

AMADOR COUNTY PLANNING COMMISSION AGENDA
COUNTY ADMINISTRATION CENTER
810 Court Street, Jackson, CA 95642
Tuesday, March 12, 2019
7:00 PM

PLEASE NOTE: ALL PLANNING COMMISSION MEETINGS ARE TAPE RECORDED.

*Anyone who wishes to address the Planning Commission must speak from the podium and should print their name on the speaker list located on the podium and identify themselves for the record.

*Public hearing items will commence no sooner than the times listed on the agenda.

*All proceedings are conducted in English.

*In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the Planning Department at (209) 223-6380 or (209) 257-5002 (fax). Requests must be made as early as possible and at least one-full business day before the start of the meeting.

A. PLEDGE OF ALLEGIANCE

B. APPROVAL OF AGENDA

C. MINUTES

C.1. Minutes from February 12, 2019

Suggested Action: Approval of minutes.

[PC Meeting Minutes 02-12-19.draft.pdf](#)

D. CORRESPONDENCE: Pertaining to agenda items, if any.

E. PUBLIC MATTERS NOT ON THE AGENDA:

Discussion items only, no action to be taken. Any person may address the Commission on any subject within the jurisdiction of the Commission.

F. RECENT BOARD ACTIONS:

G. PUBLIC HEARINGS

G.1. (Continued from February 12, 2019) Environmental document determination and possible project decision for Tentative Parcel Map No. 2854 proposing the division of 9.96+/- acres into 8 parcels ranging from .06+/- acres to 2.0+/- acres.

Suggested Action: Adoption of a Mitigated Negative Declaration and approval of the project subject to the conditions, mitigation measures, and findings included in the staff report.

[SR_PC.03-12-19.PM2854 - Deaver-Nimmis.docx](#)

[COAs_FINAL.TPM2854.pdf](#)

[CEQA Initial Study - Deaver Parcel Map.03.04.19.docx](#)

[Application Materials.PM2854.09-29-15.pdf](#)

[Project Correspondence.pdf](#)

G.2. (Continued from February 12, 2019 to give the appellant time to comply with County Code 10.32.030) Appeal of the Planning Department's denial of a Use Permit for collector's car collection pursuant to County Code Section 10.32.030(E), which allows a collector to maintain one or more collector vehicles provided that minimum conditions are met.
Suggested Action: Following the continued public hearing, the Planning Commission may:

1. Deny the appeal and uphold staff's denial of Use Permit; or
2. Grant the appeal and issue the Use Permit with conditions that the Commission deems necessary. If the Commission moves to approve the Use Permit, the decision should be supported by findings and evidence presented in the staff report or during the public hearing.

[SR_PC.03-12-19.Schaefer Appeal.doc](#)

[County Code Chapter 10.32 - Abandoned Vehicle Abatement.docx](#)

[Application File.pdf](#)

[Vehicle Registration Log.pdf](#)

G.3. Review and recommendation to the Board of Supervisors regarding a proposed amend Section 19.24.045(D), Conditional Uses in the R1A, Single-family Residential and Agricultural Zoning District, by adding Section 19.24.045(D)(13), "Lodging and Special Event Facilities" pertaining to parcels 10 acres or larger in the R1A Zoning District and in the O-R/Open-Recreation General Plan land use designation. The amendment proposes to establish permitting processes and operational standards for such facilities.

Suggested Action: Recommendation to the Board of Supervisors as the Commission deems appropriate.

[Staff Report & Proposed Ordinance.pdf](#)

[Parcels zoned R1A with O-R General Plan.xlsx](#)

[Maps of R1A with O-R parcels.pdf](#)

[Hoover code proposal.9-28-18.pdf](#)

AGENDA ITEMS

Discussion of Short-Term Rental impacts and benefits and scheduling of a public hearing to solicit comments.

Suggested Action: Following a presentation from staff and discussion with the Commission, it is recommended that the Commission schedule a public hearing and input process to gather public comments on this issue.

[Short Term Rental presentation](#)

[STR-Jackson,CA.pdf](#)

[STR-ord_El Dorado.pdf](#)

[STR-ord_Alpine.pdf](#)

[STR-Sacramento,CA.pdf](#)

Planning Commission Agenda Item Report

Submitting Department: Planning

Meeting Date: March 12, 2019

SUBJECT

Minutes from February 12, 2019

Recommendation:

Approval of minutes.

4/5 vote required:

No

Distribution Instructions:

Planning

ATTACHMENTS

- [PC Meeting Minutes 02-12-19.draft.pdf](#)

**AMADOR COUNTY PLANNING COMMISSION MINUTES
SUMMARY MINUTES OF TAPE RECORDED MEETING
February 12, 2019 – 7:00 P.M.**

PAGE 1 OF 12

The Planning Commission of the County of Amador met on Tuesday, February 12, 2019 in the Board of Supervisors Chambers at the County Administration Center, 810 Court Street, Jackson, California. The meeting was called to order at 7:00 p.m. by Chair Byrne.

THOSE PRESENT WERE:

Planning Commissioners: Keith DesVoignes, District 1
Dave Wardall, District 2
Earl Curtis, District 3
Andy Byrne, Vice Chair, District 4
Ray Ryan, District 5

Staff: Grace Pak, County Counsel
Chuck Beatty, Planning Director
Ruslan Bratan, Planner I
Krista Ruesel, Planner I
Mary Ann Manges, Recording Secretary

THOSE ABSENT WERE: None

NOTE: The Staff Report packet prepared for the Planning Commission is hereby incorporated into these minutes by reference as though set forth in full. Any Staff Report, recommended findings, mitigation measures, conditions or recommendations which are referred to by Commissioners in their action motions on project decisions which are contained in the Staff Reports are part of these minutes. Any written material, petitions, packets, or comments received at the hearing also become a part of these minutes. The recording tapes of this meeting are hereby incorporated into these minutes by reference and are stored in the Amador County Planning Department.

A. Pledge of Allegiance.

B. Approval of Agenda:

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner DesVoignes and unanimously carried to approve the agenda as presented.

