

**CHAPTER 1 – INTRODUCTION (draft rev. 10/01/10; Source Doc Draft 1-6-11)**

**Sections:**

- 1.1 Purpose
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"Shall" (or similar) Statement	Implementing State/Federal Law, General Plan Policy, or County Ordinance
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**1.1 Purpose**

This manual includes design standards for 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 Design Manuals and applicable El Dorado County (County) Ordinances.

**County Ordinance Chapter 16.xx.xxx???? 16.04.050.C, D, E, J, 16.16.010.A - H, 16.16.020.A – H 16.24.020 16.44.120 Note: Title 16 requires the design manual for maps, it is County Policy that all discretionary projects conform to the design manual.**

Exceptions and exemptions are described in this manual where they exist. If neither an exception nor an exemption can be applied, a design waiver may be requested, subject to **required** Findings (refer to Section 1.6.2 of this Chapter) and approval by the approving authority.

**County Ordinance Chapter 16.08**

This manual also provides an introduction to land use planning and development for those unfamiliar with the processes in the County. For building in the South Lake Tahoe basin, also refer to the Tahoe Regional Planning Agency (TRPA) Code of Regulations.

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. (See Chapter 7, Section 7.1 of this manual for contact and website information.) 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.

More information on References and abbreviations used in the manual (e.g., contact information, website addresses) can be found in Chapter 7 of this manual.

## **1.2 El Dorado County 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 is a map that 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**

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 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 online 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<sup>1</sup> of structures from property lines; and the height and size of structures permitted on a site.

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<sup>1</sup> The horizontal distance between the property line and any structure.

### 1.3.3 Amendment Process

There are two types of amendments to the 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. **General Plan Policy 2.2.5.2**

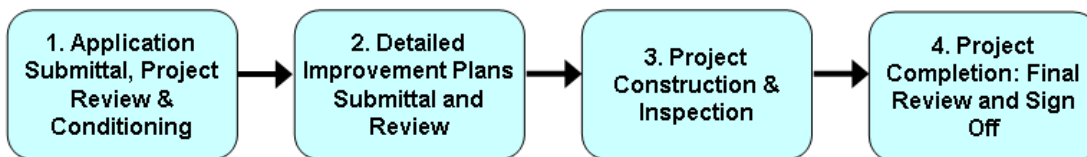
## 1.4 Development Permits

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

- A. **Ministerial Action.** A governmental decision involving little or no personal judgment by the approving authority as to the wisdom or manner of carrying out the project.
- B. **Discretionary Action.** A governmental decision which requires the exercise of judgment or deliberation, as distinguished from situations where the approving authority 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 requires four steps before completion:

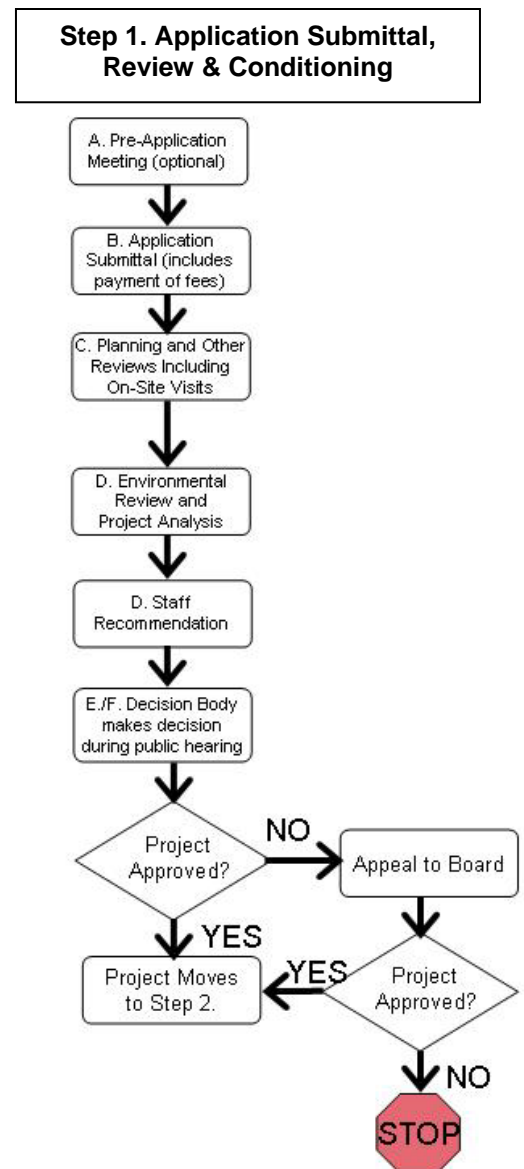


There is a County departmental review process for each step. Many County Departments can be involved at each step (e.g., DSD, Environmental Management (EMD), Transportation (DOT), Surveyor's Office). Other agencies (e.g., fire protection districts, Community Service Districts) may also be involved. A 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 following flow chart provides a basic overview of Step 1.

