

DEVELOPMENT SERVICES DEPARTMENT

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EL DORADO

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TO: Planning and Building Staff and Interested Parties

FROM: Larry Appel, Deputy Director
Planning Services

DATE: February 14, 2007

RE: **Retaining wall encroachment into the front-yard setback**

Interpretation:

Retaining walls are structures subject to the setback requirements set forth in the County Zoning Ordinance.

Where slope gradient exceeds 25 percent, the front yard setback for retaining walls not associated with site access shall be reduced by 50 percent. Walls constructed with a reduced front yard setback shall have an exposed height of no greater than seven feet. Any fence erected within five feet of the top of such a wall shall be no more than three feet in height and shall be at least 50 percent open. Walls with a reduced front yard setback that exceed seven feet in exposed height (or a retaining wall and associated fence that exceed a combined 10 feet in exposed height) shall require a Special Use Permit. Retaining walls necessary to for provide site access or that do not exceed 30 inches in exposed height shall not be subject to setback requirements.

Finding of Fact:

Pursuant to the definition of a "structure" in the County General Plan, retaining walls are considered structures subject to the setback and permitting requirements specified in the Zoning Ordinance. The interpretive guideline presented above is provided to clarify the requirements of Sections 17.14.050 and 17.14.155 of the Zoning Ordinance as they pertain to the encroachment of retaining walls in front yard setback areas.

As currently allowed for buildings, the above guideline provides a 50 percent reduction in front yard setback for retaining walls located in areas where slopes exceed 25 percent gradient. This provision allows a building to be separated from a supporting retaining wall located at the reduced setback line. This design flexibility would tend to reduce the mass and visual impact of development in areas of steep slopes.

The seven-foot limitation in height of encroaching walls without a Special Use Permit (SUP) recognizes that a safety fence of three feet in height may be placed on top of the wall for a total height of ten feet. The requirement of a SUP for walls/fences over ten feet in height is consistent with the provisions for walls in side and rear setback areas specified in Section 17.14.155.B.3 of the Zoning Ordinance. The exemption from setbacks for retaining walls associated with necessary site access recognizes that construction of adequate access consistent with Fire regulations is required for all development.

The concepts discussed above will be incorporated into the upcoming revision of the zoning ordinance and will be considered by the Planning Commission on March 8, 2007.

cc: County Counsel