

DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

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TO: County Board of Supervisors

FROM: Roger Trout, Director Development Services Department

DATE: November 4, 2008

RE: **Response to Implementation of Permit Process Ad Hoc Recommendations**

Based on the Board's Motion of September 30, Development Services Department (DSD) staff has prepared the following response. Section 1 of this memorandum includes the BOS Motion on the Recommendations of the Ad Hoc Committee. Section 2 outlines DSD recommended actions on this item. Section 3 presents a summary of the DSD responses to the Ad Hoc Committee Recommendations. Lastly, Section 4 provides an analysis and discussion of each recommendation.

Section 1

The Motion approved by the Board after the September 30, 2008 Ad Hoc presentation:

“A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to direct the Chief Administrative Officer to move forward with the following recommendations:

- (1) Make Item 17 as Item 1 on the list of recommendations provided this date;
- (2) Prepare recommended actions for the Board on specific items that cannot otherwise be implemented without further action by the Board;
- (3) Provide a report showing what the department is implementing of their own volition in cooperation with the Chief Administrative Officer, including cost of implementation, party or parties responsible for implementation, and a timeline for same; and
- (4) Set a date and time to hold a Special Meeting with the Board, Planning Commission and County Counsel to discuss the California Environmental Quality Act (CEQA) process.”

Section 2

Based on the DSD discussion regarding the Ad Hoc recommendations contained within this report, staff recommends that the Board:

1. Direct staff to return within 30 days with a revised Board Policy J-2 that currently prioritizes commercial and industrial development, to include the following additional priority projects:

- A. affordable housing,
 - B. upgrading of unoccupied development and underutilized commercial and industrial sites, and
 - C. emergency repair and rebuild permits. *(In response to Ad Hoc comment 1.)*
2. Direct staff to return by February 2009 with options for a fee schedule that includes more categories for “flat fees” as well as other options to recover costs associated with overhead, General Plan, Technology, and Code Enforcement. *(In response to Ad Hoc comment 6.)*
 3. Direct staff to continue resolving interpretations of CEQA, General Plan, and Zoning as currently in place. *(In response to Ad Hoc comment 11.)*
 4. Direct staff to continue to return to the Board quarterly with regular General Plan Implementation updates to include a prioritization schedule. *(In response to Ad Hoc comment 12.)*
 5. Direct staff to continue revising the Land Development Manual and return to the Planning Commission and Board for consideration by early 2009 with any applicable comments from technical organizations such as SAGE. *(In response to Ad Hoc comment 13.)*
 6. Direct staff to return to the Board in early 2009, to confirm and/or arrange to set a date and time to hold a Special Meeting with the Board, Planning Commission and County Counsel to discuss the California Environmental Quality Act (CEQA) process in early 2009. The format may be a classroom format instead of a special meeting.

Section 3

The Board requested that Ad Hoc item 17 be reordered to item 1, which is the only change from the Ad Hoc recommendation presented on September 30, 2008. The Development Services Department response to the reorganized recommendations follows the brief summary below.

Ad Hoc item/summary	DSD response
1. Projects reviewed in a timely manner	Board action optional, see recommendation 1.
2. SLT plan checks to Placerville	Completed, no action required.
3. Create a self-help center	Completed, no action required.
4. Front Desk staffed from 4 pm to 5 pm	Not completed; no recommendation provided.
5. Building Permit “30 day notice”	Not completed; no recommendation provided.
6. Improved fee schedule	Board action optional, see recommendation 2.
7. Critical Path for permits	Completed, no action required.
8. DOT Traffic engineer	Not completed; no recommendation provided.
9. Pre-application meetings	Completed, no action required.
10. Submittal information review	In process, no action required.
11. Policy resolution process	Board action optional, see recommendation 3.
12. General Plan Ad Hoc Committee	Board action optional, see recommendation 4.
13. DISM recommendations	Board action optional, see recommendation 5.

