

## TABLE OF CONTENTS

### BOARD OF SUPERVISORS' MEETING July 8, 2025

Proposed ordinance repealing and replacing Section 16.32.090 (Street requirements and definitions) of the Lassen County Code, repealing and replacing Section 16.32.100 (Road standards deviation) of the Lassen County Code and adding a subsection to Section 3.18.130 (Surveyor fees) of the Lassen County Code to provide for an hourly rate charge when any survey map listed within said section is required to be reviewed more than two times by the County Surveyor

Board Letter ..... 02

Private Road Maintenance Agreement ..... 06

Draft Ordinance Repealing and Replacing Section 16.32.090 (Street Requirements and Definitions) of the Lassen County Code, repealing and replacing Section 16.32.100 (Road Standards Deviation) of the Lassen County Code and adding a subsection to Section 3.18.130 (Surveyor Fees)..... 09



## County of Lassen

### Department of Planning and Building Services

• Planning • Building Permits • Environmental Health • Code Enforcement • Surveyor • Surface Mining

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June 23, 2025

TO: Board of Supervisors  
Agenda Date: July 8, 2025

Zoning & Building  
Inspection Requests  
Phone: 530 257-5263

FROM: Gaylon Norwood, Director *MAN*  
Don Willis, County Surveyor *DW*

SUBJECT: Proposed ordinance repealing and replacing Section 16.32.090 (Street requirements and definitions) of the Lassen County Code, repealing and replacing Section 16.32.100 (Road standards deviation) of the Lassen County Code and adding a subsection to Section 3.18.130 (Surveyor fees) of the Lassen County Code to provide for an hourly rate charge when any survey map listed within said section is required to be reviewed more than two times by the County Surveyor.

#### ACTION REQUESTED:

1. Receive report; and
2. Conduct a public hearing; and
3. Find that introduction of the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Subsection 15061(b)(3); and
4. Introduce and waive the first reading.

#### SUMMARY:

The Board of Supervisors adopted Ordinance No. 2022-12 on October 18, 2022, which updated all of Title 16 (Subdivisions) of the Lassen County Code. This title comprises the County's subdivision ordinance and it had not been updated in many years prior to this update. Since then, the updated ordinance has been working well, however it has been discovered that Section 16.32.090 (Street requirements and definitions) needs three minor updates. An expansion of Section 16.32.100 (Road standards deviation) is also warranted because the current language is very restricting. The only exception to the road standards that currently exists is when a subdivision application is submitted in conjunction with a planned development permit application *and* a homeowner's association is to be formed. Lastly, an update to the County Surveyor fees in Section 3.18.130 (Surveyor fees) is also needed to add an hourly rate charge whenever more than two reviews are required by the County Surveyor for any record of survey, parcel map or final (subdivision) map. The County is currently subsidizing the costs whenever a survey map requires more than two reviews. Maps that require more than two reviews are relatively uncommon, however there have definitely been maps submitted that have required more than two reviews. Quite simply, it should not take more than two reviews to obtain a

map that is in compliance with the regulations and this will also hopefully incentivize land surveyors and engineers to submit maps that have been more thoroughly checked before being submitted.

#### PROPOSED CHANGES:

One update that is needed within said Section 16.32.090 is to require recordation of a Private Road Maintenance Agreement, *if, and only if*, newly constructed *paved* access roads are *not* accepted into the County maintained road system. This would apply only to *paved* access roads which are required to be constructed to serve those parcels that are created by final (subdivision) maps, parcel maps or parcel map waivers. Please note that the requirement to record a Private Road Maintenance Agreement currently exists within said Section 16.32.090 for the *unpaved* road types (Unpaved Rural Streets and Limited Access Roads). Historically, the paved road types were accepted into the County maintained road system once constructed so no maintenance agreement was needed, however no roads of any type are currently being accepted into this system. This presents an issue because there are no maintenance requirements of any kind in place when these roads are not being accepted and these road types will ultimately require periodic maintenance, just as unpaved roads do. Section 845(a) of the California Civil Code requires that an owner of an easement maintain it in repair and this section states “*The owner of any easement in the nature of a private right-of-way, or of any land to which any such easement is attached, shall maintain it in repair.*” Therefore, it is desired that a maintenance agreement be required to ensure that there is a mechanism in place for the periodic maintenance of these roads and that the costs associated with this be shared equally by the various property owners which utilize them for access to their parcels. Having properly maintained privately owned roads within the county is not only good for the adjoining property owners, but it ensures that emergency vehicles will have safe access over these roads. Enclosed is a blank Private Road Maintenance Agreement form that has been used in Lassen County in the past so that its provisions can be viewed and understood.

