

DEVELOPMENT SERVICES DEPARTMENT

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TO: Planning Commission **Agenda of:** November 12, 2009

FROM: Roger Trout, Director of Development Services
James W. Ware, P.E., Director of Transportation **Item #:** 11

DATE: October 29, 2009

SUBJECT: **Land Development Manual/Highway Design Manual/Standard Plans**

Background: The Draft Design Manual (i.e., Land Development Manual (LDM), Highway Design Manual (HDM) and Standards Plans for road cross sections) was continued from the September 24, 2009, Planning Commission Hearing to allow the continued review and prepare revisions recommended by the Economic Development Advisory Commission Regulatory Reform Subcommittee (Committee) and staff.

The Committee's last meeting on the Design Manuals was October 23, 2009. A number of changes have been incorporated into the Design Manuals as a result of the meetings.

Attached are the changes to the LDM Chapters 2, 3, 4, and 5; HDM Chapters 300 and 800; as well as a number of the Standard Plans.

Policy Discussion: The meetings resulted in significant improvement to the Design Manual but there are a number of "policy" issues that have been identified. These policy questions are attached. Staff has prepared a brief discussion and recommendation for each item. The Planning Commission is asked to review and confirm staff's recommendations, or provide alternative recommendations for Board consideration.

CEQA Review: Staff is recommending that the Planning Commission recommend to the Board adoption of a Negative Declaration. The proposed Design Manual does not create environmental impacts because it is considered to be an "organization tool" that merely consolidates existing design standards, General Plan Policies, and other Ordinances and Resolutions. NOTE: Any change in standards that would result in environmental impacts would require further CEQA analysis.

Recommendation:

Staff recommends that the Planning Commission forward the following recommendation to the Board of Supervisors:

1. Adopt the Negative Declaration prepared by staff;
2. Adopt the Resolution Adopting the Land Development Manual, Highway Design Manual and Standard Plans; and
3. Confirm staff recommendations on the Policy Issues attached.

Attachments:

Policy Discussion (Staff Recommendation October 28, 2009)

Annotated (Track Changes) versions of:

- LDM Chapter 2: Subdivision Processes and Standards
- LDM Chapter 3: Sewage, Water Requirements, and Air Quality
- LDM Chapter 4: Transportation
- LDM Chapter 5: Grading, Erosion, and Sediment Control
- Standard Plans and Summary of Changes to Standards Plans for 11/12/09 Planning Commission Hearing
- HDM Chapter 300: Geometric Cross Section
- HDM Chapter 800: Highway Drainage Design

ATTACHMENT – POLICY DIRECTION DISCUSSION (Staff Recommendation October 28, 2009)

POLICY ISSUE #1: Grading Without A Project

Section 5.1(E) of the LDM would state that grading permits is limited to those that have discretionary permits or building permits. This has been the County Policy since at least 1990.

Grading activities without the associated project create issues of: 1) adequate CEQA analysis; 2) “bifurcation” of a project (CEQA project splitting); 3) General Plan compliance, (such as Policy 7.1.2.2 regarding development on 30% slopes); 4) pre-judging the type and scale of a project; 5) aesthetic impacts of clearing land of slopes and trees; 6) subsequent interim land use impacts (such as storage yards); and 7) inconsistency with Zoning provisions that require a discretionary review such as the –DC or –PD combining zones.

The CEQA analysis for an individual grading permit without an associated project is very problematic. A change in the County-wide policy would trigger the need for an EIR to address the potentially significant impacts

Policy Issue #1 Staff Recommendation: No change to LDM Section 5.1(E).

POLICY ISSUE #2: 50 Cubic Yard Threshold For Grading Permits

Grading Ordinance 15.14.140(A)1 establishes the threshold for a grading permit requirement at 50 cubic yards of earth moved.

Prior to March 13, 2007, the standard was 250 cubic yards. Other jurisdictions vary between the 50 and 250 cubic yard standards. There is no General Plan Policy or Building Code requirement for a 50 cubic yard standard.

If the Board considers amending the Grading Ordinance to increase the exemption for a permit to 250 cubic yards, this would be initiated by the Board of Supervisors as a separate agenda item and would be subject to separate environmental review. The CEQA review for a County-wide regulation such as this would potentially trigger an EIR.

Policy Issue #2 Staff Recommendation: No change to LDM provisions.

POLICY ISSUE #3: One Year Limit On Stockpile Permits

The draft LDM Section 5.3.3.6 (A) states that stockpile permits are limited to one (1) year and that time extensions could be granted. An argument can be made that stockpile permits should have a longer timeframe. However, staff points out that this provision is intended for short-term “stockpiling” prior to issuance of a “grading permit” for a permanent land development activity (building, road, subdivision, etc.). The “stockpile” permit is not intended for the incremental storage and/or distribution of earth material.

Policy Issue #3 Staff Recommendation: No change to LDM Section 5.3.3.6 (A), keeping stockpile permits limited to one (1) year.

POLICY ISSUE #4: *Sidewalks; Should Sidewalks Be Required Where There Is No “Connectivity” Such As For Many Infill Projects?*

LDM Section 2.5.3.3 contains standards where sidewalks are required as well as some provisions for exceptions. However, there is no exception for sidewalks in an “infill” project which may be surrounded by areas without sidewalks.

