

## **SECTION 3: HOUSING CONSTRAINTS**

The provision of adequate and affordable housing opportunities is an important goal of the County. However, a number of factors can constrain the maintenance, improvement, or development of housing, particularly housing affordable to lower income households. Housing constraints are those restrictions that add significant costs to housing development.

State housing law requires that the County review constraints to the maintenance and production of housing for all income levels. These constraints fall into two basic categories: governmental, those controlled by federal, state, or local governments; and non-governmental factors that are not created by and generally cannot be significantly affected by government actions.

This section addresses these potential constraints and their effects on the supply of affordable housing.

### **GOVERNMENTAL CONSTRAINTS**

Local policies and regulations play an important role in protecting the public's health, safety and welfare. However, governmental policies and regulations can act as constraints that affect both the amount of residential development that occurs and housing affordability. State law requires housing elements to "address and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing" (Government Code Section 65583[c][3]). Therefore, the County must monitor these regulations to ensure there are no unnecessary restrictions on the operation of the housing market. If the County determines that a policy or regulation results in excessive constraints, the County must attempt to identify what steps can be taken to remove or minimize obstacles to affordable residential development.

The County's primary policies and regulations that affect residential development and housing affordability are land use controls; development processing procedures, fees, and improvement requirements; and building and housing codes and enforcement. Special district management and the state and federal governments impose additional constraints.

### **Land Use Controls**

Land use controls guide local growth and development. El Dorado County applies land use controls through its General Plan and Zoning and Subdivision Ordinances. The General Plan and Zoning Ordinance establish the amount and distribution of land allocated for different uses, including housing. The Subdivision Ordinance governs the process of converting undeveloped land to building sites.

## General Plan

El Dorado County's principal land use policy document is the Land Use Element of its General Plan. Additional policies related to land use that potentially affect housing are contained in the Transportation and Circulation, Conservation and Open Space, and Agriculture and Forestry General Plan Elements.

State planning law requires general plans to establish "standards of population density and building intensity" for the various land use designations in the plan (Government Code Section 65302[a]). One of the fundamental objectives of El Dorado County's General Plan is to direct intensive development to the identified Community Regions and Rural Centers where public facilities and infrastructure are generally more available. Policies in each of the elements referenced above are designed to achieve the desired land use patterns, coordinate development with infrastructure availability, equitably distribute the cost of public services, maintain the character of existing communities, and preserve agricultural lands, natural resources, and open space.

Table HO-25 shows the land use designations outlined in the Land Use Element. The corresponding existing zone districts are listed beside the appropriate land use designation. As noted, residential development may be permitted in certain commercial zone districts as mixed-use development. The land use map designates sufficient land for housing development, so no adjustments are necessary.

<b>TABLE HO-25 Compatible Land Use Designations and Zone Districts</b>	
<b>General Plan Land Use Designation</b>	<b>Zone Districts<sup>1</sup></b>
Agricultural Lands (AL)	Residential Agricultural Districts (RA-20, RA-40, RA-80, RA-160), Agricultural (A), Exclusive Agricultural (AE), and Planned Agricultural (PA) Districts
Rural Residential (RR)	RA-20, RA-40, RA-80, RA-160; A, AE, PA, Mobile Home Park District (MP)
Low-Density Residential (LDR)	Estate Residential Districts (RE-5, RE-10); Select Agricultural District (SA-10); MP
Medium-Density Residential (MDR)	One-acre Residential (R1A), Single-family Two-acre Residential (R2A), and Single-family Three-acre Residential (R3A) Districts; MP
High-Density Residential (HDR)	One-family Residential (R1) and One-half Acre Residential (R-20,000) Districts; MP
Multifamily Residential (MFR)	Limited Multifamily Residential (R2) and Multifamily Residential (RM) Districts; Tourist Residential (TR) District; MP
Commercial (C)	Commercial (C), Professional Office Commercial (CPO), and Planned Commercial (CP) Districts
<b>Note:</b>	
<sup>1</sup> See the following section for more information about zone districts. Zone districts are as defined in Title 17 of the El Dorado County Code.	
<sup>2</sup> By special use permit for mixed-use development. (GP and ZO amendment are in process to allow use by right)	

Policies directing growth to Community Regions and Rural Centers and concurrency policies requiring adequate public utilities and infrastructure could be viewed as governmental constraints. However, when viewed as a necessary method to direct growth to areas that are most suitable for development and to protect agricultural lands, open space, and natural resources, the benefits outweigh any constraints that may be imposed. Directing infill and the greatest extent of new growth to Community Regions would generally be more affordable and is more likely to result in affordable housing, as costs associated with services to and infrastructure development in support of the development would be substantially less (and thus not passed on to the renter or buyer).

General Plan policies encourage the development of mixed uses (residential with commercial) within the Commercial land use designation. However, mixed use development is currently permitted only by special use permit. Implementation Measure HO-27 provides that the County will amend the General Plan and Zoning Ordinance within one year to permit mixed use development by right, subject to specified site development standards. This amendment is currently in process (March 2008).

**Zoning Ordinance**

Land use controls affecting the location, type, and timing of housing development are prescribed through the minimum standards contained in the Zoning and Subdivision Ordinances (Titles 17 and 16 of the El Dorado County Code). The Zoning Ordinance and the assignment of zone districts are intended to ensure that the land uses in the county are

compatible, suitably located in relation to one another, and reflect the County's vision and goals as set forth in the General Plan. If zoning standards are excessively restrictive and do not allow adequate land use flexibility, development costs could increase. While the Zoning Ordinance and development standards present the potential to restrict housing, the County intends to implement these regulations for General Plan consistency and the protection of public health, safety, and welfare.

