

ARTICLE 25

SEC. 21-25 REGULATIONS FOR THE SUBSTANDARD OLDER SUBDIVISION “SOS” COMBINING DISTRICT.

- 25.1 Purpose:** Provide basic access and fire protection for older subdivided lands, and insure geological stability by the establishment of regulations setting minimum public health and safety standards and procedures for implementation and reimbursement. The implementation of this Ordinance will help insure the continued development of these substandard older subdivisions in a manner that will not result in increased health and safety hazards to persons and property from fire, traffic accidents, landslides and other earth movements. Improved access will help emergency responses by public safety agencies such as police, fire and ambulance services. Within the “SOS” combining district, all uses of land shall comply with the regulations of the base zoning district and with the additional regulations of the “SOS” combining district.
- 25.2 Applicability:** This district shall be applied to predominantly undeveloped older subdivided properties of urban or suburban densities, known as “paper subdivisions”, which are substandard in relationship to existing zoning and subdivision regulations with design, size, or physical improvements not meeting County standards. Such lots should be characterized by steep slopes and lack of adequate public services and facilities such as streets, fire, sewer or water services.
- 25.3 Uses permitted:** All uses permitted by the base zoning district, subject to the regulations of this Article and performance standards of Section 25.10.
- 25.4 Uses permitted subject to first obtaining a Minor Use Permit in each case:**
- (a) Uses permitted in Section 25.3 when not in compliance with the performance standards of Section 25.10, as provided for in Section 41.3(a).
 - (b) Any development on or off-site, within the “SOS” district, when existing off-site improvements are not in compliance with the performance standards of Section 25.10. For the purposes of this Section, “improvements” include, but are not limited to, public streets, fire facilities and public water or sewer systems; “on-site” shall mean any development on a lot of record, and “off-site” shall mean all other areas within the “SOS” district.
 - (c) This section shall not apply to individual connections of dwellings or structures to pre-existing sewer lateral or water distribution lines, to reconstruction, replacement, additions or alterations to residences or residential uses existing prior to the effective date of being zoned “SOS”; or to uses authorized by any use permit granted pursuant to this Section or Section 25.5.
- 25.5 Uses permitted subject to first obtaining a Major Use Permit in each case:** Uses permitted in Sections 25.3 and 25.4 when not in compliance with the performance standards of Section 25.10 as provided for in Section 41.3(a).

25.6 Improvements proposed by public agencies: Any public agency proposing development according to Section 25.4(b) shall be subject to the requirements of Sections 65401 or 65402 of the Government Code as applicable.

SEC. 21-25.10 PERFORMANCE STANDARDS.

25.11 Water and sewer service: All lots shall meet one of the following requirements:

- (a) The lot is served by existing water and sewer connections; or
- (b) The lot is fifteen thousand (15,000) square feet in area and is served by either an existing water or sewer connection; or
- (c) The lot is forty thousand (40,000) square feet in area.
- (d) The applicable public water or sewer agency has entered into a written agreement to provide water or sewer service as required in (a) and (b) above.

25.12 Fire service: The applicant shall provide written evidence in a form acceptable to the Planning Director that:

- (a) The agency responsible for fire protection has certified that existing fire protection facilities meet the requirements of the Uniform Fire Code (1985 edition), Article 10, for access roads and water supply.

25.13 Streets:

- (a) The street(s) serving the lot and the lot frontage(s) within the “SOS” district shall meet or exceed the street surfacing standards of Table 13.1.

**TABLE 13.1
MINIMUM STREET SURFACING STANDARDS**

Street Type	Street Capacity	Surfacing*
Residential	≤50 lots	Chip seal
Collector	≥50 lots	Double chip seal

***Gravel roads may be permitted pursuant to Section 25.23(d).**

- (b) Nothing in this Section should be construed to imply that any street constructed or brought to the standards contained in Table 13.1 or other County ordinances will be accepted for maintenance as a public street under the jurisdiction of the County of Lake.

25.14 Landslide risk: The applicant shall provide a certified engineering geologist’s report addressing those topics as required in Section 25.22(b), with recommended conditions addressing street and building site stability submitted to and approved as to content by the Director of Public Works, when more than fifty (50) percent of the parcel is located in either

the “unstable” or “existing unconsolidated to moderately consolidated landslide debris” rating on the Landslide Risk Map; or when, in the opinion of the Planning Director, the absence of potential landslide or earth movement hazards have not been documented by available information sources. Potential landslide risk for the parcel may be determined by the Planning Director, using the Lake County General Plan Landslide Risk Map on file at the Lake County Planning Department, or any updated map or documentation indicating geologic hazards and slope stability as approved by the Planning Commission or Planning Director, or based on topographic mapping. When information is not available clearly indicating the absence of potential geological hazards for the project site, the Planning Director shall require the preparation of a certified engineering geologist’s report.

The certified engineering geologist’s report will be reviewed and approved by the Director of Public Works, pursuant to Section 7006(c) of the Appendices of the Uniform Building Code of 1985, et seq., and Section 5-31(b) of the Lake County Code. Any recommendations or conditions in the certified engineering geologist’s report shall become performance standards applicable to the proposed development. Where applicable, improvement plans shall be prepared by a registered civil engineer.

25.15 Compliance procedures:

- (a) The Planning Director may require information demonstrating that the proposed use will comply with all applicable performance standards prior to issuance of any ministerial or discretionary approval. This information may consist of a report prepared by a qualified technical consultant(s).
- (b) When technical information is required, accurate and representative measurements shall be made according to accepted engineering or scientific practice.

