



RESOLUTION NO.

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

Adopting An El Dorado County Frontage Improvement Deferral Program

WHEREAS, Chapter 12.09 of the County Frontage Improvement Ordinance allows the County Engineer, at the time of approval of a Project, to require the concurrent construction of frontage improvements;

WHEREAS, “frontage improvements” are defined as “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”;

WHEREAS, the construction of frontage improvements may be inadvisable or impossible at the time of a project’s completion, or subject to future projects not yet under construction, as determined by the County Engineer;

WHEREAS, the County of El Dorado Ordinance Code section 12.09.050 allows for the deferral of the construction of frontage improvements subject to a separate deferral program as adopted by resolution;

WHEREAS, the Department of Transportation seeks to establish such a deferral program;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby authorizes the Director of Transportation to establish and implement a Frontage Improvement Deferral Program and that the County Engineer may, at the time of approval of a Project, defer the requirement of concurrent construction of frontage improvements required by the County Frontage Improvement Ordinance (Chapter 12.09 of Title 12 of the County Code of Ordinances) if the Engineer determines that the frontage improvements cannot be constructed at the time of approval of the development project, subject to the following requirements:

(a) The deferral will not be effective until the Developer enters into a frontage improvement agreement with the County. The County Engineer may execute a frontage improvement agreement on behalf of the County, subject to the approval of County Counsel as to form.

(b) Except as provided in paragraph (c), the Developer shall install the improvements at their own cost. The County Engineer, in their sole discretion, may determine when the installation will occur based upon the character and development of the surrounding neighborhood. The Developer shall install the improvements at the time selected by the County Engineer.

(c) Notwithstanding paragraph (b), the County Engineer and the Developer may instead find that it is necessary and desirable for the County to install the improvements with all costs of the improvement to be borne by the Developer, subject to all the following requirements:

(1) The Developer shall prepare a report of the probable costs for the improvement. The County Engineer shall approve that report, and may edit it as necessary. In the event of a disagreement between the Developer and the County Engineer, the County Engineer’s conclusion will prevail.

(2) The Developer shall pay the full amount of the probable costs as an in-lieu fee before the recordation of the Final Map or before the issuance of a Building Permit. The frontage

improvement agreement shall specify whether the payment occurs before the recordation of the Final Map or before the issuance of a Building Permit.

(3) The County shall deposit the full amount received from the Developer into a special revenue account that shall be used solely for the purpose of constructing the frontage improvements. For each special revenue account established under this paragraph, the County shall comply with the reporting and refunding requirements in the Mitigation Fee Act, including, but not limited to, Government Code Section 66001(d) and 66006(b), as those Sections now read or may be amended from time to time.

BE IT FURTHER RESOLVED that the Board of Supervisors finds that adoption of the Frontage Improvement Deferral Program and Program Guidelines is not a “project” for purposes of the California Environmental Quality Act (“CEQA”) within the meaning of Public Resources Code Section 21065 and CEQA Guidelines Section 15378 because it would create a funding mechanism that does not involve any committment to any specific project that would result in a potentially significant physical impact on the environment. Even if the adoption of the resolution were a project, it would be categorically exempt from CEQA under the “common sense” exemption in CEQA Guidelines Section 15061(b)(3) because there is no possibility that adoption of this resolution would have a significant effect on the environment.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the _____ day of _____, 20__, by the following vote of said Board:

Attest:
Kim Dawson
Clerk of the Board of Supervisors

Ayes:
Noes:
Absent:

By: _____
Deputy Clerk

_____ Chair, Board of Supervisors