



EL DORADO COUNTY PLANNING SERVICES
2850 Fairlane Court, Placerville CA 95667

(530) 621-5355 | fax: (530) 642-0508 | <http://www.edcgov.us/planning>

VARIANCE
(Revised 03/11)

PURPOSE

Each zone district establishes development standards for building height, setbacks, lot area, building coverage, etc. Occasionally, the shape of the parcel, topography, or other natural features constrain the development of the site so that one or more of these standards cannot be met. The variance process is used to review the special circumstances and provide partial relief from these criteria. A variance can only be approved after public notice and public hearing, and also may be subject to certain conditions of approval as deemed necessary to reduce potential negative impacts.

REQUIRED FINDINGS

In accordance with Section 17.24 of the Zoning Ordinance, all of the following findings must be made by the Zoning Administrator or Planning Commission before the variance can be approved:

1. There are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application which circumstances or conditions do not apply generally to land, buildings, or uses in the vicinity and the same zone, and have not resulted from any act of the owner or applicant;
2. The strict application of the provisions of the ordinance requested to be varied would deprive the applicant of the reasonable use of the land or building, allowed for other land in the vicinity and the same zone;
3. The variance is the minimum necessary for the reasonable use of the land or building;
4. The variance is in conformity with the intent of this article and not detrimental to the public health, safety and welfare, or injurious to the neighborhood.

PROCESS

1. The applicant or agent prepares all required submittal information and makes an appointment to submit the application to Planning Services.
2. A planner is assigned and the application is distributed to affected agencies for comment and recommendation.
3. If necessary, the assigned planner meets on-site with the applicant or agent.
4. Project is noticed in the local newspaper advertising the public hearing. Property owners within a minimum 500-foot radius of the subject property will be noticed of the hearing.
5. Applicant receives the staff report at least two weeks prior to the public hearing. The staff report includes staff recommendation and proposed conditions of approval (if recommended for approval).

6. Public hearing is conducted before the Zoning Administrator or Planning Commission where a final decision is made, unless appealed.
7. An appeal may be filed by either the applicant or the affected party within 10 working days after decision.
8. Board of Supervisors public hearing is held on the appeal and a final decision is made about 30 days after the Zoning Administrator or Planning Commission decision.

TIMING

Steps 2 and 3 are typically completed within 30 days. Most applications will reach public hearing in three months. If appealed, an additional 30 days is required and the Board of Supervisors hearing on the appeal is usually held by the fourth month.

HEARING

Applications must be heard by the Zoning Administrator or Planning Commission. All public hearings are advertised in a local newspaper and notice is mailed to all property owners within a minimum 500-foot radius from the subject property.

APPEALS

Decisions made by the Zoning Administrator or Planning Commission may be appealed to the Board of Supervisors within 10 working days from the date of the decision. Appeals must be filed with Planning Services with an appeal fee paid. (See fee schedule at <http://www.edcgov.us/Planning/fees.html>.) If an appeal is made, the matter is heard at a public hearing of the Board of Supervisors with notice given as described above.

FEES

Current application fees may be obtained by contacting Planning Services at (530) 621-5355 or by accessing the online fee schedule at <http://www.edcgov.us/Planning/fees.html>.

NOTE: If the application is determined to be categorically exempt from environmental review under the California Environmental Quality Act (CEQA), a \$50.00 administrative processing fee is required by the County Recorder's Office to file the Notice of Exemption following the public hearing.

If the application is located within an area that has wildlife resources (wetlands, watercourse, rare plants, etc.) and was referred to the California Department of Fish and Game (DFG) for review, in accordance with California Fish and Game Code Section 711.4, the application is subject to a DFG fee after approval. This fee also includes a \$50.00 recording fee. The remainder is forwarded to the State Department of Fish and Game. The fee as of January 1, 2011, is \$2,044.00 and is updated annually.

CONDITIONS OF APPROVAL

Environmental mitigation measures or other requirements may be made conditions of approval. Depending on the nature of the application, conditions of approval might involve landscaping, protection of riparian areas, fencing, etc.

