



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

**ENGINEERING &
SURVEYING**

Wes Zicker, PE
Director

MEMORANDUM

TO: Honorable Board of Supervisors
FROM: Wes Zicker, Director of Engineering & Surveying
DATE: July 27, 2010
SUBJECT: Amendments To Section 16 Of The Placer County Code

ACTION REQUESTED:

Adopt the attached Ordinances-amending Section 16 of the Placer County Code to:

- A. Revise Article 16.08.200 Acceptance of Work
- B. Revise Article 16.20.200 Improvements

BACKGROUND:

The requested amendments relate to two parts of the County's subdivision process.

On November 7, 2006 the Board took action to revise PCC Section 2.08.200, Acceptance of Improvements. Part of that action was to delete Subsections D and E that allowed the County to release certain security held for a warranty period for private improvements. Those sections were inadvertently removed due to a clerical error and staff requests that the Board take action to reinstate them through today's action.

The Subdivision Map Act and County Code require that developers post security for the value of the required public and private improvements prior to recording a final map for a subdivision. The County normally retains some of that security during a one year warranty period in the event that deficiencies are found during that one year. Staff believes this to be a reasonable process to assure that the public improvements that were constructed by the developer function properly for the one year warranty period.

As currently written, the County Code requires the County to retain security for a warranty period for private improvements. Proposed Sections 16.08.200 C and D allow the County to release security for the warranty of private improvements. By definition, private improvements are not subject to ownership and maintenance by the County or other public agency and therefore any warranty issues are a matter between the developer and the lot owners in a subdivision. For example, if privately-owned landscaping in a private park within a subdivision did not survive the first year that would not be something the County would have the right or obligation to fix.

The proposed revision to Article 16.20.200 is intended to accomplish three goals:

1. Make minor revisions to clarify the current standards and procedures in use by the County regarding the improvements required for Minor Subdivisions (Parcel Maps).
2. In conformance with state law, Subdivision Map Act Section 66411.1, the proposed revisions will require completion of any required improvements prior to the issuance of any subsequent permits (i.e. building permits).
3. Removes the posting of security requirements in light of the above requirement of state law and thereby reduces the need for a subdivider to either obtain security (a bond) at a potentially significant cost or to post cash or other liquid security to guarantee the construction of the improvements.

The proposed revision does add a requirement, similar to major subdivisions, that a subdivider provide a warranty, including security, for a portion of the public improvements constructed by the project. Under most circumstances the public improvements, particularly for residential parcel maps, are a very small portion of the project and the ordinance would require that 25% of that cost be posted as security for a one year period.

On May 13, 2010 staff presented these proposed changes to the Planning Commission with a request to recommend approval to your Board. The Planning Commission approved that recommendation by a vote of 6-0. The proposed changes were reviewed by the local Placer Architects, Geologists, Engineers and Surveyors (PAGES). One comment was received from a PAGES member requesting that completion of subdivision improvements be deferred to occupancy of homes rather than the current issuance of a building permit. Staff does not support that change. A copy of these draft ordinance changes and a letter of explanation was provided to the Building Industry Association on February 9, 2010. We have received no comment from that organization to date.

CEQA COMPLIANCE:

The adoption of these revisions to the Placer County Code is not a "project" as defined in Section 15378 (b) (5) of the CEQA Guidelines.

FISCAL IMPACT:

None. All costs are to be born by the developer as part of the County's land development process.

Respectfully submitted,


WES ZICKER
Director of Engineering & Surveying

Attached to this report for the Board's information/consideration are:

Attachment A: Current Code Sections 16.08.200 and 16.20.200

Attachment B: An ordinance amending, article 16.08 and article 16.20 of chapter 16 of the Placer County Code relating to the construction of Subdivision improvements

ATTACHMENT A
CURRENT COUNTY CODE

16.08.200 Acceptance of work.

A. When all improvement work required by the subdivision agreement (reference County Code Section 16.16.050) is complete to the satisfaction of the agency director or designee, he or she shall issue a certificate to the board of supervisors stating that such work has been satisfactorily completed and recommending the acceptance by the board of supervisors of the work.

