



ORDINANCE NO. _____

AN ORDINANCE ADOPTING A NEW CODE FOR EL DORADO COUNTY, CALIFORNIA, ESTABLISHING REGULATIONS FOR FRONTAGE IMPROVEMENTS ON COUNTY ROADWAYS.

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 12.09 – of Title 12 of the El Dorado County Ordinance Code is hereby added as follows:

Chapter 12.09 - FRONTAGE IMPROVEMENTS

- 12.09.010 – Title
- 12.09.020 - Purpose
- 12.09.030 – Definitions
- 12.09.040 – Severability
- 12.09.050 – Improvement Requirements
- 12.09.060 – Construction Requirements
- 12.09.070 – Appeal Process
- 12.09.080 – Effective Date

12.09.010. - Title.

This chapter shall be known and may be referred to in all proceedings as the County Frontage Improvements Ordinance.

12.09.020. – Purpose.

The Frontage Improvements Ordinance is in place in order to implement and support the goals and policies in the County’s General Plan Transportation and Circulation Element. Additionally this ordinance is in place to help protect the health, welfare, and safety of the residents of El Dorado County.

The Frontage Improvements Ordinance allows the removal of such improvements from the Traffic Impact Mitigation (TIM) Fee program cost as detailed in the TIM Fee Program Update Nexus and Funding Model adopted by Resolution including sidewalk, curb and gutter, and right-of-way in locations where future development could provide right-of-way and construct frontage improvements at their own cost and without reimbursement.

It is the intent of this ordinance not to conflict with or to have any effect whatsoever on street dedications and improvement obligations required of developers under the Subdivision Map Act and County ordinances enacted pursuant thereto.

Other Applicable Sections of County Code. This chapter does not supersede, replace, or invalidate other applicable sections of County Code (such as the zoning ordinance, street improvement ordinance, etc.).

12.09.030. – Definitions.

When used in this chapter, the following words and phrases used herein shall be defined as follows, unless the context clearly requires a different meaning:

“Approval” means an actual use entitlement granted by El Dorado County, not an acceptance of an application as complete.

“Board” means the El Dorado County Board of Supervisors.

“Building permit” means the permit required by El Dorado County to do or cause to be done any work regulated by the County’s building codes.

“Circulation Map” means a plan adopted by the Board indicating ultimate rights-of-way and roadway widths. In the absence of a specifically adopted plan, the General Plan of the County adopted under Government Code 65000 and its amendments shall be considered the highway plan.

“County” means the County of El Dorado.

“County Building Official” means an appointed County official who is responsible for enforcing building codes.

“County Engineer” means Transportation Division Deputy Director overseeing land development.

“County street” means a street or highway designated in the General Plan Circulation Map, Figure TC-1, and as described in the General Plan.

“Department” means the El Dorado County Community Development Agency (CDA).

“Developer” means the legal or beneficial owner or owners of a lot or of any land included in a proposed Development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

“Development” means the original construction of residential buildings, original construction of commercial, industrial or other nonresidential buildings, or, the expansion, alteration, enlargement, conversion or replacement of existing buildings or the construction of new accessory buildings. New development includes a change in building use that results in an increase in AM or PM peak-hour usage of the road network. “Development” can also include a project which may not require a building permit, but adds traffic to the County roadway network.

“Director” means the El Dorado County CDA Director.

“Discretionary Project” is a project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.

“Frontage improvement” means required street improvements to be in conformity with the Circulation Map as approved by the Board, and may include curbs, gutters, sidewalks, class II bike lanes, conform base and paving, drainage, driveways, and any other related uses.

12.09.040. – Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

12.09.050. - Improvements Required

Frontage improvements shall be required for Discretionary Projects as deemed necessary by the Director (or designee).

No building permit shall be issued for any building, or structure, on property abutting any county street on which frontage improvements are required and no improvement plans have been approved by the Department, unless authorized by the Director (or designee).

No activity or development will be allowed on roadways abutting any county street on which frontage improvements are required and no improvement plans have been approved by the Department, unless authorized by the Director (or designee).

