

ELDORADO COUNTY DEVELOPMENT SERVICES STAFF REPORT



Agenda of: January 25, 2007
Item No.: 7.b.
Staff: Brian Baca

FILE NUMBER: OR07-0001

APPLICANT: El Dorado County

REQUEST: **Informational Report:** Receive and file an informational report on the proposed update of the El Dorado County Grading, Erosion and Sediment Control Ordinance (Section 15.14 of the County Code) and Volume III of the El Dorado County Design and Improvement Standards Manual.

ENVIRONMENTAL DOCUMENT: Notice of Exemption (CEQA Guidelines Section 15308)

SUMMARY RECOMMENDATION: Receive and file informational report. Provide comments to staff on the draft documents for consideration by the Board of Supervisors.

BACKGROUND:

The County's Grading, Erosion and Sediment Control Ordinance (i.e. the "Grading Ordinance") was last updated in 1989, prior to the adoption of several related regulatory documents. This ordinance is undergoing an update to bring it into conformance with current State law, the new County General Plan, other County ordinance requirements, and the adopted Storm Water Management Plan. It has also been reformatted to limit the ordinance to necessary legal authorizations and to place technical design and procedural requirements in a volume of the County's Design and Improvement Standards Manual (i.e. the "Design Manual"). These documents have also been revised for clarity and to provide additional guidance to project designers and reviewers.

STAFF ANALYSIS

Outlined below are the substantive changes to the current grading regulations that are included in the proposed updated Grading Ordinance and Design Manual.

A. UPDATED ORDINANCE:

ARTICLE I: INTRODUCTION

Section 15.14.120: Administrative Authority: This ordinance shall be implemented by the County agency or agencies granted authority by the El Dorado County Board of Supervisors.

Staff analysis: This clarification gives the Board of Supervisors the flexibility to assign the implementation of the ordinance to one or more County agencies. The Development Services Department and the Department of Transportation currently exercise administrative authority.

Section 15.14.140: Exemptions: Threshold to activate a grading permit lowered to **50 c.y. from 250 c.y.** Lowered the threshold for fill depth from 5 feet to 3 feet. **Swimming pool exemption eliminated.**

Staff analysis: These modifications would result in some currently-exempt projects being subject to the requirement of a grading permit. The proposal to lower the permit threshold to 50 cubic yards would serve to:

- a. Achieve consistency with the adopted Building Code (CBC Appendix Chapter 33);
- b. Conform to standards in 70 percent of jurisdictions surveyed;
- c. Achieve consistency with proposed AQMD standard;
- d. Increase water quality compliance; and
- e. Reduce “recreational” grading and provide for more effective code enforcement.

Section 15.14.160: Agricultural Grading: Added the requirement for an agricultural grading permit under certain circumstances to be consistent with the General Plan.

Staff analysis: Policy 7.1.2.7 of the County General Plan requires that agricultural grading activities that convert one acre or more of undisturbed vegetation to agricultural cropland to “obtain an agricultural permit through the Agricultural Commissioner’s office which may require approval of the Agricultural Commission.” The proposed language included in this section implements the General Plan policy and has been prepared in cooperation with the Agricultural Commissioner’s office.

ARTICLE II: PERMIT PROCESSING

Section 15.14.210: Permit processing procedures: Authorizes the procedures listed in the current County Design and Improvement Standards Manual.

Staff analysis: This section links the ordinance with the permit processing

requirements in the Design Manual. With this provision, the Board can modify processing procedures through approved changes to the Design Manual.

Section 15.14.220: Time limits: Revised permit time limits for single parcel development to be consistent with other County ordinances.

Staff analysis: The time limit on a grading permit is proposed to conform to the time limit on a Building Permit as specified in the adopted Building Code.

Section 15.14.260: Hazards: Clarified prohibition of grading activities that cause or have the potential to result in hazards to people or property.

Staff analysis: This section serves to clarify the responsibility of the landowner and the authority of the Director to act where grading activities cause or may cause a hazardous condition.

ARTICLE III: IMPROVEMENT SECURITY

No substantive changes.

ARTICLE IV: ENFORCEMENT

No substantive changes.

B. VOLUME III OF THE DESIGN MANUAL:

SECTION A: DEFINITIONS

Definitions: Expanded and made substantive improvements to the glossary of definitions.

SECTION B: DESIGN STANDARDS

2. **Excavation – Cut Slope Standards:** Compiled and reorganized cut slope design requirements.
3. **Fill Construction Standards:** Compiled and reorganized fill slope design requirements.