B. Upon satisfactory completion of all work required by the subdivision agreement and its acceptance by the board of supervisors, the board of supervisors shall file a notice of completion as to the required improvements in the office of the county recorder. (Ord. 5437-B § 2 (part), 2006; Ord. 5373-B (part), 2005; prior code § 19.275)

ATTACHMENT A
CURRENT COUNTY CODE

16.20.200 Improvements.

A. Drainage and Flood Control. The minor subdivision including its lot design, proposed drainage structures, lot access, and proposed drainage improvements, shall conform to good practice to control flooding and storm waters within the subdivision. The applicant shall install drainage improvements conforming to the land development manual within the subdivision boundaries.

B. Sewage Disposal and Water Supply. The improvements for sewage disposal and water supply shall be the minimum necessary to satisfy the Health Department's requirement under Section 16.20.180.

C. Roads.

1. A minor subdivision shall be contiguous to a county maintained highway or connected to a maintained highway with an improved off-site road. Except as noted in subsection (C)(2) of this section all roads, both on-site and off-site, shall be constructed to county standards as illustrated in Plate MSI-88. Maintenance of off- and on-site roads shall be included in a road maintenance agreement as provided for in Section 16.20.210.

2. An off-site road serving the subdivision shall be constructed to county standards as illustrated in Plate MS 1-88 as follows:

a. Until such time as the entire off-site road is constructed to the county standard, a subdivider will be responsible for grading the ultimate section, placing and compacting the aggregate base and hard surfacing the entire length of off-site road. Each subdivider will be solely responsible for constructing to county standard a portion of the off-site road equal to the number of parcels being created on the parcel map times one hundred (100) feet. The initial subdivider subject to these standards shall, after obtaining an encroachment permit, construct the road connection (Plate 27) to the county highway and pave the first one hundred (100) feet of road leading from the highway to the subdivision as measured from the edge of pavement of the county highway. The remainder of the subdivider's paving obligation will be from the subdivision toward the county highway. Subsequent subdividers' off-site obligation will be any necessary restorative work plus paying in the above calculated amount from their subdivision toward the county highway and participation in any established reimbursable agreement.

b. Notwithstanding other provisions of the ordinance, the surface of the remaining portion of the off-site road shall either be paved or single chip sealed at the option of the subdivider. The chip seal treatment shall comply to the following minimum application rates:

4/10 gallon MC 800 liquid asphalt per square yard; twenty-five (25) pounds three-eighths inch by #6 screenings per square yard.

c. A subdivider may enter into a reimbursable agreement for that portion of the off-site road work that is not the sole obligation of the subdivision. Chip seal work is not reimbursable.

3. Road design and construction standards shall be as follows:

a. All roads are to be traversable in any weather by fire equipment.

b. The maximum longitudinal grade of on-site and off-site roads being constructed shall be fifteen (15) percent. Any portion of an off-site road exceeding twelve (12) percent shall be paved with two inches of asphalt concrete as will roads exceeding seven percent in areas above three thousand five hundred (3,500) feet elevation.

c. Bridges shall be designed for legal highway loads (HS20-44, Caltrans Standard).

d. Construction procedures and inspection shall be to the same standard as major subdivisions.

e. All roads shall be named in accordance with the county's uniform addressing ordinance and all on-site and off-site roads will be signed in accordance with major subdivision standards.

f. An improvement plan showing the proposed road construction may be required as a condition of approval of any parcel map for review and approval by the county. It may be required that the plan be prepared by a registered civil engineer. The plan shall be required to include but not be limited to:

i. Existing and proposed road centerline plan and profile and all improvements to be constructed within the existing and proposed right-of-way;

ii. Information required by the grading ordinance, if the work is subject to that ordinance;

iii. Drainage facilities, including gutters, ditches, culverts and their sizes, together with a drainage report supporting the sizing of the facilities.

g. Where a road connects to a county road, improvements and an encroachment permit may be required if no improvements are existing or below standards. Improvements shall be in accordance with Plate 27.

h. All dead-end roads not having the potential to be through-roads shall be provided with a paved turnaround in conformance with Plate MS 2-88. All dead-end future through-roads shall be provided with a temporary, paved turnaround of either a circular or hammer head design

as approved by the agency director. The right-of-way required for temporary turnarounds shall not be deducted from the gross area of parcels for zoning size calculations.

i. In areas having severe topographical constraints, alternative, comparable road designs and standards may be allowed by the agency director.

