



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. Findings

- A. The County prepared a General Plan entitled “2004 El Dorado County General Plan: A Plan for Managed Growth and Open Roads; A Plan for Quality Neighborhoods and Traffic Relief”, and in July of 2004 adopted that plan.
- B. The 2004 County of El Dorado General Plan Land Use Implementation Measure LU-E requires that the Department of Transportation and Planning Department, now known as the Community Development Agency’s (CDA) Transportation and Development Services Divisions, “review and identify needed revisions to the County of El Dorado design manual.
- C. General Plan Goal TC-1 states that the County shall plan for and provide a unified, coordinated, and cost-efficient countywide road and highway system that ensures the safe, orderly, and efficient movement of people and goods.
- D. General Plan Policy TC-1a states that the County shall plan and construct County-maintained roads as set forth in General Plan Table TC-1. Road design standards for County-maintained roads shall be based on the American Association of State Highway and Transportation Officials (AASHTO) standards, and supplemented by California Department of Transportation (Caltrans) design standards and by County Department of Transportation (now known as CDA Transportation Division) standards. County standards include typical cross sections by road

classification, consistent with right-of-way widths summarized in General Plan Table TC-1.

- E. General Plan Policy TC-1b states that in order to provide safe, efficient roads, all roads should incorporate the cross sectional road features set forth in General Plan Table TC-1.
- F. El Dorado County regulates development on private property within the unincorporated areas to safeguard life, limb, health, property and public welfare.

Section 2. Improvements Required

A. Definitions

For the purpose of this article, certain terms or words used herein shall be defined as follows:

1. "Board" means the El Dorado County Board of Supervisors.
 2. "County Engineer" means Transportation Division Deputy Director overseeing land development.
 3. "County street" means a street or highway designated in the General Plan circulation map, Figure TC-1, and as described in the General Plan. .
 4. "Department" means the El Dorado County Community Development Agency (CDA).
 5. "Director" means the El Dorado County CDA Director.
 6. "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 plans of the County adopted under Government Code 65000 and its amendments shall be considered the highway plan.
 7. "Street 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.
- B. Street improvements shall be required for subdivisions of 5 lots or more, commercial and industrial areas, as defined by the General Plan, and as deemed necessary by the Director or designee.

- C. No building permit shall be issued for any building, or structure, on property abutting any county street on which street improvements are required and no improvement plans have been approved by the Department.
- D. No activity or development will be allowed, abutting any county street on which street improvements are required and no improvement plans have been approved by the department, unless authorized by the Director or designee.
- E. Any person proposing to construct any building, structure or addition to any building or structure, on property abutting any county street which requires street 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.
- F. All such street 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.
- G. The requirements for street 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, class II bike lane, 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, 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 are 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).
 - 4. In major commercial areas street lighting may be required.
- H. The requirements for street 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 (G)(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 subsection G of this section are necessary regardless of the extent of the modification being applied for.
- I. For frontage improvements that cannot be constructed at time of approval of development project as determined by the County Engineer, a separate deferral program shall be established and implemented by a resolution approved by the Board.

Section 3. Other Applicable Sections of County Code

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

Section 4. Compliance with California Environmental Quality Act

The Board finds that this ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 15060(c)(2) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) since it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 5. 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.

Section 6. 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 _____, 2015, 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
ROBYN TRUITT DRIVON
COUNTY COUNSEL

By _____
Name
Title

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