

**COMMUNITY DEVELOPMENT DEPARTMENT  
225 PARK STREET  
LAKEPORT, CA 95453**

**POLICY / PROCEDURE #48**

**DATE: June 21, 2004, January 2008, June 30, 2011**

**SUBJECT: Like Kind Exemptions for Right of Way Improvements**

The Right-of-Way Improvement Ordinance, in Section 12.04.040, indicates that when property improvements of any type are proposed which exceed a value of \$50,077 on an improved or unimproved parcel, right-of-way improvements defined in this chapter shall be provided. The value of property improvements or maintenance projects shall be determined by the Community Development Department and shall be based on construction costs as set forth in Building Standards Magazine or based on a duly executed construction contract.

The Ordinance also indicates that there are certain repairs that are exempt from the right-of-way Improvement Ordinance. The improvement value for the following types of property improvements shall not be considered part of the \$50,077 improvement property value or other inflation adjusted amount as determined by the City Council:

1. Repairs made to comply with existing state or local health department, sanitary or safety code specifications which are necessary solely to assure safe living conditions;
2. Repairs made to restore a structure to its pre-existing condition when damage has been caused by an accident or natural disaster such as a fire, earthquake, flood, slide, and/or an exceptionally strong wind;
3. Like-kind property maintenance projects such as re-roofing, replacement or upgrade of existing heating or cooling equipment, sewer or water line repair or replacement, installation of appliances, electrical or plumbing items, existing foundation repair, items bringing structures into compliance with the Americans With Disabilities Act, or similar maintenance or replacement work.
4. Improvements to accommodate the accessibility of the occupant / owner.
5. Improvements to elevate homes within a floodplain to the current standard.

The City's policy with respect to determining exemptions under the right-of-way improvements ordinance will be to consider all proposed property improvements to be non-exempt, unless the work is specifically listed as exempt or a written request is made for an exemption and a decision made by staff.

The burden of documenting that proposed improvement work is in compliance with the provisions of the Ordinance will be upon the property owner or contractor. Community Development Department staff will review the request and make a determination thereon. In the event of a dispute regarding the designation of an improvement, the decision will be referred to the City Council.

Approved:

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RICHARD KNOLL  
Community Development Director

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DATE