

# LANGUISHING LODE PROJECT MAY BE BACK ON SUPERVISORS PUT OFF MOVE TO TAKE PLAN OFF BOOKS

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SAN ANDREAS - The proposed 91-lot Del Verde Estates housing development near Valley Springs has come back to life for a second time.

A land-use consultant appeared before the Calaveras County Board of Supervisors on Tuesday with papers proving he represents the current owners and that they obtained rights to the application from the original developer.

The board reluctantly put off deciding whether to take the project off the books. The vote was 3-1-1, with Supervisor Merita Callaway opposed and Supervisor Steve Wilensky abstaining.

The off-again on-again status may cost taxpayers by forcing county planners to spend more time and money working on a project even when it shows no progress and when the original application fees were used up long ago.

Back in 2005, Valley Springs, CA LLC, paid a \$5,600 fee for the services required to process its application for a subdivision map and zoning amendment. Then the recession hit, the bank foreclosed, and county planning staff didn't hear from anyone connected to the project for years.

Now, that same application if made anew would require \$16,910, a fee based on the estimated work involved.

Wilensky said he didn't want to stick taxpayers with the cost of reviving the project.

"What is your idea of how to pay for that without overburdening the general fund?" Wilensky asked Jay Oman, the land-use consultant representing E & F Financial Services, the bank that currently owns the property.

"I don't know," Oman said.

Although state and local law clearly don't allow projects to languish indefinitely with open applications, Calaveras County code does not specify how many years must pass before a project is defunct.

"That's not his problem. That's our problem," Supervisor Darren Spellman said.

In July, the Calaveras County Planning Commission had voted to deny the Del Verde estates application "without prejudice."

That means the property owners are free to file a new application and pay the new fee.

That decision was based partly on the fact that county planning staff hadn't heard from the project proponents for four years, and that Oman at the time did not have paperwork proving the current owners had legal standing to work on the application.

Now, however, Oman has that paperwork and suggests the original fee should still allow him to keep the project open. His appeal is what brought the matter before the Board of Supervisors.

"I'd like to see an accounting of where the fees have gone," Oman said.

County staff said that is impossible. Fees are set based on the amount of work generally required to complete a task but are not billed or tracked on an hourly basis.

And county leaders don't want to set a precedent that could burden taxpayers with the cost of work on many other defunct and foreclosed projects.

"What really sticks with me is it went dormant," Supervisor Gary Tofanelli said.

Actually, it has happened twice. The original proposal for a 40-acre housing tract wedged between La Contenta to the north and Rancho Calaveras to the south dates to 1990. That subdivision map expired unused in 2001. That time, county officials took faster action to terminate the application and get it off the books.

The Board of Supervisors will consider the matter again when it meets Sept. 27.

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