The current El Dorado County Zoning Ordinance has ten residential districts:

- Multifamily Residential (RM)
- Limited Multifamily Residential (R2)
- Tourist Residential (RT)
- One-family Residential (R1)
- One-half Acre Residential (R-20,000)
- One-acre Residential (R1A)
- Single-family Two-acre Residential (R2A)
- Single-family Three-acre Residential (R3A)
- Estate Residential Five-acre (RE-5)
- Estate Residential Ten-acre (RE-10)

Residential use is also allowed by right in all residential agricultural districts (Residential Agricultural [RA] 20, 40, 80, and 160); agricultural districts (Agricultural [A], Exclusive Agricultural [AE], Planned Agricultural [PA], and Select Agricultural [SA-10]); the Mobile Home Park (MP) District; the Planned Development (PD) District; and the Unclassified (U) District. Mixed residential and nonresidential uses are allowed in three commercial districts: Commercial (C), Professional Office Commercial (CPO), and Planned Commercial (CP) subject to a special use permit. As noted in the General Plan discussion above, Measure HO-27 provides that the County will amend the General Plan and Zoning Ordinance within one year to permit mixed use development by right, subject to specified site development standards. Table HO-26 shows the maximum residential density permitted in each existing zone district.

Table HO-27 provides setback, coverage, and height requirements throughout the unincorporated portions of El Dorado County. Setbacks in multifamily residential zones are slightly less restrictive, providing the option for a larger footprint on the parcel. The setbacks, maximum coverage and height requirements are comparable to other communities throughout the state and are not considered a constraint to the development of affordable housing.

<b>TABLE HO-26 Zoning Ordinance Maximum Densities</b>	
<b>Zone District</b>	<b>Maximum Density One dwelling unit per:</b>
Multifamily Residential (RM)	1,000 sq. ft./750 sq. ft. <sup>1</sup>
Limited Multifamily Residential (R2)	2,000 sq. ft.
One-family Residential (R1)	6,000 sq. ft.
One-half Acre Residential (R-20000)	20,000 sq. ft.
One-acre Residential (R1A)	1 acre
Single-family Two-acre Residential (R2A)	2 acres
Single-family Three-acre Residential (R3A)	3 acres
Estate Residential Five-acre (RE-5)	5 acres
Estate Residential Ten-acre (RE-10)	10 acres
Mobile Home Park (MP)	6,000 sq. ft. <sup>2</sup>
Tourist Residential (RT)	6,000 sq.ft./2,000 sq. ft. <sup>3</sup>
Residential Agricultural Twenty-acre (RA-20)	20 acres
Residential Agricultural Forty-acre (RA-40)	40 acres
Residential Agricultural Sixty-acre (RA-60)	60 acres
Residential Agricultural Eighty-acre (RA-80)	80 acres
Residential Agricultural One Hundred Sixty-acre (RA-160)	160 acres
Agricultural (A)	10 acres
Exclusive Agricultural (AE)	20 acres <sup>4</sup>
Planned Agricultural (PA)	20 acres
Select Agricultural (SA-10)	10 acres
Commercial (C)	1,000 sq. ft./750 sq. ft. <sup>1</sup>
Professional Office Commercial (CPO)	2,000 sq. ft. <sup>5</sup>
Planned Commercial (CP)	1,000 sq. ft./750 sq. ft. <sup>1</sup>
<b>Notes:</b>	
<sup>1</sup> Minimum unit size is 1,000 ft <sup>2</sup> for first- and second-story units, 750 ft <sup>2</sup> for third-story units. Maximum density permitted by the General Plan land use designation under which these zone districts are allowed is 24 units per acre.	
<sup>2</sup> Lower density may apply based on land use designation.	
<sup>3</sup> Minimum lot size is 6,000 ft <sup>2</sup> . Lot area of 2,000 ft <sup>2</sup> allowed when proposed with attached dwelling units.	
<sup>4</sup> Minimum parcel size may be reduced to 10 acres if the parcel exists and meets specific standards for agricultural production.	
<sup>5</sup> Minimum lot size is 2,000 ft <sup>2</sup> . Maximum density is 24 units/acre.	
<b>Source:</b> <i>El Dorado County Zoning Ordinance</i> (as amended through 2002).	

<b>TABLE HO-27 Zoning District Setbacks</b>					
<b>Zoning District</b>	<b>Front Setback</b>	<b>Side Setback</b>	<b>Rear Setback</b>	<b>Maximum Coverage</b>	<b>Maximum Height</b>
One-family Residential (R1)	20 feet	5 feet <sup>1</sup>	15 feet	35 percent	40 feet
Limited Multifamily Residential (R2)	20 feet	5 feet	15 feet	50 percent	40 feet
Multifamily Residential (RM)	20 feet	5 feet	10 feet	50 percent	50 feet
Tourist Residential (RT)	20 feet	5 feet	10 feet	50 percent	50 feet
Residential Agricultural Twenty-acre (RA-20)	50 feet on all yards	50 feet on all yards	50 feet on all yards	None	45 feet
<b>Note:</b> <sup>1</sup> Side yard will be increased one foot for each additional foot of building height in excess of twenty-five feet.					
<b>Source:</b> <i>El Dorado County Zoning Ordinance</i> (as amended through 2003).					

Table HO-28 lists the off-street parking requirements for different residential uses in the County. The County’s parking requirements are consistent with other communities and are not considered to unnecessarily burden affordable housing construction.

<b>TABLE HO-28 Schedule of Off-Street Vehicle Parking Requirements</b>	
<b>Use</b>	<b>Minimum Off-Street Parking</b>
Conventional single-family detached	2 spaces, not in tandem
Single-family with second unit	2 spaces, not in tandem plus 1 space for each additional unit
Single-family attached	2 spaces, not in tandem per unit
Apartments	
Studio/1 bedroom	1.6 spaces per unit
2 or more bedrooms	2 spaces per unit
Rooming house, boarding home, fraternity	1 space per bedroom
Mobile Home	1 space per mobile home space plus one visitor space for every 5 units.
<b>Source:</b> <i>El Dorado County Zoning Ordinance</i> (as amended through 2003).	

Table HO-29 outlines the extent of permitted housing types by zone district. Consistent with state law, El Dorado County is in the process of revising its Zoning Ordinance for consistency with the 2004 General Plan. Accordingly, the number and specifications of the current zone districts may change with the Zoning Ordinance update.

