

FROM THE MINUTES OF JULY 13, 2006

11. TENTATIVE SUBDIVISION MAP (Public Hearing)

- a. **TM05-1398/Thousand Oaks, Unit 3** submitted by HELEN L. THOMAS (Agent: Gene E. Thorne & Associates) proposing to create 3 lots ranging in size from 1.83 to 3.35 acres in size. Design waivers have been requested to allow the following: a) Irregular shaped lots and frontage for Lots 2 and 3 to be less than 100 feet as shown on the tentative map; and b) Permit the existing roads to remain as they currently exist. The property, identified by Assessor's Parcel Number 070-300-15, consists of 8.4 acres, is located on the south side of St. Ives Court, approximately 500 feet south of the intersection with Meder Road, in the **Shingle Springs area.** (Mitigated negative declaration prepared)

Jason Hade presented this item with a recommendation for conditional approval.

Commissioner Mac Cready does not know why staff is recommending approval when the applicant will not combine the lots. Mr. Hade said the recommendation for approval is based on merging the lots. Paula Frantz, County Counsel, said the recommendation for approval is only if the lots are merged; otherwise, the recommendation would be for denial. Commissioner Mac Cready said it seems to him that if the applicant does not want to merge the property staff should have recommended denial and not approval based on a change. In this case the air quality is being affected by changing to three parcels. The next item is being changed to more parcels than this application. Why would there be more air quality problems with this project. Mr. Trout commented that the next item is already built.

Commissioner Mac Cready said it seems if there are no historical sites on this property, there would not have to be any mitigation measures. Mr. Hade said during construction there could be resources found. Mr. Trout said there have been resources found in the area, so this mitigation was added. On other projects it is included in the conditions. Staff is looking at this issue on a case-by-case basis.

Commissioner Mac Cready said it seems there are no standards for requiring sprinklers. Mr. Trout said the mitigation monitoring plan has to be signed by the applicant before he project comes before the Commission. Commissioner Machado explained the option for sprinklers (Page 3 of the staff report). Chuck Collins, Department of Transportation, informed the Commission of the fire flows. If those flows cannot be met, mitigation is required by the fire district.

Commissioner Machado asked if St. Ives court would connect to Mine Shaft if this is approved. Mr. Trout said there is no easement, so it does not connect.

Commissioner Machado would like to separate man-made ponds and riparian issues. Mr. Trout said there is no differentiation between the two in the General Plan. That is one reason for suggesting merging the two lots.

Gene Thorne explained the request and the proposed locations for houses. Only one lot would be served from St. Ives.

Doug (?), said Mine Shaft Lane is a private road. He thought if you create a new road it had to be 50 feet wide. He is opposed to the application. It is a private cul-de-sac. He does not know how the applicant can put more lots on the cul-de-sac. Doug presented several photographs showing the tree canopy in the area.

Spenser Weston, owner of Parcel 2, read several letters from residents on Mine Shaft which were opposed to the request due to the increase in traffic. Mr. Weston said their main concern is the increase in traffic.

Fred Palacios, owner of Parcel 1, also commented Mine Shaft Lane is a private road. He is concerned about using Mine Shaft as a thoroughfare. When they purchased their property they were told the eight acres would not be developed. His property backs up to the eight acres, and he will be impacted.

Doug West, owner of Parcel 10, said they were subject to the 100-foot setback from the pond. They build an over-engineered septic system. This winter they were concerned they would have a problem with the system. The pond is a positive aspect to the area.

Barbara Anderson, Lot 4, agreed with her neighbors. They have been living in the area for two years, and it is a very nice area. This request would lower their quality of life and value of their homes. Commissioner Machado said there is already one house that accesses off Mine Shaft. The increase in traffic would be from one house. He asked the size of Mrs. Anderson's parcel. The reply was one acre. Commissioner Machado asked the width of the parcel at the cul-de-sac. Mrs. Anderson did not know.

