

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Public Works *[Signature]*

BOARD AGENDA # 9:10 a.m.

Urgent Routine

AGENDA DATE May 4, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Introduce and Waive the First Reading of the Subdivision Ordinance Amendment Changing Subsection "A" of Section 20.52.200, Dedications, and Subsection "A" of Section 20.16.090 of Title 20, Improvements Required, of the Stanislaus County Code

STAFF RECOMMENDATIONS:

Conduct a public hearing to introduce and waive the first reading of the Subdivision Ordinance Amendment changing Subsection "A" of Section 20.52.200, Dedications, and Subsection "A" of Section 20.16.090 of Title 20, Improvements Required, of the Stanislaus County Code.

FISCAL IMPACT:

There is no immediate fiscal impact associated with this item. There are, however, long-term fiscal implications. Funds for the acquisition of road right-of-way are generally paid from the Road Fund. This fund includes revenues in the form of Highway Users Tax (HUTA), Proposition 42, and Proposition 1B. These funding sources are also used for road maintenance and road construction projects. In the absence of the developer granting road right of way, any right of way needed for road construction projects would have to be purchased; thereby reducing the amount of money available for the maintenance and construction of the County road system.

BOARD ACTION AS FOLLOWS:

No. 2010-279

On motion of Supervisor O'Brien, Seconded by Supervisor Chiesa
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, DeMartini, and Vice Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: Grover

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION: INTRODUCED AND WAIVED THE FIRST READING OF ORDINANCE NOS. C.S. 1080 AND C.S. 1081

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

ORD-55-L-13
File No. ORD-55-L-14

Public Hearing to Introduce and Waive the First Reading of the Subdivision Ordinance Amendment Changing Subsection "A" of Section 20.52.200, Dedications, and Subsection "A" of Section 20.16.090 of Title 20, Improvements Required, of the Stanislaus County Code

DISCUSSION:

Background

Transportation and roadway circulation are key elements in determining the health of the Stanislaus County's economy. The Circulation Element acknowledges the use of the surrounding land by appropriately sizing the roadway system that runs through the County. With 1,527 miles of County maintained roadway, these roads provide access to individual parcels and serve as corridors between urban areas. Sufficient road right-of-way allows for the installation of road improvements and safety features to ensure that the traveling public has a cost-effective and safe road system to utilize.

A significant factor on any roadway project is the amount of right-of-way available for road improvements. The available right-of-way determines the amount of roadway improvements that will fit in any stretch of roadway. These improvements can include auxiliary lanes, storm water storage/drainage, streetlights, concrete curb, gutter, and sidewalk, or a shoulder for stopping safely on the side of the road.

At present, when larger agricultural parcels split into parcels of 20 or more acres, road right-of-way is not required to be dedicated. This can leave long sections of County road right-of-way at widths that do not meet the County General Plan and Circulation Element requirements.

Proposed Amendment to Subdivision Ordinance

The proposed amendment of Chapter 20.52.200, Dedications, removes the language excluding parcels exceeding 20 acres or greater in the A-2 districts from dedicating road right-of-way when they are divided. Chapter 20.16.090, Improvements Required, will be amended by removing a reference to Chapter 20.52.200 that refers to road right-of-way conforming to the General Plan except where it is exempt by that section. This amendment will allow for roadway dedication to match the Circulation Element of the Stanislaus County General Plan for every parcel that is subdivided.

The proposed changes are reflected below:

Chapter 20.52.200: Dedications, Section A. - "The subdivider shall grant right-of-way for road widening to conform to the general plan, the select systems of highways, specific plans adopted by the board and adopted county standards. ~~except for parcels exceeding twenty acres in A-2 districts designated as agricultural on the land use element of the county general plan."~~

Chapter 20.16.090: Improvements Required, Section A. - "Rights-of-way for road widening are required to conform to the county general plan, select system or specific plans, ~~except when expressly exempt by Section 20.52.200.~~ If dedications of streets, street widening, alleys, walkways, easements, public utility easements, or other public ways or access

Public Hearing to Introduce and Waive the First Reading of the Subdivision Ordinance Amendment Changing Subsection "A" of Section 20.52.200, Dedications, and Subsection "A" of Section 20.16.090 of Title 20, Improvements Required, of the Stanislaus County Code

rights are required by the commission as conditions of approval of a parcel map, such dedications shall either be shown on and offered by a certificate on the final map or made by separate instrument, shall be signed by those parties having any record title interest in the real property being subdivided in accordance with the provisions of Section 66439 of the Government Code. If dedication or offers of dedication are made they shall be recorded concurrently with or prior to the parcel map being filed for record."