There are other costs that may be part of the building permit process that typically follows approval of an application. In addition to standard building permit fees, traffic impact mitigation (TIM) fees, school fees (based on square footage of the proposed building), fire, and solid waste fees may be required. Building Services offers information on building permit fees (www.edcgov.us/Building or (530) 621-5773). It is also beneficial to contact the departments or agencies requiring the fees to determine actual estimated costs.

DEED RESTRICTIONS

Please review and understand any private deed restrictions recorded against the property to insure the proposed application does not violate such deed restrictions. If a conflict exists between the deed restrictions and the application, the County can still approve the application and issue necessary permits. **However, County approval does not absolve the property owner's obligation to comply with deed restrictions.**

APPLICATION

If the application and submittal requirements are not attached to this information packet, please contact Planning Services at (530) 621-5355.

APPOINTMENT

Applications are accepted by appointment only. Please call for an appointment with a planner when the complete application is ready for review and submittal. Please have all required submittal information completed before the appointment. Appointments are generally scheduled within 24 hours of contacting Planning Services at (530) 621-5355.

NOTICE: Submittal of materials required in this application packet does not necessarily constitute a "complete" application for purposes of the California Streamlining Act. The County may require further submittals or clarification of materials in order for staff to begin processing the project. If required, you will receive a letter stating what additional materials must be submitted.

This is a discretionary project (a project subject to consideration by the Zoning Administrator, Planning Commission, and/or Board of Supervisors), and will need to be deemed complete for processing before the environmental review of the project can be started in accordance with CEQA. In order to prepare an environmental document, the County may require the applicant to submit additional information or studies after the application has been deemed complete for processing.



EL DORADO COUNTY PLANNING SERVICES

REQUIRED SUBMITTAL INFORMATION

for

VARIANCE

The following information must be provided with all applications. If all the information is not provided, the application will be deemed incomplete and will not be accepted. Please use the check (√) column on the left to verify that all the required submittal information is ready. **All plans and maps MUST be folded to 8 ½" x11".**

Check
(√)

Applicant County

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1) Application Form completed and signed. |
| <input type="checkbox"/> | <input type="checkbox"/> | 2) Letter of Authorization: When there are multiple owners, a Letter of Authorization is required from the other property owner(s) authorizing the applicant to act as their agent. |
| <input type="checkbox"/> | <input type="checkbox"/> | 3) Proof of ownership (Grant Deed), if the property has changed title since the last tax roll. |
| <input type="checkbox"/> | <input type="checkbox"/> | 4) An 8 1/2" x 11" location map showing the location of the project in relation to the distance to major roads, intersections, and town sites. |
| <input type="checkbox"/> | <input type="checkbox"/> | 5) Provide name, mailing address and phone number of all property owners and their agents. |
| <input type="checkbox"/> | <input type="checkbox"/> | 6) Completed "Variance Findings Support Information" form. |
| <input type="checkbox"/> | <input type="checkbox"/> | 7) An on-site plant survey to determine the extent and location of rare plants on the project site is required, if located within Mitigation Area 0 ("EP" overlay designation on the General Plan land use map) or Mitigation Area 1 (within the "rare plant soils study area"). Such a survey can only occur from March 15 through August 15 when plants are readily identifiable. The mitigation area for each parcel may be determined on the following website: http://www.edcgov.us/Planning/ParcelData.html . A list of possible botanical consultants may be obtained at Planning Services. |
| <input type="checkbox"/> | <input type="checkbox"/> | 8) Name and address of Homeowners' Association, CSA 9 Zone of Benefit, or other road maintenance entity if it exists in the project area. |
| <input type="checkbox"/> | <input type="checkbox"/> | 9) A record search for archaeological resources shall be conducted through the North Central Information Center, located at CSU-Sacramento, 6000 J Street, Adams Building, Suite #103, Sacramento, CA 95819-6100, phone number (916) 278-6217. If the record search identifies a need for a field survey, a survey shall be required. (A list of archaeological consultants and survey requirements is available at Planning Services.) Archaeological surveys shall meet the "Guidelines for Cultural Resource Studies" approved by the Board of Supervisors, available at Planning Services. |

