

FROM THE PLANNING COMMISSION MINUTES OF DECEMBER 9, 2010

11. LAND DEVELOPMENT MANUAL

Adoption of Land Development Manual and Standard Plans (hereinafter “Manuals”).

Sections 16.14.010 and 16.16.020 of the El Dorado County Code require all subdivision improvements to be constructed in accordance with the County Design Manual. The proposed Manuals comprehensively incorporate provisions of the 2004 General Plan and 2007 Fire Code, updates to the current Design and Improvement Standards Manual, and includes additional information on development processes. The Manuals include provisions for: Subdivision Development Processes; Road Standards and Typical Sections; Hillside Design Standards; Design Waivers; Secondary Access Provisions; Sidewalk Requirements; Fire Protection Standards; Water and Sewage Disposal Standards; Miscellaneous DOT permits and processes; Grading; Gating of Roads; Surveying Information; and a Reference Chapter. *[Project Contact: Roger Trout] (Negative declaration prepared)* [continued from the 10/28/10 (lack of a quorum) & 11/18/10 meetings]*

Roger Trout presented the item to the Commission with a recommendation of approval to the Board of Supervisors. He explained that this was a re-issuance of the document which was provided to the Commission earlier in the year and was now in a much smaller format. Mr. Trout stated that they were in concurrence with CalFire’s e-mail dated November 16, 2010 on removing the “Exception” in Section 2.4.2.1.B.9. He also introduced the LDM team and that they were available for any questions.

Commissioner Pratt spoke on the Commission’s motion when this item was heard earlier in the year, particularly regarding the matrix.

Significant discussion ensued on the five policy issues identified in the Staff Report and those comments are summarized below:

Policy Issue #1 – Grading Without a Project

- Kathye Russell stated that staff’s view of the LDM is different than the public’s view, particularly businesses. She felt that they could not economically compete with other counties and, therefore, would like to see this allowed, which would require a General Plan amendment. She requested that this issue be continued.
- County Counsel Paula Frantz explained that the General Plan requires a CEQA analysis but there is a fundamental problem as there are policies to reduce grading. She also stated that CEQA looks at the whole project, but if grading without a project is allowed, the developer has actually split the overall impact of converting raw land, which makes CEQA analysis very difficult and vulnerable.
- Chair Rain doesn’t want to see the LDM continually halted, but instead forward it on to the Board of Supervisors, which would still allow EDAC to work on the issues. He

explained that although he appreciated the work that has been done, he doesn't want to hold it up for committee review.

Policy Issue #2 – 50 Cubic Yard Threshold for Grading Permits

- Completed. No discussion.

Policy Issue #3 – Sidewalks

- Mr. Trout indicated that the requirement for sidewalks would be a function of the lot's zoning and the applicable road Standard Plan.
- Craig McKibbin/DOT stated that the issue is being driven by the General Plan policy and they are trying to identify reasonable solutions for compliance.
- Significant discussion ensued between Commissioner Pratt, staff, and Ms. Russell regarding the Design Waiver process and EDAC's suggested Design Alternatives. Ms. Russell explained that many people do not know what is expected from them by the County and suggested that there be a General Plan amendment for this issue.

Policy Issue #4 – Fire Code

- Mr. Trout stated that the new Fire Code would become effective January 1, 2011 and has relied on EDAC and the Fire Department regarding this issue. He felt that this has been appropriately handled.

Policy Issue #5 – Reduce Design Waiver Requests (spoke in combination with Issue #3)

- Mr. Trout explained that there are more Standard Plans in the process of being brought forward and the Design Waiver process is setup by Title 16.
- Mr. McKibbin stated that DOT currently has a Design Exception process that is internally used, primarily for the CIP. There had been discussion of utilizing this process for engineering technical deviations, thereby not requiring the full Design Waiver process. However, the problem was defining where the boundaries fall and the suggested Design Alternative process is very similar to the Design Exception process.
- Discussion ensued on the need for a Glossary and County Counsel Frantz stated that it was County Counsel staff that recommended the Glossary be removed. She explained the reasoning behind that decision and that a Glossary is fraught with legal problems.

