

1.1 PURPOSE

1.2 EL DORADO COUNTY GENERAL PLAN

- 1.2.1 Overview and Legal Basis
- 1.2.2 General Plan

1.3 ZONING

- 1.3.1 Overview and Legal Basis
- 1.3.2 Purpose
- 1.3.3 Amendment Process

1.4 DEVELOPMENT PERMITS

1.5 GENERAL PROCESS STEPS FOR DISCRETIONARY PROJECTS

- 1.5.1 Step 1. Application Submittal, Project Review & Conditioning
- 1.5.2 Step 2. Detailed Improvement Plans Submittal and Review
- 1.5.3 Step 3. Project Construction and Inspection
- 1.5.4 Step 4. Project Completion: Final Review and Signoff

1.6 DESIGN WAIVERS

- 1.6.1 Requirements
- 1.6.2 Findings
- 1.6.3 Guidelines for Making Design Waiver Findings
- 1.6.4 Process
- 1.6.5 Non Applicability of Design Waivers
- 1.6.6 Affordable Housing and Design Waivers

1.7 QUALIFICATIONS OF PLAN PREPARERS

1.8 ADMINISTRATION

1.1 PURPOSE

This manual includes design standards for most proposed discretionary development, including Planned Developments, Use Permits, Design Reviews and all divisions of land.

ALL discretionary land development projects *shall* conform to the standards of design and improvements as specified in the County Design Manuals and applicable El Dorado County (County) Ordinances.

Any request to deviate from these standards shall be submitted to the County for a determination if an exception or exemption can be applied. Throughout this manual, exceptions and exemptions are described (where they exist). If neither an exception nor an exemption can be applied, the applicant may apply for a design waiver as part of the permit application.

This manual also provides an introduction to land use planning and development for people unfamiliar with the processes in the County. It is intended to be a resource for residents, business owners, property owners, staff, as well as for developers interested in building in the County. For building in the South Lake Tahoe basin, also refer to the Tahoe Regional Planning Agency, "TRPA".

The land development process will require additional information and documents not contained in this manual. The County maintains information on its website about the land use and development process: <http://www.edcgov.us/>. Some of the information available on the website includes:

- El Dorado County's General Plan,
- Zoning Ordinance,
- Design Manuals,
- Application forms,
- The fee schedule for application filing fees, and
- Applicable fire, water, school districts; land use designation; zoning; flood zone; snow load; etc.

1.2 EL DORADO COUNTY GENERAL PLAN

1.2.1 Overview and Legal Basis

All cities and counties in California are required under State law to prepare and adopt a General Plan that contains a set of broad policy statements for future development. The General Plan must address specific requirements contained in State law. The *2004 El Dorado County General Plan* (hereafter referred to as the *General Plan*) is a comprehensive, long-term plan to guide future development and growth in the County.

1.2.2 General Plan

The *General Plan* is the County's official policy statement concerning its future character, land use patterns, and types of development. The *General Plan* describes the amount and type of development needed to achieve the County's social, economic, and environmental goals. It addresses a wide variety of development issues, including land uses, traffic, natural resources, and public safety.

The *General Plan* functions as a valuable decision making tool by providing the policy framework for all land use and capital expenditure decisions made by the County. County staff, the Planning Commission (Commission), and the Board of Supervisors (Board) use it to evaluate every discretionary development project that is submitted for approval.

The County's current *General Plan* was adopted in 2004 and may be amended from time to time. The Cities of Placerville and South Lake Tahoe have their own General Plans..

The "Land Use Diagram", a key component of the *General Plan*, provides a geographic reference and spatial context to the *General Plan's* major strategies, goals, and policies. It shows designated land uses, such as commercial, industrial, residential, agricultural, and open space.

1.3 ZONING

1.3.1 Overview and Legal Basis

While the *General Plan* sets the broad parameters for growth and establishes future land use patterns, zoning is the manner in which the County implements the *General Plan* and establishes the use and development standards for property. The County's "Title 17 Zoning Ordinance" defines the allowable uses and development standards for each property within the County. The "Zoning Ordinance" can be found in the "El Dorado County Ordinance Code" which can be found online at <http://www.edcgov.us/Planning/ordinances.htm> or by contacting the Development Services Department (DSD).

