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Title: HEARING - To consider a request by Roland and Penny Brecek appealing the Planning and Building Department Director's February 22, 2018, approval of Grading Permit number 263768 on property identified by Assessor's Parcel Number 110-460-61, consisting of 1 acre, in the El Dorado Hills area; and staff recommending the Board take the following actions:
1) Find Grading Permit number 263768 is exempt pursuant to California Environmental Quality Act Guidelines Section 150303(a) 15303(a) (Categorical Exemption- New Construction or Conversion of Small Structures-Single Family Residence); and
2) Deny the appeal, thereby upholding the approval of Grading Permit number 263768 by the Planning and Building Department Director on February 22, 2018. (Supervisory District 1) (Est. Time: 1 Hr.)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Appeal Form, 2. B - Approved Grading Plans, 3. C - Proof of Publication-Mountain Democrat, 4. Public Comment Rcvd 4-24-18 BOS 4-24-18, 5. Public Comment Rcvd 4-23-18 BOS 4-24-18, 6. Appellant Handouts, 7. Applicant Handouts, 8. RECEIPT-Notice of Exemption

Date	Ver.	Action By	Action	Result
4/24/2018	1	Board of Supervisors	Approved	Pass

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DISCUSSION / BACKGROUND

To consider a request by Roland and Penny Brecek appealing the Planning and Building Department Director's February 22, 2018, approval of Grading Permit number 263768 on property identified by Assessor's Parcel Number 110-460-61, consisting of 1 acre, located on the west side of Guadalupe Drive, approximately 0.5 mile west of the intersection with Francisco Drive, in the El Dorado Hills area, Supervisory District 1. (County Planner: Aaron Mount) The permit consists of grading, fill retaining walls, driveways, and site preparation for construction of a single family residence.

APPEAL

Pursuant to County Zoning Ordinance Section 130.52.090, the appellants, Roland and Penny Brecek, filed an appeal within 10 working days of the issuance of the Grading Permit. Grading

Ordinance Section 110.14.270 directs that the Board of Supervisors is the appeal authority.

The appeal (Attachment A) claims that the permit would be inconsistent with Zoning Ordinance Section 130.30.050 (Fence, Walls, and Retaining Walls) and the California Environmental Quality Act (CEQA). The appeal items are listed below with County staff responses immediately following in italics.

Appeal Item 1. “First, we object to the County’s determination that Grading Permit #263768 is in compliance with County Code sections 130.30.050.C.1 and 130.30.050.C.2 related to the construction of retaining walls within side and rear yards of the proposed project.”

County Staff Response: The approved grading permit does not propose any cut retaining walls. Therefore, County Code Sections 130.30.050.C.1 and 130.30.050.C.2 would not be applicable to this permit.

Zoning Ordinance Section 130.30.050.C states the following: “In all zones, fences, walls, cut retaining walls, or fences and walls that are erected within five feet of a retaining wall shall be allowed within required side and rear yard setbacks to a maximum cumulative height of seven feet.”

Ordinance Section 130.30.050.C makes no mention of fill retaining walls; therefore, the absence of fill retaining walls excludes them from a cumulative maximum height of seven feet when located within side and rear yard setbacks.

Appeal Item 2. “Second, we object to the County’s determination that Grading Permit #263768 is in compliance with County Code section 130.30.050.E and Figure 130.30.50.C. related to the calculation of retaining wall heights within the side and rear yards of the proposed project.”

County Staff Response: The appeal misunderstands the Zoning Ordinance. The slope dimensioning is only applicable if there is a combination of retaining wall and fence. There is no fencing associated with this grading permit.

Zoning Ordinance Section 130.30.050.E states the following: “Retaining Walls. For the purposes of calculating fence or wall height, the height of a retaining wall is included in the calculation if the fence or wall is located on top of or within five feet of the retaining wall. A sloped area, if it exists between the retaining wall and the fence or wall shall be included in the height calculations as noted in Figure 130.30.050.C.”

The approved Grading Permit number 263768 does not include any guardrails or fences at the top of the fill retaining walls consistent with 2016 California Residential Code Section R312.1. Additionally, the fill retaining walls are designed with a separation greater than five feet between each fill retaining wall. Grading Permit number 263768 was found to be consistent with Zoning Ordinance Section 130.30.050.E and Figure 130.30.50.C.2.

Appeal Item 3. “Third, we object to the County’s compliance with the California Environmental Quality Act and the Air Quality, Transportation, and Geotechnical impacts related to Grading Permit #263768’s proposed importation of approximately 12,000 cubic yards of fill material in approximately the approximately 1,300 total truck trips on public and private roads to the project site.”

County Staff Response: This is a grading permit associated with a single family residence and the

County concludes it is exempt from the requirements of CEQA under Section 150303(a) (Categorical Exemption- New Construction or Conversion of Small Structures-Single Family Residence). The issued Grading Permit number 263768 is to allow site preparation for the construction of a single family residence. There is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The parcel does not contain any watercourses, nor gabbro soils, and development of the site is set back approximately 300 feet from Folsom Lake.

CONCLUSION

It is the Planning and Building Department Director's recommendation that the appeal should be denied and the approval upheld because the permit is consistent with the Zoning Ordinance, Grading Ordinance, and CEQA as determined by the Planning and Building Department.

ALTERNATIVES

The Board may elect to approve the appeal and reverse the action by the Planning and Building Department Director, resulting in the denial of Grading Permit number 263768.

CONTACT

Roger Trout, Director

Community Development Services, Planning and Building Department