Stakeholder Outreach and Approval Process

Public Works staff has met with various committees within Stanislaus County and sent a description of the proposed changes to the Stanislaus County Farm Bureau and professionals in the surveying and land planning fields. The proposed ordinance has also gone to the Stanislaus County Planning Commission.

In September 2008, the proposed ordinance amendment went before the General Plan Update Committee. The General Plan Update Committee supported staff's proposal and recommended to take the proposal for the Board of Supervisor's consideration.

The Environmental Review Committee reviewed the proposed ordinance amendment in April of 2009. The Environmental Review Committee had no concerns.

In November of 2009, a letter outlining the amendment was mailed to the Stanislaus County Farm Bureau, and local surveyors and engineering firms. Staff did not receive either positive or negative comments on the proposed change.

On February 18, 2010, the Planning Commission held a public hearing and unanimously recommended forwarding the attached draft ordinance to the Board of Supervisors for consideration.

POLICY ISSUES:

The Board should consider if the recommended actions are consistent with its priorities of providing a safe community, a well-planned infrastructure system and the efficient delivery of public services.

STAFFING IMPACTS:

There are no staffing impacts associated with this item

CONTACT PERSON: Matt Machado, Director. Telephone: 209-525-6550.

ORDINANCE NO. C.S. _____

AN ORDINANCE TO AMEND SECTION 20.52.200(A) OF THE STANISLAUS COUNTY CODE

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA DO ORDAIN AS FOLLOWS:

Section 1. Section 20.52.200 Subdivision A is hereby amended to read as follows:

“20.52.200 Dedications.

A. The subdivider shall grant right-of-way for road widening to conform to the general plan, the select systems of highways, specific plans adopted by the board and adopted county standards.”

Section 2. This ordinance shall take effect 30 days from and after the date of its passage and before the expiration of 15 days after its passage it shall be published once, with the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor _____ seconded by Supervisor _____, the foregoing Ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this ____ day of _____, 2008, by the following-called vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Jeff Grover, Chairman
of the Board of Supervisors of the
County of Stanislaus, State of California

ATTEST:

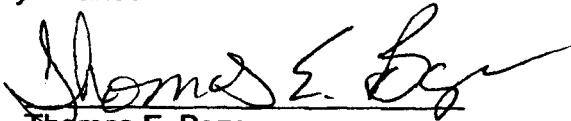
CHRISTINE FERRARO TALLMAN, Clerk of the
Board of Supervisors of the County of Stanislaus,

State of California

By _____
Liz King, Deputy Clerk

APPROVED AS TO FORM:

JOHN P. DOERING
County Counsel

By 
Thomas E. Boze
Deputy County Counsel

ORDINANCE NO. C.S. _____

AN ORDINANCE TO AMEND SECTION 20.16.090(A) OF THE STANISLAUS COUNTY CODE

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA DO ORDAIN AS FOLLOWS:

Section 1. Section 20.16.090 Subdivision A is hereby amended to read as follows:

“20.16.090 Improvements Required.

A. Rights-of-way for road widening are required to conform to the county general plan, select system or specific plans. If dedications of streets, street widening, alleys, walkways, easements, public utility easements, or other public ways or access rights are required by the commission as conditions of approval of a parcel map, such dedications shall either be shown on and offered by a certificate on the final map or made by separate instrument, shall be signed by those parties having any record title interest in the real property being subdivided in accordance with the provisions of Section 66439 of the Government Code. If dedication or offers of dedication are made they shall be recorded concurrently with or prior to the parcel map being filed for record.”

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AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Jeff Grover, Chairman
of the Board of Supervisors of the
County of Stanislaus, State of California

ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk of the
Board of Supervisors of the County of Stanislaus,
State of California

By _____
Liz King, Deputy Clerk

APPROVED AS TO FORM:

JOHN P. DOERING
County Counsel

By 
Thomas E. Boze
Deputy County Counsel