SITE PLAN REQUIREMENTS

Twenty-five copies of the site plan, detailing what exists on the site at time of application, shall be submitted on 24" x 36" sheets or smaller, drawn to scale, and of a sufficient size to clearly show all details and required data. All plans must be folded to 8 1/2" x 11", plus one 8 1/2" x 11" reduction. No rolled drawings will be accepted. Please use the check (√) column on the left to verify that all the required submittal information is ready.

Check
(√)

Applicant County

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1) Project name (if applicable). |
| <input type="checkbox"/> | <input type="checkbox"/> | 2) Name and address of applicant and designer (if applicable). |
| <input type="checkbox"/> | <input type="checkbox"/> | 3) Date, north arrow and scale. |
| <input type="checkbox"/> | <input type="checkbox"/> | 4) Entire parcel of land showing perimeter with dimensions. |
| <input type="checkbox"/> | <input type="checkbox"/> | 5) All roads, alleys, streets and their names. |
| <input type="checkbox"/> | <input type="checkbox"/> | 7) All existing and proposed uses (i.e. buildings, driveways, dwellings, utility transmission lines, septic systems and wells, etc.). |
| <input type="checkbox"/> | <input type="checkbox"/> | 8) Location of easements, their purpose and width. |
| <input type="checkbox"/> | <input type="checkbox"/> | 9) Location of native oak trees that may be removed as a result of the project. |

NOTE: The following is optional and only necessary when applicable and when helpful to support the proposed variance.

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 10) Parking and loading stalls with dimensions (refer to Zoning Ordinance Chapter 17.18). |
| <input type="checkbox"/> | <input type="checkbox"/> | 11) Trash and litter storage or collection areas, and propane tank locations(s). |
| <input type="checkbox"/> | <input type="checkbox"/> | 12) Total gross square footage of proposed buildings. |
| <input type="checkbox"/> | <input type="checkbox"/> | 13) Proposed and existing fences or walls. |
| <input type="checkbox"/> | <input type="checkbox"/> | 14) Sign location and size (if proposed). |
| <input type="checkbox"/> | <input type="checkbox"/> | 15) Pedestrian walkways, courtyards, etc. (if proposed). |
| <input type="checkbox"/> | <input type="checkbox"/> | 16) Exterior lighting. |
| <input type="checkbox"/> | <input type="checkbox"/> | 17) Existing and proposed fire hydrants. |

Planning Services reserves the right to require additional project information as provided by Section 15060 of the California Environment Quality Act, or as required by the General Plan development policies, when such is necessary to complete the environmental assessment.

NOTE: APPLICATIONS WILL BE ACCEPTED BY APPOINTMENT ONLY. APPOINTMENTS CAN BE MADE IN ADVANCE BY CALLING PLANNING SERVICES AT (530) 621-5355.

VARIANCE FINDINGS SUPPORT INFORMATION

The following information must be provided to support your request and assist the Zoning Administrator or Planning Commission in making the necessary legal findings to approve the variance. (Attach additional sheets and photographs, if necessary.)

A) There are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings or uses in the vicinity and the same zone, and have not resulted from any act of the owner or applicant. Please explain:

B) The strict application of the provisions of the ordinance requested to be varied would deprive the applicant of the reasonable use of the land or building, allowed for other land in the vicinity and the same zone. Please explain:

C) The variance is the minimum necessary for the reasonable use of the land or building. Please explain:

D) The variance is in conformity with the intent of this article and not detrimental to the public health, safety and welfare, or injurious to the neighborhood. Please explain:



EL DORADO COUNTY PLANNING SERVICES

APPLICATION for VARIANCE

ASSESSOR'S PARCEL NUMBER(s) _____

PROJECT NAME/REQUEST (Describe proposed use. Attach separate sheet, if necessary):

