

ARTICLE XII. IMPROVEMENT FEES, DEDICATIONS AND RESERVATIONS

(Ord. No. 1419, §1)

Sec. 26-131. Fees for bridges and major thoroughfares

As a condition of approval of the final map or parcel map, or as a condition of the issuance of a building permit for any lot in the subdivision, the subdivider may be required to pay fees or other considerations in lieu thereof pursuant to this section and Section 66484 of the Subdivision Map Act in order to defray the actual or estimated costs of constructing bridges over waterways, railways, freeways and canyons for which bridge crossing are required by the transportation or flood control provisions of the County General Plan, and of constructing major thoroughfares identified in the Circulation Element of the County General Plan.

Ord. No. 1608, §2)

Sec. 26-131.1. Hearing

In accordance with all requirements of Section 66484 of the Subdivision Map Act, the boundaries of the area of benefit, the actual or estimated costs of construction, fee apportionment, and a fair method of allocation of costs to the area of benefit shall be established at a public hearing held by the Board of Supervisors. The hearing shall be noticed pursuant to Section 26-95.1, provided that the notice shall also include preliminary information related to the boundaries of the area of benefit, estimated cost, and the method of fee apportionment.

(Ord. No. 1608, §2)

Sec. 26-131.2. Fees for major thoroughfares

Payment of fees for a major thoroughfare shall not be required unless the major thoroughfare is in addition to, or a reconstruction of, an existing major thoroughfare serving the area at the time of the adoption of the boundaries of the area of benefit.

(Ord. No. 1608, §2)

Sec. 26-131.3. Fees for bridges

Payment of fees shall not be required for a planned bridge facility unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit, nor shall any such fees be expended to reimburse the cost of existing bridge facilities construction.

(Ord. No. 1608, §2)

Sec. 26-131.4. Protests

(a) Written protests to the establishment of any proposed area of benefit for any particular improvement under Section 26-131 of this Code and Section 66484 of the

Subdivision Map Act may be filed with the Clerk of the Board of Supervisors by the owners of real property within the proposed area of benefit at any time prior to the close of the required public hearing. If such written protests are filed by the owners of more than one-half of the area of the property to be benefited by an improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings shall be abandoned, and the Board of Supervisors shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of Section 26-131 of this Code and Section 66484 of the Subdivision Map Act.

(b) Nothing in this Section shall preclude the processing and recordation of maps in accordance with other provisions of this Code and the Subdivision Map Act if proceedings are abandoned.

(c) Any protests may be withdrawn in writing by the property owner making the same at any time prior to the conclusion of the required public hearing.

(d) If any majority protest is directed against only a portion of the improvement, then all further proceedings under the provisions of Section 26-131 of this Code and Section 66484 of the Subdivision Map Act to construct that portion of the improvement so protested against shall be barred for a period of one year, but the Board of Supervisors shall not be barred from commencing new proceedings not including any party of the improvement or acquisition so protested against. Nothing in this subsection shall prohibit the Board of Supervisors, within such one-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with such portion of the improvement or acquisition. Imposition of fees pursuant to this section shall also conform to any other requirements of law.

(Ord. No. 1608, §2)

Sec. 26-131.5. Use of fees

A fund shall be established for each planned bridge facility project or each planned major thoroughfare project. Fees paid pursuant to this section shall be deposited in the appropriate fund. If the benefit area is one in which more than one bridge is required to be constructed, a fund may be established covering all the bridge projects in the benefit area. Moneys in such fund shall be expended solely for the construction or reimbursement for construction of the improvement serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the County for the cost of constructing the improvement.

(Ord. No. 1608, §2)

Sec. 26-131.6. Powers and obligations

In addition to those powers and obligations specifically set forth in Sections 26-131 through 26-131.5, the County and subdivider shall have all of the respective powers and obligations set forth in Section 66484 of the Subdivision Map Act.

(Ord. No. 1608, §2)

Sec. 26-132. Traffic impact fee

To mitigate the traffic impacts of new development in the County, the Board of Supervisors may establish a development impact fee pursuant to the Mitigation Fee Act, Government Code section 66000 et seq., to be imposed as a condition of approval of tentative maps.