C. Minutes: January 8, 2019

MOTION: It was moved by Commissioner DesVoignes, seconded by Commissioner Wardall, and carried to approve the minutes of January 8, 2019.

AYES: DesVoignes, Wardall, Byrne, Ryan
NOES: None
ABSENT: None
ABSTAIN: Curtis

D. Correspondence: Letter received by Bob Chrisman for Item #5, more legible map for Item # 6 and more legible addendum for Item #7

E. Public Matters not on the Agenda: Vice Chair Byrne advised that anyone may address the Commission on any matter in the Commission's jurisdiction, but no action may be taken.

Vice Chair Byrne asked staff if there is going to be any ordinance or anything added to the brief paragraph in the General Plan that outlines the Town Center in Pine Grove.

Chuck Beatty, Planning Director, replied that part of the General Plan Settlement was that an ordinance is prepared that creates standards for the Town Centers in Buckhorn, Pine Grove, and River Pines, and possibly some other more dense areas. He shared that it would come before the Commission in the coming months.

Vice Chair Byrne asked if there would be input from the community before it comes to the Commission.

Mr. Beatty responded that workshops or public meetings would be held to solicit public input. He shared that the starting point is going to be the design standards that the Planning Commission looked at several years ago. He added that the design standards were recommended for approval, but the Board of Supervisors made them voluntary.

Commissioner Ryan asked if the workshops would be held upcountry.

Mr. Beatty, replied that he preferred they be held in those communities, same as River Pines.

Vice Chair Byrne inquired about Ethics Training.

Mr. Beatty replied that Ethics Training is forthcoming and will be available online.

Vice Chair Byrne asked if anyone else wanted to speak. There were no comments.

- F. Recent Board Actions:** Mr. Beatty, stated that the Board of Supervisors requested that the Planning Commission prepare and recommend an ordinance regulating short term housing rentals for all the unincorporated area.

Vice Chair Byrne asked if there are any models in mind.

Mr. Beatty stated that models are being gathered.

Commissioner Ryan added that there are quite a few models out there for the VRBOs and the Airbnbs.

Vice Chair Byrne commented that there definitely is a problem.

Commissioner Ryan stated that we are one of the few counties that does not have an ordinance.

- G. Agenda Items:**

Item 1 - Election of Chair and Vice-Chair for 2019

Commissioner Ryan stated that Andy Byrne is next to be Chair based on historical placement.

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner DesVoignes and carried to appoint Andy Byrne as Chair.

AYES: Ryan, DesVoignes, Wardall, Curtis
NOES: None

ABSTAIN: Byrne

Chair Byrne shared that Commissioner Ryan is next in line for Vice Chair.

MOTION: It was moved by Commissioner DesVoignes, seconded by Commissioner Wardall and unanimously carried to appoint Ray Ryan as Vice Chair.

Item 2 - Appointment of Agricultural Advisory Committee Member and Alternate for 2019

Vice Chair Ryan pointed out the importance of appointing an Agricultural Advisory Committee Member as soon as possible.

Chair Byrne explained that once a quarter the Agricultural Advisory Committee meets and that it is a great opportunity for the newly appointed Commissioner to get a feeling for how the system works.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes and unanimously carried to appoint Earl Curtis as the Planning Commission representative on the Agricultural Advisory Committee.

Vice Chair Ryan asked if Keith was up to being the alternate.

Commissioner DesVoignes replied absolutely.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner Wardall and unanimously carried to appoint Keith DesVoignes as the Planning Commission alternate representative on the Agricultural Advisory Committee.

Item 3 -Appointment of the Recording Secretary for 2019

Mr. Beatty shared that the Planning Department Administrative Secretary typically is appointed as the Recording Secretary for the Planning Commission.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes and unanimously carried to appoint the Planning Department Administrative Secretary as Recording Secretary for the Planning Commission.

Public Hearings

Item 4 - Request for Use Permit for a 115' monopole wireless communication tower. The tower will include 12 antenna panels and related ancillary equipment.

Applicant: Epic Wireless Group, LLC, on behalf AT&T Mobility

Supervisorial District: 5

Location: 3902 Highway 16 (Plymouth Sand & Gravel location)
APN 001-150-015

Chair Byrne introduced the item.

Mr. Beatty shared the item is withdrawn and will most likely come back in a different form sometime soon.

Item 5 - Request for a Use Permit (UP-18; 2-2) to construct a residential apartment on the second floor of an existing dental practice office. The parcel is located in a “C1,” Retail/Commercial/Office zoning district which allows a single-family dwelling in the same structure as a commercial use, subject to an approved Use Permit.

Applicant: Sukhjeet Kaur, DDS
Supervisorial District 4

Location: 19751 State Highway 88, Pine Grove, approximately 500 feet west of the intersection of Highway 88 and Berry Street (APN 030-160-033)

Chair Byrne introduced the item.

Mr. Beatty presented the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full.

Chair Byrne asked if it was exempt from CEQA.

Chuck Beatty replied it is categorically exempt from CEQA as well as not subject to CEQA due to the general rule that it is not going to have an adverse effect to the environment.

Chair Byrne asked if the Proponent was present. The Proponent was not. Chair Byrne asked if anyone desired to speak. No one else wanted to speak.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes, and carried to close the public hearing.

Vice Chair Ryan shared that a letter was received in approval of the project. He added that he believes the residential apartment is a perfect use for the space as well as a way to find housing and make use of the space and land.

Chair Byrne asked if mixed use is standard with the Town Center idea.

Mr. Beatty responded that this blends directly with the Town Center concept.

Chair Byrne requested clarification of whether a Use Permit is required or if it is by right.

Mr. Beatty clarified that it is by Use Permit, but something that might come out of the Town Center ordinance is liberalizing that ordinance so that these things may not need Use Permits in the future.

Chair Byrne responded that it sounds good.

Commissioner DesVoignes added that he thinks it is great.

Commissioner Wardall stated he supports the project.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes, and unanimously carried to approve Use Permit (UP-18;2-2) to construct a residential apartment on the second floor of an existing dental practice office with the findings as recommended by staff.

