



Legislation Details (With Text)

File #: 07-741 **Version:** 1

Type: Agenda Item **Status:** Approved

File created: 4/30/2007 **In control:** Board Of Supervisors

On agenda: 5/15/2007 **Final action:** 5/15/2007

Title: Hearing to consider an appeal of the approval of Tentative Subdivision Map TM05-1398 to create three lots ranging in size from 1.138 to 4.056 acres on a 8.4 acre site (APN 070-300-15); noting Design waivers have been approved for the following: a) Irregular shaped lots and frontage for lots two and three to be less than 100 feet as shown on said map; and b) Permit the existing driveway serving proposed lots two and three to be improved to 10 feet wide with a fire safe turnout rather than 24 feet wide as required by Standard Plan 101B, in the Shingle Springs area; Applicant: Helen Thomas. Appellant: Doug Auger. (District IV)

Sponsors:

Indexes:

Code sections:

Attachments: 1. TM05-1398 Conditions 041207.pdf, 2. TM05-1398 Findings 041207.pdf, 3. TM05-1398A Attachment 3 PC Minutes.pdf, 4. Attachment 4 TM05-1398A.pdf, 5. TM05-1398A Attachment 5.pdf, 6. Attachment 6 TM05-1398A.pdf, 7. Attachment 7 TM05-1398A.pdf, 8. Attachment 8 TM05-1398A.pdf, 9. Attachment 9 TM05-1398A.pdf, 10. Thousand Oaks Subdivision - submitted by Fred Palacios

Date	Ver.	Action By	Action	Result
5/15/2007	1	Board Of Supervisors	Approved	Pass

Hearing to consider an appeal of the approval of Tentative Subdivision Map TM05-1398 to create three lots ranging in size from 1.138 to 4.056 acres on a 8.4 acre site (APN 070-300-15); noting Design waivers have been approved for the following: a) Irregular shaped lots and frontage for lots two and three to be less than 100 feet as shown on said map; and b) Permit the existing driveway serving proposed lots two and three to be improved to 10 feet wide with a fire safe turnout rather than 24 feet wide as required by Standard Plan 101B, in the Shingle Springs area; Applicant: Helen Thomas. Appellant: Doug Auger. (District IV)

RECOMMENDED ACTION: Planning staff recommends the Board deny the appeal, thereby upholding the action of the Planning Commission on April 12, 2007, conditionally approving TM05-1398.

Background: Tentative Map TM05-1398, Thousand Oaks, Unit 3, was approved by the Planning Commission on August 10, 2006, and subsequently appealed to the Board of Supervisors by an adjacent property owner. Issues raised by the appellant are identified and addressed in the agenda item transmittal to the Board on September 12, 2006. After expressing concern regarding the irregular lot shapes and septic issues, the Board referred the matter back to the Commission. The applicant was directed to revise the tentative subdivision map accordingly and submit the revisions to staff for further review. A revised map was submitted to Planning Services on October 3, 2006. At the hearing of December 14, 2006, the Planning Commission continued the project to the hearing of February 22, 2007, and directed staff to revise the previously approved mitigated negative declaration to address the new environmental issues raised at the hearing including potential impacts

to rare plants, streambed alteration, and septic system impacts. Additional time was also required to circulate the revised environmental document to the State Clearinghouse. At the Planning Commission hearing on April 12, 2007, the revised tentative subdivision map was conditionally approved allowing the creation of three lots at the subject site. The decision was again subsequently appealed by an adjacent property owner (see Attachment 9).

As shown on Attachment 9, the only information submitted by the appellant on the appeal form are the italicized words noted below. The points raised by the appellant in the second appeal of the Planning Commission's decision to conditionally approve the revised map are as follows:

1. Rare Plants

Discussion: As the project is located within rare plant Mitigation Area 1, payment of Mitigation Area 1 fees reduces the impact to less than significant. However, in an effort to further reduce potential project impacts to the El Dorado bedstraw, the applicant has agreed to implement the mitigation measures identified within the Biological Resources section of the prepared environmental document. Therefore, impacts to rare plants have been fully mitigated.

2. Septic

Discussion: As noted within the Hydrology and Water Quality section of the prepared environmental document, the septic system was reviewed and approved by the El Dorado County Environmental Management Department, Environmental Health Division, on October 10, 2006. There is no evidence that the cumulative effect of two new septic systems in conjunction with other existing septic systems in the project area will degrade the water quality of the area. Environmental Management staff reviewed the revised tentative map and determined that the applicant had identified adequate on-site sewage disposal system and repair areas.

3. Private road issues

Discussion: According to the El Dorado County Maintained Road Data and Other Local Roads Year 2005, published by the Department of Transportation, both St. Ives Court and Mineshaft Lane are County maintained roads.

4. Design Waiver

Discussion: A 10-foot wide fire safe driveway with a standard fire safe turnout is shown on the revised map as required by Condition 10. The applicant previously requested and received approval from the Planning Commission for a design waiver to reduce the required width of the on-site access road from Mineshaft Lane to the proposed driveway to Lot 3 from the 24-foot wide requirement established by Standard Plan 101B to the improvement detailed in Condition 10. Findings for approval of the requested design waivers are included in Attachment 2. No further issues regarding the reduced driveway/roadway width were raised at the Board of Supervisors hearing in September 2006 or Planning Commission hearing of April 12, 2007.

5. Flag or irregular lots

Discussion: While proposed Lot 1 is nearly identical in shape to that of Lot 1 on the previous map, Lots 2 and 3 have been revised to be more regularly shaped. A design waiver request was submitted

and previously approved by the Planning Commission to allow the irregularly-shaped lots and frontage for Lots 2 and 3 to be less than the 100-foot standard as shown on the tentative map. Proposed frontage for Lots 2 and 3 is approximately 25 feet and nearly 100 feet at the setback line. Although the previously approved design waiver requests outlined above are still requested by the applicant because of the original parcel's irregular shape, the revised map reflects lots which are more consistent with the development standards than previous efforts. At the hearing of April 12, 2007, the Planning Commission approved a design waiver request for irregular shaped lots based on the findings in Attachment 2.

California Department of Fish and Game Comments

Staff received a copy of comments dated April 19, 2007, sent to the Board of Supervisors from the California Department of Fish and Game. In their comments, the issues of oak woodland impacts and the possible need for a Streambed Alteration Agreement are raised. As discussed in the prepared environmental document, the project complies with the County's stringent oak tree canopy General Plan policies, and no oak tree canopy will be removed as a result of the project. As such, the project will not result in a significant effect to oak woodlands. The proposed septic system was reviewed and approved by the County's Environmental Management Department. If necessary, the applicant will obtain a Streambed Alteration Agreement from the Department of Fish and Game prior to site disturbance. Staff believes the issues raised by the Department of Fish and Game in their recent comments have already been adequately addressed within the environmental document.

ATTACHMENTS

Attachment 1: Conditions of approval

Attachment 2: Findings for approval

Attachment 3: Minutes from Planning Commission hearings on July 13, 2006, August 10, 2006, December 14, 2006, February 22, 2007 and April 12, 2007

Attachment 4: Staff Report dated July 13, 2006

Attachment 5: Staff Report Addendum dated July 26, 2006

Attachment 6: Staff Report Addendum dated August 2, 2006

Attachment 7: Staff Report dated February 13, 2007

Attachment 8: Staff response to public comments

Attachment 9: Appeal Form

Contact: Gregory L. Fuz (5445)/Lawrence W. Appel (7698)/Peter N. Maurer (5331)