

(Distributed at
meeting by
Kathye Russell)

PC 12/9/10
#11

December 9, 2010

To: EDC Planning Commission
From: EDAC Regulatory Reform Subcommittee
Re: Land Development Manual (LDM)

EDAC and subsequently the Regulatory Reform Subcommittee were tasked with the following, in part, by the Board of Supervisors' (BOS) in May 2008: "Recommend ways to reform and improve regulatory processes... and existing County regulations and procedures to eliminate contradictory, unneeded requirements... and narrow the scope of government to only those regulations that are necessary to the common good ..."

Regulatory Reform is engaged in reviewing not only the LDM, but also the new Zoning Ordinance, the General Plan in preparation for the 5 (7) year update and laws and regulations outside of our local control but effecting our community. This effort will culminate in an important presentation by EDAC/Reg Reform on January 10, 2011 at the Board of Supervisors.

Rather than view the LDM as simply an iteration of what is now, Reg Reform is attempting to identify those areas that are constraining development and economic development. We've kept in mind numerous General Plan policies, RHNA state mandates and the community's desire to maintain agricultural and rural lands by placing density and commercial development within Community Regions (CRs) and Rural Centers (RCs). Thus the LDM review must identify existing and proposed local policies that require further consideration for clarity and change - a tedious and time consuming process. The goal is to recommend appropriate changes to all regulations, policies and guidelines that are unclear, unworkable, unnecessary, in practical conflict or prohibitively costly, and thus hindering economic progress.

The main concerns we have with the LDM now are:

- 1) The inconsistency in how Planning Commission recommendations have been forwarded for BOS action and thus the lack of any substantive Board direction or action, and
- 2) The lack of action taken in addressing the concerns raised by the Planning Commission and public last January 2010 - as partially contained in this latest (October 2010) version of the LDM.

The direction provided by the Planning Commission to staff last January included the following:

- 1) Prepare for the BOS a discussion item of five policy issues: (1) Grading without a Permit; (2) Grading Permit Thresholds; (3) Sidewalks; (4) Fire Code Regs; and (5) Reduction of Design Waiver Requests.

Subsequently eight (8) additional issues were identified for your input - with our responses submitted in writing at the October 28, 2010 Planning Commission meeting and part of your review today.

- 2) Return to the PC with the BOS feedback regarding inclusion of the Matrix submitted by Regulatory Reform (Andrea Howard); Result: The BOS did not specifically include any direction regarding this item (see BOS direction for October 2010 below).
- 3) Continue to work with EDAC on other policy issues, matrix content, and the Design Alternative concept. This has not been done to date.

It appears much of the Planning Commissions' direction was not culled out specifically to the BOS, thus no decisions or input specific to the PC's and Reg Reform's input has been resolved at the BOS level.

The BOS did hold a hearing on the LDM in October 2010, but basically the discussion was not focused on the specific direction requested by the PC. Rather the implication presented to the BOS was that they were being "kept in the loop" with a copy of the staff memo to the PC as before you today and notice that you'd be hearing the matter again. The resulting BOS (lack of) direction was:

- 1) Directed staff to proceed;
- 2) Directed staff to use the format and changes in concept (*we're not clear from the motion exactly what changes are referred to here based on website information available*).
- 3) Determined the basic structure of the ordinance is correct; noted drawings (eg: Standard Plans) should be in a design manual, not in the ordinance; and directed staff to identify the sections to be removed from the ordinance to place in the design manual;
- 4) Deferred items set aside but directed staff to move forward with the ordinance;
- 5) Process and schedule noted to be appropriate.

Reg Reform has not been engaged in additional discussions with staff other than those items culled out in the Planning Commission memo of October 28, 2010. Though deemed major issues – **they are not all issues** that need to be addressed. **Since the BOS was not specifically asked to *decide* the issues in question where staff and Reg Reform disagree** – no direction has been given.

Importantly, the inclusion of the Matrices seems to have dropped out of the discussion altogether along with the Design Alternative process. We firmly believe the Matrices clarify many issues succinctly and openly. We understood that was the direction being supported yet this has not occurred. The Design Alternative was a way to reduce the need for Design Waivers by allowing a fair review of private and public (eg: county) engineering solutions particularly at the design level, giving each professional's opinion equal weight. **Again, the BOS did not provide specific direction on either issue.**

Additionally we have numerous issues (some minor-some major) that require discussion with staff and likely will require some future resolution by the PC/BOS. This has not occurred to date: Reg Reform did not receive the current reorganized LDM until this October 2010. Since then we've been engaged in a complete page-by-page review again. However, no follow-up discussions have taken place with staff.

In our view the following is yet to be accomplished, and is necessary, for Regulatory Reform to provide final comments:

- 1) **Clear, specific direction** as to the intent of the PC/BOS as to **how and when the Matrices will be addressed** within the LDM.
- 2) **PC direction on the five and eight issues noted in staff's memo** to the PC for this hearing, and the submitted public responses.
- 3) **Additional time** is needed to review this final version of the LDM with staff, page by page, with any significant conflicting policies not resolved with staff, to be heard by the PC/BOS and decided at a later date.

Note: Attached are examples of some details uncovered in our cursory review of Chapters 1 and 2 via a page-by-page review, and General Comments we've collected overall. We've not yet reviewed these with staff!