A second minor update that is needed within said Section 16.32.090 is to eliminate the requirement to record a Private Road Maintenance Agreement under Section 16.32.090(a)(5) (Limited Access Roads) when a newly constructed Limited Access Road serves only a single parcel. There is simply no need to require a shared road maintenance agreement when only one property owner is involved since the road effectively functions as a driveway.

The third minor update that is needed within said Section 16.32.090 is to eliminate the two exceptions to recording a Private Road Maintenance Agreement that currently exist in Sections 16.32.090(a)(4) and 16.32.090(a)(5). These are the two unpaved road types and an exception currently exists for an applicant to waive the requirement to record a Private Road Maintenance Agreement if they request this prior to conditional approval of the project. This is contradictory to what the language immediately prior is stating they must do, which is to record a Private Road Maintenance Agreement. It is certainly not in the County’s interest, nor in current or future property owners’ interests, to have roads created which contain no provision for maintenance. Therefore, there is no legitimate reason for an exception request to exist within these sections.

The language in said Section 16.32.100 (Road standards deviation) is currently very restrictive since the only deviation from the road standards that an applicant can request is when a proposed subdivision is in conjunction with a planned development permit application *and* a homeowner's association is to be formed. There are various exceptions that can be requested in other portions of the County Code which are not nearly as restrictive, so it was felt that the road standards section should be written in the same manner. The current language remains in the proposed ordinance, however it has been expanded upon to provide an option to applicants should they be able to meet three conditions. These conditions are that exceptional or extraordinary circumstances must exist, the granting of the waiver must be necessary for the preservation and enjoyment of the property rights of the applicant and that the granting of an exception will not affect the health, safety or welfare of the public. A statement has also been added that no deviations shall be approved by the Planning Commission to reduce the road standards below the level required by the County's Fire Hazards Ordinance, which is Chapter 9.16 of the County Code.

The last change that is needed is to add a subsection to Section 3.18.130 (Surveyor fees). An hourly rate charge is desired for reviewing the survey maps that are listed in this section whenever more than two reviews are required by the County Surveyor. The current rate schedule would cover the initial review and a second review, which should be adequate for most projects. An hourly rate charge is needed after a second review because the County is subsidizing the costs for these additional reviews. Further, it quite simply should not take more than two reviews to obtain a survey map that complies with existing regulations. Carelessness and laziness in map preparation is not something that the County should be subsidizing. Fortunately, most survey maps that are submitted would be able to meet the two review criteria, however there have certainly been maps submitted in the past that required multiple reviews beyond this. Having an hourly rate charge in place will hopefully incentivize land surveyors to submit maps that are based on sound land surveying principles, which have been more thoroughly checked prior to their submittal to the County, and will enable the County to recover at least a portion of its costs for spending this additional time on reviews. It is not desirable to simply increase the initial review fees at this time because filing survey maps is desirable from the public's viewpoint, since a recorded map not only assists the affected landowners shown on the map, but the general public by lowering future land surveying costs for that area. Raising the review fees too much simply discourages land surveyors from filing maps in the public records.

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The Lassen County Environmental Review Officer (ERO; the Director of the Planning and Building Services Department) recommends that the Board find that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Subsection 15061(b)(3) (Common sense exemption).

These are existing ordinances. The amendments to the paved road types merely requires that an additional document be recorded to ensure that responsibility will be taken for maintenance of any newly created road serving newly created parcels. The amendment to the road standards deviation merely provides a greater opportunity for an exception to be granted. The amendment to add an hourly rate charge for any reviews

greater than two attempts to recoup a portion of the County's costs, since the initial review fees do not cover the costs for these additional reviews. Therefore, the above exemption has been determined to be applicable.

The Board of Supervisors will make the final determination and confirm that the above exemption is applicable to adoption of the ordinance after the public hearing is conducted. At that time the Board may also direct staff to file a Notice of Exemption with the Lassen County Clerk's office.

STAFF RECOMMENDATION:

This department recommends that the proposed changes to Section 16.32.090 be made in order to provide for a shared maintenance agreement for paved roads that are created when subdivision maps, parcel maps or parcel map waivers are approved, in the event that they are not accepted into the County maintained road system. Currently, the two unpaved road types in Section 16.32.090 of the Lassen County Code require that road maintenance agreements be recorded but the three paved road types in said section do not require anything at all. Although these were historically accepted into the County maintained road system, this is currently not the case. Requiring that a road maintenance agreement be recorded if the road is *not* accepted into the County maintained system will help ensure that a provision for periodic maintenance is in place.