Mr. Thorne said they are proposing to add one residence on each cul-de-sac. The Department of Transportation did not consider that a traffic issue. They are respecting the 100-foot setback for the septic system. The variance is for the residence. There are standard conditions for road improvements.

Commissioner Chaloupka asked if the setback problem is just with Lot 1. Mr. Thorne replied in the affirmative. Commissioner Chaloupka asked if the building pad on Lot 1 is moved would it get into the tree canopy. Mr. Thorne said it probably would.

Commissioner Machado asked that Mr. Thorne give the Commission some brief history on the creation of Thousand Oaks subdivision. How did the eight acres get left in as one parcel? Mr. Thorne said the eight acre parcel was the developer's parcel. Commissioner Machado asked who built the ponds. Mr. Thorne replied Fred Wetsel.

Commissioner Machado asked the width of the two parcels adjacent to Lot 3 where they touch the court. Mr. Thorne believes it is 100 feet. Typically the front setbacks are 100 feet at the front setback line. That is why they are asking for a variance for the two lots.

Commissioner Tolhurst asked about the dashed line separating the two ponds. Mr. Thorne replied that it is a dirt road.

Commissioner Mac Cready asked if people were told this lot would not be subdivided. Mr. Thorne said he had no idea.

There was no further input.

Chair Knight asked the Department of Transportation to clarify Condition 6. Chuck Collins said the intent was to make the common driveway 24 feet so people could go in and out at the same time. The signing would be if necessary. Commissioner Machado asked if something could be done to assure that the road does not go all the way through. Mr. Collins said you could install a gate. Mr. Trout said there is no way to create an easement. If there was an easement it would have to be developed to County standards. That would have to be a map amendment. Commissioner Machado said he would want to make sure there is no through traffic.

Commissioner Machado said the pond seems to be an intermittent rather than a perennial. Mr. Trout said there is no real definition of a pond. The definition of intermittent states it dries up. This does not. Commissioner Tolhurst said when the EIR was done for the General Plan the 100 feet must have been based on something. His standard is TRPA which has very strict standards. Their standard is 15 feet. Ms. Frantz said that was a mitigation measure proposed by the environmental consultants. She explained why this was set up as an interim standard until the Zoning Ordinance is updated.

Ms. Frantz suggested if the Commission were going to approve this application, staff should be given direction and come back with satisfactory findings and conditions of approval. Mr. Trout said he would like direction on the 25 or 50 foot setback (Condition 23). The findings still need to be supplemented. Ms. Frantz said there will need to be modification to the negative declaration (Page 16). Mr. Trout said the environmental analysis was anticipating a possible inconsistency.

ON MOTION OF COMMISSIONER CHALOUPKA, SECONDED BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CONTINUE TM05-1398 TO THE MEETING OF AUGUST 10, 2006.

FROM THE MINUTES OF AUGUST 10, 2006

8. TENTATIVE SUBDIVISION MAP (Public Hearing)

- a. **TM05-1398/Thousand Oaks, Unit 3** submitted by HELEN L. THOMAS (Agent: Gene E. Thorne & Associates) proposing to create 3 lots ranging in size from 1.83 to 3.35 acres in size. Design waivers have been requested to allow the following: a) Irregular shaped lots and frontage for Lots 2 and 3 to be less than 100 feet as shown on the tentative map; and b) Permit the existing roads to remain as they currently exist. The property, identified by Assessor's Parcel Number 070-300-15, consists of 8.4 acres, is located on the south side of St. Ives Court, approximately 500 feet south of the intersection with Meder Road, in the **Shingle Springs area.** (Mitigated negative declaration prepared)

Jason Hade presented this item with a recommendation for conditional approval.

Commissioner Mac Cready asked the requirements of Standard Plan 101B. Mr. Hade explained.

Chuck Collins, Department of Transportation, said there are two driveways. No one is responsible for maintenance of the two driveways. If you have a 10-foot driveway, only one car can get in and out. You can have a reciprocal agreement, but he would like to see it wider up to the area where the road splits. There should be two lanes so cars can pass. Mr. Collins said the definition of a road is something that serves two or more parcels. He believes there is going to be a conflict with cars going in and out.

