



EDC COB &lt;edc.cob@edcgov.us&gt;

---

## letters for Board of Supervisor Meeting

1 message

---

**rbreck@aol.com** <rbreck@aol.com>

Mon, Apr 23, 2018 at 4:37 PM

To: edc.cob@edcgov.us, dtemblador@hthjlaw.com

Please find attached, letters for the 2pm Tuesday, April 24 meeting with the Board of Supervisors. It is my understanding that these materials will be circulated amongst the Board. This is in reference to Item #43.

Thanks,  
Roland Brecek  
916-752-7369

---

### 9 attachments

-  **Breck letter.pdf**  
101K
-  **Nelson Letter.pdf**  
900K
-  **Almazon letter.pdf**  
137K
-  **Dunbar letter.pdf**  
98K
-  **Genis letter.pdf**  
97K
-  **Kelsey letter.pdf**  
298K
-  **Machtolff letter.pdf**  
8K
-  **Masten Letter.pdf**  
259K
-  **Penny's letter.pdf**  
145K

Roland & Penny Brecek  
81 Guadalupe Drive  
El Dorado Hills, CA 95762  
916-752-7369  
rbrecek@aol.com

County of El Dorado  
Community Development Agency  
2850 Fairlane Court  
Placerville, CA 95667

Dear Mr Mount,  
Concerning Application for Administrative Permit File # ADM17-0077  
APN # 110-460-61  
Grading Permit # 263768

It is my understanding that you recently received a grading permit application from property owners, Brian and Denae Beland, for their vacant lot located at 75 Guadalupe Drive in El Dorado Hills. Our home is located directly adjacent to their property, and we are petitioning that their application be rejected.

The property owners, Brian & Denae Beland, approached us several months ago with plans that appear identical to those submitted to your office. They asked us to sign, and to notarize, paperwork required by the county that would allow for multiple retaining walls exceeding the county maximum height limit of seven feet. We said "no" and we gave this response to them in writing. Yet, they still submitted this application to you with no apparent changes to their plans.

The Beland's application reflects at least 4 large retaining walls that are ten feet or higher (one is over 13 feet). This is totally unacceptable to us as it would have a major impact on our view and on our privacy. Their home would tower over our property, and it would eliminate our sunset views, as well as, the privacy we have enjoyed.

We have lived in our home for 15 years. All of the lots surrounding us, including the Beland's property, are rural, one acre minimums. Needless to say, there is plenty of room for them to build a home consistent with standard site planning and project design standards. There is no need for them to build a home that would destroy what we have worked so hard for.

Please do not approve the Beland's application.  
Sincerely,

Roland & Penny Brecek  
November 3, 2017

---

Dear members of the El Dorado County Planning Commission,

January 7, 2018

Due to travel plans, my wife and I are unable to attend the upcoming meeting on January 11 to discuss the appeal of Administrative Permit No. 17-077 regarding the Beland property.

We are the property owners immediately south and “adjacent” to the Beland property and we would like to weigh in on the appeal.

On June 15, 2017, we were strongly encouraged by Brian and Denae Beland to consent to their April 15, 2017 architectural and grading plans. At that time, we were verbally informed by Denae that our signatures on the variance would have “absolutely no relevance or power” unless the other adjacent neighbors approved and signed off as well. In the spirit of being accommodating to our new neighbors, we signed and had notarized the document put before us by the Belands at our home next door.

We have since learned that what we were told, prior to signing the document, was not true. Furthermore, we were told that our neighbors across the street (Rick & Cheree Dunbar) were in favor of the proposed variance and were prepared to sign it. This also was not true, but had influence.

Now we understand that, because of our signatures, the Belands were able to resubmit revised architectural and grading plans as well as massing models (that our other neighbors were not in favor of) on August 9, 2017, which it turns out were subsequently re-submitted to the county and approved by the Planning Director. We were not informed of or had the opportunity to review the revised August 9, 2017 plans and would not have consented to the revisions or anything the other neighbors were not in favor of.

It is hard not to feel betrayed for having been told things that were not true. Now, having reviewed the revised grading and architectural plans and massing models, and better understanding the layout and effect of these plans to the neighborhood, we wish we had not signed that variance, which indeed did have power, regardless of what we were (incorrectly) told about all the neighbors having to agree, for it to be effective.