As outlined in this Housing Element, the County is proposing some Implementation Measures that would facilitate or encourage certain types of residential development. Measures HO-4 and HO-6 direct the County to review and revise Zoning Ordinance standards to provide more flexibility for developers of affordable housing. Measure HO-16 directs the County to amend the Planned Development combining zone district in a manner that provides incentives for the development of a variety of housing types. Finally, Measure HO-23 directs the County to review the Zoning Ordinance for constraints to housing for persons with disabilities. These measures are sufficient to lessen the effect of the Zoning Ordinance as a constraint to housing development.

## ZONING ORDINANCE PERMITTING

As shown on Table HO-29, some housing types require issuance of permits or other discretionary approval for development under the current zoning ordinance. While most housing types are allowed by right in most residential zone districts, others may be subject to site plan review, issuance of a special use permit, or approval of a planned development. Multifamily housing is permitted by right in the Multifamily Residential (RM), Limited Multifamily Residential (R2), and Tourist Residential (RT) zones.

**Site Plan Review:** This process provides for review and approval of development consistent with the Zoning Ordinance where limited review is required or necessary to ensure compliance with adopted County standards, to provide appropriate project design, and to protect the public health, safety, and welfare. Under the current Zoning Ordinance, some group residential and group care facilities for more than six persons require site plan review.

**Special Use Permit:** The Special Use Permit process provides for review to consider uses that may be compatible with other permitted uses in a zone district but, due to their nature, require consideration of site design, adjacent land uses, availability of public infrastructure and services, and environmental impacts. Under the current Zoning Ordinance, some multifamily, group residential, and farm employee housing; group care facilities for more than six persons; and mobile home parks require Special Use Permits.

The following outlines the approval process for a Special Use Permit:

1. **Prepare and submit application.** The applicant prepares required materials and submits the package to the Planning Department.
2. **Receive application.** The Planning Department reviews the application with the applicant. If the application is complete, the Planning Department accepts the project, assigns it to a planner, and distributes copies of application materials to affected agencies for review and comment.
3. **Process application.** The Planning Department processes the application in coordination with other departments and agencies as necessary. Processing normally includes:
  - A site meeting with applicant and representatives of other appropriate County departments.

- A “Technical Advisory Committee” meeting with the applicant and representatives of concerned County departments and agencies. The other County departments and agencies may state a requirement for additional information or studies at the meeting.
  - Preparation of a draft environmental document pursuant to the California Environmental Quality Act (CEQA). Depending upon the potential impacts of the project, a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report (EIR) may be required. If an EIR is required, the applicant is responsible for the costs of the EIR process.
  - Noticing of the public hearing for the project and environmental document in the local newspaper (notice shall include information regarding public review time frame).
  - Preparation of a staff report, which is presented to the decision-making body in advance of the project hearing. The applicant reviews the staff report a minimum of two weeks before the public hearing so that he/she understands staff-recommended conditions of approval.
4. **Hold public hearing.** A public hearing is held before the Zoning Administrator or Planning Commission to make a decision on the proposed project. The hearing includes certification of environmental document and may result in conditions of approval that are different from staff recommendations. If the hearing body approves the project, the applicant may proceed pursuant to the conditions of approval. If the hearing body denies the project, the applicant may choose to modify the project and repeat the process.
5. **Post-decision procedure.** If any party wishes to appeal the decision of the Zoning Administrator or Planning Commission, the appeal must be filed within ten working days after the decision. The appeal hearing, which is publicly noticed, is held before the Board of Supervisors at one of its regular meetings. For appealed projects, the Board of Supervisors makes a final decision. The timing of the appeal hearing is approximately 30 days after the filing of the appeal.

The entire process is generally completed within six to eight months. The length of time is mainly determined by the level of environmental review required, changes or modifications made to the project by the applicant, or additional information needed to resolve issues or complete the environmental document.

**Planned Development:** Planned Development review and subsequent application of a Planned Development zone district provides for flexibility of development. Planned Developments provide for benefits such as more efficient use of a site, more efficient use of public or private infrastructure, and environmental protection. Under the current Zoning Ordinance, discretionary Planned Development approval is required for some mobile home parks and multifamily and group residential developments.



TABLE HO-29 Zoning Districts Permitting Residential Uses																						
	Zone District																					
	RM	R2	R1	R20000	R1A	R2A	R3A	RE-5	RE-10	MP	RT	RA-20	RA-40	RA-80	RA-160	A	AE	PA	SA-10	C	CPO	CP
Single-Family	Y	Y	Y	Y	Y	Y	Y	Y	Y	U	Y	Y	Y	Y	Y	Y	Y	Y	Y	U		
Multifamily	Y	Y									Y									U <sup>1</sup>	U <sup>1</sup>	U <sup>1</sup>
Second Unit	Y	Y	Y	Y	Y	Y	Y	Y	Y	U	Y	Y	Y	Y	Y	Y	Y	Y	Y			
Mobile Home Parks										U	U									U		U
Mobile Homes	Y	Y	Y	Y	Y	Y	Y	Y	Y	U	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
Group Residential	U	U	U	U	U	U	U	U	U		U										S	S
Farm Employee Housing												U	U	U	U	U	U	U				
Group Care Facility >6 persons	U	U	U	U	U	U	U	U	U		U										S	S
<b>Notes:</b> Y: Permitted U: Use Permit PD: Planned Development S: Site Plan 1: El Dorado County is processing GP and ZO Amendment to allow by right																						
<b>Source:</b> El Dorado County Zoning Ordinance (as amended through 2002).																						

### Subdivision Ordinance

The Subdivision Ordinance contains land use controls affecting the location, type, and timing of housing development; it governs the process of converting undeveloped land into building sites. It is the tool whereby the County ensures that residential lots are created in a manner consistent with the General Plan, Zoning Ordinance, and the County's improvement standards. Compliance with this ordinance provides for orderly development, protection of property values, and assures that adequate streets, public utilities, and other essential public services are provided. Excessive restrictions on subdivision could result in inflated land development costs and/or lack of development interest. However, the County's subdivision regulations are consistent with state law and comparable to other jurisdictions in the region having a similar topography and demographics and are not considered a constraint on residential development. No changes are necessary.