This department also recommends adding additional language to Section 16.32.100 in order to expand the cases where an exception to the road standards may be requested. The current language is extremely limiting and the proposed language attempts to make an exception to the standards to be more in agreement with how other portions of the County Code are currently written.

Lastly, this department also recommends that an hourly rate charge be applied to reviews of those survey maps listed in Section 3.18.130 whenever the County Surveyor is required to complete more than two reviews of these maps. These additional reviews are currently being subsidized by the County because the initial review fees simply do not cover the County's expenses beyond the first two reviews. Simply raising the initial review fees is undesirable because it will only serve to discourage land surveyors from filing survey maps, which is something that benefits the public. Adding an hourly charge for anything beyond two reviews will hopefully incentivize land surveyors to submit a more thoroughly reviewed work product prior to submittal to the County for review and will allow the County to recover at least a portion of its costs for spending this additional time.

GFN:dw  
Enclosures

X/Pla/admin/files/316.10/Board memo



Recording Requested By:

When Recorded Mail To:

Space above this line for recorder's use

**PRIVATE ROAD MAINTENANCE AGREEMENT**

THIS AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the owner of certain parcels of real property having use of a common roadway. The party to this Agreement and the real property owned by the party are as follows:

Name of Party and Address	Legal Description of Real Property Owned by Party
[Name of Party as shown on Title Report]	See Exhibit "A" attached hereto and made a part hereof by this reference

**Recitals**

This Agreement is made with reference to the following facts and circumstances:

- A. Each of the parties is the owner of an easement in the nature of a private roadway ("the roadway") which is appurtenant to and for the benefit of each party's real property described above. Such roadway is commonly known as "\_\_\_\_\_ Road" and is more particularly described as follows:

"", as shown on Parcel Map No. 20\_\_ - \_\_\_\_\_ for (Applicant), filed in the Office of the Lassen County Recorder on (Month) (day), 20\_\_ in Book \_\_\_\_\_ of Maps at Page \_\_\_\_\_.

Although all the parcels are presently owned by a single owner, this agreement is made in contemplation of the sale of individual parcels to other separate owners and shall remain in effect upon such transfer(s).

- B. The roadway is necessary for ingress and egress to the parcels owned by the parties from the public road, and is necessary for the provision of safe access by emergency vehicles.
- C. The roadway is not maintained by any public agency.
- D. The parties desire to enter into an Agreement pursuant to subparagraph (b) of Section 845 of the California Civil Code to maintain the roadway and share the cost of maintaining the roadway.

**NOW, THEREFORE, it is agreed by all the parties as follows:**

1. **Roadway Maintenance and Snow Removal:** Road maintenance will be performed whenever necessary to maintain the road in top operating condition at all times and to insure the provision of safe access by emergency vehicles. All road maintenance shall be performed as necessary to maintain the roadway in the same condition as when constructed and not less than Lassen County standards for private roads in effect on November 18, 2022. Snow removal shall be performed as necessary to permit year-round access. A majority of all parcel owners is required to approve road maintenance and to accept the bid of any road maintenance or snow removal contractor.
2. **Improvements:** Improvements to the existing roadway may be made if approved by not less than 51% of the existing parcels.
3. **Allocation of Maintenance, Snow Removal, and Improvement Costs:** Road maintenance, snow removal, and improvement costs (other than the initial construction costs) shall be shared equally between the parcel owners sharing access to the above-mentioned roadway. Each parcel owner's share of costs incurred shall be determined as follows: Total maintenance, snow removal, or improvement costs divided by the existing number of parcels sharing access to the roadway. The records of the Lassen County Assessor shall be conclusive evidence of the interest of each parcel owner at the time such expense is incurred.
4. **Payment:** Payment of maintenance, snow removal, and improvement costs will be made to the person designated by a majority of the parcel owners as the road commission agent no later than two (2) weeks from the date they receive a billing or other notification. The designated road commission agent upon receipt of all parcel owners' payment will, in turn, immediately remit payment of the road costs incurred to the respective contractor or vendor.
5. **Future Parcels:** \_\_\_\_\_ parcels (the "original parcels") are currently on record as having access to the roadway. Any additional parcels gaining access to the roadway by way of splitting any of the original parcels will be required to pay that portion of the maintenance and improvement costs incurred after the split as determined by the formula contained in Paragraph No. 3.
6. **Voting and Multiple Ownership:** Each parcel is entitled to one vote. If a parcel is owned by more than one person, a majority of the co-owners of that parcel shall be entitled to cast the vote of that parcel.
7. **Effective Term:** This Agreement shall be perpetual, and shall encumber each of the parcels owned by the parties and shall run with the land.
8. **Binding Effect:** This Agreement shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors, and assigns of the parties.
9. **Recording:** This Agreement shall be recorded with the Lassen County Recorder, Lassen County, California.
10. **Enforcement:** This Agreement may be enforced by any parcel owner in the manner provided by subparagraph (b) of section 845 of the California Civil Code before, during, or after the work is performed. In addition, the County of Lassen, a political subdivision of the State of California, and the \_\_\_\_\_ Fire Protection District are third party beneficiaries of this Agreement and may, in its/their discretion, enforce this Agreement. If the parties fail to maintain the roadway or provide for necessary snow removal to the standards required by this Agreement, the public agencies, after first giving thirty (30) days written notice by mail to each parcel owner, may (but shall not be required to) enter on the roadway and perform the necessary work and recover the actual cost from the parcel owners, either jointly or severally. No public agency shall be responsible for maintaining the roadway as a result of enforcing this Agreement.