Ms. Russell said that she really liked the new format of the LDM, but EDAC has had some difficulties identifying if previous changes transferred over to the new version. She appreciated the Commission's detailed involvement with this, but feels that it highlights the need for EDAC and staff to continue working on this.

Jim Brunello distributed a packet to the Commission for review. He acknowledged that staff was able to condense a large volume of information into a small, useful document. He agreed with Ms. Russell's comment on EDAC's difficulty in comparing the two versions of the LDM. Mr. Brunello explained the need for a matrix, how it is the most important item for the LDM, and that it would be a very useful tool. He stated that although they have been before the Board of Supervisors three times, the matrix has never been voted on. He felt that it would be beneficial to the Board if time was taken to finish the document prior to forwarding it on to them.

Andrea Howard stated that the concept of the matrix gives meaning to the document and felt that it should be taken to the Board for direction. She explained the concept of the Design Alternative and that if it can identify what the concerns are, then a Design Waiver may not be needed.

Sue Taylor provided examples of how other jurisdictions easily provide the rules for developers to follow. She stated that she would like to see this item continued to allow her time to analyze the document and make a formal presentation.

Ms. Russell distributed a letter to the Commission and confirmed that it was different from the letter presented at the last meeting. She stated that their review has not yet been completed, so there may be more issues that will be identified later.

Commissioner Pratt felt that the matrix would be a valuable tool for the LDM and also provide access to updates of the source documents.

Mr. Trout explained that the matrix could be developed after the LDM was adopted as it will be used later. He also stated that the EDAC Reform Sub-Committee had indicated that they would initiate this document. Mr. Trout informed the Commission that most of the items in the LDM are from the Design Manual and he would like feedback on what standards they would like to have.

In regards to Ms. Russell's feelings on needing more time to review, Commissioner Pratt explained that although he understood, he acknowledged that this is a living and breathing document and with a defined modification process it will be kept updated and dynamic. He felt the team had done a phenomenal job and that EDAC had spent numerous hours on this project, but none of that would mean anything if this doesn't become a finished project.

Mr. Trout identified Section 1.8 that explains the amendment process. He also responded to some of the informational comments provided in the letter distributed at today's meeting by Ms. Russell. Mr. Trout explained that this newer version of the LDM is distinctively different looking from the previous version, but the content is still the same. He stated that he would be agreeable to the Commission continuing the item to allow EDAC more time to review the LDM, but would like recommendations from the Commission on policy changes.

Commissioner Mathews stated he prefers case-by-case reviews so he can be provided the specifics for that particular project.

Commissioner Heflin felt that EDAC needs the opportunity to respond to this new LDM version and be able to forward to the Board of Supervisors excellent feedback from EDAC. He thought that if action was taken today to move the item forward, EDAC would probably not support it.

In response to Ms. Russell requesting a continuance to one more meeting to allow time for her to have engineers (i.e. SAGE) review the new version, Commissioner Mathews felt that the original mandate had already been completed.

Chair Rain stated that there will always be a reason to continue to hold up progress of the document and at this time would like to forward it on to the Board.

Commissioner Pratt felt strongly that a matrix identifying the source documents needs to be a part of the LDM.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Pratt, and carried (4-0), to recommend the Board of Supervisors take the following action: 1. Adopt the Negative Declaration prepared by staff; 2. Adopt the Land Development Manual and Standard Plans based on the Findings as presented, with the following modification: (a) Remove the "Exception" in Section 2.4.2.1.B.9 as identified in the CalFire e-mail dated November 16, 2010; and 3. Direct staff to return to the Planning Commission six months from the Board's adoption date to review any changes or modifications, with the Commission's suggested inclusion of a matrix from EDAC identifying the source documents.

AYES: Pratt, Heflin, Mathews, Rain
NOES: None
ABSENT: Tolhurst