Mr. Beatty stated that the Planning Commission has approved the Use Permit for a single family residence in the structure located at 19751 State Highway 88 in Pine Grove. Anyone wishing to appeal the decision may do so by filing a written appeal along with the appropriate fees with the Clerk at the Board of Supervisors by no later than 5:00 p.m., February 22nd.

Item 6 - Request for Tentative Parcel Map #2854, proposing a commercial land division of 9.69± acres into eight parcels ranging in size from 0.6± to 2.0± acres.

Applicant: Gerry Ninnis and Sean Edward Lyons, Trustee of the Kenneth H. Deaver and Mary Jane Deaver Trust I

Supervisorial District 5

Location: 17705 Highway 49, Plymouth, at the SW corner of the intersection with Randolph Drive (APN 008-100-019)

Chair Byrne introduced the item.

Commissioner DesVoignes shared that he has had business dealings over the years with Mr. Deaver and Mr. Ninnis, but that it was a long time ago and does not believe it would interfere with his judgement or fairness to the project.

Commissioner Wardall stated that he had a phone conversation with Mr. Deaver during the last week involving information exchange concerning the project.

Mr. Beatty shared that due to a noticing error this item will have to be continued until March 12th so that Amador LAFCO has the opportunity to review the Mitigated Negative Declaration. He added that the hearing is open, but will be continued until March 12th keeping public comments open until that time.

Chair Byrne shared that comments should be accepted.

Chair Byrne asked if anyone wanted to comment at this time. No one desired to comment.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes, and unanimously carried to continue the public hearing until March 12, 2019 at 7:00 p.m.

Item 7 - Appeal of the Planning Department's denial of a Use Permit request for an outdoor Collection of collector vehicles pursuant to County code Section 10.32.030.

Appellant: Dale Schaefer

Supervisorial District 3

Location: 15790 Schaefer Ranch Road, Pioneer, west of the intersection of Pioneer Creek Road and Schaefer Ranch Road (APN 031-030-002)

Chair Byrne introduced the item.

Mr. Beatty presented the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full.

Commissioner DesVoignes shared that he has had real estate dealings with the Schaefer family in the past and asked if he should recuse himself.

Grace Pak, County Counsel, advised Commissioner DesVoignes that he can recuse himself if he thinks it

could impact his decision.

Commissioner DesVoignes on the side of caution recused himself.

Chair Byrne asked if the Proponent was present.

Patrick Keene, attorney for the appellant, asked if there were any objections and if the Planning Department is relying on any of them.

Mr. Beatty replied that the Planning Department is not relying on comments from others for the determination of the Use Permit.

Mr. Keene additionally asked if notice had been mailed.

Mr. Beatty responded that notice had been mailed to people within 300 feet of the project before action on the Use Permit and also before the appeal hearing.

Mr. Keene stated that he understands notice was given, but believes nobody objected or the objections would have been in the packet. He shared that he acknowledges that there are Code Enforcement issues that are not before the Commission at this point and that there could be issues that relate to that. He commented that his client appears to meet the criteria to fulfill the Use Permit. He questioned the Staff Report where it says that the vehicles appear to be inconsistent with the definition of requirements of collector vehicles and shared that a list had been provided with values for them. Mr. Keene stated that the application meets the criteria and since no opposition was received the Commission should overrule the determination of the Planning Department and grant the Use Permit subject to subsequent inspection. He shared that he advised his client that the rules need to be complied with as stated in the ordinance and asked if there were any questions that he, the appellant, or the appellant's brother Carl Schaefer could answer.

Vice Chair Ryan shared that statements have been made that all conditions for the Use Permit have been met, but based on the photographs in the packet that conditions 2, 5, and 6 of the Use Permit are in violation. He shared that the storage area shall not exceed ½ contiguous acre in condition number 2.

Patrick Keene, attorney for the Proponent, concurred and said that's the way it is right now.

Vice Chair Ryan added that in condition 5 the vehicles are scattered and not in rows or lines. He stated that in number 6 there is vegetation growing up, into, and around the vehicles creating a fire hazard. He shared that in condition number 7 all conditions need to be met before a Use Permit can be issued. He added that he understands that the Proponent will comply, but after the fact not before.

Mr. Keene asked if the Commission wanted to defer this and that he is willing to put this over for a month. He added that the Proponent has the ability and has forklifts and other moving equipment. He concurred that the vehicles are not in rows. His client's understanding was that approval was needed for where the designated storage area could be placed.

Vice Chair Ryan shared that the setbacks are clearly stated and suggested that the matter be tabled until the next dated meeting and if all of the above have been complied with by the next dated meeting then it becomes a collection based on requirements.

Mr. Keene shared that they could meet the criteria with the vehicles in rows all within the specified area. He asked if this could be put off for 30 days if the Commission is willing to do that and has told his clients that they need to do what they have to do with vehicles that do not meet the criteria.

Chair Byrne asked staff if it is the restored value of the vehicle or is it the potential restored. He shared that

if any vehicle gets restored its value is going to increase.

Mr. Beatty shared that the ordinance requirement says that a vehicle, if fully restored, would have a higher monetary value than when it was originally sold.

Chair Byrne questioned if fully restored and asked if that implies that it needs to be fully restored to store it or that you can store it because it can be fully restored.

Vice Chair Ryan commented that his interpretation is a vehicle at the time it was originally purchased and if this vehicle is restored this would be its value. He added, but as it sits today it is a collectable to someone who is interested in restoring that vehicle.

Chair Byrne shared that when he read it that was not clear to him.

Vice Chair Ryan commented that as of right now they are all parts vehicles.

Mr. Keene added that it would also meet the criteria and definition of parts vehicles.

Vice Chair Ryan asked staff and Counsel if this can be tabled or should we allow for two meetings because Code Enforcement needs to schedule time to go out and verify everything.

Chuck Beatty clarified if the Commission was asking if 30 or 60 days is appropriate.

Vice Chair Ryan asked if 30 days would be appropriate for Staff.

Mr. Beatty responded 30.

Chair Byrne asked if anyone else wanted to speak. No one desired to speak.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner Curtis, and carried to continue the public hearing until March 12, 2019 at 7:00 p.m.