11. **Attorney's Fees:** In the event of any controversy, claim, or dispute relating to this instrument or the breach thereof, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorney's fees, and costs.
12. **Entire Agreement:** This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force and effect excepting a subsequent amendment adopted as provided in paragraph 13, below.
13. **Amendment:** This Agreement may only be amended by the unanimous written consent of all parcel owners. No amendment shall be effective until it is first approved by the County of Lassen.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Property Owner)

The forgoing agreement has been reviewed and approved by the County of Lassen:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Gaylon F. Norwood, Secretary, Planning Commission

## ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual(s) who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of \_\_\_\_\_

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_,

personally appeared \_\_\_\_\_

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal,

\_\_\_\_\_  
Signature of Notary Public



ORDINANCE NO. \_\_\_\_\_

Ordinance repealing and replacing Section 16.32.090 (Street requirements and definitions) of the Lassen County Code, repealing and replacing Section 16.32.100 (Road standards deviation) of the Lassen County Code and adding a subsection to Section 3.18.130 (Surveyor fees) of the Lassen County Code to provide for an hourly rate charge when any survey maps listed within said section are required to be reviewed more than two times by the County Surveyor.

The following ordinance, consisting of five sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Lassen, State of California, at a regular meeting of the Board of Supervisors held on the \_\_\_\_\_ day of \_\_\_\_\_, 2025, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Tom Neely  
Chairman of the Board of Supervisors, County of  
Lassen, State of California

Attest:  
JULIE BUSTAMANTE  
Clerk of the Board

By: \_\_\_\_\_  
MICHELE YDERRAGA, Deputy Clerk of the Board

I, MICHELE YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing ordinance was adopted by the said Board of Supervisors at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Deputy Clerk of the County of Lassen Board of Supervisors

Ordinance Number: \_\_\_\_\_

Page 2 of 8

**THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN  
ORDAINS AS FOLLOWS:**

**SECTION ONE:** This ordinance shall take effect thirty (30) days from the date of its adoption, except for the hourly rate charge established in Section 3.18.130(c), which will take effect sixty (60) days from the date of its adoption. Before the expiration of fifteen (15) days after its adoption, a summary shall be published with the names of the members voting for and against the same, once in a local newspaper of the County of Lassen, State of California.

