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SUBDIVISION REVIEW BOARD
May 1, 2006

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Minutes of the Regular Meeting of the County Subdivision Review Board held in the San Luis Obispo County Board of Supervisors Chambers, San Luis Obispo, California, at 9:00 a.m.

PRESENT: MEMBERS: Aeron Arlin-Genet (Air Pollution Control), Laurie Salo (Environmental Health), Richard Marshall (Public Works), Ellen Carroll (Environmental Coordinator), Chairman John Euphrat (Planning and Building)

ABSENT:

The meeting is called to order by Chairman Euphrat.

The following action minutes are listed as they were acted upon by the Subdivision Review Board and as listed on the agenda for the Regular Meeting of May 1, 2006, together with the maps and staff reports attached thereto and incorporated therein by reference.

PUBLIC COMMENT
Eric Greening; Comments on the agenda not being available on the web site and asks for an explanation with Mr. Euphrat stating the web site is being overhauled and it will be up and running in the near future.

CONSENT:

a. Subdivision Review Board minutes of January 9, 2006

b. Subdivision Review Board minutes of April 3, 2006

c. Request for a **1st and final time extension** from **JOESEPH AND JULIE ALCALA / COAL 02-0336 (S020109L)** for lot line adjustment to adjust the lot lines between four lots; one 10.5 acre parcel, one 2.08 acre parcel and two 7,500 sq. ft lots. The adjustment will result in one 5 acre parcel, one 2.56 acre parcel and two 2.5 acre parcels. The project sites are located at 1703 Lincoln Avenue and 159 Avis Street, at the southwest corner of Avis Street and Lincoln Avenue, adjacent to the community of Los Berros, in the South County planning area. Residential Rural and Residential Suburban land use categories. APN: 091-041-004 and 091-011-060. County File No. **S020109L.** Supervisorial District: 4.

Ms. Arlin-Genet: one modification noted for January 9, 2006 minutes, on page A-8, second line of the motion should read: "with Ms. Arlin-Genet voting no".

Thereafter, on motion of Ms. Arlin-Genet, seconded by Mr. Marshall, and on the following vote:

AYES: Ms. Arlin-Genet, Mr. Marshall, Ms. Salo, Ms. Carroll, and Chairperson Euphrat
NOES: None

consent items a, b and c are approved with changes to item b, the second line of the motion should read "Ms. Arlin-Genet voting no", on page A-8 of the January 9, 2006 SRB minutes, and the consent items are available on file at the office of the County Planning and Building Department.

1. Hearing to consider a request by **SUSAN GERDSEN** for a Lot Line Adjustment/Coastal Development Permit (COAL 05-0120) to adjust the lot lines between four parcels of 2,200, 2,600, 2,393, and 2,946 square feet each. The adjustment will result in four parcels of 2,387, 2,431, 2393, and 2,946 square feet each. The project will not result in the creation of any additional parcels. The proposed project is within the Residential Single Family land use category and is located at 3256, 3250 and 3238 Shearer Avenues, and 3247 Ocean Blvd. in the community of Cayucos. The site is in the Estero Planning Area. This project is exempt under CEQA. **County File No: SUB2004-00356.** Assessor Parcel Numbers: 064,426-022, 049, 047, 053. Supervisorial District: 2. Date Accepted: February 28, 2006

Mike Wulkan: gives staff report and shows overhead of the project. Correction on 1-1 in the subject "2,200 acres" changed to read "2,220 acres". Staff recommends approval of this project.

Susan Gerdsen: states her family owned the property since 1973. Is here to answer questions.

Ms. Salo: asks if the extended overhang of the deck was part of the permit they applied for in 1970's, with staff responding they applied for a permit to remodel the house for fire damage.

Thereafter, on motion of Mr. Marshall, seconded by Ms. Salo, and on the following roll call vote:

AYES: **Mr. Marshall, Ms. Salo, Ms. Carroll, Ms. Arlin-Genet, and Chairperson Euphrat**
NOES: **None**

the board approves Document Number 2006-026 granting a Lot Line Adjustment/Coastal Development Permit (COAL 05-0120) to SUSAN GERDSEN based on Findings in Exhibit A, and subject to the Conditions in Exhibit B.