(Ord. No. 1608, §2)

Sec. 26-133. Dedication of land and easements for public use

All title, rights and easements specified in Sections 26-133.1 through 26-133.4 shall be dedicated or offered for dedication to the County of Solano or other appropriate public agency not later than the time the final map or parcel map is filed for approval.

(Ord. No. 1608, §2)

Sec. 26-133.1. Flood control channels

All rights-of-way required by Section 26-77 with respect to channels shall be offered for dedication to the appropriate public agency. All required rights-of-way offered to a public agency shall be offered for dedication in a form that meets the requirements of that agency. All required rights-of-way offered for dedication pursuant to this section shall be free of all liens, encumbrances, assessments, leases and easements except for public utility easements.

(Ord. No. 1608, §2)

Sec. 26-133.2. Private road easements

Easements allowing all governmental agencies access for public health, safety and welfare purposes on all private roads or lanes shall be dedicated or offered for dedication to the County of Solano.

(Ord. No. 1608, §2)

Sec. 26-133.2. Public road easements and access

Except as otherwise provided below, all easements for public roads, public pedestrian and bicycle paths, public walks, and public alleys shown on the final map or parcel map and all rights of access to and from residential lots of the proposed subdivision abutting on controlled access roads shall be offered free and clear of any prior easements or rights-of-way, liens and encumbrances for dedication to the County of Solano. The rights of access to and from residential lots abutting on controlled access roads shall be

such that owners of such lots shall have no rights whatsoever in such roads except in the general right of travel which belongs to the public at large. The Board of Supervisors may approve an offer of dedication wherein certain easements remain prior, in whole or part, to the rights being offered to the County. However, such approval shall be given only when unusual circumstances warrant and the easements that remain prior do not substantially interfere with proper use of the rights being offered to the county.

Sec. 26-133.4. Other easements

All other easements for public use required as a condition for approval of the tentative map for the proposed subdivision shall be offered for dedication to the County of Solano or other appropriate agency.

(Ord. No. 1608, §2)

Sec. 26-133.5. Documentation

All offers of dedication shall be made by certificate on the final map or parcel map unless made by separate document with the approval of the County Surveyor.

(Ord. No. 1608, §2)

Sec. 26-133.6. Acceptance of dedication

The Board of Supervisors is authorized to accept or reject on behalf of the County, or on behalf of any other public entity whose governing board is the Solano County Board of Supervisors, any and all offers of dedication, whether by separate document or by certificate on the map. Acceptance pursuant to this Section of an offer of dedication of a road (including ways offered only for nonvehicular use such as equestrian and pedestrian trails) shall cause that road to become a public way open to use by the public unless the offer expressly provides otherwise. Acceptance pursuant to this section of an offer of dedication of a road (including ways offered for nonvehicular use) shall not cause the road to become a County highway that the County is obligated to maintain unless and until the road is, by resolution of the Solano County Board of Supervisors, expressly accepted into the County road system.

(Ord. No. 1608, §2)

Sec. 26-134. Reservations for public use

As a condition of approval of any subdivision, the tentative map of which is filed subsequent to the adoption of a specific plan or a General Plan Community Facilities Element, a General Plan Recreation and Parks Element or a General Plan Public Building Element containing definite principles and standards regarding the determination of need for and location of parks, recreational facilities, fire stations, libraries or other public uses of land, the subdivider may be required to reserve areas or real property within the subdivision for such public uses pursuant to the provisions and subject to the powers and obligations set forth in Article 4 (commencing with Section 66479) of Chapter 4 of the Subdivision Map Act.

(Ord. No. 1608, §2)

Sec. 26-135. Fees for drainage and sewer facilities

As a condition of approval of any subdivision, the tentative map for which is filed no sooner than 30 days after the adoption of any applicable drainage or sanitary sewer plan for a particular drainage or sanitary sewer area, the subdivider may be required to pay fees or consideration in lieu thereof for the purpose of defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas and constructing planned sanitary sewer facilities for local sanitary sewer areas pursuant to the provisions of and subject to the conditions, powers and obligations set forth in Section 66483 of the Subdivision Map Act.

(Ord. No. 1608, §2)