AYES: Ryan, Curtis, Byrne, Wardall

NOES: None

ABSENT: None

ABSTAIN: None

RECUSED: DesVoignes

Commissioner Wardall shared that he is President of a Homeowners Association and has received complaints in the past from neighbors about junk and has seen many Use Permit violations around the County. He added that he wants to be fair to the applicant, but his property should be cleaned up and presentable before a Use Permit is issued.

Chair Byrne announced Commissioner DesVoignes' return to the room.

Item 8 - Appeal of the Planning Department's determination that the use of the appellants' property is commercial in nature and violates County Code 19.24.040, Residential Estates zoning district permitted uses.

Appellant: Bill & Bernadette Cramer
Supervisorial District 4

Location: 17042 Robinson Road, Sutter Creek, immediately opposite the intersection of Ridge Road and Surrey Junction Lane (APN 042-080-015)

Chair Byrne introduced the item.

Mr. Beatty presented the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full.

Chair Byrne asked if the Appellant was present. Bill and Bernadette Cramer were present.

Bill Cramer asked if the Commission received a copy of his rebuttal letter. He shared history of campgrounds throughout the Sierra Nevadas that he and his wife had managed where he had acquired much of the items to be sold. He added that the rest of the items were obtained from tenants who had left property behind as well as from contents contained in the appellants' barn at a rental property they had owned until sold last December. He shared that he bought 6 red, white and blue canvas tents to cover these items that now do not have a home. He added that the tents are a place where he can easily sort and liquidate the items. He shared that he has made progress selling things and that a 25' x 50' warehouse once full of items is now half empty. He shared that he has had challenges selling due to it raining 10 out of 12 weekends. He stressed that he is disposing his own personal property on his own property and is liquidating and not purchasing new items to sell. He shared that he does not want his family or privacy disturbed so is selling down closer to the road and will later sell the tents. He shared frustration that a man had bought many items from him and later resold them in two estate sales and that estates sales have specific guidelines which Mr. Cramer felt the man had not met. Mr. Cramer questioned how that what the other man was doing was okay and what he was doing was not. He added that violations should be given to somebody else with garage sale season coming up this summer. He asked if anyone had any questions.

Vice Chair Ryan asked how many sales he has had.

Mr. Cramer responded every Saturday for 12 weeks and added that he also had family and hired help to help him sort and has donated many items to thrift stores. He stressed that he is not in a commercial business. He added that his plan is to disc the land and let the wildflowers come up, but cannot with the tents there.

Chair Byrne inquired if Mr. Cramer has had other sales in the past for Chair Byrne believes he has seen sales while driving by.

Mr. Cramer shared that as a good neighbor he let the neighbors across the street sell items from his property.

Chair Byrne asked if anyone else has questions.

Commissioner Curtis asked Mr. Cramer how many more weeks he will be doing this.

Mr. Cramer responded that it depends upon the weather and that rain is expected and that his wife also wants this done quickly. He added that he could just store everything in the tent and not even put up a sale sign, but that he wants to dispose of it.

Chair Byrne asked if anyone else has any comments.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes, and unanimously carried to close the public hearing.

Vice Chair Ryan asked the Planning Department, staff, and Counsel what distinguishes a garage sale from a yard sale from a sale on your property. He acknowledged that sometimes people have garage sales several weeks in a row until everything is gone. He asked is it because of what you call it versus it

being on the highway.

Mr. Beatty replied that we have to look at what is customary for a yard sale which is usually a weekend or two weekends a year rather than multiple weekends that go on for months.

Chair Byrne shared also the scale of it.

Mr. Beatty concurred.

Chair Byrne added that his issue with this one is the scale.

Vice Chair Ryan commented that it sounds like the goal is to sell it as quickly as possible. He said that it is not commercial in a sense as it is someone out there replenishing stock and has set up camp forever. The goal is to get rid of what they own, just like if I had a barn full of furniture and it took me three or five weeks to sell it.

Chair Byrne stated that he has recollections over the past 10 or 15 years of there being things for sale where there have been weekends similar to the current ones and that there definitely have been vehicles for sale. He asked how all that fits in.

Mr. Beatty replied that if it is a single item like a car, boat, or recreational vehicle they do not draw a lot of attention, but with Mr. Cramer's magnitude and scale we are going to get a lot of complaints about it. He added that one is more commercial than the other even if they are just trying to liquidate.

Commissioner DesVoignes asked if the complaints were from neighbors.

Chuck Beatty replied neighbors or those just driving by.

Commissioner DesVoignes shared that he had a conversation with someone he knows who said Mr. Cramer has sold things for him where Mr. Cramer did not make any money. He asked where the line should be drawn.

Vice Chair Ryan commented that this is not the opportune time to be selling things outdoors and asked what would prevent the Cramers in Spring from setting up a few of these tents and put out items for sale and then close them all up and do it again the following Saturday and maybe skip a few Saturdays and then do it again. He added that the huge tents are very visible and that probably a lot of people take offense to seeing them there. He questioned how this is different from others who are allowed to have consistent garage sales several weekends in a row.

Chair Byrne responded that the scale is the difference.

Vice Chair Ryan shared that if churches have a big sale everybody in church brings something.

Chair Byrne added that the churches come in and get a Use Permit.

Vice Chair Ryan responded that there is no Use Permit here.

Chair Byrne shared that Use Permits have been granted for sales like that at churches and car show events. He added the process to have that available comes with mitigation and that is part of the scale issue.

Vice Chair Ryan said that he guesses that it comes down to how much is left and how many days it takes to sell it and shared that he is at a loss as to how to help this situation along. He added that he has a lot of empathy, but the tents are probably what caused the ire of whoever drove by and saw them.

Commissioner Wardall asked about the time limit on the Use Permit.

Chair Byrne and Vice Chair Ryan said that there is no Use Permit on it.

Vice Chair Ryan responded that this is question about a commercial use of property when it is not zoned for such.

Chair Byrne elaborated that his point about the Use Permit is that there have been things of this scale where there was a Use Permit to do it. He questioned whether that is even something that could be done.