**SECTION TWO:** Section 16.32.090 of the Lassen County Code is hereby repealed and replaced to read as follows:

**16.32.090 Street Requirements and Definitions.**

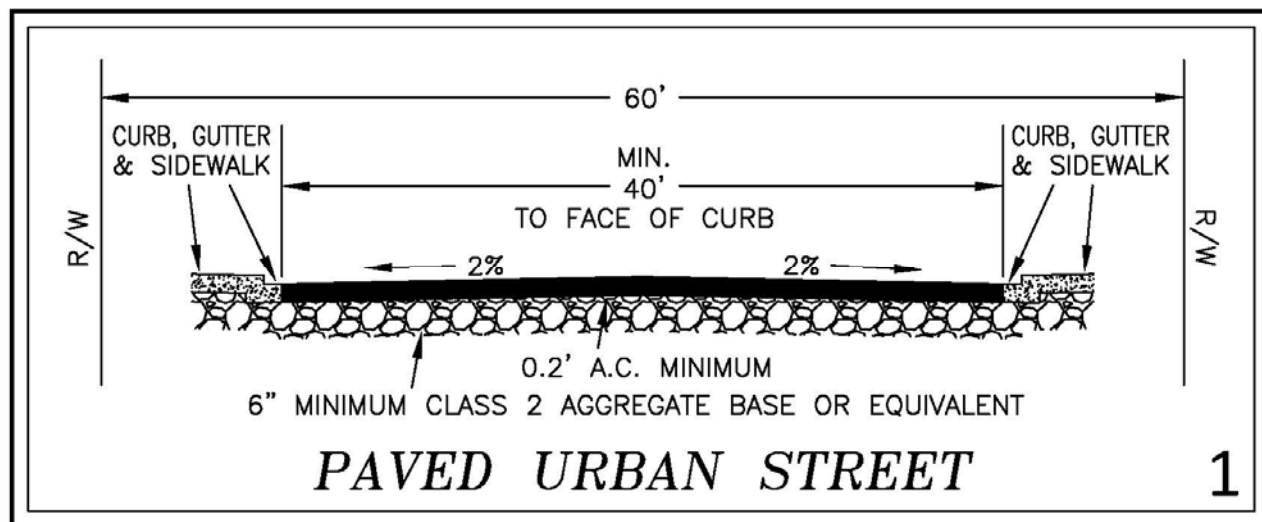
- (a) The following standards represent the County minimum standards for public and private road and street construction necessary to subdivide land within the jurisdictional boundary of the County of Lassen. If, based on the record of the proceedings, it is determined to be in the public interest, the Board of Supervisors or Planning Commission may, at their discretion, require street improvements in excess of those specified herein.
  - (1) Paved Urban Streets. Paved Urban Streets shall be required:
    - (A) For land division applications in existing or proposed zoning districts which allow the creation of parcels of one acre or less, excepting those parcels created by Segregation of Homesite under Section 18.108.250 of the Lassen County Code; or
    - (B) Where the project site has been designated as Urban Residential by the current County General Plan.

Construction of Paved Urban Streets shall be in conformance with the standards for Road Section Number 1, as illustrated in the diagram below, and will be considered for acceptance into the County maintained road system. The requirement for curbs, gutters and sidewalks may be met by the provision of appropriate class bicycle/pedestrian paths. Where opportunities exist within the proposed subdivision for alternative off-street parking areas, consideration may be given to a request to modify the required width. If the road is not accepted into the County maintained road system, roads of this type shall be privately maintained in accordance with Section 845 of the Civil Code, State of California. Prior to recordation of the final map, parcel map or parcel map waiver, a Private Road Maintenance Agreement shall be appropriately executed in accordance with said Section 845 detailing road maintenance requirements, snow removal, and other requirements of said section for each parcel being created that will utilize said road. The Private Road Maintenance Agreement shall be recorded in the Official Records of Lassen County and shall be perpetual, thus remaining in effect after

Ordinance Number: \_\_\_\_\_

Page 3 of 8

any subsequent transfers or conveyances of the subject parcels.



- 2) Typical Collector Streets. Typical Collector Streets will normally be designed through the Special Designed Streets provisions of this title. Generally, a Typical Collector Street would be required for project streets which are to serve development on surrounding properties, either at present or in the future.

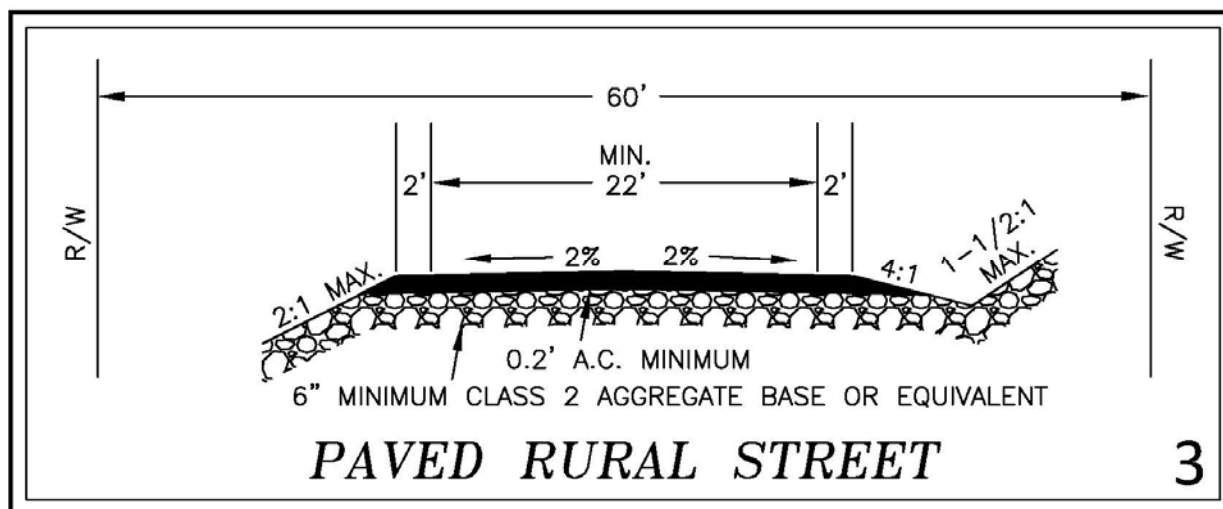
Construction of Typical Collector Streets shall conform with the standards for Road Section Number 2, as illustrated in the diagram below, and will be considered for acceptance into the County maintained road system. If the road is not accepted into the County maintained road system, roads of this type shall be privately maintained in accordance with Section 845 of the Civil Code, State of California. Prior to recordation of the final map, parcel map or parcel map waiver, a Private Road Maintenance Agreement shall be appropriately executed in accordance with said Section 845 detailing road maintenance requirements, snow removal, and other requirements of said section for each parcel being created that will utilize said road. The Private Road Maintenance Agreement shall be recorded in the Official Records of Lassen County and shall be perpetual, thus remaining in effect after any subsequent transfers or conveyances of the subject parcels.