---

We originally believed the request for higher than code retaining walls had to do with our next-door neighbors personal privacy. Now to hear that these multiple retaining walls will allow the foundation of their house to be elevated as high as 40 feet in the air, where there are currently tree tops, is not at all what we originally understood.

We were also told by the Belands that their plans would not really affect our site lines or views of the water on the North side. As much as we respect their right to build what they would like to build, within code, (regardless of how it affects our view) what they told us (with their house possibly being elevated above the tree tops) was not true.

Above all: We are not in favor of anything that our surrounding neighbors would find disagreeable. We have already caused hard feelings with neighbors for having recently built our home (with-in code, and affecting the views of others), and we now sadly find it impossible not to disappoint another, if not two, sets of neighbors depending on our position on this appeal.

Regardless, reserving our rights to provide additional information, we, therefore, request that the planning commission approve the appeal and deny Administrative Permit No. 17-077 for failure to obtain the written consent of an adjacent property owner as required by section 130.30.050 of the County Code.

As much as we hate conflict and disappointing anyone... We are regretfully disturbed to have to be a part of this matter, but hope that we are doing the right thing for the majority of neighbors and for the neighborhood.

Sincerely,



Richard R. Nelson      January 7, 2018



Sandra L. Nelson      January 7, 2018

---

Mon, Apr 23, 2018 7:21 am

Marietta Almazan almz3a@aol.comHide

To rbrecek rbrecek@aol.com

To Roland and Penny ,

We will not be able to attend the special meeting on April 24, however here are our shared thoughts and opinions

1. First of all , it is the right of every homeowner to initiate pursue development on his, her property in this neighborhood as long as it is within it's standard allowable country code regulations as cleared certified by the corresponding construction experts ( architects, design engineers ) . We highly support the essence of taking into account the value of the final safety regulatory county code clearance at all times before any construction to proceed, for the best interests of the builder owner and the entire neighborhood concerned.

2. Major destructions causing financial concerns incurred for the association during construction process , to respective properties , in as much as significant damaged to the roads , entrance iron gates, as may result to costly facelift for all .

This may then be brought up by a specific homeowner or by the homeowner association in general , to the builders' / constructing entity's responsibility for final discussion, settlement.

3. The concerns you raised are reasonable concerns.

Thank you ,

Edgar, Marietta Almazan

12 Guadalupe Drive

El Dorado Hills

Rick & Cheree Dunbar,  
121 Giotto Way  
El Dorado Hills, CA 95762

January 7, 2018

Gary Miller  
Planning Commission Chair  
2850 Fairlane Court  
Placerville, CA 95667

Dear Mr Miller,  
Concerning Appeal of Administrative Permit # 17-0777

We are property owners, located immediately southeast, and adjoining, to the Beland property located at 75 Guadalupe Drive in El Dorado Hills. We were previously approached by Brian and Denae Beland and asked to approve, via notarized signatures, retaining walls that would exceed 7 feet in height that would be located on their property. We feel the building of these retaining walls would have a negative impact on our views, and therefore, we do not consent to these plans.

Please deny Administrative Permit No. 17-077 for failure to obtain the written consent of an adjoining property owner as required by section 130.30.050 of the County Code. We support the Appeal of Administrative Permit No. 17-077, which will be discussed this Thursday, January 11 at a Planning Commission Meeting (Agenda item 18-0039).

Sincerely,

Rick Dunbar

Cheree Dunbar

cc: Char Tim, Aaron Mount, & John Vegna

April 22, 2018

Gary Miller  
El Dorado County  
Planning Commission Chair

We are writing this letter in reference to Grading Permit # 263768 issued for construction of a new home at 75 Guadalupe, Lake Point Estates, El Dorado Hills, CA.

We are not opposed to a home being built on the above said property. However, for the following reasons we support the appeal of and object to the issued grading permit.

1. The extensive near street grade length of leveling of the property with subsequent loss of incorporating the natural slope of the lot in the placement and construction of the home will be out of the norm for the established homes in Lake Point Estates.
2. The importation of the amount of soil necessary to bring the length of the lot to near street grade will be extremely detrimental to our private community road. The permit allows for the importation of more than 12,000 cubic yards of soil which is approximately 1,300 truck trailer round trips.
3. The proposed grading is not in compliance with county retaining wall placement and height regulations.