1.3.2 Purpose Zoning separates land uses into specific zones such as single-family residential, multi-family residential, commercial, and industrial. Zoning also regulates the intensity of such uses; the setbacks of structures from property lines; and the height and bulk of structures permitted on a site.

1.3.3 Amendment Process

In order to permit a project that conforms to the *General Plan* land use designation, but not to the zoning district, the zoning must be changed on the land in question. There are two types of amendments to the County's Zoning Ordinances:

- A. Amending the Zoning Map for a specific property, and
- B. Changing the Zoning Ordinance itself.

All zone changes must be consistent with the *General Plan* and approved by the Board after public hearings.

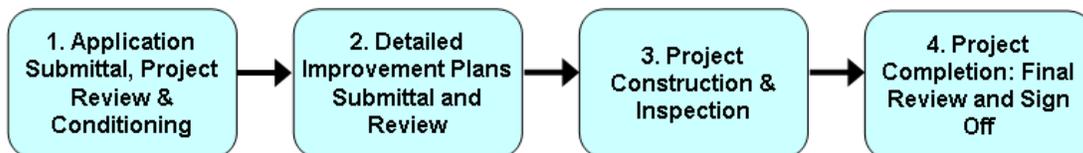
1.4 DEVELOPMENT PERMITS

There are many applications for various types of land use and development requests processed by the County. Generally these requests fall within two different land use action categories: ministerial actions and discretionary actions.

- A. A **ministerial action** describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project.
- B. A **discretionary action** describes a governmental decision which requires the exercise of judgment or deliberation, as distinguished from situations where the public agency or body merely has to determine whether there has been conformance with the applicable statutes, ordinances, or regulations.

1.5 GENERAL PROCESS STEPS FOR DISCRETIONARY PROJECTS

A discretionary project goes through four steps before completion:



There is a County departmental review process for each step. Many County Departments can be involved at each step (e.g., DSD, Environmental Management (EMD), Transportation (DOT), Surveyor's Office). Other agencies (e.g., Fire Districts, Community Service Districts) may also be involved. A project cannot move from one step to the next without completing the prior step.

1.5.1 Step 1. Application Submittal, Project Review & Conditioning

The first step is an essential part of the land use and development process. The following flow chart provides a basic overview. It is important to note that not every project will involve all of the steps described in the flow chart.

A. Pre-Application Meeting (Optional)

Before the applicant files the application, a Pre-Application review is recommended. Through the Pre-Application review, a project team (composed of County and other-agency staff) will review the proposal and point out potential problems that may affect or delay the application, as well as explain many of the requirements in the County's *General Plan* or other regulations. A preliminary review allows the applicant to become familiar with the County's Ordinances, policies and development review processes, and how they will affect the project. Preliminary reviews also reduce the time and money spent on revising plans to meet County standards before going to a public hearing.

B. Application Filed by Applicant

The applicant files a formal application, submits all required supporting documents, including maps, and pays the necessary fees. For most applications, a well-drawn set of plans is necessary as part of the application submittal in order for the formal review process to begin.