- (3) Paved Rural Streets. Paved Rural Streets shall be required:
- (A) Where it is anticipated that, due to the General Plan designation of the property or lands in the area, the ultimate road standard necessary to serve the area would be a paved street; or
  - (B) For divisions of property where more than ten (10) parcels are, or will be, served by the access road for the project.

Ordinance Number: \_\_\_\_\_

Page 4 of 8

Construction of Paved Rural Streets shall be in conformance with the standards for Road Section Number 3, as illustrated in the diagram below, and will be considered for acceptance into the County maintained road system. If the road is not accepted into the County maintained road system, roads of this type shall be privately maintained in accordance with Section 845 of the Civil Code, State of California. Prior to recordation of the final map, parcel map or parcel map waiver, a Private Road Maintenance Agreement shall be appropriately executed in accordance with said Section 845 detailing road maintenance requirements, snow removal, and other requirements of said section for each parcel being created that will utilize said road. The Private Road Maintenance Agreement shall be recorded in the Official Records of Lassen County and shall be perpetual, thus remaining in effect after any subsequent transfers or conveyances of the subject parcels.



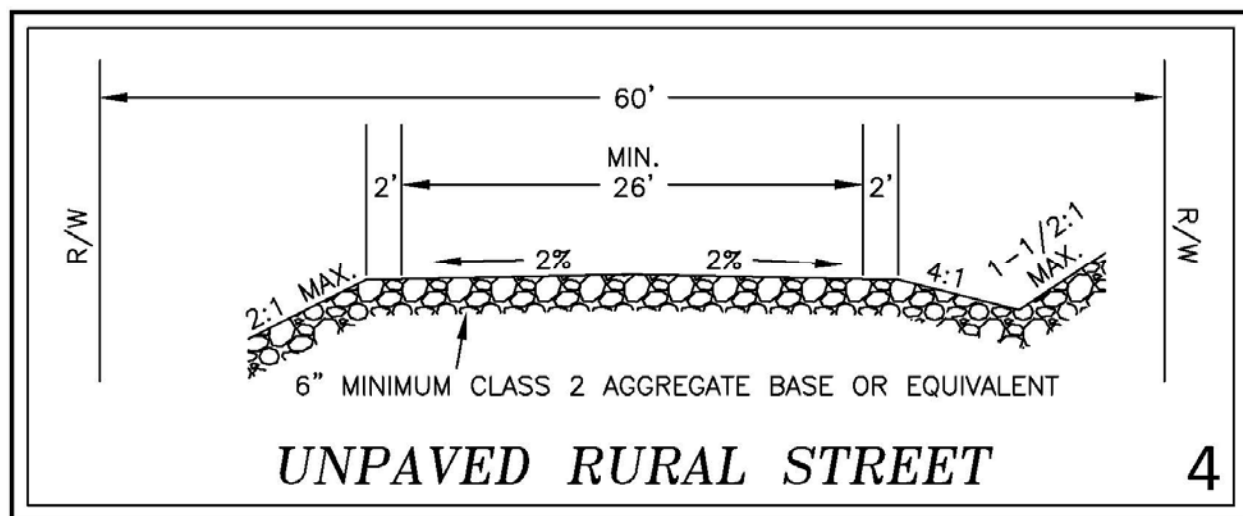
- (4) Unpaved Rural Streets. This classification of roadway is intended to serve projects which are located in areas where it is determined by the approving body, through the discretionary consideration of the project, that it is not necessary to improve the road to a paved standard. Unpaved Rural Streets shall meet all of the following requirements:
- (A) Unpaved Rural Streets shall be permitted for divisions of property where ten (10) or fewer existing or proposed parcels will be served by the access road after recordation of the final map, parcel map or parcel map waiver.
  - (B) The required width shall be determined by the approving body, in accordance with the following:
    - (i) When it is not anticipated that the future density of property or the surrounding area would require improvement of the roadway to a paved standard, a twenty-six foot width shall be applied.

