of utilizing existing pilings and replacing pilings, which significantly minimizes the impact to the lakebed. He said they are not installing a breakwater, dredging or digging into the lakebed; they are going to simply drive the pilings needed to anchor the floating dock and gangway facilities. He said there has been no information provided from Fish & Wildlife or the Water Resources Department whether there are spawning beds in that area.

Grant Sedgwick, Resort Equities President, explained their objectives and how their plan evolved. He said this is a business motivated proposition, but their success and the County's success are tied together. He said tourism is suffering in Lake County as compared to other counties in California and this is an important element in the rebuilding process. He said their strategy is to make sure they can make this a successful economic project and to renovate/repair the resort. He is currently in the process of partnering with a major hotel company. He said because of the short tourist season in Lake County, it is important to have shared ownership/timeshare opportunities. He liked the prospects of the project but, there are challenges and they will need 75-80 million dollars to get the project underway.

Comm. Malley noted that Konocti Harbor has always been four or five cylinders of the economic engine that runs this County, so out of an eight cylinder engine, it is a big part and he is happy that someone has stepped up and is attempting to make this happen.

9:43 a.m. Opened Public Hearing

Dr John Parker, Vice President/Project Review Coordinator and Collections Manager of the Lake County Historical Society, said they were excited to see the Konocti Harbor Inn project back and will be very happy to see it back up and running. He said the Historical Society looked over the plans, use permit and mitigated negative declaration and discovered there are still some procedural problems within County Planning that need to be dealt with. He said the California Environmental Quality Act (CEQA) requires that historic resources be identified before a mitigated negative declaration is proposed and that is not what took place in this particular process. He said of notable concern was the lack of study for the proposed hillside development and areas where demolition was proposed. He said another issue with the mitigated negative declaration is having a tribal monitor without an archeologist there to actually do the monitoring. He said the Historical Society recommends that a survey be done on the undeveloped site and on the demolition site and the work should have been done prior to the preparation of a mitigated negative declaration.

Mr. Coel said 90% of the site was already reviewed in the past by an archeologist and there were no identified sites in the vicinity, so at that time staff did not feel there was justification to require an entirely new study. He said staff felt that they have met the requirements of CEQA related to cultural resources.

Jack Long, Lake County Economic Development Manager, read a letter from the Lake County Administration Office into the record with their recommendation to approve this project.

Phylis Lambert, Lake County resident, was in support of this project application. She shared her concerns with the possible development of the orchard and the strip of land between Soda Bay Road and Shoreline View Way. She said these properties were not addressed in the staff report and asked if there were any long term plans for these two properties.

Mr. Coel said these areas are part of the property; however nothing has been filed with this application or proposal to develop this. He said down the road there could be a proposal to develop this, but it would be subject to additional environmental review and the public hearing process.

Ben Wright, Kelseyville resident, asked if the Initial Study considered the adequacy of the sewer treatment on that property and felt the sewage is a big issue.

Mr. Ingram said it was staff's understanding from the correspondence received from the Regional Water Board, that adequate sewer service is available to serve the existing 261 units. He said it is likely that additional expansion or upgrades to the facility would be required to address the complete build out of this project.

Mr. Wright addressed the difference between hotel and condominium use and when people have ownership, they come to the property more often, so there will be increased occupancy. He asked that staff take a hard look at the sewage treatment.

Mr. Coel said that the applicant has had engineers look at both the sewer and water treatment systems and those are regulated by the state under separate permits and they are cognizant of the fact that those treatment systems have a certain capacity and once that is reached it will require upgrades.

Victoria Brandon, Lake County Sierra Club, spoke to the major marina project proposed and she felt something should be included about a procedure for this resort to be insuring compliance with the County's mussel prevention procedures. She said there will be a lot of boats coming into this facility and this resort should be part of the unified process in keeping the lake safe. She also suggested a tule replanting project, which would attract more wildlife, along the resort's 15 acre site where the timeshare cottages are proposed.

Comm. Malley referenced the launching facilities and the mussel prevention procedures and asked staff if the County could require a monitor at this private entity.

Mr. Coel said that staff did not receive any comments from the Water Resources Department on that issue and he thought it was a good suggestion to the extent that it can be done legally. He said staff will work on language for a possible condition that could be added.

Sarah Ryan, Big Valley Rancheria Environmental Director, spoke to the issue of cultural resources, it was her understanding that previous studies did not include they were not shovel test sites and it was not a thorough review. She said they were more of a pedestrian walk through to see what was on the surface. She said because there is extensive ground disturbance to happen, they would like to have a tribal monitor present for any ground disturbance occurring within the whole project site, partially because the initial reviews have not given the information needed to be able to protect these resources. She added that they thought there should be language within the mitigation measures about species of special concern and the Clearlake Hitch are candidate species and any shoreline work being done, should not be happening during spawning season.

Mr. Coel said this process will go through the Regional Board and they will look at the environmental documentation done for this expansion project to determine whether it is adequate for their permitting. He said if it is not, then it will still be subject to a new CEQA review through the State or the County. He said upgrades to the system would be changing out equipment and will not require expanding the ponds in this area.

Batsulin Brown, Big valley Rancheria Cultural Resource Specialist, commented on the issues of the tribal community and the interpretation of CEQA. He stated he had concerns with some of the mitigation language in the cultural resources section specifically, when construction is going on there is a monitor or archeologist on site, so

reliance is upon construction people to identify material in which they have not been trained to do. He said tribes are not here to stop projects; they are here to protect resources.

Mr. Coel said there is a standard safety net condition in all use permits, which if anything is found during earthwork they need to stop. He added that this site is highly developed and modified from a grading standpoint and has been over the last 40-50 years. He said very little of this property has not been disturbed.