Sincerely,

Randy and Teresa Genis  
Home owners Lake Point Estates  
140 Ravenna Way  
El Dorado Hills, CA 95762

Donn and Harley Kelsey  
30 Guadalupe Drive  
El Dorado Hills, CA 95762  
916-933-3828  
06 January 2018

Gary Miller  
Planning Commission Chair  
2850 Fairlane Court  
Placerville, CA 95667

Dear Mr. Miller,  
Regarding Appeal of Administrative Permit # 17-0077

We are property owners, with a home located 3 lots up and across the street from a residential lot located at 75 Guadalupe Drive in El Dorado Hills (Brian and Denae Beland). It is our understanding that these property owners want to build on this lot and they are seeking approval to grade their lot by using multiple retaining walls, each of which are in excess of seven feet in height.

We are opposed to any retaining walls that exceed 7 feet in height, and we do not want to live near a home that towers 40 plus feet over the natural grade of land. Aesthetically, these grading and building plans are not a fit with this neighborhood. Furthermore, the required massive importation of soil would greatly damage county maintained roads, as well as, the neighborhood road that leads to our homes, one that we maintain ourselves.

Please strongly deny Administrative Permit No. 17-0077. We support the Appeal of Administrative Permit No. 17-0077, which will be discussed this Thursday, 11 January 2018 at a Planning Commission Meeting (Agenda item 18-0039).

Sincerely,

  
Donn Kelsey

Harley Kelsey



April 20, 2018

Gary Miller

Planning Commission Chair

2850 Fairlane Court

Placerville, CA 95667

Mr. Miller:

We are residents in the Guadalupe Loop Road in Lake View Pointe, and have come to the realization that a prospective grading and building permit (grading permit #263768) has been authorized by the El Dorado County Building Department which is allowing a build that clear-cut the property of trees including many oaks, to create a flat lot from a sloping lot, with the delivery of 12,000 cubic feet of soil. This plan is both inconsistent with our neighborhood, the homes surrounding the 75 Guadalupe Drive project, and the beautiful terrain of the area flanking the lake. For the past three days, from early morning until 5:00 pm, large dump trucks have been driving in and through our entire road, one after the next, dumping dirt.

We understand this is just the beginning of soil delivery. Besides the disruption to our lives and the ability to safely walk with our pets on our road, we are concerned about our fragile road in general. This project and dirt delivery will most certainly catastrophically damage if not destroy our loop road. The people who live in our neighborhood loop have built and contributed to our private road and its upkeep. Every resident who lives in our Guadalupe neighborhood will be harmed by this project, if it is allowed to progress as it appears to have been authorized. The residents who live here currently, will unfairly suffer the consequences and be left with the significant costs of the road repair damage from this project.

Our hope is that the authorization of the 75 Guadalupe build be reconsidered in its slope design and the costs to our private road. It would be prudent and best considered to be designed to fit consistently with the other homes and the terrain in this area. We ask our county, and those professionals who are in charge of these issues, to please preserve our beautiful neighborhood and not authorize a monolithic misfit build, that ruins the ecosystem of trees, completely disrespects the contours of the land in the area, and stands out like a sore thumb in our neighborhood. Additionally, have the trees gone

through the Oak Resources Conservation Ordinance process, adopted 10/24/2017, as the Oaks are protected in our area.

Respectfully Submitted,

Brian and Victoria Machtolff  
14 Guadalupe Drive  
El Dorado Hills, California 95762

April 23, 2018

Roger Trout, Director of Planning and Building  
County of El Dorado  
Planning and Building Department  
2850 Fairlane Court  
Placerville CA 95667

Re: Grading Permit # 263768

Dear Mr. Trout,

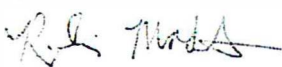
We are writing to you in regard to the Grading permit # 263768 to develop a lot near our home at 33 Guadalupe Drive, El Dorado Hills.

We have been informed that the grading permit that was approved provides an exception to the development code that we would like to express our objection to.

Our concern is related to the construction of retaining walls on the rear and side yards. The heights and slope allowed will negatively impact the adjacent properties. Our understanding is those neighbors have objected and per development standards the required notarized approval letters have not been obtained.