C. County Staff Review & TAC Meeting

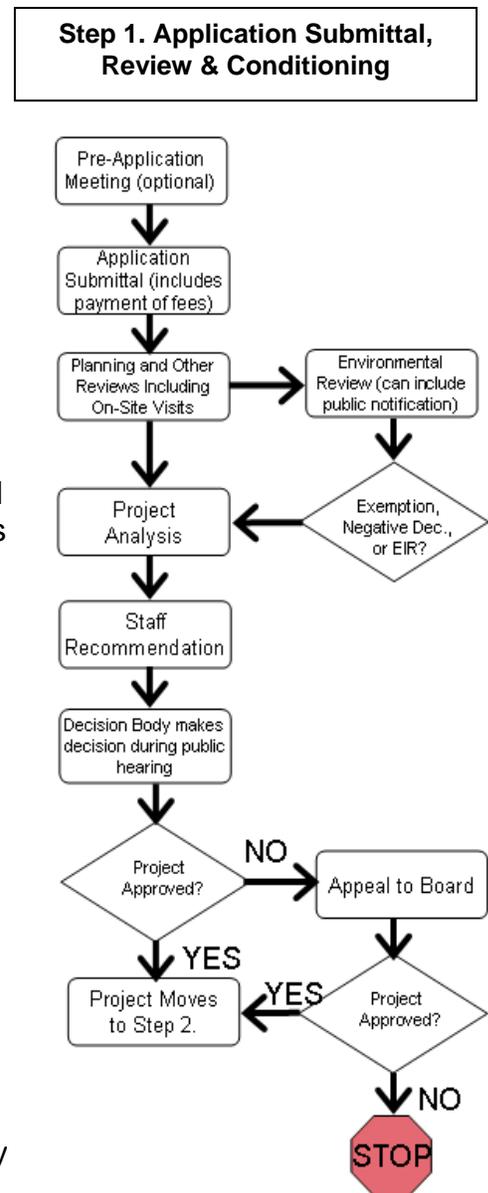
The application is initially reviewed by DSD. Other County departments (e.g., EMD, DOT, etc.) and outside Federal, State, and local agencies (e.g., the local fire district) also review the project application. A TAC (Technical Advisory Committee) meeting is held in which the reviewers discuss issues with the project, identify any missing information, and begin developing conditions that the proposed project must meet prior to being approved.

D. Environmental Review (CEQA)

All discretionary projects must go through an environmental review process. The California Environmental Quality Act (CEQA), Cal. Public Resources Code Sections 21000-21177, requires an assessment of every discretionary project's environmental impacts. More information on CEQA can be found at the California Governor's Office of Planning and Research (OPR): <http://www.opr.ca.gov/> and <http://ceres.ca.gov/ceqa/>.

E. Notice of Public Hearing/Public Input

Once the review process is completed, for discretionary projects, the application is set for hearing. A notice of the public hearing is sent to all property owners within



500 feet of the site. The public notice will provide a brief description of the project, the project address, the project contact person, and the date of the public hearing. This provides the public an opportunity to learn about the project, and to participate in the decision process. Ministerial projects generally do not have public hearings or public notice and the decision is made at the Department level.

F-1. Zoning Administrator Public Hearing

Some permit applications (e.g., Tentative Maps, Parcel Maps, Special Use Permits, and Variances) are forwarded with recommendations from County staff to the Zoning Administrator for a decision. The Administrator conducts a public hearing to receive input from members of the community prior to issuing a decision.

F-2. Planning Commission Public Hearing

For some permits, DSD forwards the project to the Commission. The Commission's public hearing provides the applicant and neighboring residents an opportunity to voice their opinions. The Commission acts upon Tentative Maps for subdivisions, Design Reviews, Planned Developments, Environmental Impact Reports, and other actions as set forth in County Code. The Commission provides recommendations for Zoning and *General Plan* amendment applications to the Board.

G. Board of Supervisors Public Hearing

The Board makes the final decision on legislative acts such as rezoning or *General Plan* amendments. The Board's public hearing provides the applicant and neighboring residents an opportunity to voice further opinions. The Board approves the project with conditions of approval or denies the project.

Appeal Process

Any decision made by the Zoning Administrator or Commission may be appealed by the applicant, or any other affected party, to the Board.

An appeal must be filed within 10 working days from the decision by the approving authority. An appellant completes the appeal form and submits the form together with the applicable fee. The appellant needs to clearly identify on the form the specific reasons for the appeal. The hearing body for the appeal will consider on appeal all issues raised by the appellant. The hearing body may consider other relevant issues related to the project being appealed. Appeals are heard by the appropriate hearing body in public hearings.

For more information on the appeal process, see "Title 16 Subdivisions", "Title 17 Zoning Ordinance", and the DSD website <http://www.edcgov.us/Planning/ordinances.htm>.