2. Hearing to consider a request by **DAVID AND LYNN HIXSON** for a Tentative Parcel Map (COAL04-049) using the Transfer of Development Credits program to subdivide an existing 10.05 acre parcel into two parcels of 5.0 and 5.05 acres each for the purpose of sale and/or development. The project includes off-site road improvements to Templeton Road. The proposed project is within the Residential Rural land use category and is located at 2975 Templeton Road, Approximately .75 miles east of the city of Atascadero. The site is in the El Pomar planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item, in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq. Mitigation measures are proposed to address agricultural and biological resources, public services, recreation and transportation. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement. Comments will be accepted up until completion of the public hearing(s). **County File No: SUB2004-00088.** Assessor Parcel Number: 034-261-009. Supervisorial District: 1. Date Accepted: September 30, 2005

Nick Forester: staff, presents staff report and shows overhead of the project. Staff recommends approval of this project.

Chairperson Euphrat: asks about the surrounding parcel sizes, with Mr. Forester responding to the north it is rural lands, which typically requires a larger parcel, there is agricultural land to the southwest with larger parcel sizes, but the majority of the Rural Residential parcels in the vicinity appear to be in the10 acre range. The easterly properties are 5 and 4.84 acres.

Ms. Salo: questions the slope of the parcels, with staff responding that parcel 1 is under 15% and proposed parcel 2 has slopes of 16%.

Mr. Marshall: States the staff report shows different parcel map numbers. He states the letter from the Ag Commissioner recommended retaining the trees, but because of the condition in the staff report to widen Templeton Road, a tree may have to be removed. States Condition 13c should be modified to address this concern.

Nick Forester: staff, responds the tree Mr. Marshall is referring to was not taken into account and will have to be removed when the road is improved. States Condition 10 needs to be modified to read: "All future development on the proposed parcels shall meet the conditions established in the fire letter from CDF dated August 24, 2005". Discusses the modification of condition 13c and 13d to retain the tree identified for removal to construct the access drive.

Pam Jardini: agent, presents power point of this project. She states she took the project to TAAG for their support and approval. She distributes 36 letters of support from residents who live in the Templeton area. Distributes map of area. She states they exceed environmental review required for a standard subdivision. Discusses public benefits.

Mr. Marshall: asks if they could use a different configuration so the slope percentage could work.

Pam Jardini: agent, states the slope calculation on the USGS map showed it was 13% slope, but when they looked at the parcel, the slopes where closer to 16%.

Mr. Marshall: asks the distance from Templeton, with Ms. Jardini responding it is approximately 3 miles.

David Hixson: states his family has lived on the property for 22 years. His son will buy property if the subdivision is allowed.

Lynn Hixson: states they have lived here since 1980 and raised their children there. They hope to watch their grandchildren grow-up on the property.

Bryan Hixson: states he would like to own the property next to his parents. Would love to live in the area.

Jennifer Hixson: states she would like to live by her children's grandparents and great-grandparent.

Cheryl Garvey: lives across from the Hixson's. States she supports this subdivision.

Eric Greening: concerns with traffic impact mitigation. He comments on his concerns regarding tree removal. States he would like an alternative access drive to save the oak tree.

Steve Belmonte: the family does so much for the community. States he is in support of the subdivision.

Chris McPherson: has lived in Templeton for 19 years. Supports this project.

Maria Lorca: states there are too many small parcels in the north county. Comments on her concerns with the TDC program. States TAAG did not understand large oak trees would be removed when they reviewed the project. Expresses concern about use of resale credits.

Pam Jardini: agent, states she was at the TAAG meeting when this project was presented and the original road plan would have removed more oak trees. She comments on the 36 letters of support from people that live in the community of Templeton.

Mr. Marshall: states the Templeton Circulation Study, which is the reference for the road improvement fees being described, includes an improvement to the Vineyard Drive interchange at Highway 101, which will be a direct benefit to this project.

Mr. Euphrat: asks about the number of trees being removed with Mr. Forester responding the planning department would prefer the applicant use the existing driveway, but because of the ordinance in place it is not allowed. States he worked with applicants to minimize tree removal.

Mr. Euphrat: asks about resale credits with Ms. Nall responding a few projects that are in Templeton purchased more credits than they needed.

Ms. Arlin-Genet: asks if a secondary dwelling is allowed, with staff responding the new parcel could have a secondary dwelling. Questions if the slope is an issue for limiting building on the lot, with staff responding there is a limit to building beyond a 30% slope.

Ms. Arlin-Genet: states this project is outside urban reserve line and states APCD will not support this proposal.

Mr. Marshall: asks if the existing driveway would work for CDF, with Ms. Jardini responding the existing driveway is 8 feet wide. Mr. Euphrat states the road would need to be at least 16 feet wide to meet CDF standards.