### **Development Processing Procedures, Fees, and Improvement Requirements**

Similar to other jurisdictions, the County has a number of procedures it requires developers to follow for processing entitlements and building permits. Although the permit approval process must conform to the Permit Streamlining Act (Government Code Section 65920 et seq.), housing proposed in the county is subject to one or more of the following review processes: environmental review, zoning, subdivision review, use permit control, design review, and building permit approval.

Delays in processing the various permits and applications necessary for residential development can add to housing costs and discourage housing developers. In El Dorado County, the processing time for a tentative map is typically four to six months. When accompanied by a zone change or planned development application, the time can be longer. Plan check for a single-family home is typically four to six weeks, although options for outside plan check services can reduce that time to about two weeks.

Multifamily development in many parts of El Dorado County requires discretionary design review approval because Design Review combining zone districts overlay much of the area where multifamily development is appropriate. This adds to the processing time and subjects applicants to greater scrutiny, potential opposition from the community, and political issues. One opportunity to eliminate a constraint would be to establish specific standards for multifamily housing and develop a process for Fast-Tracking the approval of such development. (Measures HO-4, HO-6 and HO-10)

As required by the California Environmental Quality Act (CEQA), the County's permit processing procedures include an assessment of the potential environmental impacts of the proposed project. The environmental review process helps protect the public from significant environmental degradation and locating inappropriate development sites. It also gives the public an opportunity to comment on project impacts. However, if a

project requires an Environmental Impact Report (EIR), additional processing, cost, and time is required.

Compliance with CEQA is the first step in the review of a discretionary project, prior to scheduling any permit or application before a hearing body. If, after completing a CEQA Initial Study, County staff determines that the proposal will have no significant adverse impact upon the environment, the applicant will be notified that a Negative Declaration will be prepared by the County. If staff determine that the project may have a significant impact, an EIR is required. An EIR is an in-depth analysis of the potentially significant environmental impacts of a project. Once it has been determined that the EIR is acceptable, the EIR is distributed for public review. After the applicant files the tentative map or subsequent entitlement application, a public hearing will be set to consider the CEQA document (which is either an Initial Study/Negative Declaration or an EIR) and any other entitlements.

The County's development processing procedures do not create excessive obstacles to residential development, although this Housing Element includes programs to relax the procedures for certain types of projects. These include Measure HO-10, which directs that the County will review its current procedures to identify opportunities for streamlining [The County is in the process of developing a "Fast-Tracking" process for projects that include Affordable Housing units. Adoption of the process is expected by Spring 2008]; HO-14, which directs the County to establish a working group to ensure consistent application of processing requirements [The CAO has established a Housing Working Group and as part of the "Fast-Tracking" process it is being recommended that a staff level working group with a single point of contact for all projects including Affordable Housing be established. Adoption is anticipated in Spring 2008]; and HO-23, which directs the County to develop a procedure for processing reasonable accommodation requests [Draft Ordinance has been drafted and will be adopted with other Zoning Ordinance amendments in 2008]. No additional changes are necessary.

### Impact Fees

Impact and other fees are assessed with most building permit applications to offset the impact of new construction on various services and infrastructure needs that the County or other agencies provide.

Total estimated development fees, including planning, building, and capital improvement fees collected by the County and special districts operating in the county, are approximately \$96,360 per unit in a 25-unit subdivision, and \$69,545 per unit in a 45-unit apartment building. Table HO-30 lists impact and related development fees for a single-family dwelling in El Dorado County.

As noted on table HO-30, a portion of total fees are payable to entities other than the County (i.e., fire districts, school districts, park and recreation providers, community services districts, and water providers). The County has no authority to change or waive fees assessed by non-County entities. County-levied fees for single-family dwellings are based on costs to process applications (building permit and septic system fees), ordinance

requirements (rare plant fees), and costs to construct improvements. Developments that consist of something other than a single unit may have additional processing fees depending upon the type and size of the project (e.g., a large subdivision project may require preparation of an Environmental Impact Report pursuant to the California Environmental Quality Act, which would be funded by the applicant).

County-levied fees are established or changed using a formal process. To determine an appropriate fee (or fee change), the County conducts a study that identifies details of the service and the cost to administer that service. The Board of Supervisors then considers the new or amended fee based on the results of the study. The Board has final say in the established fee amounts. The County regularly reviews its fee programs and conducts fee studies in responses to changes in requirements, changes in demand, and changes in the value of its services (e.g., influenced by inflation).

As noted above, only a portion of impact fees associated with residential development are established by the County. The combination of the County's fees and those of other agencies and service providers collectively pose a constraint to the development of affordable housing because developers cannot as easily pass the cost on to the purchaser or future inhabitants. The County adopted a fee waiver/fee reduction ordinance for affordable housing projects on December 12, 2007 to help alleviate some of its fee requirements. Other Implementation Measures to help developers offset fee requirements include HO-E, which directs the County to partner with other entities to obtain grant money or negotiate fee waivers to develop affordable housing Measure HO-9, which would establish a Housing Trust Fund that could potentially be used to offset fees for affordable housing construction;; and Measure HO-31, which directs the County to adopt study the benefits of mixed use development on traffic levels of service with the intention of reducing Traffic Impact Mitigation fees for mixed use.

In addition to the measures addressing impact fees (discussed above), the County will continue to consider ways to reduce the adverse effects of impact fees on affordable housing projects as it develops new fee programs.

### Traffic Impact Mitigation (TIM) Fees

Based on approval by the voters Measure Y, "The Control Traffic Congestion Initiative" in 1998, five policies were added to the General Plan. The policies with the greatest potential to affect fees related to housing development are as follows:

- Traffic from residential development projects of five or more units or parcels of land shall not result in, or worsen, Level of Service "F" (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange, or intersection in the unincorporated areas of the County.