One of the things that we enjoy in this neighborhood is the ability to build a project without excessive HOA scrutiny, however it is expected that county building codes will be followed and enforced. One exception, will lead to another- and as more homes are built in this neighborhood we respectfully request that permits are issued in compliance with those codes.

Sincerely,



Robin and Jim Masten  
33 Guadalupe Drive  
El Dorado Hills

April 23, 2018

Dear Board of Supervisors:

We have determined that the Beland's proposed building plans, reflecting multiple stacked 7 foot plus retaining walls along our property line, is not acceptable to us and is not within county code. The multiple stacked higher than 7 foot retaining walls along the state property and the Nelson's property line did not meet the acceptance of the Nelsons therefore the administrative permit was not issued. This will adversely affect our neighbors, the Nelsons view and possible erosion issues. Can you address the damage impact bringing in approximately 12000cubic feet of dirt will have on our road and the erosion affect on adjoining properties with includes the State Property along our fence lines. It will also negatively affect the views of our neighbors, the Dunbars, the view from their property will be of solid roof tops We do believe this to be in violation of county code with respect to aesthetic requirements in a neighborhood.

Roland and I have been community members in El Dorado Hills since 1988. We thoroughly have enjoyed this area, the small town feel in the beginning ( no street lights, sidewalks and knowing that if you went into Raleys you would encounter so many friends that it was going to be a 2 hour event); we lived in a lovely community. We loved this community and grew with it. With growth, change is expected; however there are fundamental elements that the community has tried to maintain , and we believe we still have this as a mission statement here in El Dorado Hills, and county: to be a friendly and conducive neighborhood looking out for the best interests of our residents and businesses.

We feel the plans are more suitable for a lot that is different from the selected property on Guadalupe Drive. To build that type of formidable structure would require a drastic change to the natural flow of land, in excess of allowable retaining walls and it would require the importation of a tremendous amount of soil, approximately 12,000 cubic feet. It also involves disturbing a large vein of outcroppings that extend far into our yard. And the plans will adversely affect existing oak trees and other vegetation. All but 4 trees have already been destroyed and pulled out on the lot. What happened to the stricter code that went into effect last year in regards to oak trees. We have one near our property line, with a canopy in line with the proposed driveway. In the most likely case, this tree will die within 4 years from suffocation of cement.

The building plans call for a driveway that would be quite obtrusive to us. It would extend 4 feet above our fence and it would run most of the length of our yard. This driveway is planned just two feet from our property line, and we would be left to look at a huge retaining wall that is not natural to our area. On top of that retaining wall would be fencing and a 30 foot structure that would be just 15 feet from our property line. Although this would provide the Beland's with their dream home, it would significantly degrade our dream property. Notwithstanding the damage it will cause to our oak trees, views obstruction of air and erosion . Finally, in regards to the 1300 truckloads of dirt that are intending to be dumped on the lot; there is probable agreement among engineers we met that there will be significant damage to our road as well as possible damage to Francisco Drive. Who is going to pay for this damage?

We urge you to rethink the type of grading on this lot and home that is permitted on this property. It is a beautifully sloped hillside property with gorgeous outcroppings and fabulous

views. The property is in a rural-feel area within a neighborhood of 1 acre up to 3 acre lots and most homeowners in our area keep the topography of the land in mind when laying out the structures that sit on them. Should a home be built according to the Beland's plans, it would not flow with the lot, and it would greatly affect us, the future neighbors. The definition of a neighborhood is:

*"A neighborhood is a geographically localized community within a larger city, town, suburb or rural area. Neighborhoods are often social communities with considerable face-to-face interaction among members. Being a respectful neighbor is the quest of a good neighborhood. In order to follow the guidelines counties and communities have determined regulations that aide in this future goal."*

These are referred to as codes. All we ask, is that the county and the Belands are held to the county codes that have been determined to accomplish this aspect of being a neighborhood.

Thank you,  
Penny Brecek  
81 Guadalupe Drive  
El Dorado Hills, CA 95762



# LATE DISTRIBUTION

DATE 4/24/18 #43

EDC COB <edc.cob@edcgov.us>

---

## 04-24-2018 Board Hearing - Item No. 43

---

David Temblador <dtemplador@hthjlaw.com>

Tue, Apr 24, 2018 at 12:45 PM

To: "edc.cob@edcgov.us" <edc.cob@edcgov.us>, "bosone@edcgov.us" <bosone@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>, "bosthree@edcgov.us" <bosthree@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>

Cc: "Michael.Ciccozzi@edcgov.us" <Michael.Ciccozzi@edcgov.us>, Roger Trout <roger.trout@edcgov.us>, "rbreck@aol.com" <rbreck@aol.com>

Please find the attached letter with respect to the above item for this afternoon's hearing.