4.1. All parcels, regardless of zoning, will be subject to road standards shown in the land development manual. Said improvements shall also be applicable to the frontage of any county maintained road upon which the parcel fronts. Residential parcel maps are subject to the provisions of Section 16.08.040(A)(2). The agency director or designee shall have the authority to defer the required improvements to the individual parcels, except in the case where the parcels are already developed or built upon, then the frontage shall be constructed.

4.2. Improvement plans shall be required and the inspection fees required by Sections 16.08.160 and 16.08.170 shall apply.

5. Completion of Improvements.

a. When improvements are required as a condition of approval for a minor subdivision pursuant to agreement between the county and the subdivider, such improvements shall be:

- i. Completed prior to final approval of the minor subdivision by the county, or
- ii. Guaranteed for completion within one year by a bond, time certificate of deposit, a cash deposit, guaranteed impounded escrow funds or other security approved by county counsel in an amount equal to one hundred ten (110) percent of an estimate or contract signed by a licensed contractor and approved by the community development/resource agency. Such bond or deposit shall be posted with the department of public works.
- iii. Improvements which have been guaranteed for completion in subsection (C)(5)(a)(ii) of this section, shall be installed prior to the recording of any parcel map which further divides the parcels being created.

b. If improvements are deferred and surety posted for completion, the applicant shall enter into an agreement with the county, in a form acceptable to the county, which provides for release of such surety to the applicant only upon satisfactory completion and after an approved inspection by the county of all such improvements. Said agreement shall further provide that in the event such improvements are not completed and approved within one year, the county shall have the right to use such surety to complete said improvements by either county labor or other means.

i. Said agreement shall be executed by the county surveyor as contracting officer for the county and the county surveyor shall have the authority to approve inspections and release surety.

c. All roads used to meet physical access requirements shall be constructed within the approved right-of-way. Easements and rights-of-way shown on parcel maps, or waivers of parcel maps, may not be altered, modified, moved, or changed in any manner prior to the first sale of all parcels created by such parcel map, or waiver or parcel map, without first obtaining written approval of the agency director.

6. Exceptions from Improvement Requirements. Minor subdivisions undertaken for the purposes of leasing or financing as specified in Section 16.20.280(B) or (D), shall be exempt from the requirements of this section. (Ord. 5373-B (part), 2005; Prior code § 19.336)

**Before the Board of Supervisors
County of Placer, State of California**

In the matter of: AN ORDINANCE AMENDING,
ARTICLE 16.08 RELATING TO ACCEPTANCE
OF WORK FOR THE CONSTRUCTION OF
SUBDIVISION IMPROVEMENTS AND
ARTICLE OF CHAPTER 16.20 RELATING TO
IMPROVEMENTS REQUIRED FOR
MINOR SUBDIVISIONS
OF THE PLACER COUNTY CODE

Resol. No:.....

Ord. No:.....

First Reading:.....

The following ORDINANCE was duly passed by the Board of Supervisors
of the County of Placer at a regular meeting held _____,
by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Attest:
Clerk of said Board

Chairman, Board of Supervisors

The Board of Supervisors of the County of Placer, State of California, does hereby ordain that:

Section 1: Article 16.08.200 of Chapter 16 of the Placer County Code is hereby amended to add the following:

C. For subdivisions in which the county has required that private (not to be owned or maintained by the county or another public agency) improvements be completed as part of the subdivision, upon certification by the agency director or designee that such

private improvements have been completed to the required standards, the Board of Supervisors hereby authorizes the director or designee to release that portion of the performance security covering the private improvements.

D. A subdivider may find it desirable to post separate security for county and private improvements.

Section 2: Article 16.20.200 of Chapter 16 of the Placer County Code is hereby repealed and replaced in its entirety with the following:

Article 16.20 MINOR SUBDIVISIONS

16.20.200 Improvements.

A. All required improvements noted in the conditions of approval for the Tentative Parcel Map shall be completed and accepted by the County prior to the issuance of any further discretionary or ministerial permits (including building permits) or other discretionary approval. Those improvements shall comply with this section.

