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BOARD OF SUPERVISORS
EL DORADO COUNTY

TM05/1398 THOUSAND OAKS

El Dorado County Board of Supervisors

We are asking the Board of Supervisors to not approve the Thousand Oaks Subdivision waivers. Enclosed, please find the following items to support our appeal:

- Our itemized concerns about the design waivers and irregular lot sizes together with a map showing each areas of concern;
- Photographs of the septic system site in Lot #1 which overlaps an ephemeral stream flowing onto Vassallo Property and into Pond 2;
- Letter from Mike Meinz, environmental scientist, dated May 8, 2007 that address our environmental and public health concerns;
- A history of agency and public comment letters some of which are not included in the El Dorado County Master Report dated 4/30/2007.

Thank you for addressing our concerns.

Item 1

- Lots 2 and 3– Mineshaft Lane a private maintained road is 50' wide nonexclusive road and public utility easement. Applicant only has 30' of frontage before going back to 50' wide nonexclusive road and public utility easement. This is against county zoning. The 50' road utility easement needs to be continuous. This is a major design waiver from Zoning Ordinance.

Item 2

- **Lot 3 does not meet the 100' minimum width.** This is a design waiver. The access from Mineshaft Lane is less than 30 feet. The Zoning Ordinance requires minimum lot width of 100 feet. Lot 3 is as narrow as 50 to 60 feet wide in two places. What appears to be the front of the lot (as lot 3 has no road frontage) the lot is less than 100 feet for a length of approx. 120 feet. This is a major deviation from the Zoning Ordinance.

Item 3

- **Lots 2 & 3 – Irregular Shaped Lots & Design Waivers.** Board Of Supervisors originally rejected the plan because the irregular shaped lots (**Lot 3 referred to as an elephants head**) did not conform to the general plan. Applicant revised the tentative map but the lot is still irregularly shaped and still does not comply with the general plan. In addition, the irregular shape of Lot 3 does not fit with the surrounding property. The shape forces the building areas to be closer to neighboring property and the open appearance and rural feel is lost. We believe this will hurt the neighboring property values.

Item 4

- **Lot 1 – Approval of Setback Waiver (Pond Set Back and Ephemeral Stream).**
Approval of setback waiver has initiated a controversy over issues associated with endangered plants, water quality and public health. Ironically, these issues would have been nonexistent if the Planning Commission would have followed the County's setback policy for water features established in the General Plan (GP) and adopted July 19, 2004 (Policy 7.3.3.4, Conservation and Open space element, page 290) (See attachment 3)

Item 5

Lot 1 Endangered Plant (El Dorado Bedstraw) and CEQA violations

Mitigation measures proposed by the County do not mitigate to a *level of insignificance* and, thus, are in violation of CEQA. The proposal to relocate the El Dorado bedstraw has no scientific merit. Payment of Mitigation Zone 1 fees alone does not reduce the impact to less than significant. (See attachment 2 & see letter of Mike Mainz 5/8/07 enclosed)

Item 6**Septic Issues**

Construction of a septic system in an ephemeral stream may affect neighborhood health and be in violation of a state law (Fish and Game Code 1602). (See attached in Photos of Septic Sites.)

In conclusion:

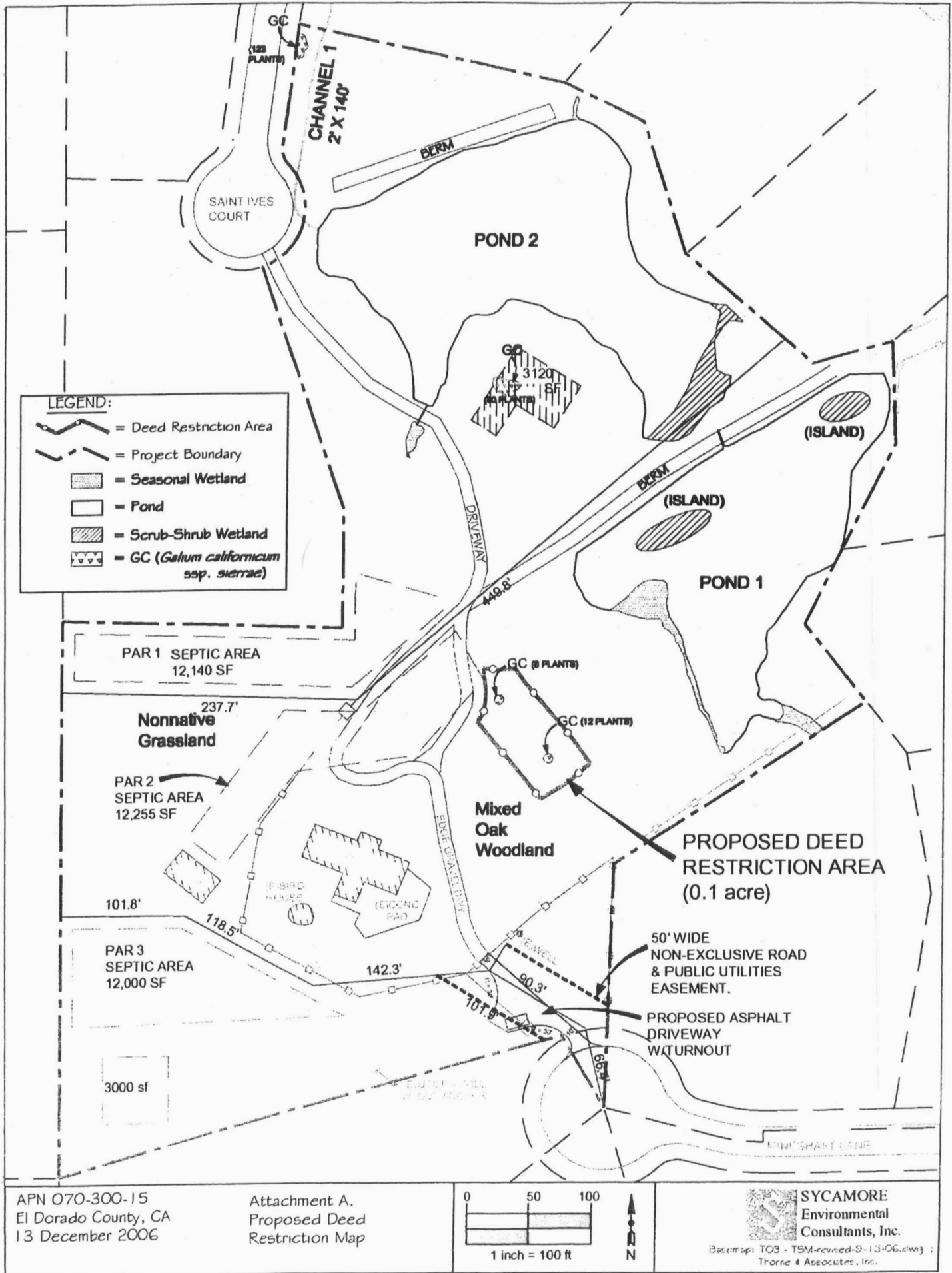
This is not a special condition or circumstance, it was the applicant/owner that chose to place his home and out building where they are presently located. The applicant chose to place his home in the center of 8-acres when he developed Thousand Oaks.

Applicant/owner landlocked himself and now he is asking for extensive design waivers to be able to split his property. It is the applicant/owner that created the hardships. The hardships were not created by natural constraints. The waiver will be injurious to adjacent properties because it will force new construction closer to neighboring parcels due to the narrowing of the lot and irregular shape.

The environmental issues would be nonexistent if the Planning Commission would have followed the County's setback policy for water features established in the General Plan (GP) and adopted July 19, 2004 (Policy 7.3.3.4, Conservation and Open space element, page 290).

If these kinds of design waivers are allowed, it gives little credibility to the new General Plan and sets a bad precedence for future development.

ATTACHMENT 2



Attachment 3



**2004 EL DORADO COUNTY GENERAL PLAN
A PLAN FOR MANAGED GROWTH AND OPEN
ROADS; A PLAN FOR QUALITY
NEIGHBORHOODS AND TRAFFIC RELIEF**

ADOPTED JULY 19, 2004



EL DORADO COUNTY GENERAL PLAN CONSERVATION AND OPEN SPACE ELEMENT

PRINCIPLE

Consistent with the objectives, goals, and policies set forth in the Land Use Element, the Plan must conserve and improve the County's existing natural resources and open space, including agricultural and forest soils, mineral deposits, water and native plants, fish, wildlife species and habitat, and federally classified wilderness areas; and preserve resources of significant biological, ecological, historical or cultural importance.

INTRODUCTION

The purpose of the Conservation and Open Space Element of the General Plan is to address the management, preservation, and conservation of natural resources and open space of El Dorado County. Management of the County's resources will assure the availability of those resources to future generations and the realization of their full economic potential.

Pursuant to Government Code Section 65302, both a conservation and an open space element must be included in a general plan. The General Plan combines these two elements into the Conservation and Open Space Element and as such satisfies the legal requirements for the Conservation and Open Space Elements defined in the Government Code, Sections 65302(d) and 65560, respectively.

RELATIONSHIP TO OTHER ELEMENTS

This element contains provisions for the conservation and protection of soils, minerals, water, wildlife and fisheries, vegetation, cultural resources, and open space. The issues of this element are closely linked to those of almost all other elements of this General Plan. The intensity of development and issues of land use compatibility relating to resource protection and/or production are discussed in the Land Use, Agriculture and Forestry, and Parks and Recreation Elements.

Natural resources and soil preservation are also discussed in the Agriculture and Forestry Element. The Agriculture and Forestry Element focuses primarily on conservation of

- Policy 7.3.1.2 Establish water conservation programs that include both drought tolerant landscaping and efficient building design requirements as well as incentives for the conservation and wise use of water.
- Policy 7.3.1.3 The County shall develop the criteria and draft an ordinance to allow and encourage the use of domestic gray water for landscape irrigation purposes. (See Title 22 of the State Water Code and the Graywater Regulations of the Uniform Plumbing Code).