IF SUBDIVISION/PARCEL MAP: Create _____ lots, ranging in size from _____ to _____ acre(s)/square feet

IF ZONE CHANGE: From _____ to _____

IF GENERAL PLAN CHANGE: From _____ to _____

IF TIME EXTENSION, REVISION, CORRECTION: Original approval date _____ Expiration date _____

APPLICANT/AGENT

Mailing Address _____
P.O. Box or Street _____ City _____ State _____ ZIP _____
Phone _____ FAX _____
Cell Phone _____ E-Mail _____

PROPERTY OWNER

Mailing Address _____
P.O. Box or Street _____ City _____ State _____ ZIP _____
Phone _____ FAX _____
Cell Phone _____ E-Mail _____

LIST ADDITIONAL PROPERTY OWNERS ON SEPARATE SHEET, IF APPLICABLE

ENGINEER/ARCHITECT

Mailing Address _____
P.O. Box or Street _____ City _____ State _____ ZIP _____
Phone _____ FAX _____
E-Mail _____

LOCATION: The property is located on the _____ side of _____
N / E / W / S Street or Road

_____ feet/miles _____ of the intersection with _____
N / E / W / S Major Street or Road

in the _____ area. PROPERTY SIZE _____
Acre(s) / Square Feet

X _____ Date _____
Signature of property owner or authorized agent

FOR OFFICE USE ONLY

Date _____ Fee \$ _____ Receipt # _____ Rec'd by _____ LMIS Proj. ID # _____
Zoning _____ GPD _____ Super District _____ Sec _____ Twn _____ Rng _____

ACTION BY: Planning Commission Zoning Administrator Planning Director

ACTION BOS: Hearing Date: _____ Approved Denied APPEAL: Approved Denied

Executive Secretary

Clerk

**COUNTY OF EL DORADO
CAMPAIGN CONTRIBUTION DISCLOSURE FORM**

Application or Solicitation Number: _____

Application or Solicitation Title: _____

Was a campaign contribution, regardless of the dollar amount, made to any member of the El Dorado County Board of Supervisors or to any County Agency Officer on or after January 1, 2023, by the applicant, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist?

Yes _____ No _____

If no, please sign and date below.

If yes, please provide the following information:

Applicant's Name: _____

Contributor or Contributor Firm's Name: _____

Contributor or Contributor Firm's Address: _____

Is the Contributor:

- The Applicant Yes _____ No _____
- Subcontractor Yes _____ No _____
- The Applicant's agent/ or lobbyist Yes _____ No _____

Note: Under California law as implemented by the Fair Political Practices Commission, campaign contributions made by the Applicant and the Applicant's agent/lobbyist who is representing the Applicant in this application or solicitation must be aggregated together to determine the total campaign contribution made by the Applicant.

Identify the Board of Supervisors Member(s) and County Agency Officer(s) to whom you, your subcontractors, and/or agent/lobbyist made campaign contributions on or after January 1, 2023, the name of the contributor, the dates of contribution(s) and dollar amount of the contribution. Each date must include the exact month, day, and year of the contribution.

Name of Board of Supervisors Member or County Agency Officer: _____

Name of Contributor: _____

Date(s) of Contribution(s): _____

Amount(s): _____

(Please add an additional sheet(s) to identify additional Board Members or County Agency Officer to whom you, your subconsultants, and/or agent/lobbyist made campaign contributions)

By signing below, I certify that the statements made herein are true and correct. I also agree to disclose to the County any future contributions made to Board Members or County Agency Officers by the applicant, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist after the date of signing this disclosure form, and within 12 months following the approval, renewal, or extension of the requested license, permit, or entitlement to use.

