

ORDINANCE NO. XXXX

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
ESTABLISHING REQUIRMENTS FOR
ROAD ACCEPTANCE AND MAINTENANCE**

WHEREAS, prior to 1995, the County of Shasta (“County”) accepted roads into the maintained mileage system when constructed in accordance with County standards for paved roads; and

WHEREAS, the County's revenues available for road maintenance of public roads have continued to decrease substantially; and

WHEREAS, revenues available for maintenance of roads do not increase in proportion to increases in maintained mileage; and

WHEREAS, in 1995, County's Board of Supervisors adopted Resolution 95-31 setting forth its policy for maintenance of subdivision roads and roads proposed for acceptance into the County system of maintained mileage; and

WHEREAS, Resolution 95-31 provided that road maintenance in private subdivisions could be accomplished by county service areas, or homeowners associations, provided that an inactive permanent road division was formed to provide maintenance in the event that a homeowners association failed to do so; and

WHEREAS, Proposition 218 (Article XIID of the California Constitution) was passed and increased the procedural steps required to form permanent road divisions and provided an opportunity for landowners to object to the formation of a permanent road division or to object to new or increased assessments at a later date; and

WHEREAS, as a result of the changes in legal requirements to form and finance permanent road divisions and in order to maintain acceptable levels of maintenance on roads within Shasta County, modification of existing policies occurred; and

WHEREAS, on January 6, 2009, the Shasta County Board of Supervisors adopted Ordinance No. 667, “*An Ordinance of the Board of Supervisors of the County of Shasta Establishing Requirements for Road Acceptance and Maintenance,*” which repealed and replaced Resolution 95-31; and

WHEREAS, Ordinance No. 667 requires, as a condition of approval, that new subdivisions creating five or more lots form a Permanent Road Division (PRD) in accordance with Streets & Highways Code §§ 1160 et seq. and all other applicable laws to provide for the maintenance of the roads serving the subdivision; and

WHEREAS, On May 14, 2024, the Board of Supervisors expressed a desire to allow maintenance of subdivision roads by PRDs or HOAs and directed staff to return to the Board with action to repeal Ordinance No. 667 and replace it with an ordinance that permits maintenance of subdivision roads by PRDs or HOAs.

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The Board of Supervisors of the County of Shasta ordains as follows:

SECTION 1. No new roads will be accepted into the County system of maintained mileage except for collector and arterial roads that are constructed in accordance with County standards for paved roads.

SECTION 2. Roads for new subdivisions creating five or more lots and roads proposed for acceptance which are constructed through assessment districts, shall be maintained by PRDs or HOAs which shall be formed as a condition of approval of such subdivisions or assessment districts, and shall be formed in accordance with all applicable federal and state statutes, rules, regulations and local ordinances.

SECTION 3. Emergency Fire Escape Roads (“EFERs”) shall be constructed by assessment districts and shall be maintained by a PRD in accordance with all applicable federal and state statutes, rules, regulations and local ordinances.

SECTION 6. Until this ordinance is enacted and effective, all of the provisions of Ordinance No. 667 remain in full force and effect.

SECTION 7. Roads serving four or fewer lots are exempt from this ordinance.

SECTION 8. This ordinance replaces and supersedes Ordinance No. 667.

SECTION 9. This ordinance shall be in full force and effect thirty (30) days after its passage. The Clerk shall cause this ordinance to be published as required by law.

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DULY PASSED AND ADOPTED this 27th day of August, 2024, by the Board of Supervisors of the County of Shasta by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

KEVIN W. CRYE, CHAIR
Board of Supervisors
County of Shasta
State of California

ATTEST:
DAVID J. RICKERT
Clerk of the Board of Supervisors

APPROVED AS TO FORM:
JOSEPH LARMOUR
County Counsel

By: _____
Deputy

DocuSigned by:
By: *Alan B. Cox*
Alan B. Cox
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Senior Deputy County Counsel