Assuming the PC/BOS does determine the Matrix should be included in the LDM – our committee still has much work to do in refining/completing it. We stopped devoting time to it until we were assured of the direction the County intends to go.

WORK IN PROGRESS
LDM Page-by-Page Comments

Page 1-1, #1.1: Should the Design Alternative be included in third paragraph under “Purpose”?

Page 1-3: #1.5.1: Can we include language notifying the public that step 1 can be a years-long process??

Page 1-4, #C: Can we include direction that for TAC meetings the applicant/agent receives agency/department input *in writing prior to TAC*?

Page 1-6, Table and ** reference: Should Diamond Spgs/El Dorado Design Review Committee be included?

Page 1-6, Table: Shouldn't there be an “X” under “Design Review Committee Public Hearing” boxes for several of the boxes, including: subdivisions, PDs, Zone Change, etc?

Page 1-6, flow chart – box 1: Should read: “Application Submittal, Project Review, Approval and Conditioning.

Page 1-8, #1.6: Should this section include reference to Design Alternative process?

Page 2-2, pargrph 1: “For example, larger subdivisions of 50 lots or more may require PD application...” Suggest this a poor example in this location as all residential subdivisions of 50> lots REQUIRE a PD. GP clarifies this.

Page 2-2, # 2.2.2.3 (A) should include the phrase “*and notify the applicant*” of completion within 30 days.

Page 2-2, # 2.2.2.3 (C)

- ~ Aren't TAC meetings *always* scheduled, even required?
- ~ Can this section include the intent is to get applicant the information prior to the day of the TAC meeting?

Page 2-3, # 2.3 This section is in the wrong timeframe location. Omit if duplicate to earlier process or move to above.

Page 2-4, #B1 Lot Design Solar Access Standard: Should there be included a final statement for this section that references need to balance preservation of oak trees, affordable housing (per CO-G) projects, MUD projects, smaller lot sizes, etc, etc? Or does use of “may include solar” suffice?

Page 2-5, #2 references “Hillside Design Section 2.4.1(G) of this Chapter”: Where is this section stated? Suggest adding a page number/reference if this not an error. And/or: Insert an “exception” box (though only real exceptions are included if to DOT processes per the Intro) as provided under the Exception section re: Frontage on page 2-6; And/or state “described later in this Chapter” as in page 2-6, #5 relating to flag shaped lot prohibitions.

Page 2-8, Item 11(B) (D) and (E) – Recheck all wherein “shalls” not “shoulds” are used. Can those items not supported by law, code, regulation, ordinance be converted to “should”? If not, recheck all source documents are noted (or use Matrix).

Page 2-9 &10: Hillside Design Standards:

#2 – 1st pargrph: This language is unclear (per Jack recently): Discussion: How to fix?

Page 2-10 -#2- Area Req for Lots: Lot Frontage: Where are exceptions for allowable building sites found? (eg: reads "may" be limited)

GP policies 2.3.2.1 & 7.1.2.1 appear in conflict regarding use of "discourage" vs "prohibits w/exception for reasonable use of property". Might building on slopes of 30%> have been intended to be allowed in the GP? Clarity depends on the ultimate definition of "reasonable use". Can "reasonable use" be determined by land use designation and zoning? Eg: if land is intended to be utilized for higher density (such as in CRs or RCs – possibly designated for MUD and/or MF) then it follows that the lands' most "reasonable use" is not to retain 30%> slopes – especially considering how much of remaining land available is not flat!

If the above interpretation is correct, might Exhibit A (page 2-11) that references lots with slopes exceeding 40% - actually work?

Page 2-11: Exhibit A restricts lots based on slope: Does the above interpretation make this exhibit unacceptable? Irrelevant?

The slope prohibition standards effectively prohibit achieving density in areas where GP specifically intended density to occur. Refer to density constraint explanation for achievable density on this memo, page ____

Since slopes remain a major constraint to density even within the Community Regions – this topic requires further discussion and resolution!

Page 2-12 thru 2-13: Do the comments already submitted by the Engineers Subcommittee (ESC) effectively address the noted streets and standards? **Note:** the ESC has not met to discuss additional issues since the current October 2010 version was released.

Page 2-13: Do the "new" (not yet adopted) Fire Regs in progress adequately address the language included in these Street Standards for Subdivisions?

Since new Fire Regulations will be adopted within months – is it acceptable to include old one in this document? Suggest new included would be more appropriate.

Page 2-13 #9a: Issue re: 12 lots vs 25 restriction: More appropriate to simply use 25 lots period!? Vast majority of homes do not have second dwelling units: Many CCRs prohibit same. Also: does State Law re: second units allowed override applicable CCRs?

The exception box cited under #9a leaves a key issue unclear: How does the lack of obtaining access through a neighboring parcel apply? Eg: Is this considered a "similar conditions" in this Exception? (Refer to Map Act: Section 66462.5 which allows for an Imminent Domain process, process failure, and subsequently the removal of Condition).

Does requirement remove house sprinklers' use as allowable mitigation now, if sprinklers are required? Do we need clarity re: what is an acceptable "alternative means" of fire protection?

Page 2-14 #9.d: Should there be included any Exceptions re: need for Fire Safe Plan?