Regards,

David Temblador

### Please Note Our New Address

**DAVID P. TEMBLADOR, ESQ.**

HARRISON TEMBLADOR HUNGERFORD & JOHNSON

MINING LAND USE NATURAL RESOURCES

2801 T Street

SACRAMENTO, CA 95816

OFFICE: 916.706.2639 • CELL: 916.396.2100 • FAX: 916.382.4380

DTEMPLADOR@HTHJLAW.COM • WWW.HTHJLAW.COM

---

CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify us by reply e-mail, by forwarding this e-mail back to the sender or by telephone at 916.706.2639 and destroy the original transmission and its attachments without reading or saving in any manner. As required by U.S. Treasury Regulations, we advise you that any tax advice contained in this communication (including any attachments) is not intended to be used, and cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code.



04-24-2018 Letter to Board re. Appeal (00393009xC24FB).pdf

248K

April 24, 2018

**VIA ELECTRONIC MAIL AND HAND DELIVERY**

Honorable Michael Ranalli, Chair  
El Dorado County Board of Supervisors  
330 Fairlane, Building A  
Placerville, CA 95667

***Re: Agenda Item No. 43 - Appeal of Beland Grading Permit #263768  
Response to Master Report – File ID #18-0586***

Honorable Mr. Ranalli and Members of the Board:

Please be advised that this office represents Roland and Penny Brecek with respect to the above referenced appeal. We write to address the Master Report prepared by County Staff.

Specifically, we write to address staff's interpretation of Zoning Ordinance Section 130.30.050.C. and staff's request that the Board find that Grading Permit #263768 is exempt from review under the California Environmental Quality Act ("CEQA").

**DISCUSSION**

**Zoning Ordinance Section 130.30.050.C. – Retaining Walls**

County Planning Staff asserts that the requirements of Section 130.30.050.C. are exclusively limited to circumstances wherein a project proponent proposes the use of "cut" retaining walls in conjunction with their project proposal.

This jaundiced interpretation is inconsistent with the plain reading of the Ordinance, which clearly applies broadly to multiple wall types. It is also contrary to the stated purpose of the Ordinance, which is to ensure that walls over seven (7) feet "will not impact [an adjacent neighbors'] view nor will it restrict light or movement of air[.]"

Cut retaining walls, which remove material from a site, would never have the potential to restrict light or the movement of air. Therefore, for the Ordinance to have any meaning, it must reasonably be interpreted to apply to both cut retaining walls and fill retaining walls, as are proposed in the present case.

This broad interpretation is further reinforced by the County's own historic practices, which have applied Section 130.30.050.C. to fill retaining walls. Indeed, in the present case, the applicants, their licensed architect, and County Staff all interpreted the Ordinance to apply to the

The only viable haul route to the project site is on Francisco Drive, which is a narrow neighborhood collector street that is not designed to accommodate this quantity of heavy construction traffic from both an operational and design perspective. More significantly, however, this haul route is immediately adjacent to Marina Middle School in introduces potentially significant air quality to school children and other potentially sensitive receptors.

These impacts are further exacerbated by the project's location within an isolated, private subdivision. The southern reach of Guadalupe Drive is a narrow, private road. Engineering analysis of the road, including boring samples, clearly demonstrate that Guadalupe Drive is structural insufficient to support the total number of truck trips. As a result, the road will suffer structural failures.

Furthermore, given that Guadalupe Drive is the single point of ingress and egress, such a failure has the potential to create life safety issues and prevent first responders from accessing the neighborhood in an emergency.

Therefore, as the foregoing makes clear, the County has failed to comply with the its legal obligations under CEQA. The proposed Class 3 exemption is not supported by substantial evidence in the record and, as demonstrated above, there is a reasonable possibility that the project will significant effects in the environment due to unusual circumstances, which would create an exception from the asserted Class 3 exemption.