<b>TABLE HO-30 Single-Family Dwelling Impact and Other Fees<sup>1</sup></b>			
<b>Type of Fee</b>	<b>Amount of Fee</b>	<b>Agency Collecting Fee</b>	<b>Time of Assessment</b>
Building Permit <ul style="list-style-type: none"> <li>• SMIP</li> <li>• Grading</li> <li>• Encroachment</li> </ul>	1.31/sq. ft. <sup>2</sup> .0001% of Valuation \$485 \$273	El Dorado County	Building Permit
Planning	\$100	El Dorado County	Building Permit
Assessor	\$25	El Dorado County	Building Permit
Grading	\$485	El Dorado County	Building Permit
Road, TIM	\$10,320-42,400/d.u. <sup>3</sup>	El Dorado County	Building Permit
Fire	\$.41/sq. ft.-2,678/d.u. <sup>4</sup>	Fire District	Building Permit
School	\$2.24-3.93/sq. ft.	School Districts	Building Permit
Park Dedication In-Lieu Fee	Varies <sup>5</sup>	Park Agency	Final Subdivision or Parcel Map
Recreation	\$8,021-9,806/d.u. <sup>6</sup>	Community Services Districts	Building Permit
Rare Plant, County	\$0-885/d.u. <sup>7</sup>	El Dorado County	Building Permit
Rare Plant, EID <sup>8</sup>	\$386	EID	Building Permit
Water, EID	\$16,869/d.u. <sup>9</sup>	EID	Building Permit or Final Map <sup>10</sup>
Water, GDPUD <sup>11</sup>	\$100-8,100/d.u.	GDPUD	Building Permit or Final Map <sup>12</sup>
Water, Grizzly Flats CSD	\$5,700/d.u.	GFCSD	Building Permit
Water, Permit to Drill Well	\$375	El Dorado County	Building Permit
Sewer	\$13,403/d.u. <sup>13</sup>	EID	Building Permit or Final Map
Septic System	\$813	El Dorado County	Building Permit
<b>Notes:</b>			
<sup>1</sup> Fees in effect as of January 1, 2008. <sup>2</sup> Varies based on construction type. <sup>3</sup> Varies based on location by Regional Analysis Zone (RAZ). <sup>4</sup> Varies based on location and size of structure. <sup>5</sup> Park fees based on the value of the land and the amount of land required for dedication. <sup>6</sup> Recreation fees are only collected in the El Dorado Hills and Cameron Park Community Services Districts boundaries. <sup>7</sup> Plant fee varies based on location. <sup>8</sup> El Dorado Irrigation District <sup>9</sup> Based on a ¾" meter. <sup>10</sup> Fee is collected at recording of a subdivision final or parcel map, unless the lot is pre-existing and does not already have an EDU allocated to it. <sup>11</sup> Georgetown Divide Public Utility District <sup>12</sup> \$100 is basic service fee for previously assessed parcels; \$5,000 or more is due at time of recording a map creating new parcels. <sup>13</sup> Varies based on location.			
<b>Source:</b> El Dorado County Building Department, Planning Department, El Dorado Irrigation District, and Georgetown Divide Public Utility District (2008).			

- Developer-paid traffic impact fees shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development upon any highways, arterial roads, and their

intersections during weekday, peak-hour periods in unincorporated areas of the County; and

- County tax revenues shall not be used in any way to pay for building road capacity improvements to offset traffic impacts from new development projects. Exceptions are allowed if County voters first give their approval.

Implementation of these requirements was incorporated into the 2004 General Plan update through development of the TIM Fee Program. The Program was adopted and fees became effective in November 2005. The fees are applied to all development, including single family and multi-family units. The per unit fees range from \$10,320 to \$42,400 per unit, depending on which of 8 fee zones in which the project is located, and whether the units are single-family or multi-family. The fees vary by zone due to the roadway LOS conditions in the area, and the cost estimates for roadway improvements within the zone. The majority of vacant multi-family parcels are located in the more expensive TIM Fee areas. This is due to the need for multi-family housing to be located within a short proximity to services and infrastructure, which is where development is concentrated and therefore LOS is higher. Large concentrations of higher-density housing in areas where there is inadequate services and infrastructure would not be appropriate.

Cost factors of up to \$42,400 per unit could constrain development, especially multi-family housing. In order to lessen the cost burden on affordable housing, the County has adopted a fee waiver process for the development of affordable housing. The waiver is not an exemption from TIM fees, but is an offset program funded at approximately \$1,000,000 per year.

### On- and Off-Site Requirements

Site improvements and design costs can affect the cost of housing. Improvements typically are imposed at the time of the issuance of the building permit and are a part of the construction costs. Improvements such as parking and landscaping standards are a result of standards in the Zoning Ordinance or the *Design and Improvement Standards Manual*, and are usually imposed on multifamily residential projects. Both the Zoning Ordinance and the *Manual* provides for flexible standards to facilitate affordable housing. These are typical for such development within the region and are not considered a heavy constraint on development.

Additional design constraints related to physical site features can also affect the cost of housing. For example, extreme (steep) slopes constrain development. The County has also adopted specific parcel size standards that further limit the potential development beyond the purely physical limitations. Standards such as these have the potential to restrict the number of dwelling units created during the subdivision mapping process.

Other site improvements imposed at the time lots are created include the construction, both on-site and off-site, if necessary, of roads, water and sewer lines, storm drainage

systems, and other infrastructure improvements. These improvements are necessary to support the development and are not considered a constraint on development.

On and offsite requirements, such as those for parking and landscaping, are consistent with the Zoning Ordinance, Subdivision Ordinance, and other County codes. Although these requirements do not place an undue hardship on developers of residential projects, this Housing Element contains incentives that may relax standards for certain types of development. Measure HO-6 directs the County to review and revise Zoning Ordinance standards to provide more creativity flexibility in development standards for developers of affordable housing. Measure HO-8 directs the County to work with TPRA to consider changes to its Code of Ordinances that would facilitate the construction of affordable housing. Measure HO-10 directs the County to identify additional opportunities to streamline procedures for affordable housing projects. Measure HO-11 directs the County to develop an infill incentive ordinance, which will address standards for such development. Finally, Measure HO-16 directs the County to amend the Planned Development combining zone district in a manner that provides incentives for the development of a variety of housing types.

