ORDINANCE NO. 1079

AN ORDINANCE AMENDING CHAPTER 26 OF THE SOLANO COUNTY CODE BY ADDING THERETO SECTION 26.810 ESTABLISHING A MAJOR THOROUGHFARE CONSTRUCTION FEE AND A BRIDGE CONSTRUCTION FEE, THE APPLICABILITY, EXEMPTIONS, PROCEDURE FOR CREATION, AND ADMINISTRATION THEREOF

The Board of Supervisors of Solano County does ordain as follows:

SECTION I.

Chapter 26 of the Solano County Code is hereby amended by adding thereto Section 26.810 to read as follows:

Section 26.810.010. Title - Finding - Declaration.

This section shall be known as the "Major Thoroughfare and Bridge Construction Fee Ordinance." The Board of Supervisors finds that development has caused a need for construction of new major transportation and circulation facilities, for improvement and reconstruction of existing major thoroughfares and collector streets and roads, and for the construction and reconstruction of bridges over waterways, railways, freeways, major thoroughfares, local roads, and canyons. Based on said findings the Board of Supervisors declares that a major thoroughfare construction fee and a bridge construction fee are necessary to finance, in whole or in part, the construction and reconstruction of major thoroughfares and bridges.


(a) Construction includes design, acquisition of right-of-way, administration of construction contracts and actual construction or reconstruction.

(b) Major Thoroughfares includes those roads, streets, and highways designated in the circulation or transportation elements of the general plan or any
sub-area general plan and identified in said plans as, but not limited to, "arterials," "major arterials," "expressways," "highways" or "collector streets" and whose primary purpose is to carry through traffic and provide a network of streets and roadways connecting to the State Highway System.

(c) Bridges includes those spans, culverts, and archways supporting roads which cross railways, freeways, local roads, streams, waterways, canyons, and other roads and which are identified in the circulation, transportation, or flood control elements of the general plan or any sub-area general plan.

(d) Existing Building or Structure includes:

1. All buildings or structures completed and capable of use or occupancy prior to the effective date of any resolution adopted pursuant to this ordinance;

2. All buildings or structures which, pursuant to a valid building permit issued prior to the effective date of any resolution adopted pursuant to this ordinance, are completed for use and/or occupancy within six (6) months after the effective date of said resolution;

3. All buildings or structures completed and/or capable of use or occupancy which may come into existence after the effective date of any resolution adopted pursuant to this ordinance and for which the major thoroughfare construction fee has been, or is deemed to have been, paid;

4. All buildings or structures previously completed but which shall be reconstructed, in whole or
in part, due to fire, storm, natural disaster or Act of God.

5. Existing buildings or structures shall also include subsidiary additions such as patios, decks, barns, and corrals as long as such additions are not for human habitation and are accessory additions to a pre-existing single-family residence.


The Major Thoroughfare and Bridge Construction Fee Ordinance shall apply to all owners or developers of real property within the unincorporated territory of Solano County. The fees so obtained shall, in the case of Major Thoroughfares, apply to the construction and reconstruction of those major thoroughfares designated by the circulation and transportation elements of the Solano County Transportation Plan, the Solano County General Plan, or by the circulation and transportation elements of those sub-area general plans including, but not limited to, the West Central Solano County General Plan, the Vacaville General Plan and the Southeast Solano County General Plan. The fees so obtained shall, in the case of bridges, apply to the construction and reconstruction of those bridges designated by the transportation, circulation, and flood control elements of the Solano County Transportation Plan, the Solano County General Plan or by any sub-area general plan.

Section 26.810.040. Fees.

A Major Thoroughfare or Bridge Construction Fee may be set by the Board of Supervisors by a resolution adopted pursuant to those procedures set forth in this ordinance. A single resolution may not provide for both a major
thoroughfare fee and a bridge fee.

Except as otherwise provided payment of such fee or fees shall be a condition to the issuance of any building permit unless payment of such fee has been made a condition to the filing of a final map in which case such fee or fees shall be paid at the time of filing said final map.

In addition to any other exemption provided by this section no fee shall be required:

(a) for an existing building or structure;

(b) if the property is not located within an area encompassed by a general plan or an area general plan adopted or amended more than thirty (30) days prior to the request to file the final map or issue the building permit;

(c) unless, in the case of major thoroughfares, such thoroughfares are in addition to, or a reconstruction of, any existing major thoroughfares serving the area of benefit at the time; and

(d) unless, in the case of bridges such planned bridge facility is an original bridge serving the area or an addition to, or a reconstruction of, any existing bridge facility serving the area at the time of adoption of the boundaries of benefit. Such fees may not be utilized to reimburse the original cost of construction of bridges existing at the time of establishment of a Bridge Construction Fee.


A Major Thoroughfare or Bridge Construction Fee shall be established by the following procedure:

(a) Such fees shall be set by resolution of the
Board of Supervisors after public hearing. No fee
shall be required unless the major thoroughfare or
bridge is in addition to, or a reconstruction of,
existing major thoroughfares or bridges serving the
area of benefit.