Thomasine Griesgraber, Lake County resident, spoke to light pollution from the resort and hoped there were mitigations for that.

Comm. Malley said that there have been changes in the lighting portion of the ordinances, and it should be better than it was when it was open.

10:27 a.m. Closed Public Hearing

Comm. Martin Steele spoke to the area of the shoreline impacts and a provision to allow these disturbances to occur during non-spawning seasons. She also was in favor of adding tules, which are productive for the lake and wildlife resources.

Mr. Coel said it was staffs understanding that the hitch spawn in the creeks. He said in order to require a condition it needs to mitigate an identified impact, so the Commission has to identify whether there is an impact specifically to shoreline vegetation when installing the docks, where docks previously existed. He said the recommendation from the Sierra Club and others to perhaps planting tules is a great idea. He noted that the Planning Commission would need to draw a connection if there is a nexus to require it.

Comm. Malley commented that after the structures have been built then a decision can be made as to where the runoff will be and where the tules can be placed to filter out the runoff. He said looking at it as it is now, everything runs right into the lake, but once buildings and parking areas are added, maybe the nexus could be what additional runoff have we added and how are we going to filter that, which is going into the lake. Some filtration with tule beds may be an easy fix. The nexus is changing the outlay of the land and there will be more runoff.

Mr. Coel said that is a solid nexus with the stormwater runoff. He said staff will need to come up with a condition that might work and will need a short break to speak with Water Resources about the quagga mussel issues and propose additional language to address concerns raised about cultural resource impacts.

10:39 a.m. Break

11:03 a.m. Back to Order

Mr. Coel suggested a new condition A9 to read: *“Prior to operation of the resort the permit holder shall enter into an agreement with the Water Resources Department to become a participant in the Quagga Mussel Prevention Program.”* He said staff recommends a second condition D10 to read: *“Prior to issuance of building permits for the four-plex units, the permit holder shall provide a tule planting plan to the Lake County Water Resources Department for review and approval. Tules shall be planted within six months of completion of construction of these units.”*

Mr. Ingram said in reference to the archeological requirements, staff suggests an amendment to condition G1. He suggested making the second paragraph the first and amend it to read: *“The permit holder shall provide the Community Development Department with an archaeological reconnaissance study, prepared by a qualified archaeologists for the development of the 15 four-plex hillside units and proposed demolition areas. Prior to the issuance of any related grading or building permits for those subject areas. Should said study identify any cultural resources in the project area, all recommended mitigation measures shall be incorporated in the grading and/or building permit and followed by the permit holder.”* He said there are no changes to the fsecond paragraph, which would follow other than adding the demolition sites as well as the hillside development.

Comm. Schoux said he was in favor of this project, but he wanted to make sure that when the limited amount for the sewer is exceeded, it will come back to the Planning Commission and be modified to include the new development.

Mr. Ingram noted that condition D1 addresses domestic water supply and condition D2 discusses the sewer. He asked Comm. Schoux if he was proposing amendments to these conditions.

Comm. Schoux said that would be fine.

Comm. moved, Schoux 2nd by Comm. Deucher that the Planning Commission find that on the basis of the Initial Study No. 13-19 and the mitigation measures that have been added to the project, that the variance and lakebed encroachment permit as applied for by Resort Equities LLC, will not have a significant effect on the environment and, therefore, adopt a negative declaration for the proposed use permit with the findings listed in the Staff Report dated November 22, 2013 and as amended today.

PROPOSED MITIGATED NEGATIVE DECLARATION 5 Ayes 0 Noes

Comm. Schoux moved, 2nd by Comm. Deuchar that the Planning Commission find that the Use Permit applied for by Resort Equities LLC on property located at 8710, 8727, 8770, 8780, 8790 and 8800 Soda Bay Road, Kelseyville does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and that the Planning Commission has reviewed and considered the Mitigated Negative Declaration which was adopted for this project and the Use Permit be granted subject to the conditions and with the findings listed in the staff report dated November 22, 2013 and as amended today.

USE PERMIT APPROVAL 5 Ayes 0 Noes

Comm. Schoux moved, 2nd by Comm. Deuchar that the Planning Commission find that the Variance (VR 13-02) applied for by Resort Equities LLC, on property located at 8727 Soda Bay Road, Kelseyville, does meet the requirements of Section 16 of the Lake County Shoreline Ordinance and grant the Variance subject to the conditions and with the findings listed in the Staff Report dated November 22, 2013.

VARIANCE APPROVAL 5 Ayes 0 Noes

Comm. Malley noted that there is a seven (7) calendar day appeal period provided by the Lake County Zoning Ordinance.

Mr. Coel extended his appreciation to all of the County Departments and other groups and agencies who quickly provided their review comments on this project. He said without their help staff could not have possibly processed this complex project in the last two months.


UNTIMED STAFF UPDATE

Mr. Coel announced that Brian Horn, Senior Planner has taken a position out of the area and his last day was November 15, 2013. He said this created an opportunity for advancement for one of the Associate Planners, Michalyn DelValle, who has been with the department for six years. He said she has been promoted to Senior Planner and there is now a vacancy for an Assistant/Associate Planner. He added that the department is seeing an increase in development activity with new projects, which is a real challenge with staffing levels.

Comm. Malley noted that the regular meeting of January 9, 2014 is adjourned and the next scheduled regular Planning Commission Hearing will be on January 23, 2014.

ADJOURNED 11:13


Bob Malley, Chair
Lake County Planning Commission

Respectfully Submitted
By: 
Danae Bowen
Office Assistant III