OBJECTIVE 7.3.2: WATER QUALITY

Maintenance of and, where possible, improvement of the quality of underground and surface water.

- Policy 7.3.2.1 Stream and lake embankments shall be protected from erosion, and streams and lakes shall be protected from excessive turbidity.
- Policy 7.3.2.2 Projects requiring a grading permit shall have an erosion control program approved, where necessary.
- Policy 7.3.2.3 Where practical and when warranted by the size of the project, parking lot storm drainage shall include facilities to separate oils and salts from storm water in accordance with the recommendations of the Storm Water Quality Task Force's California Storm Water Best Management Practices Handbooks (1993).
- Policy 7.3.2.4 The County should evaluate feasible alternatives to the use of salt for ice control on County roads.
- Policy 7.3.2.5 As a means to improve the water quality affecting the County's recreational waters, enhanced and increased detailed analytical water quality studies and monitoring should be implemented to identify and reduce point and non-point pollutants and contaminants. Where such studies or monitoring reports have identified sources of pollution, the County shall propose means to prevent, control, or treat identified pollutants and contaminants.

OBJECTIVE 7.3.3: WETLANDS

Protection of natural and man-made wetlands, vernal pools, wet meadows, and riparian areas from impacts related to development for their importance to wildlife habitat, water purification, scenic values, and unique and sensitive plant life.

- Policy 7.3.3.1 For projects that would result in the discharge of material to or that may affect the function and value of river, stream, lake, pond, or wetland features, the application shall include a delineation of all such features.

For wetlands, the delineation shall be conducted using the U.S. Army Corps of Engineers (USACE) Wetland Delineation Manual

Policy 7.3.3.2 *intentionally blank*

Policy 7.3.3.3 The County shall develop a database of important surface water features, including lake, river, stream, pond, and wetland resources.

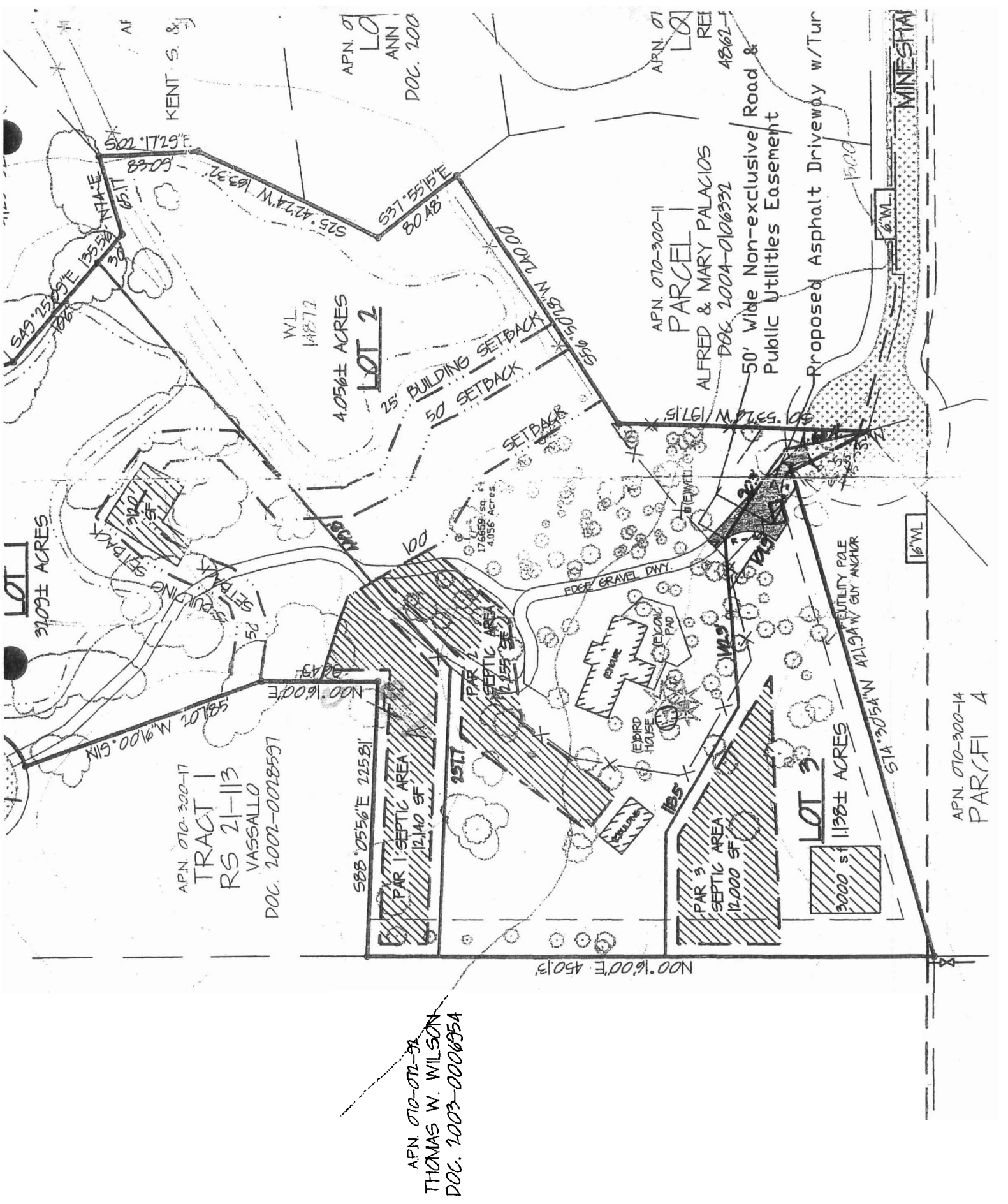
Policy 7.3.3.4 The Zoning Ordinance shall be amended to provide buffers and special setbacks for the protection of riparian areas and wetlands. The County shall encourage the incorporation of protected areas into conservation easements or natural resource protection areas.

Exceptions to riparian and wetland buffer and setback requirements shall be provided to permit necessary road and bridge repair and construction, trail construction, and other recreational access structures such as docks and piers, or where such buffers deny reasonable use of the property, but only when appropriate mitigation measures and Best Management Practices are incorporated into the project. Exceptions shall also be provided for horticultural and grazing activities on agriculturally zoned lands that utilize “best management practices (BMPs)” as recommended by the County Agricultural Commission and adopted by the Board of Supervisors.

Until standards for buffers and special setbacks are established in the Zoning Ordinance, the County shall apply a minimum setback of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands. These interim standards may be modified in a particular instance if more detailed information relating to slope, soil stability, vegetation, habitat, or other site- or project-specific conditions supplied as part of the review for a specific project demonstrates that a different setback is necessary or would be sufficient to protect the particular riparian area at issue.

For projects where the County allows an exception to wetland and riparian buffers, development in or immediately adjacent to such features shall be planned so that impacts on the resources are minimized. If avoidance and minimization are not feasible, the County shall make findings, based on documentation provided by the project proponent, that avoidance and minimization are infeasible.

Policy 7.3.3.5 Rivers, streams, lakes and ponds, and wetlands shall be integrated into new development in such a way that they enhance the aesthetic and natural character of the site while disturbance to the resource is avoided or minimized and fragmentation is limited.



APN. 070-300-17
 TRACT 1
 RS 21-113
 VASSALLO
 DOC. 2002-0018597

APN. 070-300-11
 PARCEL 1
 ALFRED & MARY PALACIOS
 DOC. 2004-0106332

APN. 070-072-31
 THOMAS W. WILSON
 DOC. 2003-0006954

APN. 070-300-14
 PARCEL 4

APN. 010-300-11
 REI
 48662-1



Photo taken over Vassallo fence looking at the Thomas' barn. Stream is visible in lower foreground.

Photo A - February 24, 2007



Stream flowing under Vassallo fence.

Photo B - February 24, 2007



Stream flowing on Vassallo property.

Photo C - February 24, 2007

May 8, 2007

El Dorado County Board of Supervisors
El Dorado County Government Center
330 Fair Lane
Placerville, CA 95667

Dear El Dorado County Board of Supervisors:

Comments on the Tentative Subdivision Map TM05-1398/Thousand Oaks which was approved by the Planning Commission on April 12, 2007

I am a professional biologist with over 40 years of experience in aquatic biology. I am also a 30 year resident in Shingle Springs. I am writing this letter to request that the El Dorado County Board of Supervisors deny approval of the Thousand Oaks Subdivision until the Planning Commission adequately addresses the environmental concerns addressed by the California Native Plant Society (Enclosed letters dated March 28, 2007 and April 5, 2007), the California Department of Fish and Game (Enclosed letters dated April 4, 2007 and April 19, 2007), Doug West, Ph.D. (Enclosed letter dated March 7, 2007) and myself (Enclosed letters dated November 30, 2006, January 17, 2007 and March 26, 2007). The authors of the aforementioned letters address two basic issues that have yet to be adequately addressed in the Planning Commission's Mitigated Negative Declaration (MND):

1. The impact of new construction in Lot #1 to the El Dorado bedstraw, a plant species listed "endangered" and "rare" under the federal and state endangered species acts.
2. The impact to surface water quality (Basin Plan Standards for Beneficial Uses) and the threat to public health that would result from construction of a septic system in an intermittent (ephemeral) stream on Lot #1.

Ironically, endangered plants, water quality and public health would not have become an issue if the Planning Commission would have followed the County's setback policy for water features established in the General Plan (GP) and adopted July 19, 2004 (Policy 7.3.3.4, Conservation and Open space element, page 290). **According to the Policy, the recommended standards may be modified if a project demonstrates that a smaller setback is sufficient to protect a potentially impacted water feature.** However, the Planning Commission, in there MND, failed to adequately address impacts of construction in Lot #1 to the El Dorado bedstraw and water quality.