### **Building Codes and Enforcement**

Uniform codes regulate new construction and rehabilitation of dwellings. These codes include building, plumbing, electrical, mechanical, and fire codes. The codes establish minimum standards and specifications for structural soundness, safety, and occupancy. El Dorado County enforces the 2007 edition of the California Building, Plumbing, Mechanical, Electrical, and Fire Codes. The County last updated Title 15, the Building Ordinance, effective January 1, 2008, adopting by reference the above codes and defining the County's administrative processes and specific County provisions for construction. The building codes enforced by El Dorado County are typical of those enforced throughout the state.

The County's Grading Ordinance was last updated in February 2007, and updated concurrent with the Grading Design Manual. The grading, erosion and sediment control measures contained in the Ordinance are typical of California jurisdictions, and comply with National Pollution Discharge Elimination System (NPDES) requirements. Special grading conditions apply within the Tahoe Basin, which are generally more stringent than outside of the Basin.

The El Dorado County Building Services Division of the Development Services Department is responsible for enforcement of the codes. Code compliance is conducted through a series of scheduled inspections during the course of construction to ensure compliance with the health and safety standards. Inspections are also conducted in response to public complaints or an inspector's observations that construction is occurring or has occurred without proper permits. Code enforcement is limited to correcting violations that are brought to the County's attention. Proactive code enforcement is limited due to limited resources. Violation correction typically results in code compliance without adverse effects upon the availability or affordability of the housing units involved. Code enforcement officers encourage eligible property owners to

seek assistance through the Community Development Block Grant rehabilitation program. The County's building codes do not place constraints on housing beyond those mandated by state law, and are the minimum necessary to protect public health and safety. Therefore, no changes are necessary.

## **Other Land Use Controls**

### **Measure Y - The Control Traffic Congestion Initiative**

As discussed under the Traffic Impact Mitigation (TIM) Fees, Measure Y, "The Control Traffic Congestion Initiative" was approved by the County's voters in 1998. In addition to the three components summarized above, Measure Y requires denial of residential projects of 5 or more units which move any county roadway from LOS E to LOS F, or add any traffic to roadways already at LOS F unless mitigating roadway improvements are constructed concurrent with the project. However, projects can be approved and mitigate their share of impacts through payment of TIM fees. Since adoption of the TIM Fee Program, the primary constraint of Measure Y is not direct control of development, but the amount of the TIM fee, especially as it is applied to (market rate) multi-family development.

One of the primary concerns of the State Housing and Community Development Agency (HCD) of the previous Housing Element was the impact of Measure Y on multi-family sites. The concern was the affects of cost of off-site improvements and feasibility of development in the planning period. HCD recommended the county mitigate the impacts of Measure Y in respects to the availability of sites to accommodate higher density, multi-family housing for lower income households.

To help address these concerns, the County is proposing numerous policies to lessen the impact of Measure Y including an amendment of the Zoning Ordinance to permit mixed use development by right within Commercial zoning districts (Measure HO-27) and prepare a study on the benefits of mixed use development on traffic impacts (Measure HO-31). It is anticipated that based on the findings from the mixed use analysis, the TIM fees applied to multi-family development can be reduced when constructed as part of a mixed use development. This policy greatly increase the number of sites were multi-family housing is allowed by right. Measure HO-31 also requires the County to establish a tracking system to monitor annually the impacts of Measure Y.

### **Existing Commitments**

At the time of this update, over 6,000 approved residential parcels had not been built. The majority of units associated with these commitments are near the western boundary of the county, close to the job centers of Folsom, Sacramento, and the El Dorado Hills Business Park.

The existing commitments pose a constraint in that, when they were originally approved, there was very little consideration given to providing affordable housing as part of the new developments. Specific Plans encompassing a large portion of the commitments



would allow for but do not mandate the construction of affordable units. It is likely that the types of housing actually constructed will be determined by market forces, which have recently called for large, more expensive single-family homes in low-density areas.

The majority of the existing commitments are fixed by approved Development Agreements. Generally, the agreement(s) may only be changed if both parties agree to renegotiate the terms.

### Concurrency Requirements

The County typically requires applicants for discretionary projects to demonstrate that the project will not exceed level of service standards established by the General Plan. In some areas, particularly with respect to roadways, the costs of meeting those standards can be high. The General Plan and Measure Y provide that discretionary projects cannot cause roadways to fall below Level of Service E. Although many communities require better levels of service and while traffic operating at Level of Service E is generally considered to create considerable driver discomfort and inconvenience, adherence to even this standard could require costly roadway improvements in the county. Depending on the manner in which this requirement is administered, the necessary improvements could increase the costs of housing development in the county.

Requirements for concurrency of services and development are contained in the General Plan and County Code. Requirements for utility delivery, such as water, are necessary for public health and safety. Requirements for concurrency of roadway improvements are tied to the County's LOS standard. It is not feasible to lower the LOS standards or concurrency requirements without significant adverse effects on traffic congestion and air quality, or violate CEQA or voter-approved initiatives.

