



Public Review DRAFT (6-15-06)

INTERIM INTERPRETIVE GUIDELINES for EL DORADO COUNTY GENERAL PLAN POLICY NO. 7.1.2.1

BACKGROUND:

The adopted 2004 El Dorado County General Plan, Conservation and Open Space Element, provides for the conservation and protection of soils, minerals, water, wildlife and fisheries, vegetation, cultural resources, and open space. Policies adopted in this element serve to guide the design of new development to meet these objectives. Policy 7.1.2.1, reproduced below, is a key standard that generally prohibits development or disturbance on slopes of 30 percent or greater gradient.

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.
- 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.

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. Building sites proposed to be modified through the Boundary Line Adjustment process must also have sufficient land area with slopes under 30 percent to accommodate anticipated development.

In the circumstance where an existing and legally-created parcel is comprised of slopes of 30 percent or greater gradient, the above policy provides that 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.” In order to implement Policy 7.1.2.1, it is necessary to define what constitutes “reasonable use” to facilitate the permit review process.

DISCUSSION:

Definitions. For the purpose of these Guidelines, certain terms are defined as follows:

"Slope" is defined in the El Dorado County General Plan as the “land gradient described as the vertical rise divided by the horizontal run and expressed in percent.” As shown in the table below, the magnitude of slope can also be expressed in degrees of angle.

Percent of Slope	Degree of Slope
100%	45 degrees
50%	26.6 degrees
45%	24.2 degrees
40%	21.8 degrees
35%	19.3 degrees
30%	16.7 degrees
25%	14 degrees
20%	11.3 degrees
15%	8.5 degrees
10%	5.7 degrees
5%	2.9 degrees

Slope can be calculated in accordance with the following formula:

$$S = \frac{0.00229 IL}{A}$$

Where:

- S = Average ground slope in percent
- I = Contour interval in feet
- L = Combined length of the contour lines in feet
- A = The gross area in acres of the parcel or lot

“Accessory use” means “a use incidental and accessory to the principal use of a lot or a building located on the same lot.” Examples of an accessory use include, but are not limited to, swimming pools, decks, tennis courts and grading for yard areas unrelated to the construction of a primary structure or principal access road.

“Accessory Building” means “a subordinate building, the use of which is incidental to that of the main building on the same lot.” Examples of an accessory building include, but are not limited to, guesthouses, second residential units, barns, garages, cabanas and storage sheds.

“Septic system” means an on-site sewage disposal system including any combination of septic tanks and leaching systems or areas, subject to the requirements of the El Dorado County Environmental Management Department.

REASONABLE USE GUIDELINES FOR RESIDENTIAL PROPERTY:

Development Allowable with Staff Approval: Development on existing, legally-created parcels, comprised of slopes that have a gradient of 30 percent or greater can be approved consistent with Policy 7.1.2.1 if ground disturbance related to development of the primary structure and any accessory structures and uses as defined above meets the following criteria:

- A. The disturbance area (excluding areas for septic systems, domestic water wells and driveways) is limited to ten thousand (10,000) square feet or thirty percent of the gross parcel area, whichever is smaller.
Refer to Appendix A for additional options to be considered by the Planning Commission.
- B. Grading is minimized through the incorporation of some or all of the following measures into the project design:
 1. Stepped foundations are used rather than graded pads.
 2. Depth of excavation and/or fill outside of the building footprint is limited to no more than five feet measured vertically from the natural ground surface, except for grading necessary to install retaining walls designed to reduce the total area of disturbance on slopes of 30 percent or greater gradient.
 3. The location of the proposed disturbance area is designed to minimize the length of necessary driveways on steep slopes taking into consideration all other applicable regulations (e.g. driveway slope, fire safe regulations, zoning setbacks, etc.).

4. Structures and the configuration of the area of disturbance are designed to parallel the natural topographic contours to the greatest extent feasible.
 5. Patio decks are included in the design of dwellings to minimize the need for graded yard areas.
- C. The project is in substantial conformance with the “General Requirements” included below in these guidelines.
- D. The project is designed to minimize inconsistency maximize consistency with all applicable policies of the El Dorado County General Plan. *It is recognized that more than one policy may have to be considered in the determination of reasonable use of a particular parcel. More than one development limitation may be applicable to a particular parcel.*

Development Requiring Planning Commission Review:

Proposed projects that involve ground disturbance that would exceed the limit approvable by staff can be referred to the Planning Commission for a determination of reasonable use at a public hearing. Any determination by the Planning Commission is appealable to the Board of Supervisors by any interested party.