The following table summarizes the discretionary permit application processes. (Note: Building Permits for single family dwellings do not fall under "discretionary

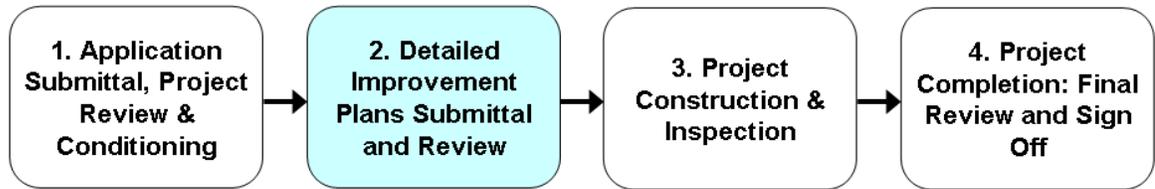
permits”). Most of the steps are applicable to each type of application; however, both the CEQA process and the public hearing process may vary depending upon project type. Consult with DSD to determine which process would be applicable. Applications are available from DSD or on their website <http://www.edcgov.us/Planning/applications.html>.

PROCESS	Land Use Type	Pre-Application Meeting (Optional)	Planning Staff Review, TAC mtg	Review/Permits Required By Other Depts.	Environmental Review (CEQA)	Notice of Public Hearing	Design Review Committee Public Hearing	Zoning Administration or Public Hearing	Planning Commission Public Hearing	Board of Supervisors Public Hearing
Tentative Map, Subdivision	Residential > 4 lots *	X	X	X	X	X			X	Appealable
Tentative Map, Parcel	Residential < 5 lots, All Commercial & Industrial *	X	X	X	X	X		X With no rezone	X With rezone	Appealable
Design Review	**	X	X	X	X	X	X		X	Appealable
Planned Development (PD)	All	X	X	X	X	X			X	Appealable
Special Use Permit	All	X	X	May be required	X	X		X	X	Appealable
Variance	All	X	X	May be required	X	X		X		Appealable
Site Plan Review***	All	X	X	X	X	X			X	Appealable
Zone Change, GP Amendment	All	X	X	May be required	X	X			X	X

* Some exceptions apply; see “Title 16 Subdivisions” for more information.

** Design Reviews are required in Cameron Park, Pollock Pines, El Dorado Hills for all commercial, industrial, multi-family projects, and for any projects located adjacent to State Highways and/or zoned with a “Design Control” overlay such as “- DC”, “- DS”, “-DH”.

*** Site Plan Reviews have multiple purposes and are typically part of ministerial permits but sometimes they require discretionary-like reviews. For example, under the “General Plan Policies Interim Interpretive Guidelines” (<http://www.edcgov.us/Planning/GeneralPlanImplementation.html>), where agricultural or riparian setback relief is requested, or where exemptions to the 30% slope restrictions or tree canopy policies are needed, a Site Plan Review may be required.



1.5.2 Step 2. Detailed Improvement Plans Submittal and Review

After a project has been approved in Step 1, the second step of the land development process requires an applicant to take the conceptual drawings and plans and develop them into detailed implementation plans and drawings (often referred to as “improvement plans”) that can be constructed. The applicant may also be required to do additional technical studies (e.g., drainage study) and to provide certain documents (e.g., Title Report) that will demonstrate that the development proposed is physically feasible and that the applicant has legal rights to the property.

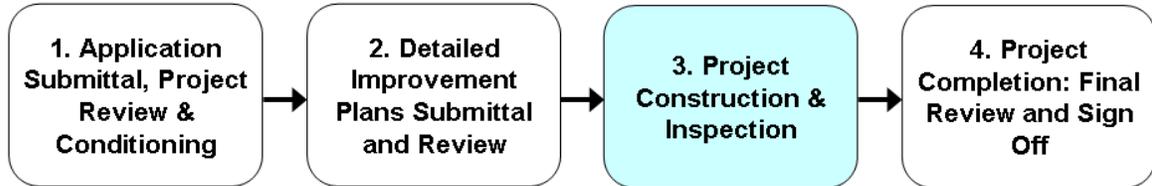
Some of the improvement plans and documents required in this step can include, but are not limited to, the following:

- Approved Tentative and proposed Final Maps,
- Engineer’s estimate,
- Title Report,
- Grading plans,
- Erosion control plans,
- Drainage study and storm drain plan,
- Geotechnical report,
- Road plans and profiles, including signing/striping and traffic control plans,
- Street lighting and traffic signal plans,
- Utility plans,
- Right-of-way plans.