### Impediments to Affordable Housing Production in the Tahoe Region

The U.S. Congress established TRPA in 1969 to oversee development and protect the natural resources of the Tahoe Basin. The Tahoe Regional Planning Agency adopted a Regional Plan, Code of Ordinances, and other regulations, which establish specific restrictions on land use, density, rate of growth, land coverage, excavation, and scenic impacts. The Code sets maximum annual housing unit allocations, as well as density limitations on multifamily development. The annual housing unit allocation for unincorporated El Dorado County is currently 76 units. Annual allocations are based on the progress of environmental and transportation facility projects, Best Management Practices (BMP) compliance and other criteria. TRPA's regulations are designed to bring the Tahoe region into conformance with threshold standards established for water quality, air quality, soil conservation, wildlife habitat, vegetation, noise, recreation, and scenic resources. However, while these regulations serve to protect and enhance the Tahoe Basin, they create additional costs and requirements that can constrain development and housing production despite the great need for such housing. Since 1997, an average of 96 percent of the annual housing unit allocations have been used.<sup>1</sup>

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<sup>1</sup> Neil Crescenti, TRPA, February 1, 2008

While low-income developments may obtain waivers from the TRPA allocation requirements, once the low-income deed restriction expires and the project is eligible to convert to market rate, the owner must obtain an allocation in order to proceed with the conversion. Because of the difficulty in receiving housing allocations, this added step may prohibit or stall the conversion of a development to market rate and serves as a disincentive to many developers that want to count on converting to market-rate housing at some time in the future.

The TRPA's regulations have little direct effect on the rehabilitation of basic structural components of existing housing units. However, TRPA's regulations may discourage rehabilitation of substandard buildings involving significant additions or remodeling.

As of February 2008, TRPA is considering amendments to their Code of Ordinances that will relax some regulations applicable to affordable housing development projects. Exceptions to current standards would include allowance for the subdivision of multi-family units located within community plan boundaries and constructed with up to 50 percent land coverage. The draft amendments are currently being distributed for public review (March 2008).

Although the County has no authority to relax or otherwise change the standards of TRPA, this Housing Element requires County to work with TRPA while the Tahoe Regional Plan is being updated to help facilitate affordable and workforce housing in the Tahoe Basin (Measure HO-8). The County has also entered into an MOU with TRPA that recognizes the respective authority of each jurisdiction and ensures cooperation between the County and TRPA. Therefore, no additional measures are necessary.

### **Government Constraints on Special Needs Housing**

Persons with special needs include those who are disabled, persons in residential care facilities, farm workers, persons needing transitional shelter or transitional living arrangements, and single room occupancy units. The Housing Element must analyze potential and actual constraints upon the development, maintenance, and improvement of housing for these groups. The County must also demonstrate efforts to remove constraints to housing for these groups, and provide reasonable accommodations for housing designed for those with special needs. The County's provisions for these housing types are discussed below.

#### **Housing for Persons with Disabilities**

The Housing Element must demonstrate efforts to remove constraints or provide reasonable accommodations for housing designed for persons with disabilities. The County has prepared a draft ordinance for reasonable accommodation (Measure HO-23) and intends to adopt it along with other amendments to the Zoning Ordinance in 2008. This ordinance will include a process for disabled persons to make requests for reasonable accommodation, which may include deviation from current parking standards.

The County's building codes also require that new residential construction comply with Title 24 accessibility standards. These standards include requirements for a minimum percentage of fully accessible units in new multi-family developments. The provision of fully accessible units may also increase the overall project development costs. However, enforcement of accessibility requirements is not at the discretion of the County, but is mandated under state law.

### **Residential Care Facilities**

The County allows group homes (identified as "residential facilities" in the Zoning Ordinance) for six or fewer individuals by right in all residential zone districts. Group homes of seven individuals or more (i.e., "community care facilities") are allowed by right in the Commercial (C) district and with a site plan review in the Professional Office Commercial (CPO) and Planned Commercial (CP) districts. Special Use Permits are required for group homes of seven or more persons in most residential districts.

### **Emergency Shelters and Transitional Housing**

The Zoning Ordinance defines community care facilities as "any facility, place or building which houses more than six people and is maintained and operated to provide nonmedical residential care, day care or homefinding agency services for children, adults, or children and adults, including, but not limited to, the developmentally disabled, physically handicapped, mentally disordered, or incompetent persons" (Section 17.06.050P). Homeless shelters may be defined as a community care facility that provides "nonmedical residential care" for children and/or adults as defined in the Zoning Ordinance.

### **Farm Employee Housing**

As indicated in Table HO-29, farm employee housing is conditionally permitted by the Residential Agricultural districts, Agricultural and Exclusive Agricultural districts, and the Planned Agricultural district.

### **Single Room Occupancy**

[Is housing that falls within the "SRO" category permitted within any district? Perhaps under "hotel?"]

Single room occupancy facilities are small studio-type units and are permitted by right in the ?? districts and a CUP in the ?? districts. [Are development standards more restrictive than for other types of housing?]

### **NON-GOVERNMENTAL CONSTRAINTS**

Non-governmental constraints to housing production include a wide range of market, environmental, and physical constraints. This analysis focuses not only on land costs, construction costs, and market financing (65583[a][5]), but also on the availability of services, environmental constraints, and physical (land) constraints. Although most non-

governmental constraints are outside the control of the County, they can sometimes be mitigated by County policies or actions.

### **Land Cost**

Costs associated with the acquisition of land include both the market price of raw land and the cost of holding the property throughout the development process. Land acquisition costs can account for over half of the final sales price of new homes in very small developments and in areas where land is scarce.

Raw land costs vary substantially across the county based on a number of factors. The main determinants of land value are location, access to public services, zoning, and parcel size. Land in a desirable area that is zoned for residential uses will likely be more valuable than a remote piece of land that is zoned for agricultural uses. According to a local real estate agent, land available for sale zoned for multifamily development is very scarce in the county. The agent estimates that land zoned for multifamily development in the unincorporated area ranges from \$72,000 to over \$1.1 million per acre, based on parcel size and location. However, this figure can exceed \$1,500,000 per acre in the Tahoe Basin. Land costs in El Dorado County are consistent with other counties in the region with similar characteristics.

### **Construction Cost**

Construction costs vary widely depending on the type, size, and amenities of the development, the price of materials and labor, financing cost, development standards and general market conditions. Multifamily residences such as apartments can generally be constructed for slightly less per square foot than single-family homes due to cost-efficient building methods. The County has no influence over materials and labor costs, and the building codes and development standards in El Dorado County are not substantially different than most other counties in the SACOG region.