B. Where required by the conditions, improvement plans shall be approved by the County and the plan check and inspection fees required by Sections 16.08.160 and 16.08.170 shall apply.

C. Improvements shall comply with the following general standards unless otherwise approved by the Agency or modified by the conditions of approval.

1. **Drainage and Flood Control.** The minor subdivision design, including, but not limited to proposed drainage structures, lot access, and other proposed drainage improvements, shall conform to good engineering practice to control flooding and storm waters within the subdivision. The applicant shall install drainage improvements conforming to the land development manual within the subdivision boundaries and/or within easements acquired for that purpose. All drainage designs shall conform to the Placer County Flood Control and Water Conservation District Storm Water Management Manual.

2. **Sewage Disposal and Water Supply.** The improvements for sewage disposal and water supply shall be the minimum necessary to satisfy the Health Department's requirement under County Code Section 16.20.180 and 16.20.190. Connection to a sanitary sewer system, as required by the serving utility/agency, may be required.

3. **Roads.**

a. A minor subdivision shall be contiguous to a County maintained highway or connected to a maintained highway with an improved off-site road. Except as noted

in subsection (c) of this section all roads, both on-site and off-site, shall be constructed to County standards as illustrated in Plate R-1. Maintenance of off- and on-site roads shall be included in a road maintenance agreement as provided for in Section 16.20.210 unless otherwise allowed by the conditions of approval.

b. An off-site road serving the subdivision shall be constructed to County standards as illustrated in Plate R-1 except as follows:

i. Until such time as the entire off-site road is constructed to the County standard, a subdivider will be responsible for grading the ultimate section, placing and compacting the aggregate base and hard surfacing the entire length of off-site road.

ii. Each subdivider will be solely responsible for constructing to County standard a portion of the off-site road equal to the number of parcels being created on the parcel map times one hundred (100) feet.

iii. The initial subdivider subject to these standards shall, after obtaining an encroachment permit, construct the road connection (Plate R-17) to the County highway and pave the first one hundred (100) feet of road leading from the highway to the subdivision as measured from the edge of pavement of the County highway. The remainder of the subdivider's paving obligation will be from the subdivision toward the County highway.

iv. Subsequent subdividers' off-site obligation will be any necessary restorative work plus paving in the above calculated amount from their subdivision toward the County highway and/or payment pursuant to any established reimbursement agreement.

c. Notwithstanding other provisions of the ordinance, the surface of the remaining unpaved portion of the off-site road shall either be paved or single chip sealed at the option of the subdivider. The chip seal treatment shall comply with a minimum application rate of 4/10 gallon MC 800 liquid asphalt per square yard and twenty-five (25) pounds of three-eighths inch by #6 screenings per square yard.

i. In the event that the unpaved portion of the off-site road exceeds half mile, 2,640 feet, the single chip seal may be deleted at the discretion of the director.

ii. In the event that the unpaved portion of the off-site road exceeds one mile, 5,280 feet, the single chip seal and the aggregate base course may be deleted at the discretion of the director.

d. A subdivider may request that the County create a reimbursement agreement for any portion of the off-site road work that is not the sole obligation,

as defined above or in the conditions of approval, of the subdivision. Chip seal work shall not be reimbursable.

e. Road design and construction standards shall be as follows:

i. All on-site roads shall comply with (C)(3)(a) above.

ii. The maximum longitudinal grade of on-site and off-site roads being constructed shall be fifteen (15) percent. Any portion of an off-site road exceeding twelve (12) percent shall be paved with three inches of asphalt concrete over 8 inches of Class II AB as will roads exceeding seven percent in areas above three thousand five hundred (3,500) feet elevation. This requirement may include the previously noted 100 feet per parcel, but compliance with this section may exceed the 100 feet per parcel requirement.

iii. Bridges shall be designed for legal highway loads (HS20-44, Caltrans Standard).

iv. Construction procedures and inspection shall be to the same standard as major subdivisions.

v. All roads shall be named in accordance with the County's uniform addressing ordinance and all on-site and off-site roads will be signed in accordance with major subdivision standards.