- 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 *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. 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 protection district) also review the project application. A Technical Advisory Committee (TAC) 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), Analysis and Staff Recommendation.** All discretionary projects are required to go through an environmental review process. The California Environmental Quality Act (CEQA), California 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). (See Chapter 7, Section 7.1 of this manual for contact and website information.) Staff formally compiles the project analysis in a Staff Report and forwards a recommendation to the approving authority.
- 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., Parcel Maps, Special Use Permits, Variances) are forwarded with recommendations from County staff to the Zoning Administrator for a decision. The Zoning Administrator conducts a public hearing to receive input from members of the community prior to issuing a decision.
- F-2. Planning Commission<sup>2</sup> Public Hearing.** The Planning Commission (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.

**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 approving authority decision. 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. Appeals are heard by the appropriate approving authority in public hearings.

**County Ordinance Chapter 16.24 and 17.22**

For more information on the appeal process, see Title 16 Subdivisions, Title 17 Zoning Ordinance, and the DSD website.

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.

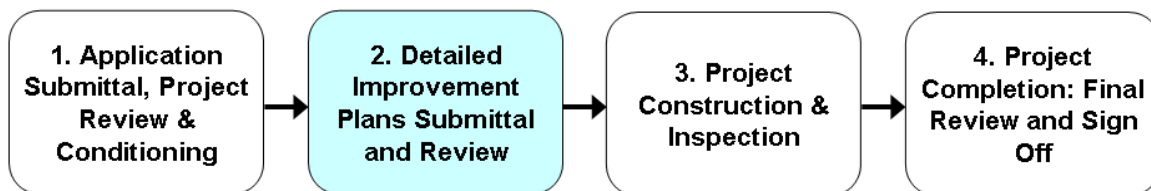
<sup>2</sup> The Body established pursuant to Chapter 3, Title 7 of the California Government Code (see County Code Section 2.27).

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	Approving Authority		
								Zoning Administrator 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, and El Dorado Hills for all commercial, industrial, and multi-family projects, and for any projects located adjacent to State Highways and/or zoned with a “Design Control” overlay such as “- DC”, “- DS”, and “-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, 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.

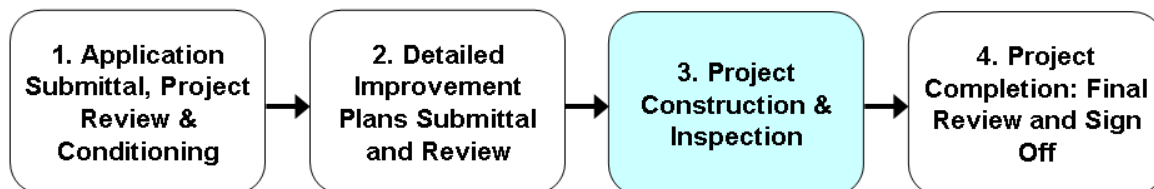
Some of the improvement plans and documents required in this step can include, but are not limited to, the following:

- 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, and
- Right-of-way plans.

Plan checking fees, which are different than project application fees, **must** also be paid at this time. **County Ordinance Chapter 16.16.030**

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 Section 16.16.050).



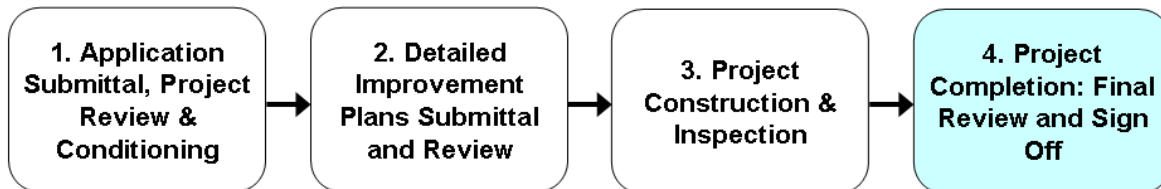
### 1.5.3 Step 3. Project Construction and Inspection

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.

**County Ordinance Chapter 16.xx.xxx 16.16.040 and 050 and Adopted Fee Resolutions**



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 review 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.



#### ***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 (RIA) or a Subdivision Improvement Agreement (SIA) **must** be sent 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 (see Chapter 4, Section 4.2.3.3 of this manual for more information on improvement agreements).

#### **County Policy**

#### **County Ordinance Chapter 16.xx.xxx**

#### **County Ordinance Chapter 16.16.040**

## **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 Design Manuals. Exceptions and exemptions may be described in this manual. 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.

**Country Ordinance Chapter 16.xx.xxx??? Note: Title 16 requires the design manual for maps, it is County Policy that all discretionary projects conform to the design manual.**

### 1.6.2 Findings

A design waiver **must** meet the four Findings described in Title 16 Subdivisions, Chapters 16.08 or 16.40 to be approved. The four Findings are: **County Ordinance Chapters 16.08 and 16.40**

- 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, and
- 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

The approving authority cannot approve a design waiver unless it can make written Findings, supported by substantial evidence that the design waiver meets the required Findings of Title 16. Defensible Findings are based on the pertinent evidence that was available to the approving authority. 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 authority. The following guidelines are provided to assist applicants, staff, and approving authorities in determining valid reasons 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. **???These are guidelines and not the findings. These are prepared for guidance based on historical findings and discussion on design waivers.**
- 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.
- C. **Guidelines for Finding 3.** In general, there **must** be a beneficial component to a design 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. **??? These are guidelines and not the findings. These are prepared for guidance based on historical findings and discussion on design waivers.**

- 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 approving authority (or authorities) for a change in the rule.

