



County of El Dorado

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Legislation Details (With Text)

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On agenda: 11/15/2010 **Final action:** 11/15/2010

Title: HEARING - Consider a request submitted by Aimee Lowry, Judd Lowry, and Aaron Reeves/45 Guadalupe LLC appealing the denial of Parcel Map P07-0014/45 Guadalupe by the Zoning Administrator on October 20, 2010 on property identified by Assessor's Parcel Number 110-460-63, consisting of 2.0 acres, in the El Dorado Hills area; and Planning Services recommending the Board take the following action:

- 1) Adopt the Negative Declaration based on the Initial Study prepared by staff; and
- 2) Deny the appeal, thereby upholding the denial of Parcel Map P07-0014 by the Zoning Administrator on October 20, 2010 based on the Findings for Denial listed in Attachment 1. (Supervisory District I) (Est. Time: 1 Hr.)

However, should the Board wish to approve the appeal, thereby approving Parcel Map P07-0014, Conditions of Approval are provided, in addition to Findings of Approval for the requested Design Waiver.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Appeal Form.pdf, 2. B - Attachment 1-Findings for Denial.pdf, 3. C - Staff Report.pdf, 4. D - Conditions & Design Waiver Findings.pdf, 5. E - Board Hearing Letter 10-1170.pdf, 6. F - Attachments 1 & 2 adopted by BOS 11/15/10

Date	Ver.	Action By	Action	Result
11/15/2010	1	Board of Supervisors	Adopted As Amended	Pass

HEARING - Consider a request submitted by Aimee Lowry, Judd Lowry, and Aaron Reeves/45 Guadalupe LLC appealing the denial of Parcel Map P07-0014/45 Guadalupe by the Zoning Administrator on October 20, 2010 on property identified by Assessor's Parcel Number 110-460-63, consisting of 2.0 acres, in the El Dorado Hills area; and Planning Services recommending the Board take the following action:

- 1) Adopt the Negative Declaration based on the Initial Study prepared by staff; and
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However, should the Board wish to approve the appeal, thereby approving Parcel Map P07-0014, Conditions of Approval are provided, in addition to Findings of Approval for the requested Design Waiver.

Background: Hearing to consider a request submitted by Aimee Lowry, Judd Lowry, and Aaron Reeves/45 Guadalupe LLC appealing the denial of Parcel Map P07-0014/45 Guadalupe by the Zoning Administrator on October 20, 2010. The Parcel Map would create two parcels, each one acre in size, and a Design Waiver to maintain the existing roadway along the project frontage, reducing the required width from 28 feet to a pavement width of 18 feet. Public water and sewer would be

provided by the El Dorado Irrigation District. Primary site access would be provided via Guadalupe Drive. The property, identified by Assessor's Parcel Number 110-460-63, consisting of 2.0 acres, is located on the west side of Guadalupe Drive, approximately 2,000 feet west of the intersection with Francisco Drive, in the El Dorado Hills area, Supervisorial District I. [Project Planner: Gina Paolini] (Negative declaration prepared)

The Zoning Administrator denied the Parcel Map with the Finding that the project did not comply with Policy 7.1.2.1, concerning development within slopes exceeding 30 percent. Review of the slope map demonstrates that to subdivide the land and comply with Policy 7.1.2.1 would require significant disturbance of slopes exceeding 30 percent to provide access to building pads to the lower part of the property. This is not the action that the applicant is requesting. The applicant is requesting to develop building pads at the top of the hill. Based on the analysis within the Zoning Administrator Staff Report (Attachment C, page 4), it is recommended that the project site remain as a single parcel, as the site has limited area for development. (Hard copies of the Staff Report exhibits are provided in black and white, however, some exhibits are available "in color" electronically on the Board's agenda website.)

SPECIFIC REASONS FOR APPEAL:

1. The applicant states the project meets the Goal 7.1 (protect soil resources) and Objective 7.1.2 (minimize soil erosion and sedimentation) of the Conservation and Open Space Element of the General Plan that embodies Policy 7.1.2.1 by building at the street level and utilizing structural walls to minimize grading and erosion on 30% slopes and greater.

RESPONSE: As discussed in the attached Staff Report, Planning Services has determined that General Plan Policy 7.1.2.1 has not been met with this project. The policy states that 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:

- a. Reasonable use of the property would otherwise be denied.
- b. 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.
- c. Replacement or repair of existing structures would occur in substantially the same footprint.
- d. 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.

In accordance with this policy, new parcels proposed to be created through the land division process must each have sufficient land area with slopes under 30 percent to accommodate anticipated development.

The project development envelopes are entirely within areas of 30 percent slope or greater, and have not been limited to access.

2. The applicant is requesting a Condition of Approval which shall state, *The applicant shall employ structural wall construction for single family residences and other modern construction practices to minimize grading and erosion of the hillside to meet General Plan Objective 7.1.2.*

RESPONSE: If the Board of Supervisors wishes to approve the Parcel Map, the suggested condition could be implemented.

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