Dave Hixson: states trees next to the driveway are large. The 7 proposed trees to be removed are smaller in size, with one tree already dead. States they wanted to make the least impact on the trees. If existing road is widened many trees would need to be removed.

Nick Forester: staff, states the correct Parcel Map number is CO 04-156. Reads the amended language for Condition 13c: "With the exception of the one oak tree identified on the approved plan as to be removed for the construction of the new access driveway and if an additional oak tree is removed for the widening of Templeton Road, it too shall be subject to these standards, oak tree removal shall be prohibited within the first 200 feet of the project site from Templeton Road". Insert similar language in Condition 13d to read: "if an additional oak tree is to be removed or impacted, it too shall be subject to these tree standards". Condition 15, in first line change "final map" to "parcel map".

Thereafter, on motion of Mr. Marshall, seconded by Ms. Carroll, and carried on the following roll call vote:

AYES: **Mr. Marshall, Ms. Carroll, and Chairperson Euphrat**
NOES: **Ms. Salo and Ms. Arlin-Genet**

the Subdivision Review Board adopts the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq, and Document 2006-027 granting a Tentative Parcel Map CO 04-156, to DAVID AND LYNN HIXSON based on the Findings in Exhibit A and the Conditions in Exhibit B with the Parcel Map Number corrected to read: Parcel Map CO 04-156; Condition 10 amended to read: "The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map. All future development on the proposed parcels shall meet the conditions established in the fire letter from CDF dated August 24, 2005"; **Condition 13c amended to read:** "With the exception of the one oak tree identified on the approved plan as to be removed for the construction of the new access driveway, and if an additional oak tree is removed for the widening of Templeton Road, it too shall be subject to these standards, oak tree removal shall be prohibited within the first 200 feet of the project site measured from Templeton Road in order to maintain a vegetative screen between nearby agricultural zoned land and future residential uses on the proposed parcels"; **Condition 13d amended to read:** At the time of application for construction permits, the applicant shall submit a tree replacement plan to be reviewed and approved by the Environmental Coordinator. The plan shall provide for the replacement, in kind at a 4:1 ratio, for the seven trees removed as a result of the development of the project [and in addition, shall provide for the planting, in kind at a 2:1 ratio, of oak trees to mitigate for the two trees impacted but not

removed. No more than seven shall be removed as a result of the development of the project, and no more than two oak trees shall be impacted, but not removed, as a result of the development of the project.]. If an additional oak tree is to be removed or impacted, it too shall be subject to these tree standards. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines). These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used"; **Condition 15 amended to read: "Prior to recordation of the parcel map,** the applicant shall release their ownership in the Receipt of Transfer or the Certificate of Sending Credits to the Department of Planning and Building. Acceptance of the release shall only occur if the credits are located in conformance with Section 22.24.090 of Title 22. The Director shall notify the TDC Administrator of the release and specify the registration numbers of the credits that were used. After release, the credits are no longer valid and available for use", **adopted.**

3. Hearing to consider a request by **ALAN AND CHRISTINE VOLBRECHT** for a Tentative Parcel Map (CO05-0191) to subdivide an existing 2.5 acre parcel into two parcels of 1.1 and 1.4 acres each for the purpose of sale and/or development and designate the project as a TDC Reciever site. The project includes off-site road improvements to Carmel Road. The proposed project is within the Residential Suburban land use category and is located at 9456 Carmel Road on the east side of Carmel Road approximately 0.25 of a mile north of El Camino Real, southeast of the City of Atascadero. The site is in the Salinas River planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on March 2, 2006 for this project. Mitigation measures are proposed to address public services and recreation and are included as conditions of approval. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement. Comments will be accepted up until completion of the public hearing(s).The hearing will also consider the request for review (appeal) of the Negative Declaration submitted by Tom and Fran Coughlin. **County File No: SUB 2004-00405.** Assessor Parcel Number: 059,181,054. Supervisorial District: 5. Date Accepted: July 29, 2005.

MS. SALO STEPS DOWN AND IS NOW ABSENT.

Karen Nall: Presents staff report and shows overhead of the project. Staff recommends approval of this project.

Mr. Euphrat: States the Board of Supervisors adopted an interim ordinance that deals with the use of transfer of development credits in this area. Was this application accepted for processing before this ordinance with staff responding yes, the project was in the pipeline.

Ms. Arlin-Genet: questions the size of neighboring parcels, with staff responding they are between 2.42 and 5 acre parcels.

Chis Volbrecht: reads from the TDC manual regarding receiving sites. States the Planning Department has checked every regulation. She gives history of the parcel.