14. CEQA tiering	In process, no action required.
15. GP consistency for new lots	In process, no action required.
16. Planning completeness protocol	To be completed, no action required.
17. Plan check time frame info	Completed, no action required.
18. Extra PC hearings	Not necessary; no action required.

Section 4

1. The Board should issue a statement of intent that describes their commitment to having projects reviewed in a timely manner and that it is highly important to them.

Responsible Party: Board, DSD, Planning Division.

Cost: None. Timing: N/A Status: Ongoing.

Discussion: The Planning Services Division is currently obligated to follow current Board direction, General Plan Polices and existing state and local regulations.

Existing Board Direction:

Board Policy J-2 (April 17, 1990) states that the priority for application processing is commercial and industrial development.

General Plan Policy HO-1g states that the “County shall give highest priority for permit processing to development projects that provide housing affordable to very low or lower income households.”

General Plan Policy 10.1.2.2, states, in part: (Program 10.1.2.2.3, portion) “Expedite permitting services as an incentive to encourage upgrading of unoccupied development and underutilized commercial and industrial sites and/or structures.”

The 2007/2008 Grand Jury report recommended, and the County agreed to implement, prioritization of emergency repair and reconstruction of damaged buildings.

Existing regulations establish, directly or indirectly, timeframes for permit processing. There are many direct requirements for permit processing within the Permit Streamlining Act, CEQA, and Title 16 (County Subdivision Ordinance). In addition, the permit process is driven by other requirements within the Planning and Zoning Law (California Government Code Sections 65000 – 66037); Subdivision Map Act (Cal. Govt. Code 66410-66499.58; and other State Laws (including provisions of the Business and Professions Code, Civil Code, Health and Safety Code and Public Resources Code); California Environmental Quality Act (CEQA) (Title 14, California Code of Regulations); and local regulations such as the General Plan and Zoning Ordinance (Title 17).

Conclusion: DSD recommends that the Board consider the existing direction as adequate or propose changes to the priority list. Staff suggests that Board Policy J-2 should be amended to consolidate the priority list to include those in the General Plan, as well as any other categories determined by the Board as being of high or critical importance. See Staff Recommendation number 1.

2. All first plan-checks to go to Placerville from South Lake Tahoe

Responsible Party: DSD Building Division.

Cost: None. Timing: Started October 28, 2008 Status: Complete and ongoing.

Discussion: Consolidation of the plan check process in one office will increase consistency, allow priority to be given to Tahoe Permits (when necessary) and improve administrative handling of the permits.

Permit issuance and inspections will occur out of the SLT office and some additional services such as public assistance and minor plan check corrections be available as workload permits or as arranged.

3. Re-create Self-help center

Responsible Party: DSD, Building and Planning

Cost: None. Timing: Next 60 days. Status: Complete and ongoing.

Discussion: DSD cannot completely re-create the self-help center in its original location because this location has been converted into needed office space. In addition, the old self-help center was isolated from public view and could pose a security liability.

The same handouts, applications, and access to general plan and zoning maps will be available in the new self-help area in the main lobby of Building C. The area currently consists of two computers available to the public. Most of the old self-help information is now available on the Department web pages. A printer will be connected soon.

4. Keep the front counter receptionist staffed from 4 - 5 p.m. for drop-offs – not to process or set up appointments (staff self-help).

Responsible Party: DSD

Cost: Unknown. Timing: Unknown. Status: N/A

Discussion: The Building Information Counter (BIC) is open from 8 am to 4 pm and does not close during the lunch hour. The BIC is primarily staffed by the Building Division, with staff assistance from DOT and Planning Division, and some funding support by Environmental Management. After 4 pm, signage and lighting at the BIC counter advises the public to use a Courtesy Phone to reach staff until 5 pm, including for drop-offs. These hours of operation have been in effect since 2005 when it was noted that the slowest period of time was between 4 pm and 5 pm.

5. Review the instructions in our “30 day letter” advising permittees that their building permit is about to expire. It should be made clear that a NNC will be recorded on the property if the permit is not finalized.