El Dorado bedstraw

Construction in Lot #1 will have a *significant impact*¹ on the El Dorado bedstraw and the mitigation measures (3, 4 & 5) proposed in the County's MND for impacts to El Dorado bedstraw in Lot # 1 fail to reduce impacts to *less than significant* for a number of reasons:

- The proposal to propagate and relocate these plants from Lot #1 to another site on Lot #2 has no scientific merit. There is no scientific evidence that demonstrates that El Dorado bedstraw can be successfully propagated by moving to a new natural site (Native Plant Society, letter dated March 28, 2007).

The relocation proposal does not adhere to the California Department of Fish and Game guidelines for relocation of special status plants (Native Plant Society, letter dated March 28, 2007).

- The proposed deed restrictions are inadequate to protect special status plants in perpetuity because no annual monitoring or enforcement program is defined in the MND (Native Plant Society, letter dated March 28, 2007).
- The County's MND does address payment of Mitigation Zone 1 fees but the fails to describe how the fee will reduce the impact to *less than significant* (California Native Plant Society letters dated March 28, 2007 and April 5, 2007). In the County's MND there is no discussion that tells us how the fees will be used to protect El Dorado bedstraw habitat. Presently, there are only 11 known occurrences of this plant. Most are outside the Pine Hill Preserve and seven sites are located in the vicinity of the Thousand Oaks sub division (Shingle Springs Quad). Before the County can make a finding that the mitigation fees will reduce the impact to *less than significant*, CEQA requires the completion of a cumulative impact analysis which defines how present and future projects being approved by the County is affecting El Dorado bedstraw. At present, there is no cumulative impact analysis in the County's MND and, thus, no basis for a finding that mitigation fees will reduce the impact to *less than significant*.

Water Quality and Public Health

- The County's MND fails to address the impact to surface water quality and the threat to public health that would result from construction of a new

¹ CEQA defines an impact "*significant*" if a proposed action substantially reduces habitat for a native species and/or substantially affects rare or endangered species or habitat.

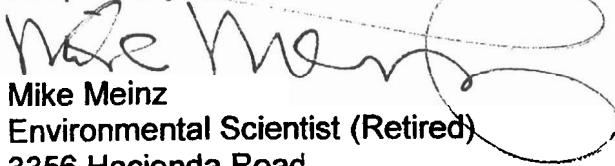
septic system in Lot #1. The proposed new septic system overlaps an intermittent (ephemeral) stream which flows into the neighbor's yard and hence Pond #2 (See Color Photo's, Doug West, Ph.D. Letter Dated March 7, 2007).

- The County's MND fails to address the cumulative impact of adding two new septic systems to water quality and public health. Based on my interviews with local residence, the existing septic systems in this subdivision regularly overflow and drain into the ponds during periods of winter rain. They also report that they can detect the smell of sewage during periods of heavy rain.

In addition, any construction activity in an ephemeral stream must be first authorized by the California Department of Fish and Game (DFG) under Fish and Game Code, Section 1600 (Streambed Alteration Agreement). In Approving the Thousand Oaks Subdivision Unit 3, the Planning Commission ignored the DFG April 4, 2007 request for consultation prior to approval (DFG, Letters dated April 4, 2007 and April 19, 2007).

In Summary, the Planning commission, in approving the Thousand Oaks Subdivision Unit 3, failed to meet their CEQA requirement by approving a project that will have a *significant* affect a special status plant, water quality and public health. Ironically, endangered plants, water quality and public health would not have become an issue if the Planning Commission would have followed the County's setback policy for water features established in the General Plan (GP) and adopted July 19, 2004 (Policy 7.3.3.4, Conservation and Open space element, page 290).

Respectfully,



Mike Mainz
Environmental Scientist (Retired)
3356 Hacienda Road
Shingle Springs, CA 95682
(530) 677-3818
meinz@sbcglobal.net

Enclosures:

cc: **Supervisor Rusty Dupray**
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330 Fair Lane
Placerville, CA 95667

Supervisor Ron Briggs
El Dorado County Government Center
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Placerville, CA 95667

Supervisor Helen Baumann
El Dorado County Government Center
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Placerville, CA 95667

Supervisor Norma Santiago,
El Dorado County Government Center
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Supervisor Jack Sweeney
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Senior Planner
El Dorado County Planning Commission
2850 Fairland Court
Placerville, CA 95667

Todd Gardner
Department of Fish and Game
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670

Susan Britting, Ph.D.
California Native Plant Society
P.O. Box 377
Coloma, CA 95613

California Native Plant Society

PO Box 377 • Coloma • California • 95613

March 28, 2007

Jason Hade
Senior Planner
El Dorado County Planning Services
2850 Fairland Court
Placerville, CA 95667

Re: Comments on Tentative Subdivision Map TM05-1398/Thousand Oaks

Dear Mr. Hade:

These comments are submitted on behalf of the El Dorado Chapter of the California Native Plant Society (CNPS).

I am a professional biologist with over 14 years experience evaluating native plant resources in El Dorado County. I have served as an expert on the Plant and Wildlife Technical Advisory Committee for El Dorado County providing expertise on native plant and habitat issues. I have also provided technical assistance to state and federal wildlife agencies regarding field identification and habitat information for the rare plants in the Pine Hill area.

The Thousand Oak Project occurs in the within the Gabbro Soils Study area. As indicated in the Biological Resources Report (Sycamore Environmental Consulting, Inc. 2005), approximately 221 plants of the rare plant *Galium californicum* spp. *sierrae* (El Dorado bedstraw) are found on this site. Eighty of these rare plants will be adversely affected by the project. This species is listed as endangered under the Federal Endangered Species Act and listed as rare by the State of California.

The memo to the Planning Commission (February 13, 2007) identifies three mitigation measures designed to reduce impacts to El Dorado bedstraw to less than significant (Mitigation Measures 3, 4 and 5). These mitigation measures fail to reduce impacts to less than significant for a number of reasons.

First, the mitigation measures rely on practices for which the outcome is unknown. There is no information presented to verify the likely success of the propagation method (seed collection and sowing) or transplantation method described. I am not aware of any information or studies that support the claim that El Dorado bedstraw can be successfully propagated by sowing seed directly to a natural site. I am also not aware of any instances where El Dorado bedstraw has been successfully transplanted to a new site.

Transplantation efforts of rare plant species have had mixed success rates. Howald (1996)¹, in a review of forty-one translocation projects in California, found that 13 were determined by the project proponent to be unsuccessful, 7 had limited or partial success, 5 were successful, and the remainder were either in the planning stages or listed as ongoing. Of the 25 projects for which the project proponent was able to make a conclusion about success, only 20% of them were deemed "successful." "Success" in these cases was defined as the project proponent saw fit. As a result, it is not possible to know if their criteria for success are the same as the expectation stated for this project, i.e. no net loss of individuals. Information from the literature indicates that the success of transplantation projects, such as proposed in the amended MND, is far from assured.

Falk et al. (1996, p. 467)² point to a general lack of information available on the biology of rare plant species selected for reintroduction and note that "the published literature will rarely be sufficient to answer all relevant questions about the ecology of a rare plant species proposed for reintroduction. Since these ecological relationships are especially germane to the process of reintroduction, it is unlikely that the practitioner will have the desired scientific basis in hand. This leaves reintroduction planners in the position of making more or less educated guesses about the response of species, and makes the practice of restoration generally one of informed speculation. This predicament is most troubling in circumstances in which "failure" has significant consequences, such as critically threatened species, those for which limited resource material is available, or any situation involving the destructive tradeoff with an existing natural population." These very concerns have lead Falk et al. (2006, p. 456) and others to conclude that "reintroductions are fraught with uncertainty and difficulties and should be viewed as experiments. As such, it is unwise to rely on "successful" outcomes, given the risks of failure are significant."

Thus, there is no information in the mitigated negative declaration to support the claim that the mitigation measures for El Dorado bedstraw will be successful. There is, however, significant information in the literature to indicate that the outcome of the mitigation measures is uncertain and that such efforts are considered by professionals to be experimental. Evidence of the success of the proposed mitigation measures to conserve El Dorado bedstraw should be provided in a revised environmental analysis. In the absence of specific documentation of success, the proposed mitigation methods are considered experimental and can not be relied upon to reduce impacts to this rare species to less than significant.

Second, even if generally one could conclude that propagation and transplanting techniques were available to reliably conserve these plants, there is insufficient site specific detail provided in the mitigation measures to ensure success. The measures do not specify how

¹ Howald, A. 1996. Translocation as a mitigation strategy: Lessons from California. In: Restoring Diversity: Strategies for Reintroduction of Endangered Plants. Falk, D. A., Millar, C. I, and Olwell, M. (eds.) Island Press, Covelo, California.

² Falk, D. A., Millar, C. I, and Olwell, M. 1996. Guidelines for developing a rare plant reintroduction plan. In: Restoring Diversity: Strategies for Reintroduction of Endangered Plants. Falk, D. A., Millar, C. I, and Olwell, M. (eds.) Island Press, Covelo, California.

or if the site will be prepared for planting, how the planting will be undertaken, or what the ongoing cultural practices will be for the site. The only requirement is for a "qualified botanist" to file letters stating that the seeds have been "properly sown," plants have been "properly transplanted," and to verify that the "plants are growing." In no instance has "proper" been defined in terms of performance measures over a reasonable amount of time (e.g. 100% survival after 5 years time).