Alan Volbrecht: discusses urban services, RTA bus stop, and commercial services at Dove Creek and Paloma Creek Family Recreation area. Would like a modification to the A-1 road section and come up with a different road standard. Discusses the TDC program and gives definitions. Comments on the public benefits. He will construct a drainage basin that will detain existing runoff. The driveway will be constructed and paved to meet the CDF requirements.

Fran Coughlin: comments on receiving the staff report late and states she could not find it on the web page because of the new web page being under construction. She discusses letter she sent to the Santa Margarita Advisory Council signed by 30 neighbors stating their opposition to this project. Discusses concerns with the staff report. She comments on the size of surrounding parcels and feels this project will have a visual impact to the neighborhood. She speaks of her concerns regarding agricultural resources, and air quality, biological resources, ground water. She comments on TDC's and feels an EIR should be required for this property. Distributes photo board. Concerns with geology and soils, hazards and hazardous materials, noise, population and housing, public services and utilities, transportation, wastewater, water erosion, and land use.

Bob Rutledge: has concerns with page 3-8 Finding F. Page 3-15, parcel map shows wrong location for the project. Page 3-10, Exhibit B, Condition 3, has concerns with water drainage issue. Page 3-52, photo showing what happened during storm.

Julie Rutledge: discusses issue of sharing driveway with 3 homes. Shared this driveway for 19 years. Discusses her issue with drainage and her concerns with the TDC program.

Eric Greening: discusses down web site and late staff report and the need to have this item continued. Discusses TDC program. He comments on his concerns regarding traffic.

Janet Haley: discusses her husband's concerns with the TDC program. She comments on her concerns regarding traffic, noise, rural atmosphere, road maintenance, soil erosion and drainage.

Sue Owen: concerns with traffic, drainage, water table, aesthetics, and development of property. She discusses the TDC program. Cannot see a benefit to the public.

Kelly Delkener: is excited about ownership in south Atascadero and the chance to keep their children in the Santa Margarita School District. Hopes the board approves this project.

Maria Lorca: discusses TDC program. Concern with smaller parcel sizes. This project should require an EIR.

Pam Jardini: discusses the TDC program. The moratorium was put in place to allow time to study the TDC program. She states the 1 acre parcel fits in with the neighborhood.

Kathryn Sweet: distributes letter from her neighbor Mr. Ross and reads part of the letter concerning sewer issues. She discusses her concerns with water and drainage issues.

Dolores Simons: states she and her neighbors have voted 3 times against annexation into the city of Atascadero. She discusses the TDC program.

Della Barrett: discusses moratorium of the TDC program. Not compatible with the surrounding parcels. Addresses her concerns with the closeness of the house to the road.

Robert Tartaglia: discusses the drainage on the proposed parcel. The applicant will put in a storm water detention pond to the county standards. States he recommended to the Volbrechts that on the access easement on the south side, they put in a catch basin and direct it to the northeast corner of the property where the storm water detention pond will be located. Water runoff would be lessened using the storm water detention pond.

Alan Volbrecht: addresses traffic concerns Eric Greening brought up.

Rob Lewin, CDF: states the parcel is located in a high hazard zone. On page 3-10, change Condition 3 in the second line, cross out the word "driveway" and replace with "access" and in line 3 cross out "driveway for". He states the response time is 15 to 20 minutes.

Ms. Arlin-Genet: discusses another project they heard in January and the decision to deny the project because the proposed parcels were inconsistent with the pattern of development in the area.

Karen Nall: staff discusses size of the parcels surrounding the project.

Mr. Marshall: discusses areas of concern regarding drainage and the driveway. He discusses amendment to Condition 6 regarding drainage concerns. Comments on traffic concerns.

Chairperson Euphrat: states the project is inconsistent with the neighborhood.

Karen Nall: distributes and discusses findings for denial. Staff reads findings for denial into the record.

Thereafter, on motion of Ms. Arlin-Genet, seconded by Ms. Carroll and on the following roll call vote:

AYES:	**Ms. Arlin-Genet, Ms. Carroll, Mr. Marshall and Chairperson Euphrat**
NOES:	**None**
ABSENT:	**Ms. Salo,**

to deny Tentative Parcel Map CO 05-0191 to ALAN AND CHRISTINE VOLBRECHT based on Findings in Exhibit A.

There being no further business, the meeting is adjourned at 12:00 p.m.

Respectfully submitted

Eleanor Porter, Secretary
County Subdivision Review Board

a.8