Grace Pak, County Counsel, responded that it is not before the Commission at this time and that only the appeal is being considered.

Chair Byrne asked if this is something that could possibly be a remedy for the Cramers if the appeal is denied.

Mr. Beatty responded that there is not a Use Permit option for anything in Residential Estates.

Chair Byrne replied that is what he thought.

Commissioner Byrne asked if Mr. Cramer could apply for a Use Permit.

Mr. Beatty responded no.

Vice Chair Ryan stated that the hard part tonight is a yes or no answer.

Chair Byrne shared that they can appeal to the Board and that he is inclined to deny the appeal. He added that he does not see any vehicle that allows the Commission to reverse the decision and added that the scale puts this off. There are other places that do that, but unfortunately, the Cramers are on the main thorough fare and Code Enforcement is complaint driven. He added that if the County does not get a complaint that they get to do it.

Vice Chair Ryan added exactly.

Mr. Beatty shared that that is why those sales that Mr. Cramer sees that last longer than a customary yard sale are there. They are not complained about, but unfortunately that erodes the integrity of the ordinance.

Vice Chair Ryan reiterated that we are complaint driven.

Commissioner DesVoignes said it is unfortunate that it is black and white and that it seems that the County has bent over backward.

Vice Chair Ryan agreed, but said he is torn and that he wants to do something to help the situation. He added that it goes back to what is in the report, the code, and the findings based on fact. He shared that the determination tonight is whether the property is being used in a commercial nature since the sale of items, though not being replenished, are being sold in such a quantity. He commented that based on the photos and what has been presented that he has to decide that it is commercial. He added that there is the option to appeal it to the Board of Supervisors.

Bernadette Cramer, Appellant, asked how many complaints there were and who the complaints were from.

Chair Byrne replied that that information cannot be shared and that it does not matter how many complaints there are because all that is needed is one complaint to go to Code Enforcement.

Mrs. Cramer asked if the tents were not there if it would still be considered a garage sale.

Vice Chair Ryan responded that he does not think as much attention would have been drawn.

Chair Byrne concurred that the tents brought more attention and said that it is still the same scale.

Mrs. Cramer stated that this complaint came in right after the tents were put up. She added that the tents were put up so it would look neat, not be offensive, and that there are no houses directly across from them that are visible from the road.

Chair Byrne commented that it would not matter if it was just somebody driving by who complained.

Mr. Cramer said he has one alternative which is to remove the word commercial where he takes away the signs for sale, closes up the tents, and stores in them.

Chair Byrne asked if there are any restrictions.

Mr. Cramer responded that there are no restrictions.

Chair Byrne replied that before us is whether or not Mr. Cramer is in compliance.

Mr. Cramer said that he feels there is selective enforcement and that since he is a big guy he cannot have it, yet a little guy can.

Chair Byrne responded that only his is before the Commission and that a complaint was made.

Mr. Cramer stated that he believes he has taken every precaution. He shared that there is no safety or health factors and feels he did everything he could because he knew that maybe sometime it could come up. He added that there are massive amounts of things to dispose of. He stressed that there will be no sales signs out there and that tents would be left up full of merchandise. He said he calls it liquidation and that he cannot be touched if he does not put out a sign.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner Wardall, and unanimously carried to deny the appeal.

Mr. Beatty stated that the Planning Commission has denied an appeal of the Planning Department's determination that use of the property at 17042 Robinson Road is commercial in nature and violates county code 19.24.040 in Residential Estates permitted uses. Anyone wishing to appeal the decision may do so by filing a written appeal along with the appropriate fees with the Clerk at the Board of Supervisors by no later than 5:00 p.m., February 22nd.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes, and unanimously carried to adjourn the meeting.

Adjournment: At 8:03 p.m. Chair Byrne adjourned this meeting of the Planning Commission, to meet again on March 12, 2019.

Andy Byrne, Chair

Amador County Planning Commission

Mary Ann Manges, Recording Secretary
Amador County Planning Department

Chuck Beatty, Planning Director
Amador County Planning Department

Planning Commission Agenda Item Report

Submitting Department: Planning

Meeting Date: March 12, 2019

SUBJECT

(Continued from February 12, 2019) Environmental document determination and possible project decision for Tentative Parcel Map No. 2854 proposing the division of 9.96+/- acres into 8 parcels ranging from .06+/- acres to 2.0+/- acres.

Recommendation:

Adoption of a Mitigated Negative Declaration and approval of the project subject to the conditions, mitigation measures, and findings included in the staff report.

4/5 vote required:

No

Distribution Instructions:

Planning

ATTACHMENTS

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STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION
FOR MEETING OF: MARCH 12, 2019

Item 1 - (Continued from February 12, 2019) Environmental document determination and possible project decision for Tentative Parcel Map No. 2854 proposing the division of 9.96+/- acres into 8 parcels ranging from .06+/- acres to 2.0+/- acres.

Applicant: Gerry Ninnis and Sean Edward Lyons, Trustee of the Kenneth H. Deaver and Mary Jane Deaver Trust I (Ken Deaver, representative)

Supervisory District: 5

Location: 17705 Highway 49, Plymouth, at the SW corner of the intersection with Randolph Drive (APN 008-100-019). The site is adjacent to the City of Plymouth corporate limits and located within the City's Sphere of Influence.

A. Current Zoning Designation: C-2, Heavy Commercial

B. Current General Plan Designation: I, Industrial

C. Source of Water: Public water system (proposed)

D. Sewage Disposal: Public sewage system (proposed)

E. Description: The applicant is requesting to divide 9.69 acres into eight commercial parcels ranging in size from 0.6 acres to 2.0 acres. The project will not increase the potential development density of the site which is currently zoned C-2, Heavy Commercial, with a General Plan land use designation of Industrial. The project site is located within the Sphere of Influence of the City of Plymouth and is adjacent to the City's corporate limits. Project conditions recommend that water and wastewater treatment services be provided by a public entity. Because of the project's close proximity to the City of Plymouth, annexation to the City is a reasonably foreseeable option for these utilities. The City, however, is under no obligation to annex the project. Therefore, the County cannot condition the project on annexation and must analyze potential environmental impacts as if the project will remain unincorporated. To that end, the specific public entity that provides water and wastewater services will be determined in the future.