As reported in Howald (1996, p. 311), the California Department of Fish and Game adopted translocation guidelines in 1990. "These guidelines call for

- A legally binding mitigation agreement that commits the project proponent to complete all aspects of the mitigation program
- A written mitigation plan that spells out in detail the technical components of the mitigation plan
- Project specific performance criteria that must be approved by the CDFG
- Monitoring for a period of at least five years
- Performance secured through a letter of credit or other negotiable security
- Long-term habitat protection and management that is funded through an endowment fund"

The proposed transplantation strategy for El Dorado bedstraw does not address any of these critical elements. In the absence of these standards, the proposal fails to clearly define the action to be undertaken, establish expectations and provide financial insurance that the outcomes will be achieved.

Third, even if the mitigation measures for propagating and transplanting were shown to have been successful elsewhere, the creation of a "deed restricted area" alone is not sufficient to protect the rare plants in perpetuity. Annual monitoring and enforcement of the deed restriction would be necessary to ensure that the resource is protected.

Fourth, measures to protect the approximately 123 plants occurring at the northern corner of the property are not addressed in the project plan. Activities in this area should also be limited to those that are compatible with the persistence of the rare plants occurring there.

The environmental analysis itself is also inadequate since it fails to assess the cumulative impacts of the loss of El Dorado bedstraw individuals and habitat to project related disturbances. The biological report notes that there are 7 occurrences located within the Shingle Springs quad, but fails to note that in total there are only 11 occurrences known for this rare plant. There is no discussion of the conservation status of these other occurrences, their locations relative to this occurrence or the effect that loss of these individuals may have on the range or distribution of this species. These effects should be addressed in a revised environmental analysis.

The environmental analysis and conditions for approval also do not mention that this project is located in Rare Plant Mitigation Zone 1 nor how this location relates to the mitigation requirements specified in the county's rare plant ordinance. Please explain how this project

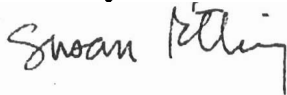
CNPS
March 28, 2007
page 4

relates to the mitigation program created by El Dorado County in Chapter 17.71 of the ordinance code.

We ask that the Planning Commission deny approval of the revised mitigated negative declaration proposed by staff in the February 13, 2007 memo until such time as the environmental analysis addresses the concerns we have raised.

If you have further questions, please contact me at (530) 295-8210 or britting@earthlink.net.

Sincerely,



Susan Britting, Ph.D.

Attachment 1 Howald, A. 1996. Translocation as a mitigation strategy: Lessons from California. In: Restoring Diversity: Strategies for Reintroduction of Endangered Plants. Falk, D. A., Millar, C. I., and Olwell, M. (eds.) Island Press, Covelo, California.

Attachment 2 Falk, D. A., Millar, C. I., and Olwell, M. 1996. Guidelines for developing a rare plant reintroduction plan. In: Restoring Diversity: Strategies for Reintroduction of Endangered Plants. Falk, D. A., Millar, C. I., and Olwell, M. (eds.) Island Press, Covelo, California.

California Native Plant Society

PO Box 377 • Coloma • California • 95613

April 5, 2007

Jason Hade
Senior Planner
El Dorado County Planning Services
2850 Fairland Court
Placerville, CA 95667

Re: Additional Comments on Tentative Subdivision Map TM05-1398/Thousand Oaks

Dear Mr. Hade:

These comments are submitted on behalf of the El Dorado Chapter of the California Native Plant Society (CNPS). They are in addition to the comments submitted on March 28, 2007.

As mentioned in our previous comments, it was not clear to us how the Rare Plant Mitigation Fee Program was being applied to the Thousand Oaks Project. We asked for clarification from the County about the relationship between the fee program and this project. Upon further review of the project, we now understand that the revised mitigated negative declaration (MND, p. 8) states that "Based on 17.71.200.C.1 of the Zoning Ordinance, payment of mitigation area 1 fees reduces the impact to less than significant." Based on our clarified understanding of the mitigation measures intended for this project, we have the following additional comments.

Participation in the mitigation fee program itself does reduce the level of impacts to less than significant. The mitigation fee program was adopted by the County in 1998. The environmental impacts of development in light of this fee program and the specific ecological preserve boundaries were considered in the Final Environmental Impact Report (FEIR) for the El Dorado County General Plan adopted in 2004. The GP FEIR¹ concluded that impacts to special status species would remain significant and unavoidable even with the implementation of County Code Chapter 17.71. Thus, the County concluded in 2004 that under the adopted general plan impacts to the Pine Hill endemics would be significant. To the contrary, the County now claims in the Thousand Oaks mitigated negative declaration (p. 8) that compliance with County Code Chapter 17.71 will result in impacts that are less than significant. There, however, is no environmental analysis provided to counter the County's conclusions made in 2004. We ask that the County provide an environmental analysis of the Thousand Oaks Project that is consistent with the findings in the general plan FEIR.

¹ El Dorado County, General Plan Resolution of the Board of Supervisors of the County of El Dorado certifying the El Dorado County General Plan Environmental Impact Report, Exhibit B CEQA Findings of Fact, pp. 126-127.

Even if the issues about the degree to which the rare plant mitigation fee program reduces impacts to less than significant are resolved, the fee program still does not satisfy as a mitigation measure because the County itself has violated County Code Chapter 17.71. First, the County has failed to complete the annual review of the fees required by the chapter (17.71.240). The fee structure today is the same as was adopted in 1998. Between 1998 and 2006, land prices in this area have increased dramatically, yet no annual reviews have been undertaken and no changes have been made to the fee structure. The failure to collect adequate fees results in insufficient funding to acquire the land necessary to mitigate the loss of plants and habitat. Thus, the fee provided in the amended MND, on its face, is inadequate to mitigate the impacts because it reflects land prices from 1998 and not present land values. Second, the County has also failed to implement the code with respect to establishing conservation easements for projects that have adopted on-site set asides to achieve rare plant mitigation. Chapter 17.17.210 A. requires this, yet conservation easements have not been recorded for any project. There are an unknown number of projects to which this applies. Creation of a conservation easement is required by the County Code and necessary to provide the long term protection and monitoring of the conserved plants and habitat. Inadequate collection of fees and failure to protect set asides contributes in significant ways to the failure of Chapter 17.71 to "provide for the permanent protection of the eight sensitive plant species known as the Pine Hill endemics and their habitat."

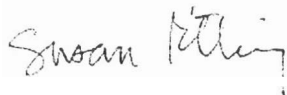
We ask that the Planning Commission deny approval of the revised mitigated negative declaration proposed by staff in the February 13, 2007 memo until such time as the environmental analysis addresses the concerns we have raised. We also ask that the Planning Commission investigate the Planning Department's implementation of the County Code Chapter 17.71 and see that steps are taken to correct the use of this chapter.

If you have further questions, please contact Susan Britting at (530) 295-8210 or britting@earthlink.net.

Sincerely,



Amy Hoffman, Chapter President



Susan Britting, Ph.D.
Chapter Conservation Chair



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

North Central Region

1701 Nimbus Road, Suite A

• Rancho Cordova, CA 95670

(916) 358-2900



April 4, 2007

Mr. Jason Hade
El Dorado Department of Development Services
2850 Fairlane Court
Placerville, CA 95667

Dear Mr. Hade:

The Department of Fish and Game (DFG) has reviewed the draft Mitigated Negative Declaration (MND) for the proposed Thousand Oaks Unit No. 3 tentative subdivision map TM05-1398 (project) (SCH # 2007022119). The proposed project consists of a plan to subdivide an 8.4-acre parcel into three lots ranging in size from 1.138 to 4.056 acres. The project is located on the south side of St. Ives Court, in the Shingle Springs area, APN 070-300-15, in El Dorado County.

Wildlife habitat resources consist of oak woodlands. Significant natural resources of the project include an ephemeral stream, wetlands, two ponds, and habitat for rare and endangered plants, including the El Dorado bedstraw (*Galium californicum* ssp. *Sierrae*).

The proposed project location contains oak woodlands. The DFG recommends that if the project will result in a significant effect to oak woodlands, the county require the appropriate mitigation measures described in accordance with the Oak Woodlands Conservation Act (Section 21083.4 Public Resources Code).

The draft MND states that an impact to approximately 80 El Dorado bedstraw plants is expected to occur as a result of the proposed project activities. The draft MND describes that based on 17.71.200.C.1 of the County's Zoning Ordinance, payment of the mitigation area 1 fees reduces the impact to less than significant, and also provides three additional mitigation measures to further reduce impacts to this plant species. The draft MND details all mitigation and monitoring measures for the proposed project on pages 28 and 29, however; it does not include a measure to provide the mitigation area 1 fees based on the County's Zoning Ordinance 17.71.200.C.1. The DFG recommends that the MND's Mitigation Measures and Monitoring section beginning on page 28 include the requirement of mitigation area 1 fees payment.

Mr. Hade
April 4, 2007
Page Two

A portion of the identified septic areas associated with the proposed project appears to lie within an ephemeral stream. If this is in fact true, the project should be redesigned to move any influence from a septic system away from the bed and bank of this ephemeral waterway. Fish and Game Code Section 1602 states that any person, state, local government agency, or public utility ("entity") may not perform an activity that will do one or more of the following, unless 1) the entity provides written notification to the DFG regarding the activity; 2) the DFG determines the notification is complete; 3) the entity pays the applicable fees; and 4) the DFG either notifies the entity that a streambed alteration agreement ("agreement") is not necessary, or the DFG provides an agreement to the entity and the entity carries out the project in accordance with that agreement:

1. Substantially obstruct or divert the natural flow of a river, stream, or lake
2. Substantially change the bed, channel, or bank of a river, stream, or lake
3. Use any material from the bed, channel, or bank of a river, stream, or lake
4. Deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into a river, stream, or lake.

Fish and Game Code section 1602 applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the state. If a project applicant is not certain that a particular project requires notification, the DFG recommends that the applicant notify the DFG. A project applicant may visit the Streambed Alteration Agreement section of our website at www.dfg.ca.gov/1600 for further guidance with this process.

