

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: October 25, 2007
Item No.: Consent – 7.b.
Staff: Thomas A. Lloyd

SITE PLAN REVIEW

FILE NUMBER: SPR07-0018/Building permit #183824/Grading Permit #182309

APPLICANT: Mark and Kris Clifford

AGENT: Bobbie Lebeck/Lebeck Young Engineering, Inc.

REQUEST: Reasonable Use Determination to allow 14,284 square feet of disturbed area on slope exceeding 30 percent, pursuant to General Plan Policy 7.1.2.1. This determination is necessary to allow approval of Site Plan for grading and, ultimately, a single-family residential dwelling.

LOCATION: On the southwest side of Via Fiori, approximately 2,000 feet south of the intersection with Beatty Drive in the El Dorado Hills area, Supervisorial District I. (Exhibit A)

APN: 120-650-17 (Exhibit B)

ACREAGE: 0.731 acres

GENERAL PLAN: High Density Residential (HDR)

ZONING: One-Acre Residential (R1A)

BACKGROUND:

The applicant has applied for both building and grading permits to construct a single-family residential dwelling in the Villadoro subdivision of El Dorado Hills. Since the proposed grading involves slopes over 30 percent gradient, the proposal is subject to Policy 7.1.2.1, of the El Dorado County General Plan. As discussed below, this policy generally prohibits development on slopes greater than 30

percent unless necessary to ensure that reasonable use of the property is not denied. The applicant submitted a Site Plan Review application in June 2007 to obtain a determination of conformance with this General plan policy.

INTERIM GUIDELINES:

On June 22, 2006, the Planning Commission adopted Interim Interpretive guidelines for the implementation of General Plan Policy 7.1.2.1, which were further modified by the Planning Commission on August 10, 2006. With regards to an existing and legally-created parcel, comprised of slopes of 30 percent or greater gradient, General Plan Policy 7.1.2.1 states that, “the County may consider and allow development or disturbance on slopes 30 percent or greater when **reasonable use** of the property would otherwise be denied.” The adopted Guidelines seek to clarify the “reasonable use” exception to the policy, using the following four components:

- A. Staff Authority Threshold: An area of disturbance within which staff may determine reasonable use.
- B. Minimization of Grading: An evaluation of whether grading is minimized.
- C. General Requirements: Conformance of the project with various general design requirements and ordinance/code standards.
- D. Consistency with the General Plan: Design of the project to minimize inconsistency with all applicable policies of the General Plan.

For projects of less than one acre, disturbance of 34.4 percent of the total parcel area may be approved by Development Services staff per Item A. Using this calculation, the threshold for this project is 11,000 square feet when rounded to the next 1,000. At 14,284 square feet of proposed disturbance, Planning Commission approval is required (Table 1).

Table 1: Disturbed Area Summary (square feet)

Lot Area	31,853
Staff Level Threshold (34.4% of lot area, rounded to next 1,000)	11,000
Disturbed Area	18,343
Artificial Slope Area	-1,284
Access Area (Driveway and Driveway Grading)	-2,775
Net Disturbed Area	14,284

DISCUSSION:

The proposed house has been designed with upper and lower levels as a “best-fit” measure to accommodate the constricting topography. Further, the proposed driveway is a compact “S-shape,” allowing the house to be situated at a minimal elevation, while utilizing a minimal amount of horizontal driveway distance. Additionally, a 12.8-foot retaining wall will be constructed to minimize

grading. After grading, 42.4 percent of the lot will remain in a natural, undisturbed state. Approximately 75 percent of the parcel exceeds 30 percent slope. Per the submitted plans, the proposed house and rear yard are to be located on the portion of the lot that does not exceed 30 percent gradient. The property owners are requesting additional grading to create a rear yard of sufficient size and grade to accommodate a swimming pool in the future.

CONCLUSION:

The proposed footprint of the house (approximately 4,390 square feet), yard size, and accessory use of a swimming pool are not uncharacteristic of the neighborhood or residential use. The grading will be the minimum necessary to allow the proposed development. As the design has incorporated elements such as a retaining wall, a compact “S-shape” driveway, and two-level construction to minimize both visual and physical impacts on the site, the project is in substantial conformance with the intent of Policy 7.1.2.1, as per the Interim Guidelines.

RECOMMENDATION: Staff recommends the following:

Planning staff recommends that the Planning Commission find the proposed project consistent with the intent of General Plan Policy 7.1.2.1, based on the above discussion, subject to the Conditions of Approval in Attachment 1, and based on the Findings in Attachment 2.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1: Conditions of Approval
Attachment 2: Findings

Exhibit A: Vicinity Map
Exhibit B: Assessor’s Parcel Map
Exhibit C: Site Plan
Exhibit D: General Plan Policy 7.1.2.1

**ATTACHMENT 1
CONDITIONS OF APPROVAL**

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1. The project, as approved, shall conform to the approved site plan, Exhibit C.
2. Construction of the single-family residence shall be subject to the issuance of a building permit from El Dorado County Building Services.

**ATTACHMENT 2
FINDINGS**

**File Number SPR07-0018
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1. *The project is in substantial conformance to the General Requirements of the Interim Guidelines, is designed to minimize inconsistency with the General Plan, and the magnitude of the proposed grading is the minimum necessary to provide site access and to establish reasonable use of the property.*

As conditioned, the project is in substantial conformance with the General Plan, the Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.1.2.1, as modified August 10, 2006, and is the minimum disturbance necessary to provide reasonable use of the property.

GENERAL PLAN POLICY 7.1.2.1

Policy 7.1.2.1 Development or disturbance shall be prohibited on slopes exceeding 30 percent unless necessary for access. The County may consider and allow development or disturbance on slopes 30 percent and greater when:

- Reasonable use of the property would otherwise be denied.
- The project is necessary for the repair of existing infrastructure to avoid and mitigate hazards to the public, as determined by a California registered civil engineer or a registered engineering geologist.
- The project is necessary for the repair of existing infrastructure to avoid and mitigate hazards to the public, as determined by a California-registered civil engineer or an engineering geologist.
- Replacement or repair of existing structures would occur in substantially the same footprint.
- The use is a horticultural or grazing use that utilizes “best management practices (BMPs)” recommended by the County Agricultural Commission and adopted by the Board of Supervisors.

Access corridors on slopes 30 percent and greater shall have a site specific review of soil type, vegetation, drainage contour, and site placement to encourage proper site selection and mitigation. Septic systems may only be located on slopes under 30 percent. Roads needed to complete circulation/access and for emergency access may be constructed on such cross slopes if all other standards are met.

Exhibit D: