

**ELDORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of:	March 8, 2007
Item No.:	10.
Staff:	Brian Baca

APPLICANT: El Dorado County

REQUEST: **Zoning Ordinance Interpretive Guideline:** Consideration of an interpretive guideline for Sections 17.14.050 and 17.14.155 of the Zoning Ordinance as it pertains to the encroachment of retaining walls into the front yard setback area.

SUMMARY RECOMMENDATION: Adopt the proposed Interpretive Guideline for use by Development Services staff in permit application review.

PROPOSED INTERPRETIVE GUIDELINE:

Retaining wall encroachment into front yard setback areas:

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

Where the 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 exceeds 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 provide site access or that do not exceed 30 inches in exposed height shall not be subject to setback requirements.

BACKGROUND:

Retaining walls are increasingly common components of proposed development projects in the County. In order to facilitate review of permit applications, clear guidance on the allowable location and height of these structures pursuant to the Zoning Ordinance is needed by staff of the Development Services Permit Center. The proposed Interpretive Guideline presented above is

intended to provide clarity to staff and additional design flexibility to permit applicants.

STAFF ANALYSIS:

The County General Plan defines a structure as follows:

Anything constructed or erected that requires location on the ground (excluding swimming pools, fences, and walls used as fences).

Pursuant to the above definition, retaining walls are structures subject to the setback and permitting requirements specified in the Title 17 Zoning Ordinance. Section 17.14.050.B addresses encroachments into front yard setback areas and is reproduced below.

- B. Front yards may have the following encroachments:*
- 1. Solid fences and walls not exceeding 40 inches in height;*
 - 2. Fences which are 50 percent open or more, not exceeding seven feet in height;*
 - 3. **Other structures not exceeding 30 inches in height.***
 - 4. Bear Resistant Garbage Can Containers shown on the “Approved Bear Resistant Garbage Can Enclosures” list maintained by the Environmental Management Department, not exceeding 62 inches in height....*

Based on the above language, retaining walls greater than 30 inches in height would not be allowed within front yard setback areas (note that the term “walls” in Section 17.14.050.B.1 refers to walls used as fences). However, retaining walls as an integral part of proposed residential structures are allowed to encroach into the front yard setback area pursuant to Ordinance Section 17.14.020 as follows:

Front setback reduction for slope. Where the average slope of the front half of any building site is over one foot rise in four feet, the required distance between the main building and the property line at the highway or county road may be reduced by fifty percent.

The proposed interpretive guideline would allow retaining walls a reduced setback similar to that expressly provided in Section 17.14.020 for buildings. This design flexibility would allow new developments to be in greater conformance with the natural topography and tend to reduce the mass and visual impact of development in areas of steep slopes. A proposed residential building could be separated from a supporting retaining wall located at the reduced (50 percent) setback line. This provision would be consistent with the intent of County setback regulations and General Plan limitations on the development on steep slopes included in Policy 7.1.2.1. The Interpretive Guidelines for this policy adopted by your Commission on August 10, 2006, includes a measure to minimize grading that states “structures and the configuration of the area of disturbance are designed to parallel the natural topographic contours to the extent feasible.”

The proposed guideline includes a seven-foot limitation in the height of encroaching walls unless a special use permit (SUP) is obtained. This limitation recognizes that a safety fence of three

feet in height may be placed on top of the wall for a total height of 10 feet. The requirement of a SUP for walls/fences over 10 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, reproduced below.

Any fence or wall in excess of ten feet (10') within a side or rear yard area shall be subject to issuance of a special use permit.

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.

It is recognized that the visual impact and neighborhood compatibility issues are different for front yards that are elevated above the adjacent roadway and those located below the roadway. A retaining wall located on a steep slope below the road would not be a prominent feature along the roadway corridor and likely have a lesser impact on adjacent properties. The proposed guideline provides for a SUP process in which these issues can be considered should an applicant desire a retaining wall greater than seven feet in height. In the alternative, your Commission may wish to consider an alternate height threshold for a SUP requirement in the case of front yards located down slope of the adjacent roadway. As currently written, the proposed guideline treats all encroaching retaining walls in a similar manner.

ATTACHMENT:

1. Memorandum by L. Appel dated 2-14-07.