This project may have an impact to fish and/or wildlife habitat. Assessment of fees under Public Resources Code Section 21089 and as defined by Fish and Game Code Section 711.4 may be necessary. Fees are payable by the project applicant upon filing of the Notice of Determination by the lead agency.

Pursuant to Public Resources Code Sections 21092 and 21092.2, the DFG requests written notification of proposed actions and pending decisions regarding this project. Written notifications should be directed to this office.

Mr. Hade
April 4, 2007
Page Three

Thank you for the opportunity to review this project. If the DFG can be of further assistance, please contact Mr. Todd Gardner, Staff Environmental Scientist, at (209) 745-1968 or, me at (916) 358-2382.

Sincerely,

Kent Smith
Acting Assistant Regional Manager

Cc: Ms. Roberta Gerson
U.S. Fish and Wildlife Service
2800 Cottage Way, Room W2605
Sacramento, CA 95825-1888

Mr. Todd Gardner
Department of Fish and Game
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

North Central Region

1701 Nimbus Road, Suite A

Rancho Cordova, CA 95670

(916) 358-2900



April 19, 2007

**El Dorado County Board of Supervisors
El Dorado County Government Center
330 Fair Lane
Placerville, CA 95667**

Dear El Dorado County Board of Supervisors:

On April 4, 2007, the Department of Fish and Game (DFG) sent comments to Mr. Jason Hade at the El Dorado Department of Planning Services concerning the draft Mitigated Negative Declaration (MND) for the proposed Thousand Oaks Unit No. 3 tentative subdivision map TM05-1398 (project) (SCH # 2007022119). Our comments outlined our concerns about impacts to oak woodlands, an ephemeral stream, and to the El Dorado bedstraw (*Galium californicum ssp. Sierrae*) which is listed "endangered" and "rare" under the federal and state endangered species acts.

In approving the project, the El Dorado Planning Commission failed to address DFG's concerns related to oak woodlands and the impacts of placing a septic system in an ephemeral stream. Therefore, we request that the El Dorado County Board of Supervisors not approve the Thousand Oaks Unit No. 3 tentative subdivision map TM05-1398 as proposed until the concerns identified in DFG's April 4, 2007, letter are addressed specifically:

- DFG recommended that if the project resulted in a significant effect to oak woodlands, the County require the appropriate mitigation measures described in accordance with the Oak Woodlands Conservation Act (Section 21083.4 Public Resources Code).**
- DFG recommended that the MND address the need for a Streambed Alteration Agreement. The septic area for Lot #1 appears to lie within an ephemeral stream. As such, the applicant is required to notify the DFG under Fish and Game Code Section 1602. Fish and Game Code Section 1602 applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the state. Fish and Game Code Section 1602 states that any person, state, local government agency, or public utility ("entity") may not perform an activity that will do one or more of the following, unless a) the entity provides written notification to the DFG regarding the activity; b) the DFG determines the notification is**

complete; c) the entity pays the applicable fees; and d) the DFG either notifies the entity that a streambed alteration agreement ("agreement") is not necessary, or the DFG provides an agreement to the entity and the entity carries out the project in accordance with that agreement:

1. Substantially obstruct or divert the natural flow of a river, stream, or lake
2. Substantially change the bed, channel, or bank of a river, stream, or lake
3. Use any material from the bed, channel, or bank of a river, stream, or lake
4. Deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into a river, stream, or lake.

Because issuance of a Streambed Alteration Agreement is subject to California Environmental Quality Act compliance, it is important that this be addressed in the MND. Thank you for considering the above comments. If the DFG can be of further assistance, please contact Mr. Todd Gardner, Staff Environmental Scientist, at (209) 745-1968 or, Mr. Kent Smith at (916) 358-2382.

Sincerely,

Sandra Morey
Regional Manager

cc: Ms. Roberta Gerson
U.S. Fish and Wildlife Service
2800 Cottage Way, Room W2605
Sacramento, CA 95825-1888

Supervisor Rusty Dupray
El Dorado County Government Center
330 Fair Lane
Placerville, CA 95667

El Dorado County Board of Supervisors
April 19, 2007
Page Three

cc: Supervisor Ron Briggs
El Dorado County Government Center
330 Fair Lane
Placerville, CA 95667

Supervisor Helen Baumann
El Dorado County Government Center
330 Fair Lane
Placerville, CA 95667

Supervisor Norma Santiago,
El Dorado County Government Center
330 Fair Lane
Placerville, CA 95667

Supervisor Jack Sweeney
El Dorado County Government Center
330 Fair Lane
Placerville, CA 95667

Ms. Paula F. Frantz
Deputy County Counsel
El Dorado County Government Center
330 Fair Lane
Placerville, CA 95667

Mr. Jason Hade
Senior Planner
El Dorado County Planning Commission
2850 Fairland Court
Placerville, CA 95667

Mr. Kent Smith
Mr. Todd Gardner
Department of Fish and Game
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670

March 7, 2007

Mr. Hade,

I am writing in opposition to the Tentative Subdivision Map TM05-1398/ Thousand Oaks, Unit 3 and the negative declaration for this project.

I reside across the pond from Lot 1 at 4000 Meder Rd (Lot 10). One of my major concerns with the above project is the location of the septic system for Lot 1. An ephemeral stream flows in this location during the rainy season. I have collected rainfall data at this location for the past five years (2002 to 2006). In analyzing these data and knowing the topography of the area, I think there is adequate information to call the placement of the septic system into question.

I averaged rainfall data from January through April during the past 5 years. I chose this time frame because, in a normal year, the soil profile should be at field capacity, or nearly so, and the pond is usually full and overflowing by the beginning of January. Average precipitation during this period was 21.1 in. I also looked at the range of daily precipitation totals and discovered that, on average, a 0.25 or greater in./day precipitation event occurred every 4.8 days and a 0.5 or greater in./day precipitation event occurred every 7 days.

Assuming that the ephemeral stream drains an area one acre in size above the proposed septic system area, 21.1 in. of rainfall equals 1.76 acre feet or 527,000 gallons of drainage.

I have observed and photographed the stream after a rain event. It intersects the septic area approximately at the midpoint of its long axis, flows through the Southeast corner of the Vassallo property and continues downhill into the pond.

It's my understanding that the average sized septic system leach field holds about 19000 gallons. Assuming that the system is completely empty, it would take only 3.5% of the drainage volume above to fill the leach field.

This leads me to the following conclusions:

- 1) There is no doubt that an ephemeral stream exists and that it will directly impact the septic system of Lot 1.
- 2) There is more than a sufficient volume of water that feeds into the stream to fill the leach lines and transport effluent downstream and into the pond.
- 3) This will impact not only Lot 1, but also the Vassallo's and perhaps many more properties adjacent to and downstream from the pond.

Even if my estimate of the drainage area above the septic system is incorrect, hundreds of thousands of gallons of water will flow across the surface of and, to a lesser extent, percolate into the proposed septic system. In my opinion, approval of this plan constitutes approval of a pollution source.

I urge you to reconsider the negative declaration for this proposal.

Thank you.

Sincerely,

L. Douglas West, PhD.

November 30, 2006

Mr. Jason Hade
Senior Planner
El Dorado County Planning Commission
2850 Fairland Court
Placerville, CA 95667

Dear Mr. Jason Hade;

Subject: Tentative Map 05-1398/Thousand Oaks, Unit 3; APN 070-300-15; Set Back and Lot Shape - General Plan Design Waivers.

I have reviewed the November 17, 2006 Notice of Hearing; the September 8, 2005 Sycamore Environmental Consultants (SEC) Biological Resource Evaluation Report for APN 070-300-15; El Dorado County's June 2, 2006 Environmental Checklist Form, Discussion of Impacts, and Mitigated Negative Declaration; and the revised October 3, 2006 Tentative Map for Thousand Oaks, Unit 3. Since the SEC report only evaluated impacts related to construction of a new driveway and not the construction of new homes (Page 5, SEC Report), I believe that the County's Environmental Checklist Form, Discussion of Impacts, and Mitigated Negative Declaration failed to adequately address environment and public health issues associated with the proposed project. I also believe the County approved the Mitigated Negative Declaration unilaterally without consulting the appropriate state and federal agencies. Therefore, I request that you do not approve this project or the design waiver until the proper consultation has occurred and adequate mitigation(s) are defined. My specific comments are as follows:

1. Proper consultation with the United States Fish and Wild Service (USFWS) and with the California Department of Fish (DFG) concerning impacts to a special status plant species has not occurred. El Dorado County's June 2, 2006 Environmental Checklist Form and Discussion of Impacts did not fully identify impacts or mitigate for a plant species listed "endangered" and "rare" under the federal and state endangered species act, respectively. The El Dorado bedstraw (*Galium californicum ssp. sierrae*) was identified on the project site by Sycamore Environmental and the County's Mitigated Negative Declaration states that construction of a new driveway will not impact the plant (page 8 (a)). However, construction of a new home in Lot #1 will impact 80 El Dorado bedstraw plants. The revised October 3, 2006 Tentative Map for Thousand Oaks, Unit 3 shows the Lot #1 building site located on top of 80 El Dorado bedstraw plants. Since El Dorado County has no Habitat Conservation Plan in place for protection of the El Dorado bedstraw, consultation with the USFWS and DFG is appropriate before approving the project. I realized that consultation is not mandatory but it is disingenuous of the County to adopt an environmental document that fails to protect a special status plant only found in El Dorado County.
2. The need for a Streambed Alteration Agreement (Fish and Game Code; Section 1600) was unilaterally dismissed in the County's Mitigated Negative Declaration (page 8(c)) without consultation with DFG:

- Based on the revised October 3, 2006 Tentative Map for Thousand Oaks, the proposed setback for Lot #1 is 25 feet from the ordinary high water mark of Pond 2. Since DFG recommends the same setbacks as the County's interim standard, i.e., 100 feet, a Streambed Alteration Agreement maybe necessary.
 - The existing culvert and or bridge on the access road to Lot #1 appears to be only temporary and any improvements there would require a Streambed Alteration Agreement.
 - The new septic system for Lot #1 overlaps an intermittent (ephemeral) stream and any construction there would require a Streambed Alteration Agreement.
3. El Dorado County's June 2, 2006 Environmental Checklist Form and Discussion of Impacts did not fully address water quality and public health issues (page14-15). The cumulative effect of two new septic systems in conjunction with other existing septic systems in this region on water quality was not addressed in the County's Environmental Checklist. In addition, the septic area for Lot #1 encroaches on or overlaps an intermittent (ephemeral) stream which flows into Pond 2, hence Kelly Creek; hence the South Fork American River. These waters are jurisdictional under provisions of the Clean Water Act (Page 22 -23, SEC Report) and consultation with the Army Corp of Engineers and the Central Valley Regional Water Quality Control Board is appropriate.