Page 2-14 #10.a: Should this point be a part of the Exception box under 9.a which offers one other exception? Or, should the Exception under 9.a included here, for example: "Two points of access are required unless an exception is given by the fire protection district having jurisdiction or by this manual" ?

Miscellaneous Comments/Thoughts

The following notes are a collection of issues from a number of participants in the Regulatory Reform process. These are examples of some areas of discussion required with Reg Reform members and staff: Many more notes have been collected based on earlier versions of the LDM that require cross-checking with the current version.

1. The “Design Exceptions” are only applicable at the project’s “Improvement Plans” level: None at the project design level.
2. Include the Ordinance/Code Section referenced throughout the LDM. (Recheck: Does LDM only consistently include GP references?) OR, as requested by PC – simply attach/include Matrixes.
3. Was it assumed matrices would, per PC/BOS (?) direction, be included as part of the LDM?
4. Will/should a Glossary be included? If no – should LDM mention that in Intro Chapter? Eg: direct the reader to look for definitions in source documents: specific law, regulations, ordinances, codes, General Plan, etc?
5. Do we need to include/reference MUD areas in the LDM now? Can we? Discussion needed.
6. Do/can we include Form Based Code references now? Discussion needed.
7. Have all “shalls” become “shoulds” unless directed by law or GP? (eg: cross check from matrix).
8. Does LDM set the legal parameters for professionals to work within – as requested by Jack?
9. Per BOS: Limits of design *should be* State or GP restrictions or BOS-directed: eg: not staff policy. Are they? Recheck and discussion needed.
10. The Design Waiver process required private engineers to sign a statement accepting liability for incidents that occur on the Design Waived-road. (Design professionals indicate insurance providers are not willing to provide coverage, or, if willing, premiums would likely skyrocket as liability standards are lowered. EDC is likely to see that rate increase reflected in a higher cost of bidding and designing many roads in EDC, and thus a higher TIM fee as well.) This is contrary to the BOS- directive and goals for ways to minimize government and costs. Has this been rectified in LDM? Discussion needed.
11. Where LDM cites “subdivision processes” etc, is this intended to apply to all Subdivisions and Parcel Maps? Do we assume if intent is only to apply to major land divisions (Subdivisions) that the word is capitalized and/or is followed by Parcel Map if a different requirement? (example: page 2-3 #2.2.2.7 and page 2-14 9.f)

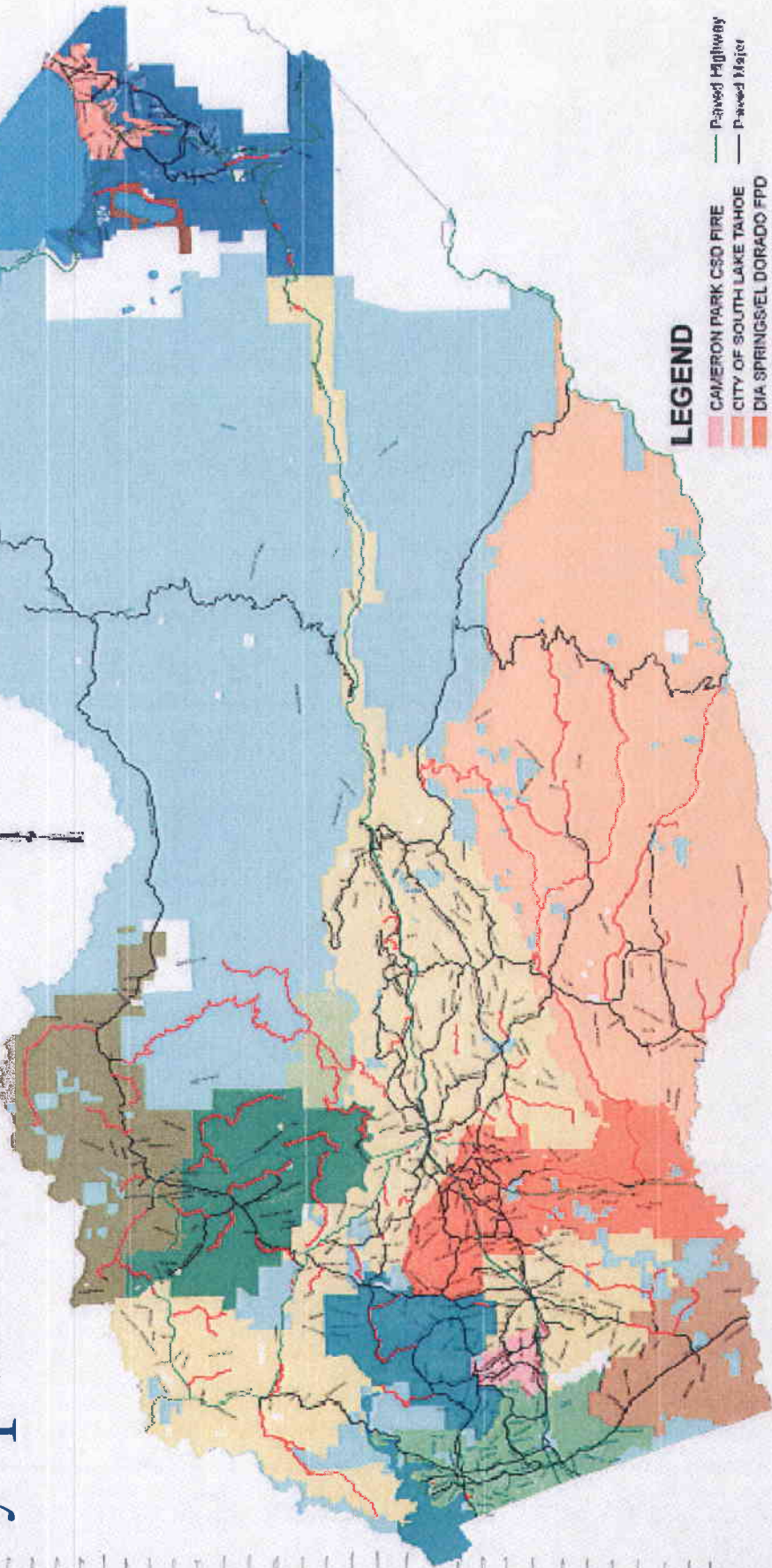
(Distributed at meeting by Jim Brunello)