f. An improvement plan showing the proposed road construction may be required as a condition of approval of any parcel map for review and approval by the County. The plan shall be prepared by a registered civil engineer and shall include, but not be limited to:

i. Existing and proposed road centerline plan and profile and all improvements to be constructed within the existing and proposed right-of-way which shall be adequately dimensioned. The road centerline shall be located in relation to the boundary of the property being divided;

ii. Information required by the grading ordinance, if the work is subject to that ordinance;

iii. Drainage facilities, including gutters, ditches, culverts and their sizes and any easements required for the facilities, together with a drainage report supporting the sizing of the facilities.

g. Where a road connects to a County road, improvements and an encroachment permit may be required if no improvements are existing or do not meet current County standards. Improvements shall be in accordance with Plate R-17.

h. All dead-end roads not having the potential to be through-roads shall be provided with a paved turnaround in conformance with Plate R-2.

i. All dead-end future through-roads shall be provided with a temporary, paved turnaround of either a circular or hammer head design as approved by the Agency Director. The right-of-way required for temporary turnarounds shall not be deducted from the gross area of parcels for zoning size calculations.

j. In areas having severe topographical constraints, alternative, comparable road designs and standards may be allowed if substantiated by a "Design Exception" prepared by a registered Civil Engineer and approved by the agency director.

k. All minor subdivisions, regardless of zoning, will be subject to road standards shown in the land development manual or as required by the conditions of approval. For non residential minor subdivisions, improvements shall also be required to the frontage of any County maintained highway upon which the parcel fronts. The agency director or designee and/or hearing body shall have the authority to require completion of frontage improvements prior to the issuance of certificates of occupancy for individual, undeveloped commercial and/or industrial buildings on parcels subject to an approved CUP/MUP/DRA. In the case where the parcels created by the minor subdivision are already developed or built upon, then the frontage improvements shall be constructed as required by the conditions of approval. The agency director or designee and/or hearing body shall have the authority to impose road improvement conditions as contained in this Article on a use permit instead of on the minor subdivision map. Residential parcel maps are subject to the provisions of Section 16.08.040(A)(2).

l. All roads used to meet physical access requirements shall be constructed within the approved or existing easement. Easements and rights-of-way shown on parcel maps, or waivers of parcel maps, may not be altered, modified, moved, or changed in any manner without first obtaining written approval of the Agency Director and/or hearing body.

m. All projects shall be required to irrevocably offer to dedicate highway easements to the County as defined in the conditions of approval along their frontage on any County Highway.

D. Completion of Improvements shall be insured by the following requirements:

1. When improvements are required as a condition of approval for a minor subdivision, such improvements shall be installed pursuant to an agreement between the County and the Subdivider. That agreement shall include provisions for:

a. Completion of the improvements prior to the issuance of any building permit or approval of any other discretionary permit, including but not necessarily limited

to the approval of any subsequent tentative parcel map which further divides the parcels being created

b. Guaranteed for completion within two (2) years from the date of recordation of the parcel map.

c. A warranty by the subdivider of any public improvements included in the project approval for a period of one (1) year after acceptance of such improvements by the County or other agency or utility company. Security for such warranty shall be provided in the form of cash, Certificate of Deposit or Letter of Credit (as approved by the County) in an amount equal to fifteen per cent (15%) of the value of an approved Engineer's Estimate of cost of the public improvements.

d. Recordation of a "Notice of Building Permit Restriction" to notify prospective buyers of parcels of the requirements of Section 15.04.060 of PCC regarding the completion of improvements prior to the issuance of any subsequent permits, including building permits.

e. Recordation of the agreement and the release from the agreement by the County upon completion of the requirements contained therein.

2. Said agreement shall be executed by the County Surveyor as contracting officer for the County and the County Surveyor shall have the authority to approve inspections, record a notice of release from the agreement with the County Recorder and authorize the release of any warranty security upon expiration of the warranty period.

E. Exceptions from Improvement Requirements. Minor subdivisions undertaken for the purposes of leasing or financing as specified in Section 16.20.280(B) or (D), shall be exempt from the requirements of this section.

Section 3: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code Section 25124.