F. TAC Review & Recommendation: The Amador County Technical Advisory Committee (TAC) reviewed this project on October 19, 2015 and December 12, 2018. TAC has no technical objection to the Planning Commission adopting a Mitigated Negative Declaration approving the project subject to the conditions, mitigation measures, and findings included in the staff report.

G. Planning Commission Action: The action of the Planning Commission should first include a decision on the adequacy of the environmental document, proposed as a Mitigated Negative Declaration. A decision on the tentative map with the proposed conditions (attached) can then be made.

H. Findings: Section 66474 of the California Subdivision Map Act requires a County to deny approval of a Tentative Map if it makes any of the following findings:

- a. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- c. That the site is not physically suitable for the type of development.
- d. That the site is not physically suitable for the proposed density of development.
- e. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- g. That the design of the subdivision or type of improvements will conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision.

Evidence: If the Planning Commission approves this Tentative Map, the following findings are recommended for adoption. The above Findings (a) through (g) do not apply to this project in that:

- a. The proposed map (Tentative Parcel Map No. 2854) is consistent with the Amador County General Plan;
- b. The design of the improvements of the proposed subdivision is consistent with the General Plan and Amador County development standards;
- c. The site is physically suitable for commercial development and is compatible with surrounding land uses;
- d. The site is physically suitable for the proposed density of development;
- e. The Environmental Document prepared for Tentative Parcel Map 2854 (Mitigated Negative Declaration) determined that potential environmental impacts from the design of the parcel map or the proposed improvements will be mitigated to less than significant levels with implementation of the proposed Mitigation Measures and Conditions of Approval – see attached conditions/mitigation measures;
- f. The Mitigated Negative Declaration prepared for Tentative Parcel Map 2854 determined that no potentially serious health problems were identified from the project; and
- g. No conflicts with easements acquired by the public at large for access through or use of property within the proposed subdivision have been identified.
- h. The design and location of each lot in the subdivision, and the subdivision as a whole, are consistent with any application regulations adopted by the State Board of Forestry and Fire protections pursuant to Sections 4290 and 4291 of the Public Resources Code.
- i. Structural fire protection and suppression services will be available for the subdivision through any of the following entities:
A county, city, special district, political subdivision of the state, or other entity organized solely to provide fire protection services that it monitored and funded by a

county or other public entity; or

The Department of Forestry and Fire Protection by contract entered into pursuant to Section 4133, 4142, or 4144 of the Public Resources Code.

- j. To the extent practicable, ingress and egress for the subdivision meets the regulations regarding road standards for fire equipment access adopted pursuant to Section 4290 of the Public Resources Code and any applicable local ordinance.

**CONDITIONS OF APPROVAL
AND MITIGATION MONITORING PROGRAM**

PROJECT: Tentative Parcel Map No. 2854

SUBDIVIDER: Gerry Ninnis and Sean Edward Lyons, Trustee of the Kenneth H. Deaver and Mary Jean Deaver Trust I (Kenneth H. Deaver, representative)

DESCRIPTION: Tentative Parcel Map No. 2854, proposing the division of 9.69 acres into 8 parcels ranging from 0.6 to 2 acres. The project is located at 17705 State Hwy 49 Plymouth, CA, immediately south of the intersection with Randolph Drive (APN 008-100-019).

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration.

PLANNING COMMISSION APPROVAL DATE:

TENTATIVE PARCEL MAP EXPIRATION DATE:

LOCAL EXTENSION OF EXPIRATION DATE:

IMPORTANT NOTES:

NOTE A: It is suggested the subdivider contact the Environmental Health, Public Works, and Planning Departments and any other agencies involved prior to commencing the preceding conditions. Improvement work shall not begin prior to the review of the plans and the issuance of a permit by the respective Department. The Inspector must have a minimum of 48 hours notice prior to the start of any construction.

NOTE B: An extension of time for completion of this tentative map is possible, provided said extension is applied for by the applicant, to the Planning Department, in writing, prior to the expiration date of the tentative map.

NOTE C: Information concerning this map can be obtained through the Amador County Planning Department, 810 Court Street, Jackson, CA 95642 (209) 223-6380.

FISH AND GAME FEES:

- 1. No permits shall be issued, fees paid, or activity commence, as they relate to this project, until such time as the Permittee has provided the Planning Department with the Department of Fish and Wildlife Filing Fee for a Notice of Determination or a No Effect Determination from Fish and Wildlife. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.***

PARCEL MAP RECORDATION CONDITIONS:

- 2. Prepare and submit Parcel Map. THE SURVEYOR’S OFFICE SHALL MONITOR THIS CONDITION.
- 3. Submit Preliminary Title Report as evidence of ownership. A Parcel Map Guaranty must accompany the map at the time of recording. THE SURVEYOR’S OFFICE SHALL MONITOR THIS CONDITION.
- 4. A Registered Civil Engineer or Licensed Land Surveyor must survey all parcels. Monuments are to be set, reset, or verified (if existing) according to County Standards. THE SURVEYOR’S OFFICE SHALL MONITOR THIS CONDITION.
- 5. Pursuant to Section 66463.1 of the Government Code (Subdivision Map Act) multiple Parcel Map(s) may be filed prior to the expiration of the tentative map. Any multiple Parcel Map(s) so filed shall be reviewed as to submittal to the Board of Supervisors for Parcel Map approval. The shape and size and development of any single unit or multiple units will be subject to Public Works Agency and Environmental Health Department review of traffic circulation, water supply, and sewage disposal. MONITORED BY THE SURVEYOR'S OFFICE, PUBLIC WORKS AGENCY, AND ENVIRONMENTAL HEALTH DEPARTMENT.

SOILS:

- 6. Preliminary Soils Report:
 _____ Submit Preliminary Soils Report by a Registered Civil Engineer required in Section 17.28.240 of the County Ordinance Code.
 X Waived as defined in Government Code Section 66491 (a).
 NO MONITORING NECESSARY.