PC 12/9/10 #11

RED ROADS

EL DORADO COUNTY

HIWAYS, STREETS, ROADS AND FIRE DISTRICTS



LEGEND

- CAMERON PARK CSD FIRE
 - CITY OF SOUTH LAKE TAHOE
 - DIA SPRINGS/EL DORADO FPD
 - EL DORADO COUNTY FPD
 - EL DORADO HILLS WATER/FIRE
 - FALLKN LFAF CSD FIRE
 - GARDEN VALLEY FPD
 - GEORGETOWN FPD
 - LAKE VALLEY FPD
 - LATROBE FPD
 - MEEKS BAY FPD
 - MORQUITO FPD
 - PIONEER FPD
 - RESCUE FPD
 - UNASSIGNED
- Paved Highway
 - Paved Major

PUBLIC ROADS LESS THAN 20 FEET WIDE AS MEASURED BY DEPARTMENT OF TRANSPORTATION DOES NOT DEPICT ALL PRIVATE ROADS LESS THAN 20 FEET



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California State Fire Marshal
Information Bulletin – IB0810

Issued: September 7, 2010

FIRE APPARATUS ACCESS ROADS

CCR, Title 24, Part 9, 2010 California Fire Code (CFC), Chapter 5, Sections 502.1, 503.1, 503.1.1 (Effective January 1, 2011) and Title 14, Division 1.5, Chapter 7, Subchapter 2 SRA Fire Safe Regulations

The purpose of this Information Bulletin is to provide clarification regarding Fire Apparatus Access Roads standards and further clarify the application of California Code of Regulations (CCR), Title 24, Part 9 – 2010 California Fire Code (CFC) Chapter 5, Section 503 Fire Apparatus Access Roads. Specifically, this Information Bulletin addresses the application of CFC Section in those areas where CCR, Title 14, Division 1.5, Chapter 7, Subchapter 2 – SRA Fire Safe Regulations apply in State Responsibility Areas (SRA).

The SFM adoption of CFC Section 503 (Fire Apparatus Access Roads) is intended as a general rule/regulation to be applied throughout the state as a minimum standard where no other rule/regulation, standard, or local ordinance that is equivalent or more restrictive, has been adopted, and is the state standard in non-SRA lands where no other rule/regulation, standard, or local ordinance that is equivalent or more restrictive, has been adopted.

SRA Fire Safe Regulations contained in CCR, Title 14, Sections 1270.00 – 1273.11 shall continue to be the minimum standard in the SRA unless a local adoption has been made that is equal to or more restrictive and has been approved by the Board of Forestry and Fire Protection.

If you have questions regarding this Information Bulletin, please contact:

Kevin Reinertson, Division Chief, Code Development and Analysis,
at (916) 327-4998 or by email at kevin.reinertson@fire.ca.gov

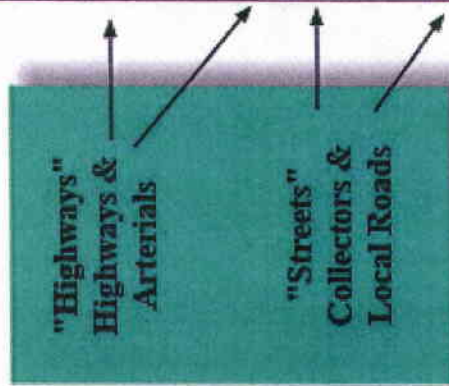
For more information please visit our website <http://osfm.fire.ca.gov>

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LDM STANDARD PLAN STREETS, HIGHWAYS & LOCAL ROADS DESIGN MANUAL

**TABLE TC-1
GENERAL ROADWAY STANDARDS FOR NEW DEVELOPMENT BY FUNCTIONAL CLASS**

Functional Class	ACCESS CONTROL		CROSS SECTION	
	Public Roads Intersections (Or interchanges)	Abutting Property Driveways and Private Roads	ROW	Roadway Width
Six-Lane Divided Road	1/2 mile minimum spacing	Restricted	130'	108'
Four-Lane Divided Road	1/2 mile minimum spacing	Limited	100'	84'
Four-Lane Undivided Road	1/2 mile minimum spacing	Limited	80'	64'
Community Regions	1/2 mile minimum spacing	Limited	80'	64'
Rural Centers and Rural Regions	1/4 mile minimum spacing	Limited Permitted	60'	40'
Major Two-Lane Road	1/4 mile minimum spacing	Permitted	60'	40'
Community Regions	1/4 mile minimum spacing	Permitted	60'	40'
Rural Centers and Rural Regions	1/4 mile minimum spacing	Permitted	60'	40'
Local Road	1/4 mile minimum spacing	Permitted	60'	Varies
Private Roads				