### **Availability of Financing**

Another non-governmental constraint to housing production is limited financing resources. Although, financing support may be available from local government sources, generally, these sources are not sufficient to meet local housing needs. Based on information obtained from the Planning Services Department and the Department of Human Services, lending practices in the county appear to be consistent with neighboring jurisdictions and not a significant threat to housing production.

The recent (2007) crisis in the mortgage industry will affect the availability and cost of real estate loans, although the long-term effects are unpredictable. The credit “crunch” resulted when “sub-prime” lenders in the past five years made it possible for low-income families or others who could not qualify for standard mortgages to become home owners even though they might not have had the credit history and income to support repayment of the loans. The problem typically occurs with adjustable rate mortgages (ARMs) after the initial fixed interest rate period expires (often three years) and the interest rate converts to market.

Because ARMs often offer “teaser” initial interest rates well below market for the first few years, monthly payments may increase by several hundred dollars when the loan converts to market rate. When property values were increasing, as was the case from 2000 – 2006, homeowners had the option of refinancing to a new loan when the initial rate expired. However, in the current market with declining values, homeowners may owe more than the resale value of their home, making refinancing impossible. As a result of these conditions, there has been a significant rise in foreclosure rates, and changes in mortgage underwriting standards is likely to have greater impacts on low-income families than other segments of the community.

## **Water Supply**

In El Dorado County, the primary sources of potable water are surface water resources. Rural areas where surface water is in short supply or where surface water delivery systems are absent rely on groundwater resources.

There are five primary public water providers in El Dorado County, all of which are independent public entities:

- El Dorado Irrigation District (EID), which provides water to the western part of the county from El Dorado Hills to Placerville;
- Georgetown Divide Public Utility District (GDPUD), which provides water to the Georgetown Divide;
- Grizzly Flats Community Services District (GFCSD), which provides water to the Grizzly Flat Rural Center;
- South Lake Tahoe Public Utility District (STPUD), which provides water to South Lake Tahoe and surrounding unincorporated areas; and
- Tahoe City Public Utility District (TCPUD), which provides water to the communities along the west shore of Lake Tahoe.

Much of El Dorado County is without water service, including portions of larger communities such as Pollock Pines and Camino. An exception in the rural areas is Grizzly Flat, which has its own community services district that provides water service. The limited availability of public water confines more dense residential development to those areas having potable water service.

The availability of water to support residential development will depend on the supplies ultimately sought by the water purveyors in the county and state and federal regulatory constraints on those supplies. The County will cooperate with the water purveyors in seeking to establish a water supply that is sufficient to meet the county’s diverse needs, including water for housing, agriculture, and nonresidential (e.g., commercial and industrial) development. The availability of water supply may also be influenced by the availability of infrastructure to deliver water. Water purveyors in the county are currently engaged in an infrastructure planning process that will seek to make water available

throughout their service areas. Depending on the timing and funds available for those infrastructure improvements, however, water supply could pose a constraint to the development of housing.

### **Wastewater Services**

Like water services, wastewater services are provided in only limited areas of the county. Currently, public wastewater collection, treatment, and disposal systems are present in portions of the western half of the county and in the Tahoe Basin, with services provided by EID, GDPUD, and STPUD. The EID operates and maintains the wastewater systems for the western part of the county from the county line to the Placerville area along the U.S. Highway 50 corridor. The GDPUD manages on-site disposal for the Auburn Lake Trails subdivision. In the Tahoe Basin, STPUD operates the wastewater system in the South Lake Tahoe area.

The remainder of the county is not served by public wastewater systems. This includes more populated areas of Georgetown, Camino, and Pollock Pines. Areas not receiving service from one of the public providers rely on individual (usually septic) systems. However, the suitability of the soils on the lower West Slope to accept septic tank effluent varies widely. Many areas have a geology that includes shear zones, serpentine, melange and other rock and soil types that may not be suitable for acceptance of septic tank effluent. In many cases, connection to an existing wastewater management system (i.e., EID's system) is the only way a parcel on the lower West Slope can develop. Connecting to EID's system may not always be financially practicable, though, and could ultimately result in the extension of service to rural areas that the County has not identified as future growth areas on the General Plan Land Use Map.

The absence of extensive public wastewater collection and treatment services is a considerable constraint to dense residential development in areas without such services. While it is recognized that long-term solutions are needed, it is unlikely that the wastewater collection and treatment providers will expand beyond their current spheres of influence within the planning period of this housing element.

### **Special Status Species**

El Dorado County is home to a number of rare, threatened, endangered, or otherwise sensitive plant and animal species whose protection is required pursuant to state and federal law. For example, the County has an ongoing partnership with the California Department of Fish and Game and U.S. Fish and Wildlife Service to permanently protect a number of rare, threatened, or endangered plant species in five rare plant preserves. These plant preserves are situated in the western part of the county, which is also where the greatest pressure for residential development has occurred over the last several years. Restrictions of state and federal law affect the County's ability to identify these lands for residential development and a developer's ability to actually construct the residential units.

## **Topography and Other Physical Land Constraints**

Most of El Dorado County is very rural; over half of the county's land area is commercial forestland that is owned by the federal government (with lesser holdings by the state, private companies, and individuals) and has limited access and services. These rural areas encompass a range of topographical and other physical features that can also limit residential development.

Much of the county is moderately to steeply sloping, a factor that can substantially affect housing density. Since many of these areas are in the Rural Regions, which are devoid of services (e.g., no water or wastewater services, no road access), they are generally not suitable for residential development.

Other physical features that can affect residential development include the presence of rivers, streams, and other water bodies (many of which are subject to regulation by the state and federal governments); high or extreme fire hazard (because of surrounding vegetation, lack of access, and lack of protective services); and land ownership patterns.

## **Fair Housing**

The County has reviewed the Zoning Ordinance as part of the 2008 update, and will continue to examine land use policies, permitting practices, and building codes to comply with state and federal fair housing laws. In addition, when considering development proposals, including Specific Plans or other policy documents, the County will endeavor to ensure that all persons have equal access to sound and affordable housing (Policy HO-6.1).