EASEMENTS:

- 7. Prior to recordation of any Parcel Map, provide easements as required for utilities by County Code Section 17.28.030. THE SURVEYOR’S OFFICE SHALL MONITOR THIS CONDITION.

TAXES:

- 8. All current and delinquent taxes must be paid. Security, in the form of a cash deposit, must be posted for estimated taxes, and special assessment collected as taxes, which are a lien against the subject property, but which are not yet payable. The Tax Collector shall draw upon this cash deposit to pay the taxes, and special assessments collected as taxes when they become payable. When all current and/or delinquent taxes have been paid, and any required security has been posted with the County Tax Collector, the Tax Collector will submit a letter to the County Surveyor's Office stating that this condition has been satisfied. (Note: Please refer to Amador County Code Sections 17.72.120, 17.72.130 and 17.72.140 {amended May 15, 2007}, and Government Code Sections 66492 and 66493). THE SURVEYOR’S OFFICE SHALL MONITOR THIS CONDITION.

CONDITIONS OF APPROVAL & MITIGATION MONITORING PROGRAM

Project: Parcel Map No. 2854 – Deaver-Ninnis

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PUBLIC REPORT:

9. Complete the form for the Subdivision Public Report for recording--must be notarized. THE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.

WATER SUPPLY

10. Prior to recordation of any final map, the developer shall provide to the Environmental Health Department a written commitment from an approved public entity to provide domestic water service to every parcel created by that map. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.

SEWAGE DISPOSAL:

11. Prior to recordation of any final map, the developer shall provide to the Environmental Health Department a written commitment from an approved public entity to provide sanitary sewer service to every parcel created by that map. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THESE CONDITIONS.

EROSION CONTROL:

12. Construction activities are subject to State of California requirements for storm water discharges associated with construction and land disturbance activities. Prior to construction activities, submit evidence of compliance with such requirements to the Department of Transportation and Public Works for approval. THE DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION SHALL MONITOR THIS CONDITION.

STORMWATER:

13. The project shall comply with all applicable County regulations pertaining to stormwater management.

DRIVEWAY MAINTENANCE AGREEMENT:

14. Concurrently with the recordation of any final map, the developer shall record a Driveway Maintenance Agreement to include all lots within the subdivision that will be served by the common access private driveway from Lot 1 through Lot 7 as shown on the Vesting Tentative Parcel Map No. 2854.

PERMITS:

15. Obtain permits from the County and other jurisdictions as required by the Department of Transportation and Public Works Director from the construction of street and drainage improvements, including any required appurtenances.

PUBLIC ROAD IMPACT FEE:

16. Prior to issuance of a building permit, the developer shall pay the Regional Traffic Mitigation Fee and Local Traffic Impact Fee in accordance with County Ordinance Code 7.84 at the rate(s) in effect at the time of payment. THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS SHALL MONITOR THIS CONDITION.

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SOLID WASTE:

- 17. Prior to recordation of any Final Map(s), provide evidence that the Transfer Station has sufficient capacity to serve the proposed project. THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS SHALL MONITOR THIS CONDITION.

FIRE PROTECTION:

- 18. To mitigate the impact on fire protection services, in accordance with Amador County Ordinance No. 1640, prior to the recording of any Final Map(s), the developer shall participate in the formation of, or annexation to the County's proposed Community Facilities District No. 2006-1 (Fire Protection Services), including execution of a "waiver and consent" to the expedited election procedure, the successful completion of a landowner-vote election authorizing an annual special tax for fire protection services, to be levied on the subject property by means of the County's secured property tax roll, and payment of the County's cost in conduction the procedure. THE AMADOR FIRE PROTECTION DISTRICT SHALL MONITOR THIS CONDITION.

ARCHAEOLOGICAL, CULTURAL, HISTORICAL MITIGATION:

- 19. Prior to recordation of any Parcel Map(s), the applicant shall provide a statement, for review and approval by the Planning Department, that if historic archaeological, and/or paleontological resources are encountered during site grading or other site work, all such work shall be halted immediately within the area of discovery and the developer shall immediately notify the Planning Department of the discovery. In such case, the developer shall, at their expense, retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist shall be required to submit to the Planning Department for review and approval a report of findings and method of curation or protection of the resources. Further grading or site work within the area of discovery shall not be allowed until the preceding steps have been taken. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

Chairman
Amador County Planning Commission

(1) Applicant	(6) Surveying Office
(2) Preparer of Map	(7) Amador Fire Protection District
(3) Building Department	(8) Fish and Wildlife
(4) Environmental Health Department	(9) California Department of Forestry
(5) Public Works Agency	(10) Amador LAFCO
	(11) City of Plymouth

MITIGATED NEGATIVE DECLARATION/INITIAL ENVIRONMENTAL STUDY

Project Title: Tentative Parcel Map No. 2854

Lead Agency Name and Address: Amador County Planning Department
810 Court St., Jackson, CA 95642

Contact Person/Phone Number: Chuck Beatty, Planning Director
(209)233-6380

Project Location: 17705 State Hwy 49 Plymouth, CA, immediately south of the intersection with Randolph Drive (APN 008-100-019)

Project Sponsor's Name and Address: Kenneth Deaver
21624 Shenandoah School Rd.
Plymouth, CA 95669
(209)245-6661

General Plan Designation(s): I - Industrial

Zoning: C2 - Heavy Commercial

Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation.) Commercial land division of 9.69 acres into 8 parcels ranging from 0.6 to 2 acres. The project will not increase the potential development density of the site which is currently zoned C2, Heavy Commercial. Water and wastewater treatment services will be provided by a public entity. Because the project area is within the sphere of influence of the City of Plymouth, annexation to the city is a reasonably foreseeable option for service and potential annexation is included as part of the project description. While it is not possible at this time to foresee the nature and extent of development on the property or assess the environmental impacts of potential future development, additional environmental review will be needed once the specific nature and extent of development can be known. At a minimum, potential environmental impacts will need to be evaluated for the extension and location of public water and wastewater infrastructure.