Gene Thorne said the length of the road before it splits is about 50 feet from the edge of the cul-de-sac. The reason for the requested waiver is because of the number of trees that would be removed. There is no sight distance problem. They have the concurrence of the fire district and thought they had the concurrence of the Department of Transportation. They agree with the modified conditions.

There was no one else in the audience wishing to give input.

Commissioner Mac Cready would like to know how long the driveway is before it splits. Chair Knight replied 50 feet. Commissioner Mac Cready asked how the Department of Transportation feels. Mr. Collins said he would agree with 18 feet rather than 24 feet for the 50 foot portion of the road. Chair Knight said the applicant wanted to save some trees. Commissioner Mac Cready questioned safety issues with going to 10 feet. Commissioner Machado asked if removing the trees triggers the General Plan policy. Mr. Trout said he does not believe removing a few more trees would affect the analysis on the tree policy. Commissioner Machado asked the applicant about going to 18 feet. Mr. Thorne said there is substantial landscaping that currently exists. There is no sight distance problem. They would not disagree to widening the road but does not see why it should be wider. Eight more feet can be done.

Mr. Collins said there are instances where there is a narrower road for short distances. There should be room for two cars to pass. Chair Knight spoke about leaving the 10-foot paved portion with a shoulder area on both sides so cars could pass. Mr. Collins said it would be a four-foot

area on both sides which would be subject to Standard Plan 101C. Mr. Thorne agreed if it is only for a turnout area and not for the entire length of the 50-foot road.

ON MOTION OF COMMISSIONER CHALOUPKA, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUPKA, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION, AS PREPARED, AND APPROVE TM05-1398 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

FROM THE MINUTES OF DECEMBER 14, 2006

12. TENTATIVE SUBDIVISION MAP (Public Hearing)

a. **TM05-1398/Thousand Oaks, Unit 3** submitted by HELEN L. THOMAS (Agent: Gene E. Thorne & Associates) proposing to create 3 lots ranging in size from 1.83 to 3.35 acres in size. Design waivers have been requested to allow the following: a) Irregular shaped lots and frontage for Lots 2 and 3 to be less than 100 feet as shown on the tentative map; and b) Permit the existing roads to remain as they currently exist. The property, identified by Assessor's Parcel Number 070-300-15, consisting of 8.4 acres, is located on the south side of St. Ives Court, approximately 500 feet south of the intersection with Meder Road, in the **Shingle Springs area**. (Mitigated negative declaration previously prepared and advertised)

Due to an issue with rare plants, Jason Hade recommended this item be continued off calendar until the issue is resolved. Peter Maurer said there is a recirculation issue with the negative declaration.

Gene Thorne informed the Commission regarding the previous map and briefly went over some background information on the project.

Jeff Little, Sycamore Environmental and consultant for Don Thomas, believes there could be a condition added to the project and that the negative declaration would not have to be recirculated.

Mike Mines, retired environmental scientist, addressed the rare plant issue. There is a remaining issue. The septic system for Lot 1 is on an ephemeral stream. He is concerned the State Water Quality Board was not consulted. The document was not circulated through the State Clearinghouse.

Art Marinaccio, resident in Shingle Springs, believes this is in Mitigation Area 2, and the fee is supposed to be adequate mitigation. Is the on-site mitigation in place of the fee or in addition to the fee? It should be instead of the fee.

There was no further input.

Mr. Maurer said this property is in Mitigation Area 1. The main concern is that an issue has been raised regarding the adequacy of the negative declaration. Staff was only looking at the construction of the driveway and not the house. Mr. Thorne said there is the option of moving the house so as not to affect the plants identified in the report.

Paula Frantz, County Counsel, said the negative declaration contains a factual error and needs to be corrected.

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER CHALOUPKA AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CONTINUE TM05-1398 TO THE MEETING OF FEBRUARY 22, 2007.