(b) Notice of said public hearing may be by
prepaid mail deposited with the United States Mail
not less than ten (10) calendar days prior to such
hearing and sent to all landowners in the proposed
area of benefit as shown by the addresses from the
last equalized assessment roll for the proposed area
of benefit. In the alternative notice may be given
by publication in a newspaper of general circulation
not less than ten (10) days prior to such hearing and
by posting said notice in conspicuous places through­
out the proposed area of benefit. Such notice shall
contain the date, time and place of the public hear­
ing, the boundaries of the proposed area or areas of
benefit, the estimated cost of construction of the
major thoroughfares or bridges, the proposed method
of fee apportionment, a statement that written protest
as to the whole proposed improvement or any part there­
of may be filed by affected landowners with the Clerk
to the Board of Supervisors, and a statement that
protests must be received by the Clerk of the Board
of Supervisors not later than 5:00 p.m. on the day
preceeding the public hearing.

(c) At the public hearing the Board of Supervi­
sors shall first determine if written protests have
been filed by the landowners of more than one-half of
the area of the property proposed to be benefited by
the improvements. If a majority protest has been
filed and not withdrawn prior to the conclusion of
the public hearing, the proposed action shall be
abandoned for a period of one year after which a new
proceeding may be commenced. If a majority protest
is directed toward only a portion of the proposed
improvement area then an action to set fees for that
particular improvement area shall be abandoned for a
period of one year unless during that period the Board
of Supervisors by a four-fifths vote finds that the
owners of more than one-half of the land are in favor
of going forward with such portions of improvement in
which case the public hearing as to that portion will
be renoticed and held as provided herein.

(d) If no majority protest has been filed the
Board of Supervisors may then determine whether to
establish a fee, the boundaries of the area of bene­
fit, the actual or estimated cost of construction and
reconstruction, and a fair method of cost allocation
and fee apportionments. In the case of a fee for
major thoroughfares abutting property shall not be
charged a higher fee than non-abutting property unless
said property is provided direct, usable access to
the thoroughfare. If lands within the area of benefit
are not made subject to the fees, other than existing
buildings or structures, the Board of Supervisors
shall make provisions for the payment of such share
of cost from other sources.

(e) After hearing and action by the Board of
Supervisors, a description of the boundaries of the
area of benefit, the costs, whether actual or esti-
mated, and the method of fee apportionment established at the hearing shall be incorporated in a resolution of the Board of Supervisors, a certified copy of which shall be recorded by the Board of Supervisors with the Recorder.

Section 26.810.060. Funds.

As appropriate to the resolution a Major Thoroughfare Construction Fee Fund or a Bridge Construction Fee Fund shall be established for each area of benefit created pursuant to this ordinance and all fees paid pursuant thereto shall be deposited in said fund. If the benefit area is one in which more than one road or bridge is to be constructed or reconstructed the fund may include all of the road or bridge projects in the benefit area. Monies in such fund shall be expended solely for the construction or reimbursement for construction of the improvement serving the area to be benefited from which the fees comprising the fund were collected or to reimburse the County for the cost of constructing the improvement.

The County may advance money from the general fund or road fund to pay the cost of constructing the improvements and may reimburse the general fund or road fund for such advances from major thoroughfares or bridge fund established to finance the construction of such improvements.

The County may incur an interest-bearing indebtedness for the construction and reconstruction of major thoroughfares and bridges; that sole security for repayment of such indebtedness shall be monies in major thoroughfares or bridge fund.

SECTION II.

This Ordinance shall be published once before the expiration
of FIFTEEN (15) DAYS after its final passage in the \textit{Vacaville Reporter}, a newspaper of general circulation, printed and published in the County of Solano, State of California, and shall be in full force and effect THIRTY (30) DAYS after its passage.

ATTEST:

LARRY L. AGERA, Chairman of the Solano County Board of Supervisors

NEIL CRAWFORD, County Clerk and ex officio Clerk of the Board of Supervisors,

By /\[signature\] Deputy Clerk

I, NEIL CRAWFORD, County Clerk and ex officio Clerk of the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing Ordinance was introduced at a regular meeting thereof held on the 21st day of August, 1979.

On the motion of Supervisor \textit{Brown}, and the second of Supervisor \textit{Davis}, this Ordinance was adopted at a regular meeting of said Board on the 30th day of September, 1979, by the following vote:

AYES: \textbf{SUPERVISORS:} \textit{Brown, Davis, Shewit of Agera, Pragelton, Abbott}

NOES: \textbf{SUPERVISORS:} None

ABSENT: \textbf{SUPERVISORS:} None

WITNESS my hand and the Seal of said Board this 30th day of September, 1979.

NEIL CRAWFORD, County Clerk

By \[signature\] Deputy Clerk