



## Legislation Text

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**File #:** 21-0251, **Version:** 1

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Department of Transportation recommending the Board adopt and authorize the Chair to sign Resolution **009-2021** adopting an El Dorado County Frontage Improvement Deferral Program pursuant to County Ordinance Chapter 12.09.

**FUNDING:** N/A

### **DISCUSSION / BACKGROUND**

Chapter 12.09 of the El Dorado County Frontage Improvement Ordinance allows the County Engineer, at the time of approval of a project, to require the concurrent construction of frontage improvements such as curb, gutter, sidewalk and conform paving. The expectation is that as new projects are developed or sites redevelop, County roads will be improved and will have consistent improvements. For example as the Crossings project builds out along Missouri Flat Road at Headington, they will widen the street to its ultimate width and construct curb, gutter and sidewalk consistent with the adjacent Social Security complex and Target shopping center.

The Ordinance also acknowledges that there are, and will be, instances where construction of the frontage improvements is not currently warranted or advisable and Section 12.09.050 allows for the deferral of the construction of frontage improvements at the time of approval of the development project, subject to a separate deferral program as adopted by resolution by the Board of Supervisors. The El Dorado County Frontage Improvement Deferral Program would authorize the County Engineer to defer the requirement that a developer constructs frontage improvements at the time of the approval of the Project. The developer could then construct the improvements at their own cost at a date determined by the County Engineer or provide the County sufficient funding for the County to construct the improvements. The intent of the deferral program is to recognize that although the developer has an obligation to construct the improvements, there are instances where the developer could not construct the improvements at the time the Project is approved, and it would be more efficient for the developer to meet that obligation by providing the County with sufficient funding to allow construction of the improvements when the County determines that they are necessary. The deferral program would provide both the County and the developer greater flexibility in meeting the requirements of the El Dorado County Frontage Improvement Ordinance.

For example, some instances where it would not be warranted or advisable to construct improvements at the time the Project is approved could include:

- 1) If construction of the ultimate road that the frontage improvements would be constructed on is not planned to occur until significantly in the future; or
- 2) The project is located between/adjacent to other parcels or projects that are approved but have not proceeded to construction so the improvements would not be connected to anything and would be a discontinuous "island"; or
- 3) Several projects may all be conditioned to build the same improvements and rather than doing an Area of Benefit or other district to split/share the cost, the County collects their share and either passes it along to one party or constructs the improvements.

The Department of Transportation (Transportation) has been in discussions with several Developers regarding upcoming projects and foresees a need to have a mechanism in place to defer certain frontage improvements. The proposed resolution is intended to establish a program pursuant to the County Frontage Improvement Ordinance that will allow Transportation to enter into frontage deferral agreements if the County Engineer determines that frontage improvements cannot be constructed at the time of approval of the Project.

Deferral of the improvements would be in the project conditions of approval and the Board would have to approve execution of each agreement.

### **ALTERNATIVES**

Transportation is authorized by County Ordinance to establish a Frontage Improvements Deferral Program and implementation furthers the County's Strategic Goal components of Good Governance, Infrastructure and Public Safety. If the Program is not allowed to proceed, the County may need to accept and maintain isolated improvements or not have improvements constructed and not have adequate funding to construct them when needed.

### **PRIOR BOARD ACTION**

N/A

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel

### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

### **FINANCIAL IMPACT**

There is no fiscal impact or change to Net County Cost associated with this item.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) The Clerk of the Board will obtain the Chair's signature on the resolution.
- 2) The Clerk of the Board will forward a copy of the Resolution to Transportation, attention Julie Millard, for further processing.

### **STRATEGIC PLAN COMPONENT**

Infrastructure, Good Governance

### **CONTACT**

Rafael Martinez, Director  
Department of Transportation