REASONABLE USE GUIDELINES FOR NON-RESIDENTIAL PROPERTY:

Guidelines:

Non-residential properties can have a wide variety of sizes, configurations, uses, locations and topography. Many factors must be considered in making a determination of what constitutes “reasonable use” of a non-residential property comprised of slopes with a gradient of 30% or greater. These factors involve the physical characteristics of the project site, the design of the proposed project, the policy objectives of the El Dorado County General Plan and reasonable expectations for economic use of the property as defined by law. The policy objectives and the factors that would be the focus of plan review for these non-residential properties are outlined below:

General Plan Objectives:

1. Provide for the retention of distinct topographical features and conservation of the native vegetation of the county. (Objective 2.3.1)
2. Maintain the Visual Integrity of hillsides and ridgelines. (Objective 2.3.2)
3. Minimize soil erosion and sedimentation (Objective 7.1.2)

4. Assist industries to remain, expand, or to locate in El Dorado County (Policy 10.1.5.1)

Factors to be evaluated in Plan Review:

1. Steepness of the ground surface (i.e. 30%, 40%, 50%, etc.);
2. Use of design techniques that respect natural contours. (i.e. minimization of grading).
3. Conformance with County Grading Ordinance standards, including best management practices for erosion and sedimentation control.
4. The maintenance of natural drainage patterns with implementation of the project.
5. The underlying geologic stability of the site.
6. The character of existing commercial uses located adjacent or nearby the project site.
7. The extent to which slopes proposed to be disturbed with a gradient of 30% or greater are located in small, isolated, non-contiguous areas and disturbance of such areas is determined necessary to accommodate reasonable development on the site
8. Substantial conformance with the "General Requirements" included below in these guidelines.

Reasonable use determination procedures:

Provided below are procedures under which reasonable use determinations will be made for discretionary and ministerial non-residential projects.

Discretionary Non-Residential Projects:

The determination of reasonable use would be made as part of the discretionary review of the proposed project. The factors listed above and consistency with applicable General Plan policies and ordinance requirements will be analyzed in the staff report presented to the decision-maker (Development Services Director, Zoning Administrator, Planning Commission or Board of Supervisors) for a site-specific determination of reasonable use.

Ministerial Non-Residential Projects:

Reasonable use determinations for ministerial non-residential projects will be made by the Deputy Director/Building Official based upon the above guidelines. An applicant or other person aggrieved by the decision of the Deputy Director may request review of that decision by the Director of Development Services. The decision of the Director to

uphold or modify the reasonable use determination made by the Deputy Director/Building Official may be appealed to the Planning Commission. Any determination made by the Planning Commission may be appealed to the Board of Supervisors.

GENERAL REQUIREMENTS FOR ALL PROJECTS ON SLOPES OF 30% OR GREATER:

Previous approvals:

Any previous determinations or approvals by the decision-makers of El Dorado County (i.e. the Zoning Administrator, Planning Commission, or Board of Supervisors) that have defined the specific extent of allowable development within the subject parcel shall be recognized as a "reasonable use." These would include approvals of variances, subdivision maps, parcel maps, planned developments or other actions in which a building or development envelope has been delineated or specific criteria adopted as part of the discretionary approval that define the portion of a parcel available for development.

Existing artificial slopes created under the authority of a permit issued by El Dorado County are not subject to the slope gradient restrictions of Policy 7.1.2.1.

Projects located in the Tahoe Basin:

These guidelines do not apply to projects located within the Lake Tahoe Basin. Such projects are subject to the policies and regulations of the Tahoe Regional Planning Agency.

Compliance with the General Plan:

In addition to compliance with these guidelines for Policy 7.1.2.1, the proposed development shall be in conformance with all other applicable policies of the County General Plan and any applicable Specific Plans and/or Development Agreements.

Compliance with the Zoning Ordinance and Grading Ordinance and Building Codes:

The proposed development shall be in compliance with all applicable requirements of the County Zoning Ordinance and Grading Ordinance and Building Codes.

Specific Design Requirements:

- A. The development should preserve to the extent feasible natural physical features of the site, including rock outcroppings and other prominent geological features, streams, streambeds and ponds, native vegetation, native riparian vegetation, animal habitats and other natural features;
- B. The development should be located and designed to complement the natural terrain of the site and surrounding properties;
- C. Grading should be minimized to reduce cut and fill, prevent short and long-term erosion, avoid landslides and potential for flooding.
- D. No grading/disturbance will be allowed outside of any designated development area except the minimum determined necessary by the County for access, water well installation, septic system development, or agricultural/horticultural operations on properties designated for agricultural use in the General Plan. The area designated for development must be delineated on the project plans prior to building or grading permit issuance.
- E. No accessory structures or uses involving ground disturbance will be allowed outside of the area designated for development except for such accessory structures and uses necessary for agricultural/horticultural operations on properties designated for agricultural use by the General Plan.
- F. Development that would protrude above a ridgeline, hilltop or knoll will not be approved unless no other reasonable alternative location on the project site is available.

GUIDELINES FOR THE PLACEMENT OF SEPTIC SYSTEMS:

General Plan Policy 7.1.2.1 states that ***“septic systems may only be located on slopes under 30 percent.”*** Where public or private sewer service is unavailable, such systems are integral to the development of a primary structure on residential property. Thus, the placement of the effluent disposal field on slopes of 30% or greater can be considered as part of the reasonable use determination required for the development of parcels with slopes greater than 30 percent gradient.