FROM THE MINUTES OF FEBRUARY 22, 2007

9. TENTATIVE SUBDIVISION MAP (Public Hearing)

TM05-1398/Thousand Oaks, Unit 3 submitted by HELEN L. THOMAS (Agent: Gene E. Thorne & Associates) proposing to create 3 lots ranging in size from 1.83 to 3.35 acres in size. Design waivers have been requested to allow the following: a) Irregular shaped lots and frontage for Lots 2 and 3 to be less than 100 feet as shown on the tentative map; and b) Permit the existing roads to remain as they currently exist. The property, identified by Assessor's Parcel Number 070-300-15, consisting of 8.4 acres, is located on the south side of St. Ives Court, approximately 500 feet south of the intersection with Meder Road, in the **Shingle Springs area**. (Supervisory District IV) (Mitigated negative declaration previously prepared and advertised)

This item was continued from the meeting of December 14, 2006.

Staff: Jason Hade recommended the project be continued off-calendar. The environmental document must be recirculated and readvertised. Commissioner Machado asked when the item could be heard. Larry Appel explained the recirculation process.

Gene Thorne was present and informed the Commission how long they have been in the process.

The Commission took a short break.

Mr. Appel said April 12 would work for scheduling this item.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED BY THOSE COMMISSIONERS PRESENT (Commissioner Tolhurst was absent), IT WAS MOVED TO CONTINUE TM05-1398 TO THE MEETING OF APRIL 12, 2007.

FROM THE MINUTES OF APRIL 12, 2007

10. TENTATIVE SUBDIVISION MAP (Public Hearing)

Tentative Subdivision Map TM05-1398/Thousand Oaks, Unit 3 submitted by HELEN L. THOMAS (Agent: Gene E. Thorne) to create three lots ranging in size from 1.138 to 4.056 acres. A design waiver request has been submitted to allow the following: 1. Irregular shaped lots and frontage for lots 2 and 3 to be less than 100 feet as shown on the tentative map; and 2. Permit the existing driveway serving proposed lots 2 and 3 to be improved to 10 feet wide with a fire safe turnout rather than 24 feet wide as required by Standard Plan 101B. The property, identified by Assessor's Parcel Number 070-300-15, consisting of 8.4 acres, is located on the south side of St. Ives Court, approximately 500 feet south of the intersection with Meder Road, in the Shingle Springs area. (Mitigated negative declaration prepared)

Staff: Jason Hade recommended conditional approval.

Commissioner Machado asked about mitigation fees. Mr. Hade replied the fees will be paid with the building permit. Commissioner Machado commented one of the letters received speaks about a redesign of the septic system. Mr. Hade replied that Environmental Management has approved the design of the system.

Gene Thorne said the map has been modified based on the comments made at the appeal hearing before the Board of Supervisors. Jeff Little from Sycamore Environmental will talk about the streams, rare plants, etc., on the parcel.

Chair Knight asked that Mr. Thorne explain the comments by the Board and what changes were made to the map. Mr. Thorne said there were issues with the strange configuration of the lots and a lot frontage issue. Both issues have been addressed with the revised map.

Jeff Little said the rare plant fee is the prime mitigation. The applicant has added mitigation to protect the actual plants growing on the property. This should reduce the impact to less than significant. Regarding the ephemeral stream, there is no wetland or stream in the location pointed out by one of the individuals submitting a letter. There is no stream, so there is no conflict with the septic system.

Cathy Keeling, Environmental Health, was at the site several times. There is no indication of a stream. The water is caused by run-off.

Commissioner Mathews asked if the ponds are year-round. Ms. Keeling replied in the affirmative. They are on the opposite side. Commissioner Mathews asked if all the homes are on septic systems. Again, Ms. Keeling replied in the affirmative. Commissioner Mathews asked if the neighbors will be affecting the ponds. Ms. Keeling said there was a repair several years ago. A neighbor had to put in a pump.