Thank you for accepting and considering my comments.

Respectfully,



Mike Mainz
Environmental Scientist (Retired)
3356 Hacienda Road
Shingle Springs, CA 95682
(530) 677-3818
meinz@sbcglobal.net

cc: **Pete Trenhiem**
U.S. Fish and Wildlife Service
2800 Cottage Way
Room W2605
Sacramento, CA 95825

Sandra Morey
Regional Manager, Sacramento Valley & Central Sierra Region
California Department of Fish and Game
1701 Nimbus Road
Rancho Cordova, CA 95670

Matt Kelly
Chief, Redding Regulatory Office
U.S. Army Corps of Engineers
152 Hartnell Avenue
Redding, CA 96002

Patricia Leary
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive
Rancho Cordova, CA 95670

Graciela M. Hinshaw
Pine Hill Preserve Manager
Bureau of Land Management
63 Natoma Street
Folsom, CA 95630

Al Franklin
Botanist Folsom Resource Area
Bureau of Land Management
63 Natoma Street
Folsom, CA 95630

Daniel Burmester
Environmental Scientist
California Department of Fish and Game
830 S Street
Sacramento, CA 95814

January 17, 2007

Mr. Jason Hade
Senior Planner
El Dorado County Planning Commission
2850 Fairland Court
Placerville, CA 95667

Dear Mr. Jason Hade;

Subject: Tentative Map 05-1398/Thousand Oaks, Unit 3; APN 070-300-15; Set Back and Lot Shape - General Plan Design Waivers.

Please place my name on your mailing list for the above project. I am particularly interested in learning how the County addresses the El Dorado bedstraw (*Galium californicum ssp. sierrae*) and public health (water quality) issues in your revised CEQA document. Your initial environmental document failed to adequately address:

- The impact of new construction in Lot #1 to the El Dorado bedstraw, a plant species listed "endangered" and "rare" under the federal and state endangered species acts.
- The impact to surface water quality (Basin Plan Standards for Beneficial Uses) that would result from construction of a new septic system in Lot #1 that overlaps an intermittent (ephemeral) stream. That septic system would be subject to overflow during winter storm events and the effluent would flow into Pond 2.
- The cumulative impact of two new septic systems on Basin Plan Standards for Beneficial Uses. Based on my interviews with local residence, the existing septic systems in this subdivision regularly overflow and drain into the ponds during periods of winter rain. If the County fails to adequately address this water quality issue in your upcoming CEQA document, I will file a complaint with the Central Valley Regional Water Quality Control Board.

I believe that a reasonable solution to the special status species and water quality issues is to not approve any new construction on Lot #1.

Respectfully,

Mike Mainz
Environmental Scientist (Retired)
3356 Hacienda Road
Shingle Springs, CA 95682
(530) 677-3818
meinz@sbcglobal.net

Mr. Jason Hade
Senior Planner
El Dorado County Planning Commission
2850 Fairland Court
Placerville, CA 95667

March 26, 2007

Dear Mr. Jason Hade,

Subject: Tentative Map 05-1398/ Thousand Oaks, Unit 3; APN 070-300-15; Set Back and Lot Shape - General Plan Design Waivers.

I was disappointed to discover that your February 13, 2007 revised Mitigated Negative Declaration for Thousand Oaks, Unit 3 still does not adequately address the impact to two public trust issues: the El Dorado bedstraw (*Galium californicum ssp. sierrae*) and public health (water quality) (See my November 30, 2006 and January 17, 2007 comment letters).

El Dorado bedstraw The El Dorado bedstraw is plant only found in El Dorado County and is listed "endangered" and "rare" under the federal and state endangered species acts. Your proposed mitigation to relocate the El Dorado bedstraw from Lot #1 to another site on Lot #2 has no merit. It would result in a net lost of habitat and you have presented no scientific evidence demonstrating that transplanting has any chance of success. As such, construction on Lot #1 substantial reduces and restricts habitat and ultimately threatens to eliminate this sensitive native plant community. Ironically, the set back requirements under the new General Plan would protect El Dorado bedstraw while the proposed setback wavier pushes the El Dorado bedstraw to the brink of extinction.

Public Health/Water Quality The impact to surface water quality that would result from construction of a new septic system in Lot #1 has not been adequately addressed. The construction of a new septic system that overlaps an intermittent (ephemeral) stream has the potential for "substantially degrading water quality". It is a hallow argument that the proposed septic system design was reviewed and approved by the El Dorado County Environmental Management Department, Environmental Health Division because no factual on sight evidence was made available to support that conclusion. On November of 2006, I spoke with Fred Sanford via telephone about this project and he had no knowledge that the proposed septic system in Lot # 1 was located on top of ephemeral stream. He had no knowledge that the existing subdivision septic systems commonly overflow during rain events and that home owners pick up the odor of raw sewage. He had no water quality data from downstream ponds to support his conclusion that there is no danger to public health. Therefore, the Environmental Health Division letter has no credibility.

An important fact of history is that the initial staff report recommended against allowing General Plan design and setback waivers. These setback requirements

were honored by every existing home owner in the subdivision. The General Plan Setback requirements were developed to protect aquatic and riparian resources. Relative Thousand Oaks, Unit 3 subdivision, under the General Plan setback requirements, El Dorado bedstraw habitat would be protected and no septic system would be allowed in an ephemeral stream. As a thirty year resident of Shingle Springs, I strongly recommend that the County respects its public trust responsibility and not approve the Thousand Oaks, Unit 3 General Plan design and setback waivers.

Respectfully,

Mike Meinz
Environmental Scientist (Retired)
3356 Hacienda Road
Shingle Springs, CA 95682
(530) 677-3818
meinz@sbcglobal.net

cc: Rusty Dupray
El Dorado County Government Center
330 Fair Lane
Placerville, CA 95667

Ron Briggs
El Dorado County Government Center
330 Fair Lane
Placerville, CA 95667

Helen Baumann
El Dorado County Government Center
330 Fair Lane
Placerville, CA 95667

Norma Santiago,
El Dorado County Government Center
330 Fair Lane
Placerville, CA 95667

Jack Sweeney
El Dorado County Government Center
330 Fair Lane
Placerville, CA 95667



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846

In reply refer to:
1-1-07-TA-0276

DEC 06 2006

Mr. Jason Hade
El Dorado Department of Development Services
2850 Fairlane Court
Placerville, California 95667

Subject: Review of Thousand Oaks Unit 3 Subdivision, TM05-1398-A, El Dorado County, California

Dear Mr. Hade:

This is in response to the Memorandum on TM05-1398-A/Thousand Oaks, Unit 3, Development Services Department, El Dorado County, California, requested by the U.S. Fish and Wildlife Service (Service), and received, from you on December 1, 2006. The proposed project was initially before the Board of Supervisors (Board) for approval on August 10, 2006 and subsequently appealed to the Board. A Mitigated Negative Declaration (Declaration) has been prepared and the staff recommends the Planning Commission adopt the Declaration. At issue are potential effects of the project on the endangered Stebbins morning glory (*Calystegia stebbinsii*), Pine Hill ceonothus (*Ceanothus roderickii*), Pine Hill flannelbush (*Fremontodendron decumbens*), El Dorado bedstraw (*Galium californicum ssp. Sierrae*), and threatened Layne's butterweed (*Packera layneae*), plants found on gabbro-derived soils in western El Dorado County. Our comments are made under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

The proposed 8.4-acre project is located on the south side of St. Ives Court, in the Shingle Springs area, APN 070-300-15. According to the Declaration, the applicant submitted a Biological Resources Evaluation and Preliminary Jurisdictional Delineation Report for the project, and identified the endangered El Dorado bedstraw present on the site. The report concluded that "the construction of the new driveway in the project site will not affect the El Dorado bedstraw." This statement is confusing; the proposed project will result in development of the 8.4-acre parcel and there are no conservation measures proposed for the loss of the gabbro habitat and the endangered El Dorado bedstraw.

The Service's 2002 *Recovery Plan for Gabbro Soil Plants of the Central Sierra Nevada Foothills* identifies a recommended Pine Hill preserve system, designed for the protection of the species', including the Pine Hill, Salmon Falls/Martel Creek, Penny Lane, and Cameron Park Units, and in

TAKE PRIDE
IN AMERICA 

Mr. Jason Hade

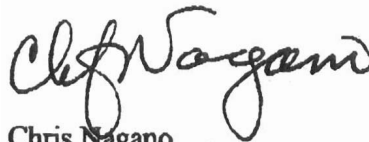
addition, an El Dorado bedstraw specialty preserve. El Dorado bedstraw is a very rare gabbro soils plant, and is associated with black oak woodland and sometimes Ponderosa pine or grey pine.