Staff analysis: The above sections were primarily rewritten and reformatted for clarity.

SECTION C: RETAINING WALL STANDARDS

Staff analysis: The use of retaining walls, including rockery walls, as part of development projects has been increasing in the County. This has resulted in the

recognition that Countywide standards for design, stability analysis, and construction inspection of these structures should be established. This new section of the Design Manual meets this need and was prepared in cooperation with numerous licensed professionals.

SECTION D: APPLICATION SUBMITTAL REQUIREMENTS

1. **Grading plans:** Clarified submittal requirements for grading plans included in a permit application.
2. **Erosion and sediment control plans:** Clarified requirements for submission and preparation of erosion control plans consistent with the County Storm Water Management Plan (SWMP).

Staff analysis: The above two sections were reorganized to provide to project applicants a simplified list of permit submittal requirements.

3. **Technical reports-Criteria for submittal:** Reorganized and updated report submittal criteria in conformance with current standards of professional practice.
4. **Technical Reports-Required content:** Reorganized and updated report content requirements in conformance with current standards of professional practice.

Staff analysis: The above two sections serve to conform the updated ordinance to the current standards of practice for Civil Engineers, Geotechnical Engineers, and Geologists.

5. **Qualifications of Plan Preparers:** Augmented the Design Manual to conform to State law in regards to the mandated qualifications of the preparers of site grading and drainage plans.
6. **Waiver of the requirement for engineer prepared plans:** Revised the Design Manual to conform to Section 6744 of the State Business and Professions Code. This section allows for landowners, under certain conditions, to perform civil engineering work on their own property.

Staff analysis: The above two sections serve to bring the County's grading regulations (Ordinance and Design Manual) into conformance with State laws (i.e. the Business and Professions Code) that require certain technical design work to be performed by a licensed professional.

SECTION E: PERMIT PROCESSING PROCEDURES

5. **Standard conditions of approval:** Compiled various standard requirements into a new accessible format.

7. **Grading plans for stockpiles:** Added section to clarify requirements for stockpile placement and removal.
9. **Transfer of professional prior to permit issuance:** Specifies for the applicant the procedures required to address a change in design professionals.

Staff analysis: The above sections have been rewritten and augmented to provide additional guidance to permit applicants.

SECTION F: INSPECTION AND CONSTRUCTION REQUIREMENTS

2. **Construction site requirements:** Clarifies the onsite requirements for grading operations related to protection of utilities and adjacent property, and erosion and sediment control.
3. **Transfer of professional after permit issuance:** Specifies for the applicant the procedures required to address a change in design professionals.

Staff analysis: The above sections have been rewritten and augmented to provide additional guidance to permit applicants during the construction phase of a development project.

ORDINANCE AND DESIGN MANUAL ADOPTION PROCESS

Public Review:

The effort to update the County Grading Ordinance and Design Manual has been underway for several years. A primary venue for review and discussion of proposed improvements has been the Grading Committee of the local professional organization, Surveyors, Architects, Geologists, and Engineers of El Dorado County (SAGE). This committee includes County staff and licensed professionals in private practice. The committee has met regularly for the past 16 months and considered various proposed changes. The Grading Ordinance and Design Manual proposed for adoption reflects a consensus of the committee.

On October 18, 2006, a public workshop was held at the County Planning Commission hearing room in Placerville as part of an initial 30-day public review period. Construction companies, licensed professionals, and permit consultants were provided written notice of this workshop in addition to a phone invitation. Approximately 50 members of the public attended the workshop and were able to ask questions of County staff and SAGE Grading Committee members. Public comment at this meeting resulted in changes to the proposed grading regulations.

Subsequent to the October 2006 review period, the ordinance was revised and reformatted to include an ordinance and a separate Volume of the County Design Manual. These revised documents were released for a second 30-day public review period on December 12, 2006. A CEQA Notice of Exemption has been prepared as the consideration and adoption of the Grading

Ordinance and Design Manual qualifies as a governmental action for the protection of the environment (CEQA Guidelines Section 15308). Comments received during the review period have been considered in the preparation of the proposed final documents.

Informational briefing at the Planning Commission:

The informational report scheduled for January 25, 2007, provides an opportunity to receive comments from the members of the Planning Commission and the public.

Adoption Hearing:

The Board of Supervisors is the decision-maker for the review and adoption of the proposed new Grading Ordinance and the approval by Resolution of the new Volume III of the Design and Improvement Standards Manual. This hearing is tentatively scheduled for February 27, 2007.