Date

Signature of Applicant

Print Firm Name if applicable

Print Name of Applicant

**EL DORADO COUNTY BOARD OF
SUPERVISORS AND COUNTY AGENCY
OFFICERS**

Board of Supervisors

John Hidahl, District One

George Turnboo, District Two

Wendy Thomas, District Three

Lori Parlin, District Four

Brook Laine, District Five

County Agency Officers

Jon DeVille, Assessor

Joe Harn, Auditor-Controller

Vern Pierson, District Attorney

Janelle K. Horne, Recorder-Clerk

Jeff Leikauf, Sheriff-Coroner-Public Administrator

K.E. Coleman, Treasurer-Tax Collector

Attachment A

GOVERNMENT CODE SECTION 84308

(a) The definitions set forth in this subdivision shall govern the interpretation of this section.

(1) “Party” means any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use.

(2) “Participant” means any person who is not a party but who actively supports or opposes a particular decision in a proceeding involving a license, permit, or other entitlement for use and who has a financial interest in the decision, as described in Article 1 (commencing with Section 87100) of Chapter 7. A person actively supports or opposes a particular decision in a proceeding if that person lobbies in person the officers or employees of the agency, testifies in person before the agency, or otherwise acts to influence officers of the agency.

(3) “Agency” means an agency as defined in Section 82003 except that it does not include the courts or any agency in the judicial branch of government, the Legislature, the Board of Equalization, or constitutional officers. However, this section applies to any person who is a member of an exempted agency but is acting as a voting member of another agency.

(4) “Officer” means any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate for elective office in an agency.

(5) “License, permit, or other entitlement for use” means all business, professional, trade, and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor, or personal employment contracts), and all franchises.

(6) “Contribution” includes contributions to candidates and committees in federal, state, or local elections.

(b) While a proceeding involving a license, permit, or other entitlement for use is pending, and for 12 months following the date a final decision is rendered in the proceeding, an officer of an agency shall not accept, solicit, or direct a contribution of more than two hundred fifty dollars (\$250) from any party or a party’s agent, or from any participant or a participant’s agent if the officer knows or has reason to know that the participant has a financial interest, as that term is used in Article 1 (commencing with Section 87100) of Chapter 7. This prohibition shall apply regardless of whether the officer accepts, solicits, or directs the contribution on the officer’s own behalf, or on behalf of any other officer, or on behalf of any candidate for office or on behalf of any committee.

(c) Prior to rendering any decision in a proceeding involving a license, permit, or other entitlement for use pending before an agency, each officer of the agency who received a contribution within the preceding 12 months in an amount of more than two hundred fifty dollars (\$250) from a party or from any participant shall disclose that fact on the record of the proceeding. An officer of an agency shall not make, participate in making, or in any way attempt to use the officer’s official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the agency if the officer has willfully or knowingly received a contribution

in an amount of more than two hundred fifty dollars (\$250) within the preceding 12 months from a party or a party's agent, or from any participant or a participant's agent if the officer knows or has reason to know that the participant has a financial interest in the decision, as that term is described with respect to public officials in Article 1 (commencing with Section 87100) of Chapter 7.

(d)(1) If an officer receives a contribution which would otherwise require disqualification under this section, and returns the contribution within 30 days from the time the officer knows, or should have known, about the contribution and the proceeding involving a license, permit, or other entitlement for use, the officer shall be permitted to participate in the proceeding.

(2)(A) Subject to subparagraph (B), if an officer accepts, solicits, or directs a contribution of more than two hundred fifty dollars (\$250) during the 12 months after the date a final decision is rendered in the proceeding in violation of subdivision (b), the officer may cure the violation by returning the contribution, or the portion of the contribution in excess of two hundred fifty dollars (\$250), within 14 days of accepting, soliciting, or directing the contribution, whichever comes latest.

(B) An officer may cure a violation as specified in subparagraph (A) only if the officer did not knowingly and willfully accept, solicit, or direct the prohibited contribution.

(C) An officer's controlled committee, or the officer if no controlled committee exists, shall maintain records of curing any violation pursuant to this paragraph.

(e)(1) A party to a proceeding before an agency involving a license, permit, or other entitlement for use shall disclose on the record of the proceeding any contribution in an amount of more than two hundred fifty dollars (\$250) made within the preceding 12 months by the party or the party's agent.

