

Chapter 15.28 - HIGHWAY DEDICATION

Sections:

15.28.010 - Dedication and improvement required.

Except as otherwise provided in Section 15.28.020, no building or structure shall be erected, reconstructed, structurally altered or enlarged, and no building permit shall be issued therefor, on any lot or parcel of land which abuts a major or secondary highway, as shown on the map entitled, "The County Transportation Improvement Plan," on file with the planning and development services division and made part of this chapter by reference, or other public street which does not conform to current county width standards, unless the portion of such lot or parcel within the right-of-way of the highway to be widened or additional required street width has been dedicated to the county and improved. The dedication and improvements shall meet the standards for such highway or street as provided in Section 15.28.060.

(Ord. 1473 (part), 2001: Ord. 961 § 1 (part), 1986: prior code § 2-6-1)

15.28.020 - Exceptions.

- A. The maximum area required to be dedicated shall not exceed twenty-five percent of any lot or parcel which was of record on the effective date of the ordinance codified in this chapter in the county recorder's office. In determining the amount of area required for dedication for purposes of this exception, any highway area which previously has been dedicated to the public through public use shall not be included.
- B. Such required dedication shall not reduce the lot or parcel to less than five thousand square feet.
- C. Dedication shall not be required on those portions of a lot occupied by a main building existing on the effective date of the ordinance codified in this chapter.
- D. Additional improvements shall not be required on a lot where paved surface, curb, gutter and sidewalk improvements in good condition exist within the present right-of-way, unless use is changed from agricultural or single-family dwelling to a commercial, industrial, office or two-family dwelling or more.
- E. Dedication shall not be required for remodelings, additions and accessory buildings incidental to a single-family dwelling, used as a residence, existing on the lot as of the effective date of the ordinance codified in this chapter, provided that no additional dwelling units are created.
- F. Dedication shall not be required for additions or accessory buildings clearly incidental to a main building existing on the lot as of the effective date of the ordinance codified in this chapter, provided that the cumulative floor area of all such additions and accessory buildings does not exceed two hundred square feet or twenty percent of existing square footage, whichever is greater.

(Ord. 961 § 1 (part), 1986: prior code § 2-6-2)

15.28.030 - Dedication procedure.

- A. Any person or other entity required to dedicate land under the provisions of this chapter shall execute an offer to dedicate and a warranty deed or other deed form acceptable to the county properly executed by all parties of interest in such terms as to be binding on the owner, his/her heirs, assigns or successor in interest. The offer to dedicate, deed, and a title report shall be filed with the planning and development services director. No title report need be furnished in cases where the development services director determines the property in question is within a street being maintained by the county as dedicated to the public by use.

- B. The planning and development services director shall review the offer to dedicate and deed for completeness and compliance with county requirements which shall thereafter be promptly processed and submitted to the mayor for final acceptance. The dedication shall be complete when the deed is recorded in the office of the county recorder after its acceptance by the mayor.
- C. For the purpose of this chapter, dedication shall be considered as satisfactorily assured when the offer to dedicate and deed have been approved by the planning and development services director. When the mayor has accepted the deed and it has been recorded, a copy shall be submitted to the county real estate officer by the county recorder for use in inventory control of county real property.

(Ord. 1473 (part), 2001: Ord. 1104 § 2, 1990: Ord. 961 § 1 (part), 1986: prior code § 2-6-3)

15.28.040 - Building permit issuance.

When all dedication and improvements required by this chapter have been completed or assured as provided in this chapter, a building permit may be issued.

(Ord. 961 § 1 (part), 1986: prior code § 2-6-4)

15.28.050 - Lots affected by dedication.

On a lot affected by the dedication required under the provisions of this chapter, all required yards, setbacks, parking area, loading space and building locations for new buildings or structures or additions to buildings or structures shall be measured and calculated from the new lot lines created by the dedication. However, in applying all other provisions of the zoning ordinances of the county, such lot shall be considered in an area as that which existed immediately prior to dedication.

(Ord. 961 § 1 (part), 1986: prior code § 2-6-5)

15.28.060 - Improvement standards and procedures.

- A. Major and secondary highways shall be dedicated to the width indicated on the "The County Transportation Improvement Plan" with a cross-section as shown in the county highway standards, except as provided elsewhere by appropriate authority.
- B. "Improvements" means those improvements required under the county subdivision ordinance which shall be installed in accordance with the standards required under the subdivision ordinance.
- C. Both the planning and development services and engineering directors must approve variations from the standards described in this section, as necessary, considering the conditions of terrain and existing improvements contiguous thereto.
- D. Improvements required under the provisions of this chapter shall be assured when they are completed to the satisfaction of the planning and development services director as required in this chapter or a bond has been filed guaranteeing their completion within one year.
- E. If the mayor determines that the required improvements should be completed in a specified sequence and/or in less than a one-year period in order to protect the health, safety and welfare of the county or its residents from traffic, flood, drainage or other hazards the mayor may require in approving the bond that the improvements be installed in a specified sequence and period which may be less than one year and shall incorporate such requirements in the bond.

(Ord. 1473 (part), 2001: Ord. 961 § 1 (part), 1986: prior code § 2-6-6)

15.28.070 - Appeal.

Any person may appeal any determination in connection with the administration, enforcement and other provisions of this section, as set forth in this section, to the mayor. The appeal must be submitted in triplicate and must also provide sufficient information to provide for a proper determination.

- A. The mayor may make modifications in the requirements of this chapter as necessary to prevent undue hardship or an unreasonable burden under the facts of each individual case. However, no such modification shall be granted unless it is in conformity with the spirit and intent of this chapter.
- B. The mayor may authorize the public works department to contribute toward the cost of the required improvements which the development services and highway directors determine to be greatly in excess of the cost to other property owners in the immediate vicinity who are required to install improvements under the provisions of this chapter.

(Ord. 1473 (part), 2001: Ord. 961 § 1 (part), 1986: prior code § 2-6-8)

15.28.080 - Amendments to highway plan.

Amendments to the "The County Transportation Improvement Plan" may be made by the county council after receiving recommendations from the county planning division and the county highway division.

(Ord. 1473 (part), 2001: Ord. 961 § 1 (part), 1986: prior code § 2-6-9)