Any person proposing to construct any building, structure or addition to any building or structure on property abutting any county street which requires frontage improvements shall submit, with the application for a building permit, improvement plans and estimates prepared by a civil engineer in accordance with County standards. All costs shall be borne by the applicant.

All such frontage improvements shall be constructed concurrently with the construction of the building or structure, or addition thereto, except as provided in a separate deferral program as adopted by resolution.

The requirements for frontage improvements in new developments and new phases of established developments shall be as follows:

1. The basic requirement shall be to construct shoulders, on-street parking and class II bike lanes, except where additional widening for tapers, driveways, transitions

or turning lanes are associated with the project, in which case such additional widening may also be required, and sidewalk, curb and gutter, where appropriate, as determined by the Director (or designee).

2. Concrete curb, gutter and sidewalk shall be required in Community Regions or Rural Centers as indicated on Figure LU-1: Land Use Diagram map, and as required by General Plan Policies TC-5a, TC-5b, and TC-5c. These improvements may be required for any development if the need for said improvements is deemed necessary by the County Engineer.
3. Developers shall provide an irrevocable offer of dedication of private property to El Dorado County including improvements as deemed necessary by the Director (or designee).

The requirements for frontage improvements for modifications to established structures and uses shall be determined by the County Engineer after a review of the project is made, and shall be based on the following considerations:

1. Public safety and convenience.
2. The percentage increase in floor area and usage shall be estimated for the project. A comparable percentage of the total frontage improvements shall be determined, and this percentage shall be used as a basis for determining the actual limits of improvements to be required.
3. In conjunction with subsections (1) and (2) of this section, the County Engineer shall also consider the improvements required for: safe entrance and exit, drainage control, bike and pedestrian traffic, parking requirements, and conformance with surrounding developments.
4. The County Engineer, after complete review of the project and based on the considerations stated herein, may determine that the total improvements as defined in this section are necessary regardless of the extent of the modification being applied for.

For frontage improvements that cannot be constructed at the time of approval of the development project as determined by the County Engineer, a separate deferral program shall be established and implemented by a resolution approved by the Board.

12.09.060. - Construction Requirements

Request for street line and grade.

Upon the written request of any person who must conform to the requirements of Section 12.09.050 and within ninety (90) days of such request, the Director (or designee) shall establish a street line and grade for the public street frontage adjacent to the property upon which the construction is to take place.

Requirement of inspection.

The County Building Official shall not conduct a final inspection of any building, structure or other facility and shall withhold approval of public utility connections thereto unless the curbs, gutters, sidewalks, paving and drainage facilities required by the foregoing Sections have been completed.

Dedication to County

Prior to the issuance of any building permit or other permit for the improvements or use of property adjoining a public street, where it is reasonably contemplated by the County Engineer that the proposed improvement or use of the property will cause an increase in vehicular or pedestrian traffic so as to make necessary a widening of the existing County right-of-way for the protection of the public safety and welfare, there shall be dedicated to the County of El Dorado that part of such property sufficient to bring such public streets up to the width line established therefor. In the event that existing buildings or other structures are located within the right-of-way to be dedicated, the County of El Dorado shall compensate the owner for the costs of removing and relocating the improvements or structures to the remaining property, or may permit such encroachment to remain.

12.09.070 - Appeal Process

Interested persons shall have the right to appeal, to the Director, determinations made by the County Engineer under this section. Interested persons shall have the right to appeal the Director's determination to the Board.

12.09.080 - Effective Date

This ordinance shall become effective thirty (30) days following adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the ____day of _____, 2016, by the following vote of said Board:

Ayes:

Noes:

Absent:

ATTEST
JAMES S. MITRISIN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

Chair, Board of Supervisors

APPROVED AS TO FORM
MICHAEL J. CICCOTZI
COUNTY COUNSEL

By _____
Name
Title

Ordinance No. _____
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I CERTIFY THAT:

The foregoing instrument is a correct copy of the original on file in this office.

Date _____

ATTEST: JAMES S. MITRISIN,
Clerk of the Board of Supervisors of the
County of El Dorado, State of California.

By _____
Deputy Clerk

DRAFT