(2) A party, or agent to a party, to a proceeding involving a license, permit, or other entitlement for use pending before any agency or a participant, or agent to a participant, in the proceeding shall not make a contribution of more than two hundred fifty dollars (\$250) to any officer of that agency during the proceeding and for 12 months following the date a final decision is rendered by the agency in the proceeding.

(3) When a closed corporation is a party to, or a participant in, a proceeding involving a license, permit, or other entitlement for use pending before an agency, the majority shareholder is subject to the disclosure and prohibition requirements specified in this section.

(f) This section shall not be construed to imply that any contribution subject to being reported under this title shall not be so reported.

Attachment B

COUNTY OF EL DORADO CAMPAIGN CONTRIBUTION DISCLOSURE INFORMATION

The attached Campaign Contribution Disclosure Form must be completed by applicants for, or persons who are the subject of, any proceeding involving a license, permit, or other entitlement for use, including most contracts and franchises, pending before the Board of Supervisors (“Board”) of the County of El Dorado or any of its affiliated agencies.

IMPORTANT NOTICE

Government Code section 84308 (also known as the “Levine Act”) contains requirements that are summarized generally as follows:

- A. If you are an applicant for, or the subject of, any proceeding involving a license, permit, or other entitlement for use, you are prohibited from making a campaign contribution of more than \$250 to any member of the Board of Supervisors or other County official who may participate in your proceeding. This prohibition begins on the date your application is filed or the proceeding is otherwise initiated, and the prohibition ends 12 months after a final decision is rendered by the Board of Supervisors or other County officer. In addition, no Board member or other County official who may participate in your proceeding alternate may solicit or accept a campaign contribution of more than \$250 from you during this period.
- B. These prohibitions also apply to your agents, and, if you are a closely held corporation, to your majority shareholder as well. These prohibitions also apply to your subcontractor(s), joint venturer(s), and partner(s) in this proceeding. Also included are parent companies and subsidiary companies directed and controlled by you, and political action committees directed and controlled by you.
- C. You must file the attached disclosure form and disclose whether you or your agent(s) have in the aggregate contributed more than \$250 to any Board member or other County officer who may participate in your proceeding during the 12-month period preceding the filing of the application or the initiation of the proceeding.
- D. If you or your agent have in the aggregate contributed more than \$250 to any individual Board member or other County officer who may participate in your proceeding during the 12 months preceding the decision on the application or proceeding, that Board member or other County officer must disqualify himself or herself from the decision. However, disqualification is not required if the Board member or other County official returns the campaign contribution within 30 days from the time the member or official knows, or should have known, about both the contribution and the fact that you are a party in the proceeding. The Campaign Contribution Disclosure Form should be completed and filed with your application or proposal, or with the first written document you file or submit after the proceeding commences.

1. A proceeding involving “a license, permit, or other entitlement for use” includes all business, professional, trade and land use licenses and permits, and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor or personal employment contracts), and all franchises.
2. Your “agent” is someone who represents you in connection with a proceeding involving a license, permit or other entitlement for use. If an individual acting as an agent is also acting in his or her capacity as an employee or member of a law, architectural, engineering, consulting firm, or similar business entity, both the business entity and the individual are “agents.”
3. To determine whether a campaign contribution of more than \$250 has been made by you, campaign contributions made by you within the preceding 12 months must be aggregated with those made by your agent within the preceding 12 months or the period of the agency relationship, whichever is shorter. Contributions made by your majority shareholder (if a closely held corporation), your subcontractor(s), your joint venturer(s), and your partner(s) in this proceeding must also be included as part of the aggregation. Campaign contributions made to different Board of Supervisors members or other County officer who may participate in your proceeding are not aggregated.
4. A list of the Board of Supervisors members and other County officials is attached.

This notice summarizes the major requirements of Government Code section 84308 of the Political Reform Act and California Code of Regulations, Title 2 sections 18438.1-18438.8.