Plan checking fees, which are different than project application fees, must also be paid at this time.

The plan check process results in either:

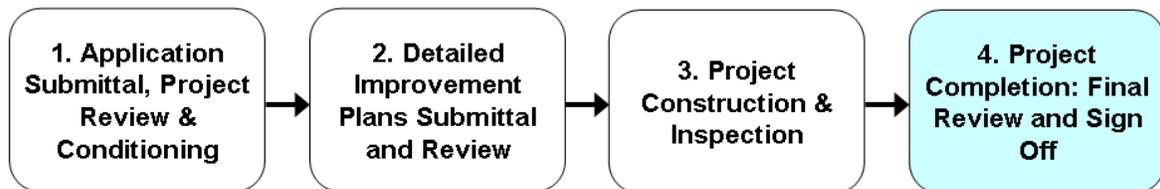
- A. Modifications being needed to one or more components of the detailed plans or studies, or
- B. In permits being approved. If permits are approved, and if the project includes improvements that affect the County’s infrastructure (e.g., roads), the applicant will need to enter into an improvement agreement with the County. (See County Code 16.16.050.)



1.5.3 Step 3. Project Construction and Inspection

Once construction permits have been issued, the applicant shall pay inspection fees and have any required insurance and security in place before construction can commence. Most permits have time limits and, in certain circumstances, these time limits can be extended.

A pre-job meeting is scheduled before work begins with County inspectors and various agencies (e.g., applicable water and fire districts, California State Water Quality Control Board, California State Department of Fish & Game, etc.) to go over job site requirements related to safety, protective fencing, erosion control, dust mitigation, etc. After completion of various phases of construction, the work is inspected by County staff, as well as by other applicable agencies, to ensure it is in substantial conformance with the detailed improvement plans. Work may need to be redone in order to pass inspection.



1.5.4 Step 4. Project Completion: Final Review and Sign Off

When a project is nearing completion, County staff will prepare a short list (typically referred to as a “punch list”) of the items that remain to be completed before a project can be finalized. After all items on the punch list have been completed, and the final inspection is signed off by County staff, a project that includes a Road Improvement Agreement or a Subdivision Improvement Agreement must go back to the Board for formal approval and acceptance of the improvements. In addition, a project that required a RIA and/or a SIA must have a one year warranty.

1.6 DESIGN WAIVERS

1.6.1 Requirements

All discretionary land development projects are required by County Ordinance to conform to the standards of design and improvements as specified in the County Design Manuals. Any deviation to these standards shall first be submitted to DSD to determine if an exception or exemption can be applied. If neither an exception nor an exemption can be applied, the applicant may apply for a design waiver as part of the discretionary project application.

1.6.2 Findings

A design waiver addressing the four findings, as described in “Title 16 Subdivisions”, Chapters “16.08” or “16.40” must be met for a waiver to be approved. The four findings include

- a. There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver,
- b. Strict application of the design or improvements requirements of this Chapter would cause extraordinary and unnecessary hardship in developing the property,
- c. The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public,
- d. The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.”

1.6.3 Guidelines for Making Design Waiver Findings

Design waivers are to be granted only when special circumstances exist such as size, shape, or topography, which preclude compliance with the County’s design standards.

The hearing body cannot approve a waiver unless it can make written findings, supported by substantial evidence that the waiver meets the required findings of Title 16. Defensible findings are based on the pertinent evidence that was available to the decision makers. Findings should be more than a mere recitation of the standards; they must provide the factual basis that leads to the conclusion drawn by the approving body. The following guidelines are provided to clarify appropriate findings for a design waiver:

- A. Guidelines for Finding 1: Design waivers must be limited solely to the physical circumstances of the property, not to the worthiness of the project, financial hardship, or community benefit. The test of bringing property to parity is based on equality of the property rather than equality of the owners.
- B. Guidelines for Finding 2: Increased cost is not considered a “hardship”. However, cost can be a consideration in evaluating a development’s “fair

share” of required improvements in the context of nexus and rough proportionality concepts.