Responsible Party: Building

Cost: None.

Timing: N/A

Status: N/A

Discussion: Building permits that are not finalized make up the bulk of the Notices of Non Compliance (NNC). Improvements to the "30 day notice letter," sent out 30 days prior to permit expiration, might improve builders' compliance with the building permit process and avoid unnecessary NNCs. These letters are in a standard format ("form" letters) and may be amended from time to time.

Based on further review by the "Permit Review Process Committee," no further action on this item is recommended and Building Services will continue to provide "30 day letters" (as may be amended from time to time) and record NNCs (as necessary).

6. Direct staff to explore an improved fee system and make recommendations with certain items to be on a fixed-fee system.

Responsible Party: Development Services along with CAO's office

Cost: Estimated 80 to 120 hours of Management and Administration staff time.

Timing: This is a significant undertaking and will require time to prepare. DSD is planning to return to the Board by January 2009 with a report and preliminary recommendations.

Status: Upcoming

Discussion: Revenues from application fees are critical to the DSD to minimize the Department's impact on the General Fund. Currently the Current Planning program and the Permit Center program are centers for revenue generation. Revenues are primarily from application and permit fees. The DSD fee update proposal will provide additional options to address overhead costs (Department Administration), General Plan implementation, Code enforcement, and Technology improvements. Special Policies such as T&M procedures and refunds for building permits will also be subject to discussion. See Staff Recommendation number 2.

7. Identify the critical path for permit approval.

Responsible Party: Planning

Cost: None.

Timing: DSD prepared a critical path flow chart that is available at the public counter. Staff will continue to refine the flow chart as necessary.

Status: Completed. A copy of the chart will be added to the website by December 1, 2008.

Discussion: The application forms and flow chart will be updated as necessary to explain the discretionary review and approval processes. Staff will need to change applications and flow charts within 30 days of future procedural changes.

8. Hire a very experienced senior/management level in-house Traffic Engineer as it will speed up the development review process significantly thereby reducing costs for the County and applicants.

Responsible Party: Department of Transportation

Cost: Based on discussions with DOT, a team of traffic engineers, with support staff, would be needed to adequately perform the necessary tasks associated with development review, using the traffic model, assisting development review, CEQA, as well as other non-development related tasks.

The annual cost of adding four positions is \$546,000, as shown below:

- Supervising Civil Engineer – \$140,000
- Senior Civil Engineer – \$130,000
- Assistant in Civil Engineering – \$93,000
- Assistant in Civil Engineering – \$93,000

The Ad Hoc recommendation was for a single traffic engineer, which still equates to approximately \$140,000.

Timing: Recruitment for this position is very difficult due to the specialized nature of the job description. DOT has been recruiting a Senior Civil Traffic Engineer for nearly a year, with the current job listing's opening date being January 3, 2008.

Status: In process.

Discussion: DOT should consider further discussions with the Board on the formation of a Traffic Engineering/Planning Section. The costs associated with establishing a functional Traffic Engineering Team that would assist the processing of new development projects, appears to be beyond the ability of the County to achieve at this time. Options for funding should be discussed with the Board by DOT.

9. Strongly encourage a “pre-application” meeting with a minor fee that can be credited to the future application. See # 10, below.

Responsible Party: Planning Services

Cost: Applicants are currently charged a pre-application fee of \$300 (flat fee) or a deposit of \$1200 on a Time and Materials basis. Flat fee pre-applications do not cover the cost of the services so there is a cost associated with processing minor pre-applications.

Timing: The pre-application process has been officially in place since March 7, 2006 and was previously in place in an interim manner.

Status: In place, although major pre-applications are charged a larger fee.

Discussion: In 2007, 94 pre-application meetings took place. There have been 58 pre-applications submitted, to date, for 2008. If the Board wishes to limit these meetings to a “minor fee” as recommended by the Ad Hoc, DSD can include this information as part of our report to the Board in January, along with a broader Department fee schedule discussion. DSD recommends that the pre-application fees should not be “credited to a future application” because the future applications are generally Time and Materials Applications. A successful pre-application will reduce the costs of the future application’s T&M charges.