Ordinance Number: \_\_\_\_\_

Page 5 of 8

- (ii) When the approving body determines that there is a reasonable possibility that the roadway will require improvement to a paved standard, a twenty-eight foot width shall be applied, pursuant to the standards set forth in this chapter.

Construction of Unpaved Rural Streets shall be in conformance with the standards for Road Section Number 4 as illustrated in the diagram below. Roads of this type shall be privately maintained in accordance with Section 845 of the Civil Code, State of California. Prior to recordation of the final map, parcel map or parcel map waiver, a Private Road Maintenance Agreement shall be appropriately executed in accordance with said Section 845 detailing road maintenance requirements, snow removal, and other requirements of said section for each parcel being created that will utilize said road. The Private Road Maintenance Agreement shall be recorded in the Official Records of Lassen County and shall be perpetual, thus remaining in effect after any subsequent transfers or conveyances of the subject parcels.

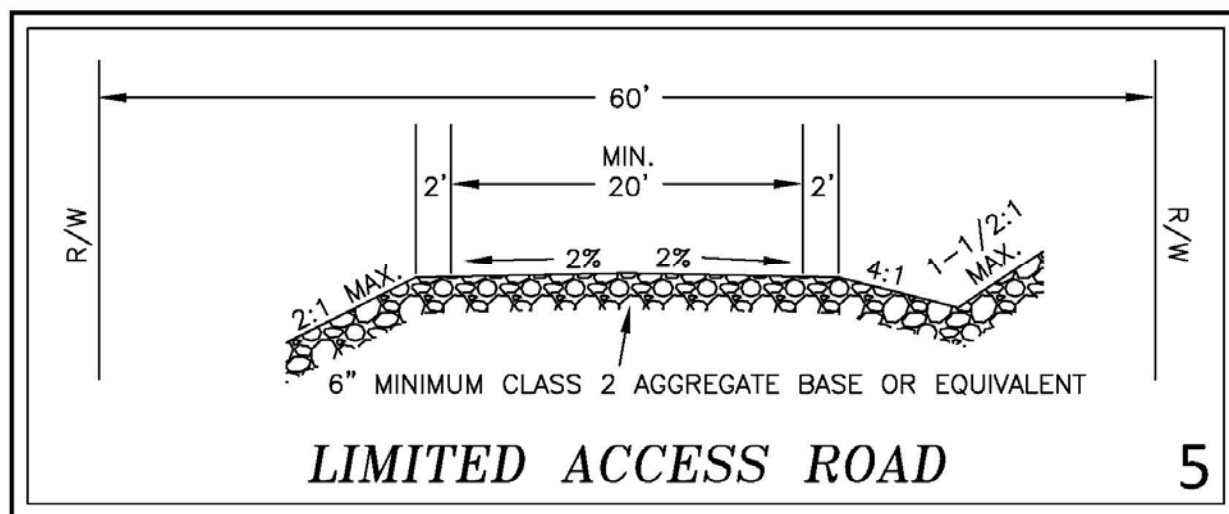


- (5) Limited Access Roads. Limited Access Roads may be allowed for divisions of property where all of the following requirements are met:
- (A) The project meets all applicable requirements of Chapter 9.16 (Fire Hazards) of the Lassen County Code.
  - (B) The Limited Access Road may serve no more than four (4) parcels after approval of the project (excluding any remainder). To allow a Limited Access Road, the approving body must make a determination that the ultimate build-out of the road will serve no more than four (4) parcels based on zoning, General Plan designation, topography, or other features.

Construction of Limited Access Roads shall be in conformance with the standards for Road Section Number 5 as illustrated in the diagram below. Roads of this type



shall be privately maintained in accordance with Section 845 of the Civil Code, State of California. Prior to recordation of the final map, parcel map or parcel map waiver, a Private Road Maintenance Agreement shall be appropriately executed in accordance with said Section 845 detailing road maintenance requirements, snow removal, and other requirements of said section for each parcel being created that will utilize said road, unless the Limited Access Road is only serving one parcel, in which instance an agreement is not needed. The Private Road Maintenance Agreement, if applicable, shall be recorded in the Official Records of Lassen County and shall be perpetual, thus remaining in effect after any subsequent transfers or conveyances of the subject parcels.