- C. Guidelines for Finding 3: In general, there must be a beneficial component to a waiver request to meet this finding. Conditions can be added to a design waiver approval to compensate, or balance for, a design waiver that affects the health, safety, convenience and welfare of the public.
- D. Guidelines for Finding 4: If another rule already exists (e.g., Fire Code regulation, *General Plan* Policy, County Ordinance, CSD rule, etc.), a design waiver cannot be applied. In that case, the applicant would need to appeal to the appropriate hearing body (or bodies) for a change in the rule.

Examples of items that would **NOT** automatically be grounds for a waiver include:

- The cost of improvements required;
- Where a permit is required from another agency;
- Relocation of utilities, including telephone poles.

1.6.4 Process

An applicant requesting a waiver shall:

- A. Submit documentation (e.g., environmental reports, traffic studies, reports by professional experts, etc.) supporting a request for a design waiver(s) addressing the four findings required by “Title 16 Subdivisions”, Chapters “16.08” or “16.40”; and
- B. Demonstrate that all four findings are met.

Waivers are requested by an applicant as part of the initial project application process, and must be approved by the appropriate decision making body along with the project. Design waivers requested after approval of a project by the decision making body, must be approved by the same decision making body. For example, if, during the review of improvement plans, a change is requested, and it could affect the basis on which the project was initially approved, the project will have to be reviewed by DSD to determine if the change would constitute a design waiver. The review, design waiver process (if applicable), and subsequent changes are at the applicant’s expense.

1.6.5 Non Applicability of Design Waivers

Design Waivers are only applicable to standards in the County’s Design Manuals. The following items are not eligible for design waivers:

- A. Zoning requirements (A Variance or Planned Development is required.);
- B. *General Plan* Policies (A *General Plan* Amendment is required.).

1.6.6 Affordable Housing and Design Waivers

Pursuant to the “Affordable Housing Density Bonus Ordinance Title 17, Chapter 17.81”, eligible affordable housing development may qualify for incentives, waivers, or concessions of development standards of the County Design Manual.

Design waiver requests based on the “Affordable Housing Density Bonus Ordinance” shall be processed the same as other design waivers, except that Findings a. and b. shall be replaced with the following findings:

- a. Compliance with the provisions of the “Affordable Housing Density Bonus Ordinance”;
- b. Special Findings of “Title 17 Zoning Ordinance”, Section “17.81.050.B.4”.

1.7 QUALIFICATIONS OF PLAN PREPARERS

In accordance with State Law (“Professional Engineers/Architects Act, Business and Professions Code §§ 6700 – 6799” of the “Government Code”), the preparers of various types of plans and maps are required to meet certain licensing qualifications as outlined below.