"Streets" Section of HDM Controls w/support from "Modified DISM"

"Highways" Section of HDM Controls w/support from

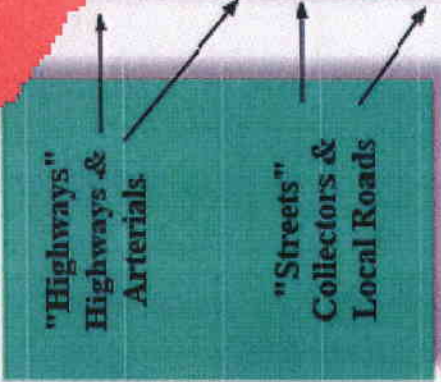


Key:
County Owned Roads
ZOB/HOA/Private Roads

LDM STANDARD PLAN STREETS, HIGHWAYS & LOCAL ROADS DESIGN MANUAL

TABLE TC-1
GENERAL ROADWAY STANDARDS FOR NEW DEVELOPMENT BY FUNCTIONAL CLASS

Functional Class	ACCESS CONTROL		ROW	Shoulder Width
	Public Roads Intersections (Or interchanges)	Abutting Property Driveways and Private Roads		
Four-Lane	1/2 mile minimum spacing	Restricted	60'	108'
Four-Lane	1/2 mile minimum spacing	Limited	60'	84'
Community Rural Centers and Rural Regions	1/2 mile minimum spacing	Limited	60'	64'
Major Two-Lane Road Community Regions Rural Centers and Rural Regions	1/2 mile minimum spacing	Limited	60'	64'
Local Road		Limited	60'	
Private Roads		Limited	60'	Varies



"Streets" Section of HDM Com...

"Highways" Section of HDM Com...

Caltrans



AASHTO AASHTO Low Volume

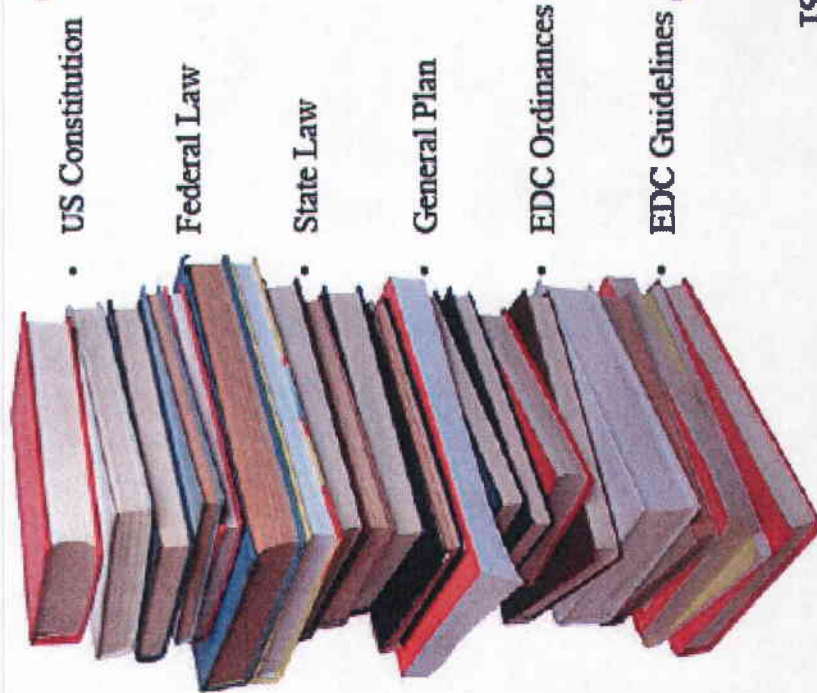


Key:

County Owned Private
ZOB/HOAV/Private

LDM PROCESS

Land Development Regulations



ISSUES IDENTIFIED BY EDAC

1. Summary may supersede source document (more stringent)
2. MATRIX identifies rule source
3. Alternatives rather than waivers

November 18, 2010

To: EDC Planning Commission
From: EDAC Regulatory Reform Subcommittee
Subj: Land Development Manual (LDM)

EDAC was tasked with the following direction by the Board of Supervisors' (BOS) in May 2008:

"Recommend ways to reform and improve regulatory processes relating to business in order to foster the spirit of cooperation, understanding and consensus between government and business, including a specific review of the General Plan and continue with existing County regulations and procedures to eliminate contradictory, unneeded requirements, and to narrow the scope of government to only those regulations that are necessary to the common good and that do not usurp the right of the individual to make responsible and creative choices."

As a result of the BOS' action the Regulatory Reform Subcommittee was formed. Following the BOS' direction Reg Reform participants have worked to identify key issues and policies currently stifling economic development in EDC. Reg Reform has concluded that changes are needed in some local regulations, policies and/or guidelines in the LDM; other changes are covered in the upcoming Zoning Ordinance (ZO) update; and still others may require consideration as General Plan Amendments (GPA).