Chapter 15.32 of the El Dorado County Code (Private Septic Systems) and Resolution #259-99 (Design Standards for the Site Evaluation and Design of

Sewage Disposal Systems) generally require system placement on slopes of less than 30 percent. These regulations, however, allow for the placement of specially-designed septic systems on slopes steeper than 30 percent if that is the only feasible option. Listed below are examples of potential physical conditions on a proposed development site that could preclude the placement of a septic system in areas of the lowest slope gradient.

- Shallow groundwater: The required minimum 5-foot separation from the bottom of the disposal field to the water table may be impossible to achieve.
- Setback Areas: Areas of lower slope gradient on a site may be located in the required setback zone adjacent to water bodies or water supply wells.
- Low percolation rate: The areas of lowest slope may have inadequate percolation rates for a septic effluent disposal field.
- Soil Depth: The areas of lowest slope may have inadequate soil depth above bedrock for the installation of a septic effluent disposal field.

Based on the above considerations, the following guideline will apply to proposed developments on slopes exceeding 30 percent:

The septic effluent disposal field shall be placed on the portions of the property having the lowest slope gradient unless physical conditions on the site, as documented by the applicant, render such placement infeasible or in conflict with other regulations as determined by the Environmental Management Department. The location of septic system components shall not be limited to the area approved for development pursuant to these guidelines.

INFORMATIONAL REQUIREMENTS FOR ALL PROJECTS REQUIRING REASONABLE USE DETERMINATIONS:

A topographic map of the proposed disturbance area and vicinity must be provided. Within 50 feet of the proposed disturbance area and along any proposed roadways, a two-foot (2') contour interval is required. A five-foot (5') contour interval is required in areas more than 50 feet from proposed disturbance areas. The map shall be of scale sufficient to clearly delineate areas of slopes greater than 30 percent. (*Commonly used scales are 1 inch = ten, twenty or forty feet.*) A topographic map encompassing the entire parcel may be required for a "reasonable use" determination. Requests for extended topographic maps may occur after the initial planning review of submitted plans.

Calculation of "Slope Gradient". Slope gradient shall be measured by one of the following methods:

Single profile: In this method, the slope gradient along a profile line drawn perpendicular to the contour lines at the midpoint of the proposed disturbance area. The profile line shall extend to the limits of the area that would involve the disturbance of existing slopes with a gradient of 30 percent or more.

Average slope measurement: For properties with undulating topography, a detailed planimeter measurement of the average slope over the proposed disturbance area can be applied if there is a potential result that differs from the single profile method.

Inclusion of slopes with gradients under 30 percent:

Areas of less than 30 percent slope proposed to be disturbed as part of site development may be added to the allowable development area provided that all other applicable regulations are satisfied.

Designation of Existing, Legally Created 30%+ Slopes:

Artificial slopes of 30 percent or greater gradient should be designated on project plans if located within the proposed area of disturbance. Documentation of the permit status of such slopes should also be provided.

Designation of Development Areas

The area designated for development in compliance with these guidelines must be delineated on the project plans prior to building or grading permit issuance.

ADMINISTRATION:

The above guidelines are interim standards utilized by the Development Services Department of El Dorado County to provide for consistent review of projects for conformance with Policy 7.1.2.1 of the General Plan pending adoption of permanent regulations.

Appendix A

Reasonable Use Guidelines Options for Threshold of Staff Authority

At the June 8, 2006 hearing, the Planning Commission directed staff to prepare additional options for the threshold of staff authority in the implementation of General Plan Policy 7.1.2.1 to be considered at the continued hearing on June 22, 2006. The Commission directed that the new options include increased development area within staff authority with increased parcel size.

Provided in the table below are five options for consideration by the Commission. Option 1 is the original proposal presented to the Commission at the June 8, 2006 hearing. Options 2, 3, 4, and 5 include increasing development area within staff authority up to a parcel size of 4 acres. An increase in staff authority above the level specified for 4-acre parcels is not included in these options. A graph illustrating these options is provided on the following page.

Option #	Threshold of Staff Authority		
	Parcel size less than 1 acre	Parcel size of 1 acre to 4 acres	Parcel size greater than 4 acres
1	Lesser of 10,000 sf or 30% of parcel area.	10,000 sf	10,000 sf
2	30% of parcel area	13,068 to 15,000 sf	15,000 sf
3	30% of parcel area	13,068 to 20,000 sf	20,000 sf
4	30% of parcel area	13,068 to 25,000 sf	25,000 sf
5	30% of parcel area	13,068 to 30,000 sf	30,000 sf

Options 2, 3, 4, and 5 represent a series of examples of staff authority thresholds that could be established by the Commission. The three parameters used to prepare these options are:

- A. Percentage of parcel area (for smaller lots)**
- B. Parcel size limit for use of the percentage threshold.**
- C. Square footage threshold for parcels larger than 4 acres.**

The Commission could choose one of the options presented herein by staff or modify the key parameters to define a different threshold of staff authority.

Policy 7.1.2.1 Interpretive Guideline Options
6-22-06