Ben Parks said it is nice to see the County dealing with rare plants. The plan is to transplant. Transplant survivability is questionable. We need to keep our eye on this issue.

Shelly Perry, Native Plant Society, asked that the mitigated negative declaration for the El Dorado bedstraw be denied. There are three measures identified other than the fee. She has a problem with all three measures. There are many plants that do not germinate like others. There is no information on how to germinate bedstraw. As a mitigation measure, it is inadequate to say the least. Transplanting is a good idea, and sometimes it works. There is no information on transplanting bedstraw. There is a good chance it will not work at all. The Department of Fish and Game has guidelines for transplanting if you use transplanting as a mitigation measure. The requirements that give transplanting a chance to work are not in the document. She likes the deed restrictions and conservation easements. The problem is that they need follow-up work that this County does not do. There are only 11 populations of the plant in the country. A negative declaration is supposed to mean that the impacts have been reduced to a level of insignificance. Ms. Perry asked that the applicant be required to come up with an environmental document that identifies actual mitigation measures and follows existing guidelines.

Annie Walker, member of the Board for the Native Plant Society, concurred with all the comments made by Ms. Perry.

Mike Mines, 30 year resident of Shingle Springs and retired environmental scientist for 40 years, said if you follow the General Plan setbacks, we would not be here today. This project causes a problem. A 1600 consultation is state law and must be done on this project. Before the project is approved, the consultation needs to be done with Fish and Game. Mr. Mines asked that the County look at the septic system again. Mr. Mines said Doug West submitted a letter with several pictures. He explained the location where the pictures were taken.

Mr. Thorne said they are obligated to pay the fee. They were also trying to promote the growth of the plants on the property. They are only obligated to pay the fee. They are volunteering to do the replanting.

Carla Meadows, Native Plant Society, said the information given to applicants by the County for rare plant mitigation is not very good. They would be happy to work with the County and develop something else.

The public hearing was closed.

Commissioner Mathews commented if the mitigation measures do not work, it is up to the experts to come up with measures that do work and not infringe on private property owners.

Commissioner Tolhurst asked that staff explain the mitigation fee and how it works. Mr. Maurer explained. Commissioner Tolhurst said legally they have met their obligation by paying the fee. Mr. Maurer concurred. They will have to get several permits from the state however. Commissioner Tolhurst said it appears there is only one place where there would be a problem, and that is on Pad 1. Commissioner Machado commented the applicant is going along with the rules in place today.

Mr. Maurer said if the Commission feels additional mitigation is needed, the mitigation measure could be expanded to make the monitoring three or five years. The fees were acceptable to Fish and Game. There could also be a fence put around the mitigation area. Ms. Frantz said the mitigated negative declaration found the fees alone are adequate to mitigate. The other measures are voluntary.

Commissioner Mathews suggested adding a condition delineating the rare plant area (identify the four corners of the area on the ground, i.e., the physical boundary of the deed restricted area shall be physically marked). Mr. Thorne agreed.

The Commission asked that there be an update on May 10 on the rare plant fees.

MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER MACHADO AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MACHADO, MATHEWS, TOLHURST, AND KNIGHT; NOES – COMMISSIONER MAC CREADY, IT WAS MOVED TO ADOPT THE REVISED MITIGATED NEGATIVE DECLARATION, AS PREPARED; ADOPT THE MITIGATION MONITORING PROGRAM IN ACCORDANCE WITH THE CEQA GUIDELINES, SECTION 15074(d), INCORPORATED AS CONDITIONS OF APPROVAL; APPROVE TM05-1398 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED; AND APPROVE THE FOLLOWING DESIGN WAIVERS: 1. Irregularly shaped lots and frontages for Lots 2 and 3 to be less than 100 feet as shown on the tentative map; and 2. Permit the existing driveway serving proposed Lots 2 and 3 to be improved to 10 feet wide with a fire safe turnout rather than 24 feet wide a required by Standard Plan 101B.