### CONCLUSION

For the forgoing reasons, we respectfully request that the Board reject the proposed CEQA finding outlined in the Master Report, approve the appeal, and deny Grading Permit #263768.

Best Regards,  
HARRISON, TEMBLADOR,  
HUNGERFORD & JOHNSON LLP

By: 

David P. Temblador, Esq.

DPT/kc

cc: Roger Trout, County of El Dorado  
Michael J. Ciccozzi, Esq., County of El Dorado  
Clerk of the Board, County of El Dorado  
Roland and Penny Brecek





# LATE DISTRIBUTION

DATE 4/24/18 #43

EDC COB <edc.cob@ed

## Beland grading permit #263768 - hearing on 4/24

Preethi Boone <preethiprasad@gmail.com>

Mon, Apr 23, 2018 a

To: edc.cob@edcgov.us

Cc: Erik Boone <erik.e.boone@gmail.com>, Denae Beland <belandda@tjisl.edu>

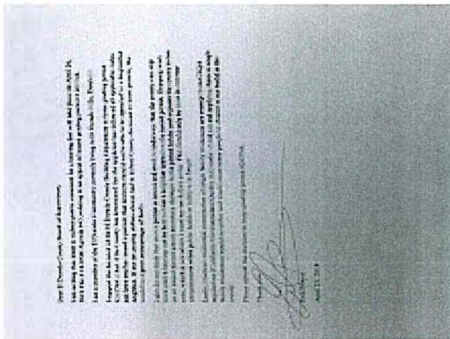
To Whom It Concerns,

Please find attached a letter in support of the issued grading permit #263768.

I am sending this email on behalf of my husband, Erik Boone, who is traveling for work and having difficulty with email acc has sent a signed letter (see attached).

Best

Preethi & Erik Boone



Letter for Beland Property.jpg  
60K

Dear El Dorado County Board of Supervisors,

I am writing this letter to submit public comment for a hearing that will take place on April 24, 2018 File # 18-0586 Agenda #43, relating to an appeal of issued grading permit # 263768.

I am a member of the El Dorado Community currently living in El Dorado Hills, District 1.

I support the decision of the El Dorado County Building Department to issue grading permit #263768. I feel if the County has determined that the applicant has followed all applicable codes and laws and has issued a permit, that decision should not be appealed by a disgruntled neighbor. If our tax paying dollars always had to defund County decisions to issue permits, this would be a gross misappropriation of funds.

I also do not think that once a permit is issued and work is underway, that the county can stop work until a hearing can be held to hear a neighbor appeal on the issued permit. Stopping work on an issued permit causes monetary damages to the permit holder and exposes the county to law suits, which is not what we're trying to do. This should only be done in extreme circumstances where public health or safety is in danger.

Lastly, I believe residential construction of single family residences are exempt from CEQA regulations (California Environmental Quality Act) under 15303 (a) and applying them to single family residences would be unfair and would cause many people to choose to not build in this county.

Please contact this resident to discuss grading permit #263768.

H. Witt BOS 4/24/2018 #43  
Public comment

**I was amazed and shocked that the Planning Department approved the Permit Application for the project for the following reasons:**

**According to the FINAL Revised Grading Design Manual 2-5-07, Page 7 of 39 Section B: DESIGN AND CONSTRUCTION STANDARDS 1.**

**Mass pad grading: Due to the severe terrain encountered in the county, grading may be required to create adequately-drained, near-level building sites and to provide for adequate access to these sites.**

**THE VOLUME OF GRADING SHALL BE LIMITED TO THAT NECESSARY TO ACCOMPLISH THE PROPOSED DEVELOPMENT. IT IS THE INTENT OF THIS SECTION, CONSISTENT WITH THE EL DORADO COUNTY GENERAL PLAN, THAT ALL GRADING SHALL REFLECT, TO THE GREATER EXTENT POSSIBLE, THE NATURAL GRADIENT AND CONTOURS OF THE SITE. GRADING SHALL BE DESIGNED TO MINIMIZE THE CREATION OF EXTENSIVE, ARTIFICIAL BANKS OR TERRACES WHICH MAY BE VISIBLE FROM PUBLIC STREETS OR OTHER PUBLIC VIEWS.**

**(FOLSOM LAKE).** Grading shall conform to the design standards provided in this Volume unless demonstrated through adequate analysis and report to the satisfaction of the Director that an Alternate design can provide a stable slope that avoids severe erosion and other hazards.