As per the County's General Plan Policy 7.4.1.1, the "County shall continue to provide for the permanent protection of 8 sensitive plant species...and their habitat through the establishment and management of ecological preserves consistent with County code Chapter 17.71 and the [2002]USFWS's Gabbro Soil Plants for the Central Sierra Nevada Foothills Recovery Plan." The County is also a participant in the Pine Hill Preserve Cooperative Management Agreement with the Service, Bureau of Land Management, Bureau of Reclamation, California Department of Fish and Game, California Department of Forest and Fire Protection, El Dorado Irrigation District, El Dorado County Water Agency, and the American River Conservancy, agreeing to pool their resources to conserve the gabbro plant species and their habitat.

The Service is concerned that the implementation of the project will result in the destruction of El Dorado bedstraw and gabbro habitat. Very few populations of the El Dorado bedstraw have been protected in the Pine Hill Preserve thus far, due to the plant's very limited distribution. Based on a map of the area, several parcels estimated to be approximately 40+ acres adjacent to the west side of the proposed project, remain in a natural state. Although the Service has no botanical survey data for the adjacent sites, they may support El Dorado bedstraw and other endangered and threatened gabbro plant species. This area may be important as an El Dorado bedstraw specialty preserve.

We continue to encourage the County to involve us in your planning efforts and reviewing process of proposed projects, particularly those projects located in gabbro plant habitat. If you have any questions, please contact Roberta Gerson, Forest and Foothills Branch Chief, at (916) 414-6600.

Sincerely,



Chris Nagano

Deputy Assistant Field Supervisor

cc:

Dan Gifford, California Department of Fish and Game, Rancho Cordova, California
Graciela Hinshaw, Bureau of Land Management, Folsom, California

March 29, 2007

El Dorado Planning Services
2850 Fairlane Court
Placerville, CA 95667

Re: TM05-1398/Thousand Oaks, Unit 3

Dear Mr. Hade:

I would like to bring to your attention that on February 26, 2007, I was out for a walk in my neighborhood. I walked down St. Ives Court. This particular Court enters the Proposed Lot 1 building site. The smell of raw sewage was absurd. This particular day it had rained quite a bit. Due to pond #1 and the high water table, septic tanks near this site were overflowing. (Our home, Parcel 1, also smells at times after a high rain as we sit near pond #2).

My concern is that the Thomas' want to add 2 more septic tanks so close to the existing septic systems that I smelt this particular day. This can only cause more problems for our subdivision.

All run off water runs to the pond area and saturates the ground. Adding either of these homes on these new lots would be a major error on the planning department due to the pollution caused by the septic tanks and their closeness to each other.

When the Thomas' developed this subdivision they situated their home in the middle of their acreage surrounded by wetlands, for the sole purpose to not have neighbors to close. (This was stated & inferred many times over the 11 years we have lived on Parcel 1).

Because of how much wetland property, that is part of the Thomas existing parcel, it is not feasible to add homes without causing severe surface water pollution and potential health problems for this subdivision let alone destroy 80 endangered El Dorado bedstraw plants at the proposed Lot 1's house location.

Thank you, for your attention to this matter.

Fred & Mary Palacios

Fred + Mary Palacios

March 29, 2007

El Dorado Planning Services
2850 Fairlane Court
Placerville, CA 95667

Re: TM05-1398/Thousand Oaks, Unit 3

Dear Mr. Hade:

I would like to bring to your attention that on February 26, 2007, I was out for a walk in my neighborhood. I walked down St. Ives Court. This particular Court enters the Proposed Lot 1 building site. The smell of raw sewage was absurd. This particular day it had rained quite a bit. Due to pond #1 and the high water table, septic tanks near this site were overflowing. (Our home, Parcel 1, also smells at times after a high rain as we sit near pond #2).

My concern is that the Thomas' want to add 2 more septic tanks so close to the existing septic systems that I smelt this particular day. This can only cause more problems for our subdivision.

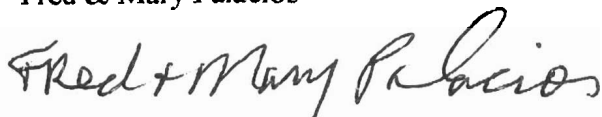
All run off water runs to the pond area and saturates the ground. Adding either of these homes on these new lots would be a major error on the planning department due to the pollution caused by the septic tanks and their closeness to each other.

When the Thomas' developed this subdivision they situated their home in the middle of their acreage surrounded by wetlands, for the sole purpose to not have neighbors to close. (This was stated & inferred many times over the 11 years we have lived on Parcel 1).

Because of how much wetland property, that is part of the Thomas existing parcel, it is not feasible to add homes without causing severe surface water pollution and potential health problems for this subdivision let alone destroy 80 endangered El Dorado bedstraw plants at the proposed Lot 1's house location.

Thank you, for your attention to this matter.

Fred & Mary Palacios



Harold and Denise Young
3627 Elf Wood Lane
Shingle Springs, CA 95682
530-677-5153

Monday, September 04, 2006

Gregory L Fuz, Development Services Director
El Dorado County Planning Commission
El Dorado County Board of Supervisors
2850 Fairlane Court
Placerville, CA 95667

Re: Splitting of Assessor's Parcel Number 070-300-15

To be read prior to the September 12, 2006 meeting

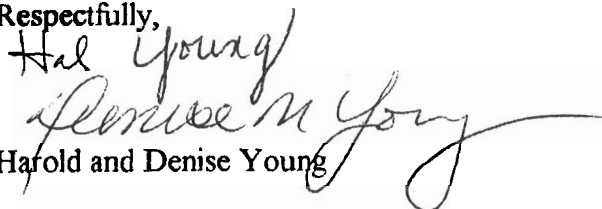
Dear Board of Supervisors,

We are **NOT** in favor of splitting the above referenced parcel of land. As residents living very near this land, we are requesting the Board of Supervisors **override** the Planning Commission's proposed approval of the above referenced project.

We ask that the variances to the county's setback regulations that have been requested by the applicant **be denied**. We are also requesting that all landowners including Helen L. Thomas be held to the **rules that were established for all homeowner when we purchased land in this area and built or purchased our homes.** As a homeowner we are not allowed to split our acre and have another home built although it would be financially very worthwhile! It would spoil the community.

We ask for fairness in dealing with this issue for **all** neighbors.

Respectfully,


Harold and Denise Young

Dear Board of Supervisors;

We are writing this letter regarding TM105-1398/Thousand Oaks, Unit 3

We live on Lot 4 of the Thousand Oaks subdivision. We have lived here for 13 years. We purchased our land directly from Don and Helen Thomas. During the negotiations with Don, he told us this was the last time he would split land. He told us he split the land in such a manner he would retain his privacy.

When we purchased the land, we looked long and hard. We originally saw the property two years before we bought it. We liked the fact that all the land was developed around it and knew what was going to be in our backyard.

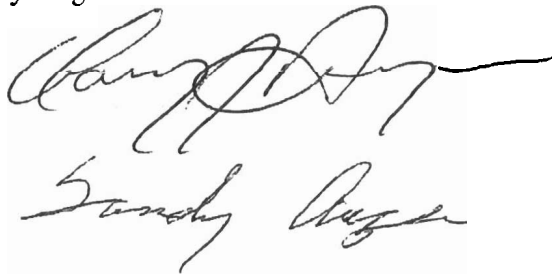
In reviewing the proposal, an issue of concern is the proposed Lot 1 and the septic system. The General plan (since 1998) says that a new lot cannot be created where you have to pump septic uphill. Nowhere on the plans does it show a topographical map to show that this lot goes uphill. We see nothing in the meeting notes making an additional allowance for this. When we spoke to the Environmental Health department, they admitted they did not even look at this and that it should not have been approved.

Another issue at hand is the irregular lot shapes. Now understand we are not 'No growth' people, we just want the growth to conform to the General Plan and building standards. The lot should not have a minimum length on any side of less than 100 feet. This lot has several occurrences of this due to its irregular shape.

On the issue of ponds, wetlands and streams, all the surrounding parcels that Don and Helen created all required a 100-foot setback. It does not seem right that all of us surrounding owners had to comply with the General Plan's water and wetlands setback requirements, whereas the Thomas's are given immunity from them because it's the only way the parcel will work. Furthermore, is it not true that the 100-foot setbacks not only are for the protection of the waters and wetlands, but also for protection from the high-water flood plain? This is not only a General Plan issue, but also a building code issue.

In closing, Don and Helen have created their own hardship by land locking their land for their privacy. They have created a wonderful tight knit community in Thousand Oaks. We hope we can keep it the way it was presented to all of us when we purchased the property. This a private Cul-de-sac, That is how Don and Helen sold it to us that, is why we bought it.
Sincerely,

Doug and Sandy Auger



The image shows two handwritten signatures in cursive. The top signature is for Doug Auger and the bottom signature is for Sandy Auger. Both signatures are written in black ink on a white background.

SPENCER & REBECCA WESTON
3808 Mineshaft Lane
Shingle Springs, CA 95682
530-677-6823

Board of Supervisors
El Dorado County

August 30, 2006

Re: TM105-1398/Thousand Oaks, Unit 3

Dear Board of Supervisors,

As residents living at 3808 Mineshaft Lane, we enjoy living in a beautiful development due to adherence by all to the land and building regulations of the county and the CC&Rs. We ask that the Board of Supervisors override the Planning Commission's proposed approval of the above referenced project. The variances to the county's setback regulations that have been requested by the applicant are being contested by all the neighbors because we all had to follow the requirements when we built our homes. For example, our family had to redesign our septic system to honor a dry creek setback and we had to move the placement of our home to not encroach the power line setback area. As we listened to the staff report to the Planning Commission at the first hearing recommend against granting the variances, we do not understand why the below described variances are being allowed. Please enforce the general plan regulations and hold the applicant to the rules we his neighbors followed.

Pond and wetland setback rules.
Irregular lot configuration.
Insufficient space for driveway onto Mineshaft Lane.