It is the Reg Reform opinion that now is the time to recommend appropriate changes to whatever regulations/policies/ guidelines are unclear, unworkable, unnecessary, in practical conflict or overly costly, and thus are hindering economic progress. The critical question is: If not now – when?

Response to Planning Department's Pending Issues for LDM and Standard Plans

Regulatory Reform offers the following comments in response to staff's memo to the Planning Commission this date and October version of the LDM.

Standard Plans:

The Reg Reform Committee supports the Engineering Sub-Committee's (ESC) request that a provision be incorporated into the standards allowing the Deputy Director or Director discretion in the application of the new standards. It is important that there be some other mechanism to obtain deviations from the standard without obtaining Commission and/or Board approval for each instance.

Highway Design Manual (HDM):

Reg Reform agrees with staff recommendation: Separate HDM is no longer necessary.

Grading Without a Project:

Staff recommends no change to LDM due to significant CEQA review and amendments to GP triggered.

Reg Reform disagrees with staff's conclusion and remains in strong support of EDAC's position that a change is needed in the LDM. We are not suggesting that grading should be permitted in the absence of any CEQA review. However, because of the often lengthy "lead times" to process projects to approval, we believe it is necessary to permit grading of Commercial/Mixed-Use, Industrial, and R&D sites *before*

the ultimate user is identified. This issue has been identified as a major negative in EDC's competition for economic development projects.

To be competitive, Reg Reform requests EDC allow grading without a project for these job-generating land uses of C, I, R&D. We suggest CEQA review could be included in the GP 5-Year Update process now beginning.

50-CY Threshold for Grading Permits

Staff and Reg Reform agree this issue resolved/complete

Sidewalks to Nowhere Mandate:

Staff recommends no change to LDM.

Reg Reform disagrees with staff's conclusion. We recommend changes to reduce the number of costly, time-consuming Design Waiver processes currently constraining economic development projects by adding time and costs to a project. Reg Reform urges the PC to recommend a General Plan Amendment (GPA) that exempts residential in-fill projects within Community Regions and Rural Centers, where no sidewalks currently exist adjacent to the development project; and/or Where the neighborhood is already constructed without adjacent sidewalk setbacks; and/or: Where the infill project has no physical means of connecting to new or existing sidewalks. The suggested change could be included in the GP 5-Year Update and subsequent environmental review.

Fire Code Regulations for Access Standards:

Staff recommends no additional changes to the LDM beyond inclusion of re-interpretation of Fire Code by mutual agreement.

Reg Reform disagrees: The State of California has adopted a new set of building standards, including a new Fire Code, which become effective January 1, 2011. The local Fire Districts are expected to adopt local amendments as they have done in prior years. The local amendments currently in process will make certain Fire Code provisions *more restrictive* than the regulations adopted by the State, but in some instances *less stringent* than local amendments adopted in prior years. The Fire Prevention Officers have been responsive to concerns expressed by Reg Reform and have incorporated revisions into the proposed local amendments.

Reg Reform recommends that the new 2010 Fire Code regulations with local amendments should be incorporated into the LDM prior to adoption. It is likely the new Code and probably the local amendments will become effective before final adoption of this LDM. It would be a mistake to incorporate standards arising from the 2007 Code that are no longer effective into this document.

Reduce Design Waiver Requests:

Staff recommends no change to LDM based on need to amend Title 16-Chapts 16.08 and 16.40. Additionally staff states this task was not included in GP Policy Implementation Measures direction to staff from the BOS. However, this Planning Commission previously encouraged *inclusion* of options such as the Design Alternative process into the LDM.

Reg Reform disagrees. BOS direction to EDAC/Reg Reform specifically requested *recommendations for reform...and improve(ments to) the system, as well as narrowing the scope of government to only those regulations necessary, etc.*

The matter of time-consuming and costly Design Waivers is a major concern to EDAC/Reg Reform that can expand the project approval process significantly.

(Note: the DA process would provide a method whereby engineers/designers would be allowed to present a different design solution to approving authorities without doing Design Waivers under some circumstances. The goal is to provide professional status input at the same time as staff professionals present their solution to a design dilemma: The DA and staff's design solutions would hold equal status in the review before approving authorities.)

We request that the PC adopt a Design Alternative (DA) process for inclusion in the LDM.

Additionally, the LDM (page 1-10) points out that Design Waivers only apply to Design Manual requirements, not to Zoning or GP policies. The DA would allow project design experts, such as engineers/architects, to design a different solution with which to meet GP policies, as compared to staff's interpretation and recommendation.

5.1 **Mechanism for Approval of Minor Deviations from Standard Plans:**

Staff/DOT proposes to utilize only the existing Design Exception Policy for deviations from the Standards as allowed by the County Engineer's discretion.

Reg Reform disagrees. Some standards, as referenced below, should simply be allowed without having to "get permission" from a staff person. If there is good reason for the minor deviation, it should be allowed by right.

There should be some hierarchy developed, starting at lower staff levels and moving up the food chain as necessary, with going to PC and/or BOS only as a last resort. Common sense should be seriously considered in any decision.

Reg Reform supports the Engineering Sub-Committee (ESC) request (attached) that a provision be incorporated into the standards allowing the Deputy Director or Director discretion in the application of the new standards.

