



Promoting the wise use of land

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING COMMISSION

MEETING DATE April 28, 2016	CONTACT/PHONE James Caruso (805) 781-5702 jcaruso@co.slo.ca.us	APPLICANT Betty Thomas	FILE NO. DRC2015-00068
SUBJECT Hearing to consider a request by BETTY THOMAS for a Variance to allow for grading of a driveway on slopes greater than 30 percent and development of a primary dwelling of 2,500 sq. ft and a secondary dwelling of 1,200 sq. ft., Grading shall consist of 3,950 cubic yards of cut and 2,680 cubic yards of fill with total site disturbance of approximately 63,000 sq. ft. The site is located on the north side of Peachy Canyon Rd, approximately ½ mile west of Merry Hill Rd, west of the City of Paso Robles in the Salinas River sub-area of the North County Planning Area.			
RECOMMENDED ACTION Approve Development Plan DRC2015-00068 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.			
LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 018-019-005	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: 22.94.080B – Planning Impact Areas			
LAND USE ORDINANCE STANDARDS: 22.52.070b2a – Grading on slopes over 30% 22.62.070 – Variances			
EXISTING USES: Undeveloped			
SURROUNDING LAND USE CATEGORIES AND USES: North: Rural Residential / Residences East: Rural Residential/Residences South: Rural Residential / Residences West: Rural Residential/Residences			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Cal Fire/County Fire, City of Paso Robles	
TOPOGRAPHY: Steeply to very steeply sloping	VEGETATION: Grasses, Scattered trees
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: Cal Fire	ACCEPTANCE DATE: February 22, 2016

PROJECT DESCRIPTION

The project site consists of a rectangular shaped parcel located along a steep to moderately steep south facing slope. The proposed driveway from Peachy Canyon will provide access to two residences, a 2500 sq. ft. primary dwelling and a 1200 sq. ft. secondary dwelling. A well and two septic systems will be installed to serve the two residences. The proposed project will result in site disturbance of approximately 63,000 sq ft. (1.4 acres), 3,950 cubic yards cut and 2,680 cubic yards of fill.

The lower third of the driveway will be constructed on slopes over 30%. Land Use Ordinance Section 22.52.070b2a requires a variance for grading on slopes over 30%. The remainder of the driveway and area to be developed with the two residences are less than 30% and do not require variance consideration.

The site’s steepest slopes are located at the bottom of the hill adjacent to Peachy Canyon Rd. Grading on slopes over 30% would be required to construct any type of development on the site. The proposed driveway will cross the steep slopes at an angle (see project graphics) with fill and cut slopes to be revegetated. The driveway will be visible at an angle from Peachy Canyon Rd for approximately 4 seconds.

PLANNING AREA STANDARDS

Planning Area Standard 22.94.080B requires discretionary permit applications in this area be referred to the City of Paso Robles for review and comment. The City was sent a project referral and has responded with written comments. See Attachment 3 - Agency Letters.

LAND USE ORDINANCE COMPLIANCE

Section 22.52.060(b) – Grading – Additional permitting requirements
Grading may require a land use permit or variance where site disturbance is greater than 1 acre or slopes are greater than 30 percent. The proposed project will disturb approximately 63,000 square feet (1.4 acres) with a portion of that disturbance on slopes in excess of 30 percent. Less than one acre of site disturbance does not trigger the need for a land use permit; however, because the proposed project will disturb over one (1) acre, Table 2-3 of the Land Use Ordinance requires a grading permit and a Minor Use Permit. The portion of the proposed project (approximately 1/3 of the driveway) will also occur over slopes in excess of 30 percent which based on this, section requires a Variance. Because a Variance requires a higher level of discretion and is a more restrictive permit, a minor use permit is not required. The amount of disturbance and grading on slopes over 30 percent may be considered as a part of the Variance.

Section 22.62.070 – Variance

The proposed project is potentially inconsistent with land use policies and regulations because the project includes grading of an access driveway that will be on slopes in excess of 30 percent. However, the project includes a request for a Variance which requires specific findings to allow a property owner to grade on slopes in excess of 30 percent. The required findings as required by ordinance can be made to support the applicant's request for a Variance. Staff recommends approval for the requested Variance for the following reasons (refer to Exhibit A for the complete findings):

1. The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which it is situated.

Staff Response: The proposed project does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category. Construction of the proposed driveway will cross slopes over 30% in the bottom third of the hillside property. In order to construct residences anywhere on this hillside parcel grading will have to take place on slopes over 30%. All surrounding development is located in similar locations. Therefore, the proposed project does not constitute a grant of special privileges.

2. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, and because of the absence of these circumstances, the strict application of this Title would deprive the property of privileges enjoyed by other property in the vicinity and in the same land use category.

Staff Response: The project site consists of a steeply sloping hillside approximately halfway to the top of the rectangular parcel. The slopes over 30% are at the bottom of the hillside at Peachy Canyon Rd and stop approximately 400 feet from the road. The remainder of the driveway and the two proposed building sites are under 15% slope. The strict application of this Title would deprive the property privileges to access the proposed building sites and to construct residences anywhere on the site.

3. The variance does not authorize a use that is not otherwise authorized in the land use category.

Staff Response: Application of a Variance allows for grading on slopes greater than 30 percent in the Residential Rural land use category.

4. The granting of such application does not, under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, is not materially detrimental to the public welfare, and is not injurious to nearby property or improvements.

Staff Response: The Variance will not adversely affect health of safety of persons, is not materially detrimental to the public welfare, and is not injurious to nearby property or improvements for the following reasons:

- a. *Grading will be engineered to ensure required standards of stability.*
- b. *Grading and construction will be inspected and verified for compliance with requirements by a certified engineering geologist and soils and/or civil engineer.*

- c. *In order to address polluted runoff, a drainage plan, including Best Management Practices (BMPs), will ensure the project does not increase or redirect runoff that would worsen existing conditions.*
- d. *A registered civil engineer will verify the recommendations of the approved drainage plan, as well as the required sedimentation and erosion control plan, are implemented.*
- e. *The driveway will be constructed to requirements set by Cal Fire for fire safety purposes.*

ENVIRONMENTAL DETERMINATION:

This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.

AGENCY REVIEW:

Public Works: A drainage plan review is required at building permit. Implement drainage conditions.

Staff Response: Conditions have been included in Exhibit B – Conditions of Approval for drainage plan review.

Cal Fire: A CalFire letter is attached. Requirements include 16 foot road width, rough broom finish, galvanized steel water tanks and a maximum grade of 18%.

Staff Response: Conditions required by Cal Fire have been included in Exhibit B - Conditions of Approval.

City of Paso Robles: City requests new development to pay City road fees.

Staff Response: A condition has been included to provide proof of payment of the appropriate road fees at time of building permit.

LEGAL LOT STATUS: Parcel was created by deed when that was a legal method to create a lot.

Staff report prepared by James Caruso and reviewed by Karen Nall.

Attachments

- Attachment 1- Exhibit A – Findings
- Attachment 2 –Exhibit B – Conditions
- Attachment 3 – Agency Letters
- Attachment 4 – Graphics