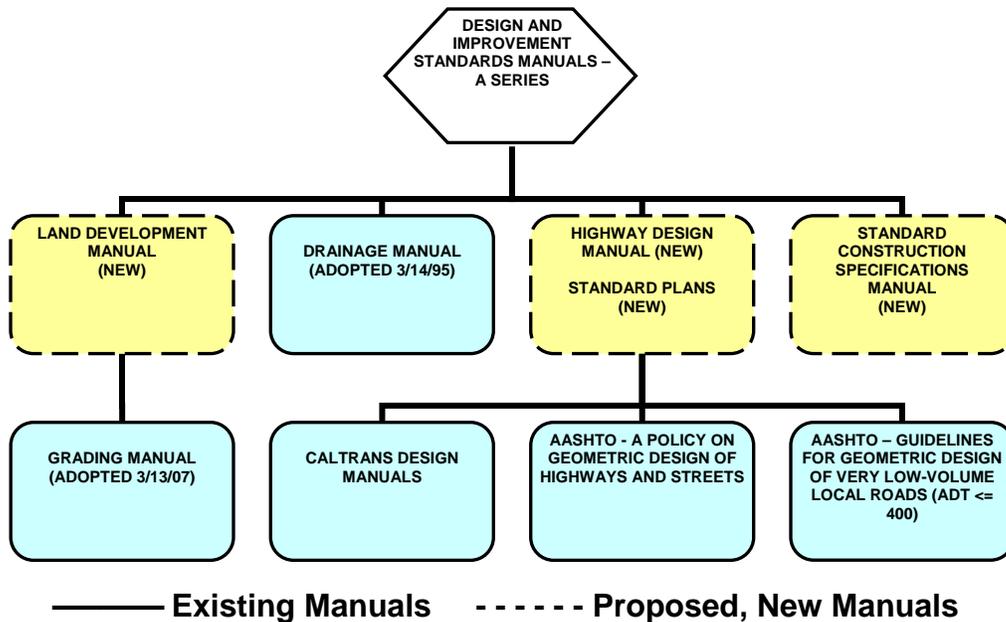
- A. Topographic surveys: Surveys of existing grades for the purpose of providing contours, or for preparing a site grading and drainage plan, shall be performed by either a Land Surveyor or any Civil Engineer. (“Land Surveyor”, “Civil Engineer”, and “Architect” are defined in Chapter 7 of this manual.)
- B. Grading and Drainage Plan: Preparation of a site grading and drainage plan must be prepared by a Civil Engineer or Architect, except as otherwise allowed and noted in Chapter 5 of this manual.
- C. Driveway profile: The preparation of a profile for a driveway shall be prepared by a Land Surveyor, Architect, or any Civil Engineer.
- D. Site/Plot plan: Plot plans indicating the location of all structures relative to property lines must be prepared by a Land Surveyor or a Civil Engineer licensed before January 1, 1982 if the work includes the determination of property boundaries. A Civil Engineer licensed after January 1, 1982, an Architect, or a Landscape Architect, may prepare a site plan as described above provided that the property boundaries have been delineated on the site by a Land Surveyor (or a Civil Engineer licensed prior to January 1, 1982) in accordance with “Section 8726” of the “Business and Professions Code”. For the permit processing of minor projects that do not involve new buildings, the Director of the applicable department may accept alternative information that meets the intent of these requirements.

- E. Plan of existing conditions: Plot plans showing existing conditions, indicating “existing” drainage and access improvements, are considered topographic surveys and therefore, must be prepared by a Land Surveyor or Civil Engineer.

1.8 ADMINISTRATION

The precursor to this manual is the “Design and Improvement Standards Manual” (DISM) originally published and adopted by the Board on May 27, 1986 by Resolution No. 136-86. (Amended: May 18, 1990 (Resolution No. 128-90), June 18, 1991 (Resolution No. 199-91), October 20, 1992 (Resolution No. 322-92), March 8, 1994 (Resolution No. 058-94), March 13, 2007 (Resolution 047-2007), and February 12, 2008 (Resolution 31-2008)). The “Grading, Erosion, and Sediment Control” volume was updated on March 13, 2007 (Resolution No. 047-2007)). A new supporting manual covering the topic of drainage (i.e., “The County of El Dorado Drainage Manual”), was added to the DISM “library” upon Board adoption on March 14, 1995 (Resolution No. 67-95). The original DISM included primarily design standards related to residential subdivisions.

It is envisioned that this manual is part of what will be a series of design manuals, some of which are still being written. The following illustration depicts how this document fits into the series.



The County Departments enforcing the Land Development Manual standards (e.g., DSD, DOT, EMD, County Surveyor) will apply the standards of the Land Development Manual (LDM) to applicable new development. Processes described in the LDM may change from time to time and each Department retains the authority to modify any process described in the LDM, as permitted by law.

Amendments to the LDM text and diagrams will be made from time to time and are generally subject to the Board's approval. Minor errors, edits, and inconsistencies may be resolved by the County Departments as long as the intent and practical application of the standards is maintained.