Thank you for your attention.

Respectfully,


Spencer & Rebecca Weston

August 28, 2006

Re: TM105-1398/Thousand Oaks, Unit 3

Dear Mr. Sweeney:

We are neighbors of Don & Helen Thomas, the applicants of the above referenced matter and our property backs up to the 8 acres in question. We want to voice our opposition of this project on the following grounds:

- **Don & Helen Thomas induced us to purchase with representations that they would never develop the 8 acres.**

We purchased the 1.6 acres from the Thomas' and next door to them after thinking long and hard before buying the land. We looked at property down South Shingle that had 5 acres for the same amount. One of the main reasons we bought the property is that the Thomas' have 8 acres that our property backs up to with a pond and we couldn't see any other house from the property we bought. During negotiations we sat in the Thomas' living room talking about how beautiful the lot was and that we didn't want any houses built behind us. They both told us keeping 8 acres for privacy was part of the plan of Thousand Oaks Development and that the 8 acres would stay undeveloped. They told us that was why they kept 8 acres. We relied on what we were told, maybe we were unsophisticated buyers and should have gotten it in writing, but we didn't. However, we would not have bought the property if we were told that they might split their property in the future. Over the years Don & Helen have reiterated on many occasions how happy they are with the development and everyone who lived in it and were glad they still had 8 acres for privacy.

- **Proposed parcel 1 cannot exist in the absence of an abandonment of the General Plan's setback requirements.**

There are two ponds on the site, together with 1.783 acres of wetlands. General Plan Policy 7.3.3.4 mandates a 50' setback from the wetlands, and a 100' setback from the two ponds. Proposed Lot 1 on the map is entirely unbuildable in light of these setback requirements. Instead of honoring the intent of the General Plan to protect wetlands and ponds, the applicants simply applied for and obtained a reduction of all setbacks to 25'. This seems entirely too cavalier and convenient. At a minimum the applicant should be obligated to pay for an independent analysis of the conditions before the County abrogates the minimum setback requirements.

We, and several neighbors were told prior to purchase by the applicants that they would never develop the 8.4 acre site. This was important to each of us at the time of purchase because our parcels back up to the subject parcel. We feel as if we've been double-crossed. In this light, we can only request that the County scrutinize this proposed development and hold them to all appropriate standards.

Fred & Mary Palacios

cc: Helen Baumann
Rusty Dupray
Norma Santiago

Fred Palacios Mary Palacios
3815 Mineshaft Lane
Shingle Springs, CA

SUBJECT: Tentative Map Change, Thousand Oaks Estates

DATE: Aug. 25, 2006

My name is Doug West. My family and I reside at 4000 Meder Rd., which is Lot 10 of Thousand Oaks Estates. My lot is contiguous to the property that is proposed to be subdivided. A map depicting my lot and the subject property is enclosed.

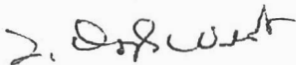
I am writing in opposition to the map change. We have been at this address for almost 20 years. During this time Mr. Thomas has been assiduous in enforcing CC & R's and designing large, consistent lots during the various phases of development of Thousand Oaks Estates. Lot 1 on the new map is a total departure from this philosophy. Although the map says that there are 3+ acres in the lot, most of the parcel is pond and land that borders the pond which is unsuitable for building. The proposed building site is less than 0.5 acre and very irregular in shape as opposed to the rest of the lots which are at least 1.0 acre and rectangular.

Furthermore, Mr. Thomas is trying to shoe horn a house onto this lot where the rest of the houses around the pond are at least 100 ft. from the water line. I would also like to point out that the Planning Dept. initially deemed this Lot as unsuitable because it couldn't meet the setback requirements. I do not think the setback and other requirements imposed by the general plan should be lightly disregarded.

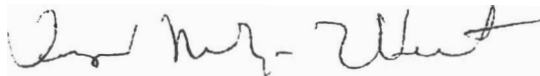
In summary, I am very opposed to the approval of this map change.

Thank you

Sincerely,



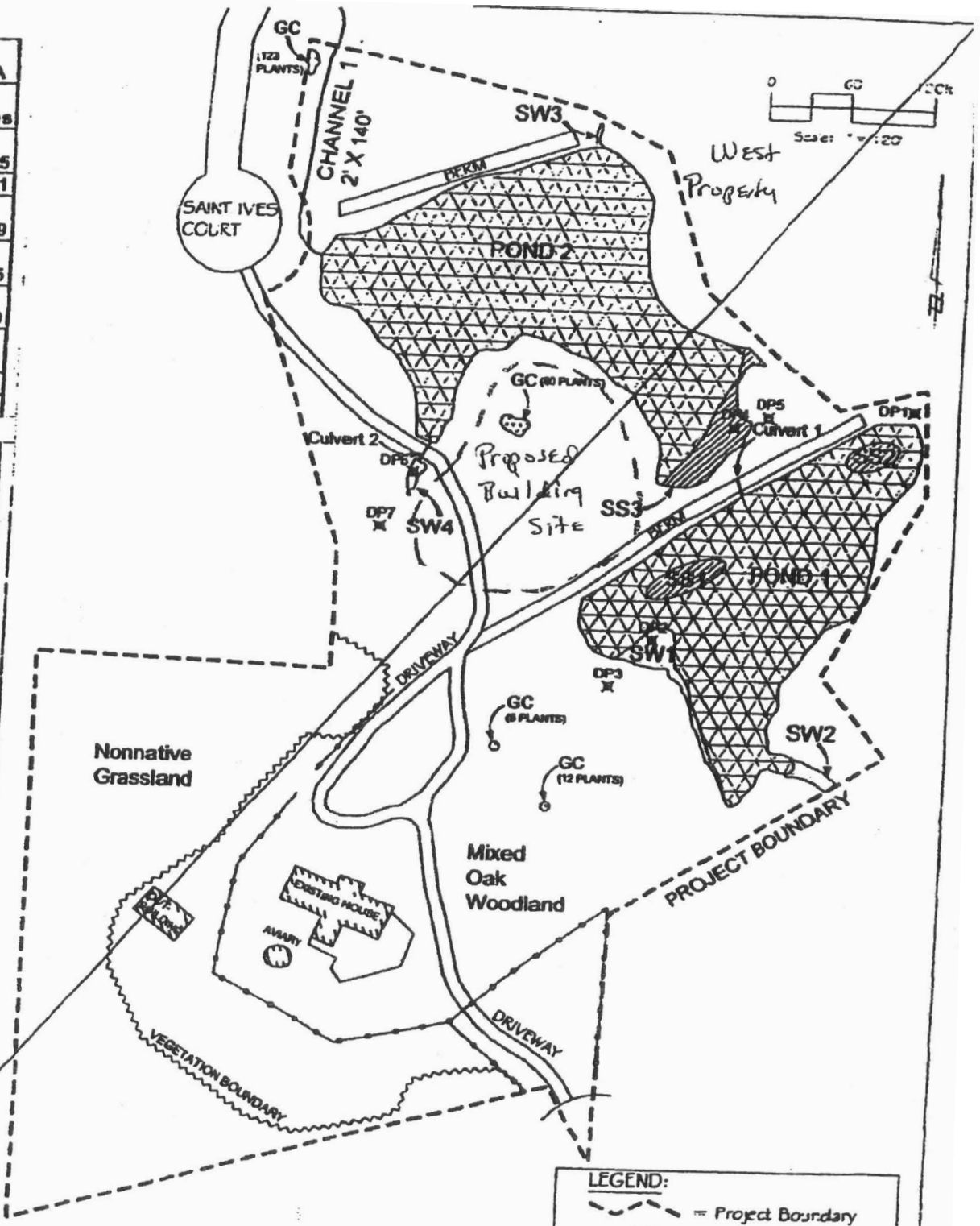
L. Douglas West, PhD.



Virginia Maloney-West

Biological Community	Acres
Mixed Oak Woodland	3.955
Ponds	1.641
Nonnative Grassland	1.539
Structures/Landscaping	1.125
Scrub-Shrub Wetland	0.089
Seasonal Wetlands	0.047
Channel 1	0.006
Total:	8.402

Feature	Acres
Pond 1 & Culvert	0.740
Pond 2	0.901
Channel 1 (CH1) 140' x 2'	0.006
Waters of the U.S. Subtotal:	1.647
Scrub-Shrub 1 (SS1)	0.024
SS2	0.016
SS3	0.049
Seasonal Wetland 1 (SW1)	0.032
SW2	0.009
SW3	0.001
SW4 & Culvert	0.005
Wetlands Subtotal:	0.136
Total Wetlands	1.783



LEGEND:

- = Project Boundary
- = Soil Data Point
- = Seasonal Wetland
- = Pond
- = Scrub-Shrub Wetland
- = Special-Status Plant
- GC = *Galium californicum ssp. sierrae*

ical Resources Evaluation
 Preliminary Jurisdictional Delineation
 0-300-15
 Colorado County, CA
 September 2005

Figure 3. Biological Resources and Preliminary Jurisdictional Delineation Map



DATE	SUBMITTAL	DELINEATORS
6 Sept. 05	Original Map	T.J.W., GC1

SUBJECT: Tentative Map Change for Thousand Oaks Estates

DATE: Aug. 24, 2006

My name is Ginnie West. I live at 4000 Meder Rd. in Shingle Springs, CA. I am writing in response to the proposed map change for Thousand Oaks Estates.

In the past, Don Thomas and I have discussed the disposition of the area around his present residence. He told me that the two ponds and the area adjacent to them, as well as his house and adjacent property would be treated as a single unit and, if sold, they would be sold as such.

Thank You

Sincerely,

A handwritten signature in cursive script, appearing to read "Virginia Lynn Maloney-West", written in black ink on a light-colored background.

Virginia Lynn Maloney-West