SEC. 21-25.20 IMPROVEMENT PLAN.

25.21 Improvement plan required: Applicants for minor and major use permits pursuant to Sections 25.4 and 25.5 shall submit, as part of the use permit application, an improvement plan.

25.22 Improvement plan:

- (a) In conjunction with an application for a minor or major use permit permitted by Sections 25.4 and 25.5, applicant shall submit a proposed improvement plan. The improvement plan shall include a description of all improvements being proposed, their location, a schedule of when they are to be installed and completed, “will serve” letters from public service agencies, and any other information required by the Planning Department to evaluate the application and compliance with the performance standards of Section 25.10.
- (b) Certified engineering geologist’s report: The improvement plan shall be accompanied by a geological report, when directed by the Planning Director pursuant to Section 25.14, addressing on and off-site surficial geology and geological hazards likely to affect the site, and include recommendations or

conditions addressing ways to lessen or avoid identified hazards. The report shall be prepared by a certified engineering geologist.

1. The geological report shall include a review of applicable reports in the vicinity of the site and summarize and map surficial geology, and the following:
 - i. Where standard foundations and conventional construction techniques are satisfactory.
 - ii. On or off-site areas where geological hazards may exist; and areas where hazards can be mitigated through foundation design.
 - iii. Areas where geologic suitability is uncertain without additional geotechnical and/or subsurface investigations.
 - iv. Identify stable on-site access roads and/or driveway routes to the buildable areas.
 - v. If the proposed building sites will be served by septic systems, the report should address on and off-site land stability in relation to leachfield sites and the possibility of instability being induced by leachfield construction.

2. When off-site roadways are proposed, the geological report shall discuss the suitability of and the soils design criteria for constructing roads in the proposed locations. The design criteria shall at a minimum discuss and make recommendations on:
 - i. Maximum permissible cut and fill slopes.
 - ii. Relative densities to be achieved in constructing fills.
 - iii. Drainage channel protection to preclude erosion.
 - iv. Any earth retaining structures which are needed to assure a minimum of road instability.
 - vi. The design R-value of the soil.

25.23 Conditions: Any minor or major use permit approval shall include as a condition, an approved improvement plan and the following conditions:

- (a) The performance standards of Section 25.10 except as specifically waived or amended by the use permit, consistent with the criteria of Section 25.24.
- (b) Air Quality: Effective dust control measures shall be implemented during project construction.

- (c) Bonding: The Planning Director shall, unless waived in writing, require financial assurances in such form and amounts as may be deemed necessary to assure that the permitted work is completed, if not completed in accordance with the approved improvement plan and specifications.
- (d) Unpaved streets: Gravel road surfaces may be permitted by the review authority provided that in each case the applicant improves, or bonds for improvement, per Subsection (c) above, a street section equal in length to those street frontages serving the applicant's lot frontages, in a location within the "SOS" district and to a standard determined by the Review Authority. In no case shall the required improvements be less than an all-weather chip seal street twenty (20) feet in width. The provisions of this Subsection shall not be applicable when more than ten (10) dwellings utilizing the same access route have been constructed in the "SOS" district.
- (e) No street constructed, altered or reconstructed according to the provisions of this Article shall be accepted for maintenance by the County of Lake unless built to full county specifications for subdivision roads.
- (f) Indemnification agreement: The permittee shall enter into an indemnification agreement, holding Lake County harmless from any liability for any improvements authorized by this permit satisfactory in form and content to County Counsel.
- (g) Road maintenance agreement: All applicants proposing to construct or utilize for access a non-county maintained road shall enter into a property owners' road maintenance agreement, approved as to form by the Planning Department, ensuring long-term repair and maintenance of the street, including dust control by property owners.

25.24 Criteria: The purpose of this district is to insure that development of older subdivisions will provide basic health and safety services. To this end all use permit applications seeking reduction in the performance standards should be reviewed taking into account the following criteria:

- (a) The adequacy and compatibility of proposed and existing improvements.
- (b) The provision of basic health and safety requirements.
- (c) Adherence to the performance standards will not result in unacceptable aesthetic or environmental degradation.
- (d) The staging of improvements in conjunction with reimbursement or other agreements addressing future sewer, water or road improvements will be adequate to insure the orderly development of older subdivisions.

SEC. 21-25.30 REIMBURSEMENT AGREEMENTS.

25.31 Purpose: It is the policy of Lake County that in all applicable instances a reimbursement agreement be entered into when previous permittees pursuant to Sections 25.4 or 25.5 cause improvements to be installed in excess of those needed to serve the applicant's properties in order to insure the equitable sharing of costs by those who enjoy the benefits of the improvements. To accomplish this goal, this Section establishes a method by which permit holders, who are required to carry out an improvement plan pursuant to Section 25.20 of this Article, are reimbursed by subsequent permit holders, who but for the already implemented improvement plan would have incurred additional expense in meeting the requirements of this Article.

25.32 Reimbursement: When in the judgment of the Review Authority an applicant would have incurred additional expense in meeting the requirements of this Article, except that as a condition of a previous permit improvements have been implemented, the Review Authority shall impose as a condition of permit approval a requirement that the permit applicant reimburse the permit holder(s) who originally implemented the improvements in an amount which bears a reasonable relationship to the project's respective share of the improvements, including excess costs for geological and engineering services.

(Added by Ord. No. 1749,7/7/1988)