Sidewalks generally improve pedestrian safety. However, sidewalks not connected to other sidewalks may create safety issues where they end (example: pedestrians are encouraged by the sidewalk and then forced into the street where the sidewalk ends). Sidewalks required for infill development may increase costs of the development with little benefit from the sidewalk. However, areas of the County may be improved with future sidewalks, such as for County roads to be improved through the CIP. Note also that the General Plan Policies require sidewalks in certain areas.

Policy Issue #4 Staff Recommendation: No change to LDM sections. Sidewalks will be reviewed on a case-by-case basis and may be waived by the Planning Commission or Board of Supervisors through the Design Waiver process.

POLICY ISSUE #5: *Well Water; LDM Requires 10% Of Maximum Lots To Have A Well Drilled For Rezones. Is That Necessary To Determine “Feasibility” When Requesting A Rezone?*

LDM Section 3.9.6 sets forth the standard of determining feasibility of land use intensification through a proposed Rezone request. The standard is developed based on staff’s knowledge of the County and would only affect those Rezone requests that will be based on individual well water for domestic water supply. This standard is recommended by EMD in response to General Plan Policies requiring evaluation of water supply for Rezones (Policy 2.2.5.3, item 9; Policy 5.2.3.4). An argument can be made that the well feasibility can be deferred to the Tentative and Final map stages of a subdivision. However, Rezoning actions by the County should be based on some facts regarding the feasibility of the development to achieve intensification that may be proposed by the Rezone.

Policy Issue #5 Staff Recommendation: No change to LDM Section 3.9.6.

POLICY ISSUE #6: *Parcel Map Offsite Improvements; Should Off-Site Improvement Requirements For A Parcel Map Be Limited To The Cost Of On-Site Improvements?*

The existing Design and Improvement Standards Manual did have this provision. The provision was removed from the Draft LDM because it was superseded by the adoption of the Fire Safe

Regulations which required access roads (including off-site) to meet a minimum 18 foot width standard. Current Fire Code provisions require a 20 foot road width.

Policy Issue #6 Staff Recommendation: No change to LDM.

POLICY ISSUE #7: Lot Solar Orientation; Should The Standards Be A Requirement Or Optional?

LDM Section 2.5.2.B sets forth standards which could be used to meet the Solar Access requirements (affecting subdivisions with lots of 20,000 square feet or smaller). Changes were made to the draft LDM to ensure the standards were flexible enough for development in El Dorado County.

Policy Issue #7 Staff Recommendation: No change to the LDM.

POLICY ISSUE #8: Setbacks From Riparian Areas; Should They Be Contained In The LDM?

LDM Section 2.5.12.C was modified after discussions with the EDAC Regulatory Reform Committee to state:

“Discretionary permits may require setbacks from wetlands for biological mitigation, water quality, flood damage prevention, or other purposes identified through the discretionary process.”

General Plan Policy 7.3.3.4 states that the *“Zoning Ordinance shall ...provide buffers and special setbacks for the protection of riparian areas and wetlands.”* The change to the draft LDM is intended to address the fact that there are many reasons setbacks may be required in a discretionary permit. The setbacks established for a discretionary permit should be based on site specific analysis and, therefore, are not contained in the LDM.

Policy Issue #8 Staff Recommendation: Approve the LDM Section 2.5.12.C as revised.

POLICY ISSUE #9: 30% Slope Limitation For Septic Systems

LDM Sections 3.2.3.H and 3.3.1.C set forth the General Plan Policy 7.1.2.1 requirement that septic systems be limited to areas of less than 30 percent slope. The LDM provisions are for new subdivisions. Existing lots may establish septic systems on steeper slopes subject to EMD review and approval.

Policy Issue #9 Staff Recommendation: No change to the LDM sections referenced.

POLICY ISSUE #10: Fire Code Requirements For Access Standards

The Committee questioned the use of the Fire Code for access standards. For discussion purposes, staff made no changes to the Manuals, but identified where the Fire Code provisions were located.

The Fire Code provisions for access are identified in the Land Development Manual as “***bold and italicized.***” The Standard Plans identified Fire Code provisions in the RS-30 cross section and a “summary sheet” has been prepared to identify those provisions. No Fire Code provisions are in the Highway Design Manual.

In addition, if there is a corresponding Fire Safe Regulation provision, it has been noted following the Fire Code provision. This permits the reader to see what is required by the Fire Safe Regulations as well as the currently adopted Fire Code. Should the Fire Code be amended, the standards in the Manuals may need to be updated, but would generally be no less than that contained in the Fire Safe Regulations.

Policy Issue #10 Staff Recommendation: No change to the LDM because the Fire Code provisions are adopted by the Board of Supervisors.

POLICY ISSUE #11: 32 Foot Road Width Standard In El Dorado Hills Vs. 28 Foot Road Width In Remainder Of The County

The Standard Plans include a road section for El Dorado Hills that has a minimum width of 32 feet. This would accommodate parking on both sides and still have a 20 foot access drive. The 28 foot section in the remainder of the County would permit parking on one side and still have a 20 foot access road.

Policy Issue #11 Staff Recommendation: No change to Standard Plans. El Dorado Hills has more urbanized and intensive subdivision development than the remainder of the County and should have a higher standard. Design Waivers for a 28 foot section could be granted on a case by case basis.