This is also an example of where the Design Alternative (DA) could be applied. The DA would resolve different but equal approaches by staff and project engineers by allowing consideration of solutions not already in the LDM as a Design Exception.

Reg Reform requests the Design Alternative process be utilized as a mechanism for approval of minor deviations from the Standard Plans.

5.2 **Standards for Vertical Curves:**

Staff recommends applying AASHTO Policy already adopted by "many agencies" in country.

The ESC acknowledges that the DISM ("Blue Book") vertical curve design standards are written as less restrictive than the AASHTO standards. However, Reg Reform supports the ESC request to see evidence that there is good reason to abandon the DISM standard. Is there some statistically significant evidence that is able to justify this change in the name of public safety or other worthy goals? We concur that there is an environmental and economic tradeoff associated with abandoning the existing DISM with respect to vertical curves. (see attached ESC letter)

Assuming there was sufficient evidence to justify the change, Reg Reform requests policy direction accepting that AASHTO Low Volume crest portion of the curve data would be more appropriate than the proposed standard for crest curves.

5.3 Clarification of Curbs and Gutters

Staff and Reg Reform agree.

Reg Reform supports ESC's request for clarification where rolled and vertical curbs would be required on the applicable RS standards. Currently, there is no distinction. The ESC would expect rolled curb and gutter for local subdivision streets with homes fronting the street and vertical curb and gutter on remaining roads, as well as at landscape lots or open space frontages within a subdivision.

5.4 Maximum Roadway Grade

Staff recommends use of 15% grade per the Design Exception Policy and the discretion of the County Engineer.

Reg Reform concurs with the ESC position. ESC states the 15% roadway grade for 600 feet currently allowed in the DISM needs to be retained for all local roads. This is a critical point for the engineering community to continue to design projects in the often-mountainous terrain of El Dorado County. Reg Reform joins the ESC in requesting sufficient evidence that the existing standard is inadequate. The potentially significant environmental and economic considerations of such a change to the standards should be considered before adopting a reduction to the currently proposed 12% max. The ESC believes that, when feasible, the engineer's design to lower road grades because a steep street is not an advantage to a project. We agree. However, there are frequently cases where a street steeper than 12% is required to make a project's land use designation feasible, or to avoid significant impacts to creeks and hillsides where terrain is a factor. This also needs to be addressed in the Fire Code for consistency.

Staff has taken the position that they will allow the roads to go to 15%, however, they have been reluctant to put this position in writing. Reg Reform's concern has been that unless it is in writing, future staff will not recognize the viability of allowing the steeper grades. Having this in writing goes a long way in ensuring that the *opportunity* for steeper grades will remain. Reg Reform accepts that 15% grades are not appropriate all the time, but there are times it is important and should be at the discretion of the design engineer without having to obtain concurrence from staff.

Reg Reform requests policy direction that supports a 15% roadway grade for 600 feet as allowed in the DISM for all local roads and at the discretion of the project design engineer.

5.5 Application of Curb, Gutter and Sidewalk Requirements

Reg Reform and staff agree.

For details please refer to attached ESC comments.

5.6 Design Speed for Collector Roadways

Staff recommends AASHTO policy of "30 mph or higher" and application of Design Exception Policy

Reg Reform supports ESC and disagrees that design speeds of 35 mph for collector roads with 2,500 - 4,000 ADT be adopted. The ESC believes 25-30 mph is a more appropriate design speed for collector roadways. In this particular case, the capacity of the roadway system is not effectively reduced by the lower design speed. Reg Reform concurs with ESC that the result is a safer road design that is compatible with the rural character of the community, and the roads can be constructed in a more environmentally friendly manner (i.e. - less grading, less disturbance of hillside slopes and mature trees).

It should be recognized that in many respects EDC is unique in its location and lifestyle. Also, given the fact that current design is pointed more to traffic calming, etc, than speed reduction should be the rule rather than the exception. This applies to the items following as well.

Reg Reform requests policy direction that 25-30 mph is a more appropriate design speed for collector roadways.

5.7 Access Restrictions on Collector Roadways

Staff/DOT strongly recommend restricting access on collector roadways.

Reg Reform agrees with ESC and is also reluctant to accept a limitation on residential frontages on collector roads above 2,500 ADT. ESC requests that this number to be changed to 4,000 ADT. There are no provisions made or clarifications provided on how the threshold will apply to infill projects where existing homes/ neighborhood services would create situations that prohibit reasonable build-out of existing land or situations where adding lots at the end of a road might push traffic counts in front of existing homes above the limit, thus making projects unapprovable or cost prohibitive.

Reg Reform supports the ESC request to limit residential frontages on collector roads above 2,500 ADT and requests that this be changed to 4,000 ADT.

5.8 Design Speed for Private Roads in Rural Regions (RS-30)

Staff recommends AASHTO Policy consistency and utilization of the Design Exception Policy.

The ESC disagrees with the design speeds of 40 mph for RS-30 (private roads in rural regions and rural centers) roadways carrying more than 600 ADT. The ESC recommends 25 mph design speeds for these roadways. These roadways are often located in areas of challenging terrain and a minimum design speed of 40 mph for a roadway that is not necessarily a paved roadway is excessive.