Pre-applications are not mandatory but are strongly encouraged by DSD staff at this time.

10. In an effort to remove unnecessary “required” application submittals (and defer to later in the development process), the County shall review the application submittal requirements to make sure that excessive and unnecessary information and reports are not “required.”

Responsible Party: Planning, Building, DOT, Environmental Management

Cost: None.

Timing: Revisions to the submittal requirements will be posted on the web and reflected in revised applications starting in January 2009.

Status: Upcoming.

Discussion: Staff of each department will meet before the end of the year in order to reevaluate the materials required at submittal and to determine if any can be deferred to later in the permit process. Additional information will be provided as to the primary source of the submittal requirements, such as General Plan, design manual, Zoning Ordinance, Subdivision Ordinance, or CEQA purposes. This may assist staff and the applicant in determining if there can be modifications to the submittal requirements for specific projects. The Pre-application process also is used to clarify submittal requirements.

11. Identify and implement a process to resolve project or policy issues.

Responsible Party: Planning

Cost: None.

Timing: Procedure could be developed in approximately 6 to 8 weeks.

Status: See Discussion below.

Discussion: A resolution process is in effect for disputes over CEQA matters, with the first line of resolution being the Director of Development Services and with an appeal to the Board of Supervisors. The Ad Hoc members were looking for an expeditious method to resolve disputes over interpretations of the various General Plan policies and the Zoning Ordinance without having to stop processing or to necessarily go to the Planning Commission. The Director of Development Services is inherently the first line of authority to resolve project or policy issues.

The Board should consider whether the DSD needs further direction from the Board to identify a new process to resolve disputes over CEQA, General Plan Policies, or Zoning Ordinance, other than to the DSD Director, with appeal to the Board. Upon further discussion and direction from the Board, DSD staff could develop a new procedure within eight weeks.

However, DSD staff believes the current procedures are adequate and does not recommend additional procedures be established. See Staff Recommendation number 3.

12. The Board should create a new Ad Hoc Committee to look at general plan implementation issues and how they effect the DISM. Further, the Board should initiate a 5-year General Plan update per Policy LU-M.

Responsible Party: Planning

Cost: Unknown. Costs associated with the new committee would primarily be staff costs to support the committee, but would directly result in displacing staff time on other General Plan implementation programs. No cost for the committee.

Timing: If the Board directs staff to establish a new Ad Hoc Committee and/or a 5-Year General Plan Update Committee, it would require a minimum of two months.

Status: Not started.

Discussion: DSD currently has 5 FTE (one position is vacant) assigned to implement the General Plan. DSD staff returns to the Board regularly for General Plan implementation updates. These update meetings should be re-focused to ensure proper prioritization of General Plan implementation work and to identify any problematic General Plan Policies or issues.

A new and separate Committee regarding the General Plan will be time consuming and may not develop the results that the Board of Supervisors intends. It would be more direct to discuss General Plan implementation procedures (including comprehensive updates) and priorities directly with the DSD Director and any other affected Departments. See Staff Recommendation number 4.

13. Direct staff to incorporate the Board recommendations contained herein into the DISM:

Responsible Party: DSD, DOT, EM

Cost: Unknown costs associated with additional staff time to revise Design and Improvement Standards Manual (DISM).

Timing: Unknown.

Status: The successor to the DISM is the Draft Land Development Manual out for public review during October 2008 until November 17, 2008.

Discussion: The Draft Land Development Manual (LDM) was originally slated to be heard by the Planning Commission on October 23, 2008 and forwarded to the Board of Supervisors in November or December 2008 for adoption. Based on the September 30, 2008 Ad Hoc recommendations, the Planning Commission hearing was changed to a “discussion item” only, in part to address any Ad Hoc comments.