**There is no question the proposed project violates the intent of the EDC General Plan!!! The project needs to be downsized!!!**

**The lot had a full canopy of Oak trees. EDC approved 24 of them for removal and saved three. Two of the remaining three will die because of the proposed design – one a protected 37.9 inch diameter (119 inch circumference) measured 4.5 feet above ground level Heritage Oak. The permit application lists it as 36 inches – the minimum to be protected. An 11 inch diameter limb was already illegally removed from the tree. The proposed design shows a 6.4 foot retaining wall located 7 feet from the trunk and a concrete driveway behind it. No arborist would ever allow that!!! You are never supposed to construct**

**anything under the drip line of an oak tree. Ground level of the Heritage Oak is 600.35 feet. The finished pad of the upper garage is at 592.92 feet or 7.83 feet lower. The finished pad of the lower garage is at 581.61 feet or 18.74 feet lower. The Heritage Oak has little chance to survive.**

**The second Oak tree is on the opposite property line and is an 18” Oak at an elevation of 584.17 feet. There is a proposed retaining wall of seven feet to two feet located two feet from the trunk of the Oak. The Oak tree leans heavily to the subject property with approximately 75 percent of the drip line (17.6 feet) over the subject property. In addition the concrete driveway is 3 feet from the Oak trunk. The driveway entrance is at 596.73 feet and the driveway at the Oak tree is at 589 feet resulting with 4.83 feet of dirt and concrete within the drip line. Again this Oak tree has little chance to survive.**

## Section B: DESIGN AND CONSTRUCTION STANDARDS

1. **Mass pad grading:** Due to the severe terrain encountered in the county, grading may be required to create adequately-drained, near-level building sites and to provide for adequate access to these sites. The volume of grading shall be limited to that necessary to accomplish the proposed development. It is the intent of this section, consistent with the El Dorado County General Plan, that all grading shall reflect, to the greatest extent possible, the natural gradient and contours of the site. Grading shall be designed to minimize the creation of extensive, artificial banks or terraces which may be visible from public streets or other public views. Grading shall conform to the design standards provided in this Volume unless demonstrated through adequate analysis and report to the satisfaction of the Director that an alternate design can provide a stable slope that avoids severe erosion and other hazards.
2. **Excavation – cut slope standards:** Cut slopes shall be constructed in a manner that does not create unstable conditions or induce severe erosion. Unless recommended otherwise in a Geologic Report or Geotechnical Report accepted by the Director, the following minimum design standards are required by the County to assure the stability of permitted cuts:
  - A. **Slope steepness:** No excavation shall be made with a cut face steeper in slope than two horizontal to one vertical (2:1), exclusive of required terraces and roundings described herein. (*The face of cut slopes between terraces shall be no steeper than two horizontal to one vertical.*) The Director may permit a cut with a steeper slope if the applicant demonstrates through engineering, geotechnical engineering and engineering geology reports that the underlying earth material is capable of standing on a steeper slope. Alternately, the Director may limit a cut slope to a steepness less than a 2:1 gradient due to the presence of earth materials that would potentially be unstable at such a slope angle.
  - B. **Unsupported foliation or bedding planes:** No slope shall be cut at an angle steeper than the bedding/foliation planes or orientation of the principal joint sets in any formation where such planes or joints dip toward the proposed cut face. A cut slope with this underlying condition (i.e. downslope-dipping bedding planes or joint sets) may be permitted by the Director if the applicant demonstrates through engineering, geotechnical engineering and engineering geology reports that the slope would be stable at a steeper angle.
  - C. **Terrace requirements:** For cut slopes up to 60 feet in height, terraces at least 8 feet (2.4 meters) in width shall be established at not more than 30-foot (9.1 meters) vertical intervals on all cut slopes to control surface drainage and debris except that where only one terrace is required, it shall be at midheight. For cut slopes greater than 60 feet (18 meters) and up to 120 feet (37 meters) in vertical height, one additional terrace at approximately midheight shall be 12 feet (3.6 meters) in width. Terraces shall slope a minimum of 5 percent gradient toward the hillside and be accessible for maintenance. Terrace widths and spacing for cut slopes greater than 120 feet (36 meters) in height shall be designed by the