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

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

#### ***1.6.4 Process***

Design waivers are requested by an applicant as part of the initial project application process, and **must** be approved by the approving authority along with the project. Design waivers requested after approval of a project, **must** be approved by the same approving authority. 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 need for a design waiver. The review, design waiver process (if applicable), and subsequent changes are at the applicant's expense.

**County Ordinance Chapters 16.08 and 16.40**

#### ***1.6.5 Non Applicability of Design Waivers***

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

- A. Zoning requirements (A Variance or Planned Development is required.), and
- 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, design waivers, or concessions of development standards in the 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:

**County Ordinance Chapter 17.xx.xxx This is new based on potential provisions in the New Zoning Code, but reflect the intent of General Plan**

**Policy HO-1.3, HO-1.8, HO-1.18 (Measure HO-6 copied below)**

**Measure HO-6**

Amend the Zoning Ordinance and Design and Improvement Standards Manual to provide more creativity and flexibility in development standards and guidelines as incentives for affordable housing

developments. Any amendments to design and development standards or guidelines should consider

site characteristics. Amendments may include, but are not limited to, the following:

- Addition of affordable housing development guidelines;
- Encourage affordable housing within commercial zones as part of Mixed Use project;
- Modification in development standards including but not limited to
- Reduction in minimum lot size to accommodate smaller units;
- Reduction in setbacks;
- Reduction in the area of paved surfaces through the use of angled parking and one-way circulation;
- Reduction in street widths when it can be demonstrated that emergency vehicle access is not impaired;
- Reduction in turning radius on cul-de-sacs when it can be demonstrated that emergency vehicle maneuverability is not impaired;
- Reduction in pavement thickness when it can be demonstrated that soils and geotechnical conditions can permit a lesser thickness;

El Dorado County General Plan 2008 Housing Element  
August 2008 (Amended April 2009) 4-75

Increase in the allowable lot coverage for affordable housing developments;  
and

Consideration of cluster development particularly where either more open space is achieved or existing requirements increases costs or reduces density.

[Policy HO-1.3, HO-1.8 and HO-1.18]

- A. Compliance with the provisions of the Affordable Housing Density Bonus Ordinance, and
- 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 5 of this manual.)

**2007 County Grading Ordinance Note: this reflects state law.**

**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.

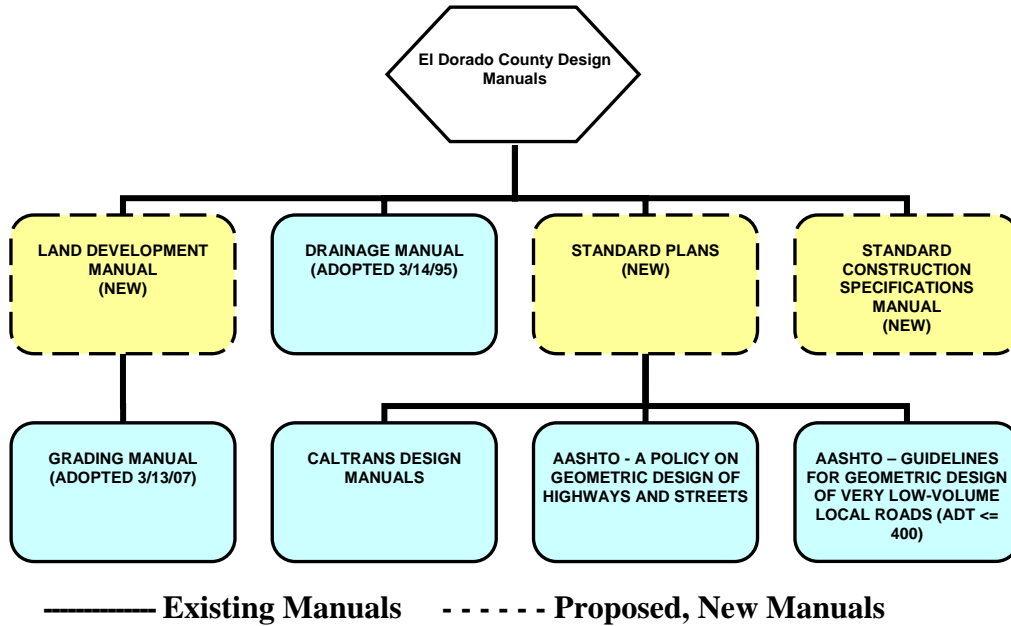
**2007 County Grading Ordinance Note: This reflects state law.**

- C. **Driveway Profile.** The preparation of a profile for a driveway **shall** be prepared by a Land Surveyor, Architect, or any Civil Engineer. **2007 County Grading Ordinance**
- 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 California’s 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. **From state law as referenced in the provision.**  
**???**
- 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. **State Law.**  
**???**

## 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 prepared. 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.