At the October 23, 2008 Planning Commission, some Ad Hoc members stated their preference to allow additional time to review the Draft LDM. Some reasons stated for the additional time include:

1. Time for the more technically-inclined members of the public to review and comment on the Draft LDM.
2. The General Plan should be revised before implementing the 2004 General Plan in the Draft LDM.
3. The Land Capability Report requires too much up front information for Parcel Maps.
4. Definitions in Chapter 7 need work.
5. Where are the requirements coming from?

The Ad Hoc members noted that the Ad Hoc committee was focused on permit processing and did not address General Plan issues or the LDM technical issues or comments. Therefore, there are no specific LDM recommendations to incorporate into the LDM, only that more time should be allocated for further review.

The LDM update team will continue to revise and update the LDM based on public comments and will continue to encourage technical comments, especially from technical organizations such as SAGE. The LDM will be rescheduled for a public hearing with the Planning Commission and Board for adoption. See Staff Recommendation number 4.

14. Avoid unnecessary and duplicative information for CEQA review. Recognize and enforce tiering off existing CEQA documents.

Responsible Party: Planning

Cost: None.

Timing: Staff is currently using the 2004 General Plan Final EIR (with supplements and addenda) for tiering into current projects documents. Additional staff training on the use of tiering was completed in October 2008. Additional training will occur in 2009.

Status: Ongoing

Discussion: The CEQA process can be complicated and requires specialized training to correctly apply CEQA concepts such as tiering, mitigation measures, findings of overriding consideration, etc. Most Planning applications require some level of CEQA review and tiering can be used to reduce

some duplication. Tiering has regularly been used in Planning and recently additional training has been provided so that the use of tiering is consistent and legally sound. DSD does not anticipate any improved permit processing as a result of tiering, since it is already being used to the fullest extent practical.

15. Newly-created lots under the 2004 General Plan should incorporate a finding of consistency with General Plan Policy 2.2.5.20.

Responsible Party: Planning/Building

Cost: None.

Timing: Complete.

Status: Complete

Discussion: No further work is needed since all lots created by subdivision and parcel maps approved after adoption of the 2004 General Plan are consistent with the General Plan and need no further review under Policy 2.2.5.20. In addition, General Plan Policy 2.2.5.20 and Section 17.22 were amended on June 16, 2008 to allow greater flexibility by exempting residential development of 4,000 square feet or less and residential grading activities of 20,000 square feet or less when not located in an IBC.

16. Staff should list its protocol that assists them in making project completeness determinations.

Responsible Party: Planning

Cost: None

Timing: The list will be available to the public by January 1, 2009.

Status: Under preparation.

Discussion: Improved checklist will improve consistency and assist in project submittal and review for completeness.

17. Advise applicants of an estimate of the time frame to first plan review when a permit application is received. This will allow them to determine if they want outside plan-check services.

Responsible Party: Building

Cost: None

Timing: Building can currently provide current plan-check time frames upon request.

Status: Starting December 1st, weekly updates will be provided to the Building Information Counter (BIC) and Counter staff for their use.

Discussion: Although there are many factors involved in processing plans, Building does track the time from when a permit is received to when it is first handled by a plan checker. This information was less specific in the past, but was often provided to the public so that a decision on use of outside plan-check services could be made. The newer, more accurate information will improve this decision-making information.

18. The Planning Commission should be available for additional meetings in November and December if the single hearings are overfilled.

Responsible Party: Planning

Cost: Approximately \$1000 per extra meeting

Timing: The Commission is willing to add extra meeting providing they have adequate notification. At this time, an extra meeting in November or December is not necessary. Additional meetings may be considered in 2009 as may be appropriate.

Status: N/A

Discussion: DSD will monitor Planning Commission hearing workload and schedule additional meetings as necessary. Currently the Planning Commission holds meetings on the 2nd and 4th Thursday of each month, with usually only one meeting in November and December due to holidays. The Planning Commission has convened in the past for special meetings, such as for General Plan adoption. Additional meetings are anticipated for review of the updated Zoning Ordinance and may be considered necessary during 2009.