- (6) Any road, or portion of a road, located entirely on the parcel it serves shall satisfy the applicable road and driveway requirements detailed in Chapter 9.16 (Fire Hazards) of the Lassen County Code prior to recordation of a final map, parcel map or parcel map waiver.
- (7) Special Designed Streets. Special Designed Streets shall be required for divisions of property which are zoned for commercial or industrial use, or where use of the property is to be for commercial or industrial purposes, or where the current County General Plan has designated the property as commercial or industrial. Special designed streets shall also be required for streets which are identified by the Planning Commission or designated by the County General Plan or any area plan as highways, major collectors, collectors, or arterial roadways or alleys. Standards for traffic index, structural section, right-of-way, maximum grade and all other technical aspects of road improvements are to be as approved on a case-by-case basis. Special Designed Streets shall be paved unless otherwise approved.
- (8) Partially Paved Roads (Incremental Road Improvement). This subsection is applicable in situations where parcels are proposed to be created that would utilize an existing road that does not meet the road requirements detailed in this section

at the time an application is submitted. It is the intent of this subsection for any such projects to make appropriate improvements to the access road proportional to the number of parcels proposed as compared to the number of parcels currently utilizing said road.

For land division projects which utilize roads or road networks which connect to a paved publicly maintained street or highway, and which serve more than ten (10) existing parcels at the time an application is submitted, the project access road shall be improved to the appropriate paved standard as specified below:

- (A) Unpaved project access road(s) shall be improved to the appropriate paved street standard detailed in this section from the paved publicly maintained street or highway to a point along the project access road where ten (10) or fewer parcels are served by the road. The remaining section of the roadway shall be constructed to an appropriate alternate road standard; or
  - (B) If it is determined that it is not prudent to partially pave the access road as detailed above, the applicant may propose other suitable improvements to said access road. Any such proposal must be explicitly detailed in the application and be specifically approved by the approving body, otherwise the incremental road improvement requirements detailed above are applicable.
- (9) Extent of Road Improvement. Project access roads shall be improved to the appropriate standard, as required by this title, from a publicly maintained street or highway to the project site, and shall serve all proposed parcels. In no instance shall an applicant for a land division project be required to improve a project access road from a paved publicly maintained street or highway to a point beyond the boundaries of the proposed project site in order to satisfy the minimum standards found in this chapter.
- (b) For land division applications which require paved streets and where there are two or more accesses to paved publicly maintained streets or highways are proposed or required, at least one project access road shall be improved to the appropriate paved street standard.
  - (c) The applicant shall construct other project access roads to the appropriate alternate standard unless the Planning Commission finds that, because of public health and safety concerns, a paved public street shall be required.

**SECTION THREE:** Section 16.32.100 of the Lassen County Code is hereby repealed and replaced to read as follows:

**16.32.100 Road Standards Deviation.**

Ordinance Number: \_\_\_\_\_

Page 8 of 8

- (a) The Planning Commission may consider deviations from the road standards of this chapter, when the subdivision of land is in conjunction with a planned development permit application (pursuant to Lassen County Code Chapter 18.116), and a homeowners' association is to be formed, which has, as one of its responsibilities, charge of all road construction and maintenance responsibility.
- (b) The Planning Commission may consider deviations from the road standards of this chapter, when the applicant demonstrates through statements, plans and other evidence *all* of the following:
  - (1) That there are exceptional or extraordinary circumstances, or conditions applying to the land, or use referred to in the application(s), which do not apply generally to land, and/or uses in other areas of Lassen County;
  - (2) That the granting of the waiver is necessary for the preservation and enjoyment of substantial property rights of the applicant;
  - (3) That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.
- (c) In no case shall deviations approved by the Planning Commission reduce road standards below the level required by the Lassen County Fire Hazards Ordinance (Chapter 9.16 of Lassen County Code).

**SECTION FOUR:** Section 3.18.130 (Surveyor fees) is hereby amended to add subsection (c) to read as follows:

- (c) The County Surveyor review fees for Records of Survey, Parcel Maps and Subdivision (Final) Maps listed in Section 3.18.130(a) cover an initial review and a second review. Any additional reviews that are needed beyond this are to be charged at an hourly rate, this rate being the County Surveyor's current weighted hourly rate.

**SECTION FIVE:** If any section, subsection, sentence, clause, or phase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.