Reg Reform supports the ESC request for 25-mph design speeds for private roads in Rural Regions (RS-30).

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September 21, 2010

Mr. Dave Spiegelberg
El Dorado County
Dept. of Transportation
2850 Fairlane Court, Bldg. C
Placerville, CA 95667

Dear Dave:

At the request of the EDAC Regulatory Reform Subcommittee, members of the local engineering community have participated with DOT staff in the process of refining the proposed Highway Design Manual (HDM) over the last several months. We are in receipt of your final version of the proposed standard plans which are currently proposed in lieu of the HDM. We are pleased to have come to an agreement or compromise on so many of the detailed points of our discussions. However, a few points of significant disagreement remain, as summarized below.

1. The Engineering Sub-Committee (ESC) requests that a provision be incorporated into the standards allowing the Deputy Director or Director discretion in the application of the new standards. It is important that there be some other mechanism to obtain deviations from the standard without obtaining Commission and/or Board approval for each instance.
2. The ESC acknowledges that the DISM ("Blue Book") vertical curve design standards are written as less restrictive than the AASHTO standards. However, the ESC would like to see evidence that there is good reason to abandon the DISM standard. Is there some statistically significant evidence that is able to justify this change in the name of public safety or other worthy goals? There is certainly an environmental and economic tradeoff associated with abandoning the existing DISM with respect to vertical curves. Assuming there was sufficient evidence to justify the change, the ESC feels that the AASHTO Low Volume crest portion of the curve data would be more appropriate than the currently proposed standard for crest curves.
3. Please clarify where rolled and vertical curbs would be required on the applicable RS standards. Currently, there is no distinction. The ESC would expect rolled curb and gutter for local subdivision streets with homes fronting the street and vertical curb and gutter on remaining roads, as well as at landscape lots or open space frontages within a subdivision.
4. The 15% roadway grade for 600 feet currently allowed in the DISM needs to be retained for all local roads. This is a critical point for the engineering community to continue to be able to design projects in the often mountainous terrain of El Dorado County. The ESC requests sufficient evidence that the existing standard is inadequate. The potentially significant environmental and economic considerations of such a change to the standards should be considered before adopting a reduction to the currently proposed 12% max. The ESC believes that, when feasible, the engineer's design to lower road grades because a steep street is not an advantage to a project. However, there are frequently cases where a street steeper than 12% is required to make a project's land use designation feasible, or to avoid significant impacts to creeks and hillsides where terrain is a factor. This also needs to be addressed in the Fire Code for consistency.

5. There is no provision in RS-20 or 21 for the projects in these community regions to be designed without curb, gutter, and sidewalk. Nevertheless, the General Plan does not require sidewalks in subdivisions of 10,000 sq. ft. lots or larger. The ESC can accept curb, gutter, and sidewalk requirements in RS-20. However, the ESC feels that for the Cameron Park/Placerville/Diamond Springs/EI Dorado/Shingle Springs community regions, a provision for no curb, gutter, and sidewalk should be provided for projects with lot sizes greater than or equal to 1 acre in area, (MDR). The ESC feels that requiring Class 1 subdivision improvements in a subdivision of large lots (between 1 and 2 acres) is not in keeping with the character of those project types. Some members of the ESC believe, in the case of these particular situations, the County should develop a program whereby existing sidewalk deficiencies within the community region are identified and partially funded by an in-lieu sidewalk fee for use within the same community region. This would allow sidewalks to be built in locations where they are most needed, rather than in the lowest density areas of the community.
6. The ESC disagrees with the design speeds of 35 mph for collector roads with 2,500 - 4,000 ADT. The ESC believes 25 - 30 mph is a more appropriate design speed for these roadways. In this particular case, the capacity of the roadway system is not effectively reduced by the lower design speed. The result is a safer roadway design and the roads can be constructed in a more environmentally friendly manner (ie - less grading, less disturbance of hillside slopes and mature trees).
7. The ESC is reluctant to accept a limitation on residential frontages on collector roads above 2,500 ADT. ESC requests that this number to be changed to 4,000ADT. There are no provisions made or clarifications provided on how the threshold will apply to infill projects where existing homes/ neighborhood services would create situations that prohibit reasonable build-out of existing land or situations where adding lots at the end of a road might push traffic counts in front of existing homes above the limit, thus making projects un-approvable or cost prohibitive.
8. The ESC disagrees with the design speeds of 40 mph for RS-30 (private roads in rural regions and rural centers) roadways carrying more than 600 ADT. The ESC recommends 25 mph design speeds for these roadways. These roadways are often located in areas of challenging terrain and a minimum design speed of 40 mph for a roadway that is not necessarily a paved roadway is excessive.

To date, we have reviewed standard plans RD-1 to RD-3 and RS-1 to RS-30, MC-20.

The ESC appreciates the staff's efforts in discussing and compromising on many of the points of discussion over the last few months. Our remaining concerns are limited to the above points of disagreement. We look forward to continuing to work with you to address these concerns through the standard adoption process.

Sincerely,

Brian M. Allen, PE
On behalf of the ESC members

ESC Members:
Randy Pesses – City of Placerville – Public Works
Gene Thorne – Gene Thorne & Associates
Larry Patterson – Patterson Development
Olga Sciorelli, PE – CTA Engineering & Surveying