Surrounding land uses and setting: Briefly describe the project's surroundings: The subject property is located adjacent to the Plymouth city limits and is surrounded by a mix of commercial, residential, and agricultural land uses. Adjoining parcel sizes range from 0.60 to 25 acres.

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.) Amador Local Agency Formation Commission (LAFCO) will be a responsible agency to because there is a reasonably foreseeable possibility that the property will annex into the City of Plymouth for the purpose of receiving water and wastewater services when those services could be needed to support development.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and corresponding discussion on the following pages.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of the initial evaluation:

<input type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION , including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature – Name

Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c) (3) (D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

Chapter 1. AESTHETICS – Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

Scenic Vistas and Visual Character: For the purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. Scenic vistas are often designated by a public agency. A substantial adverse impact to a scenic vista would be one that degrades the view from such a designated location. No governmentally designated scenic vista has been identified within the project area. In addition, no specific scenic view spot has been identified in the project area.

While there are no officially designated scenic vistas in the project area, certain short-range views would change for nearby property owners and members of the traveling public. However, since these are not designated scenic vistas, and because the changes would be limited to commercial buildings typically found in the vicinity, the impacts are considered less than significant.

Scenic Highways: The project is not located along a scenic highway. Therefore, there is no impact.
 Light and Glare: The potential commercial development of the site inherently incorporates the necessity of increased outdoor lighting during the nighttime for safety and navigation as well as intermittently throughout day times depending on season, weather, and use. Impacts due to light and glare are considered to be less than significant with the incorporation of Mitigation Measures 1.1 and 1.2, below.

Mitigation:

Mitigation Measure 1.1 - All new lighting shall be shielded and downward directed, utilizing light sources that are the best available technology for eliminating light bleed and reflectance into surrounding areas to the maximum extent possible.

Mitigation Measure 1.2 - Light fixtures, light sources, and illuminated signs that are of unusually high intensity or brightness or that blink or flash are prohibited.

Source: Amador County Planning Department, Amador County General Plan

Chapter 2. AGRICULTURE AND FOREST RESOURCES – In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the CA Dept. of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. – Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the CA Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC §12220(g)), timberland (as defined in PRC §4526), or timberland zoned Timberland Production (as defined by Government Code § 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Farmland Conversion: The project will not result in the conversion of Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance. The project site is located in an area designated as Grazing Land on the Amador County Important Farmland 2016 map, published by the California Department of Conservation, Division of Land Resource Protection. There is no impact to farmland.

Williamson Act: The tract is not subject to a Williamson Act contract. Therefore, there is no impact.

Timberland Zoning and Zoning for Forest Lands: The project site is located within the Industrial General Plan land use designation and Heavy Commercial zoning district. The potential commercial uses are not in conflict with forest or timberland zoning. Therefore, there is no impact to timberland zoning or zoning for forest lands.

Loss or Conversion of Forest Lands: The project site is located in an area developed with residential, commercial, and agricultural uses and does not include timber or forest resources. Future development of the project site would not affect forest lands. There is no impact.

Other Changes Resulting in Farmland or Forest Conversion: The project site currently includes 15,000+/- square feet of buildings, 2.75+/- acres of paved/gravel parking, with the remainder covered in native grasses described as Grazing Land on the Amador County Important Farmland 2016 map. The current zoning and General Plan designation of the site would allow future commercial uses in areas that are not presently used for timber growth or farming. Areas adjacent to the site which are currently used for agriculture would not be significantly impacted from by-right land uses or result in the conversion of farmland or forests to other land uses. The impact is less than significant.

Mitigation: None required.

Source: Amador County Important Farmland Map, 2016; Amador County General Plan; Planning Department; CA Public Resources Code.

DRAFT 2010 CHECKLIST

Chapter 3. AIR QUALITY – Where available, the significance criteria established by the applicable air pollution control district may be relied upon to make the following determinations. Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing/projected AQ violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Air Quality Plan: Amador County does not have an air quality plan. There is no impact.

Air Quality Standards: The Parcel Map will not cause a violation of an air quality standard or contribute substantially to an existing air quality violation. Conditions to control fugitive dust emissions may be imposed at the time any building permits are issued. Outdoor fires ignited on the property must comply with the rules and regulations of this District. All air contaminants that may be generated by activities on this property must comply with the Rules and Regulations of the Amador Air District. There is no impact.

Increase in Criteria Pollutant: Amador County is a Non-attainment area for the State of California’s 1-Hour Ozone Standard (0.09 ppm) and the US EPA’s 8-Hour Ozone Standard (0.08 ppm). Construction activities and fires occurring on this property would be of short duration. No net cumulative increase in ozone precursor emissions is expected from this action. All air contaminants generated by activities on this property must comply with the Rules and Regulations of the Amador Air District. There is no impact.

Sensitive Receptors: Substantial air pollutant concentrations will not be generated by construction activities on this property related to this project. This project will not expose sensitive receptors to substantial pollutant concentrations. There is no impact.

Objectionable Odors: Substantial quantities of objectionable odor should not be generated by the current activities on the property, or by the uses allowed under this Tentative Parcel Map. All air contaminants generated by activities on this property must comply with the Rules and Regulations of the Air District. There is no impact.

Mitigation: None required.

Source: Amador Air District, Amador Planning Department.

Chapter 4. BIOLOGICAL RESOURCES – Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CA Dept. of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the CA Dept. of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Candidate, Sensitive, or Special Status Species: There are no known records of any candidate, sensitive, or special status species on the project site. However, there is potential habitat within the 9 quadrangle area surrounding the project site that may be suitable for several such species. Birds which may be suited to the habitat found within the project area include the Bald Eagle (*Haliaeetus leucocephalus*), California Thrasher (*Toxostoma redivium*), Common Yellowthroat (*Geothlypis trichas sinuosa*), Golden Eagle (*Aquila chrysaetos*), Lawrence’s Goldfinch (*Carduelis lawrencei*), Lewis’s Woodpecker (*Melanerpes lewis*), Nuttall’s Woodpecker (*Picoides nuttallii*), Oak Titmouse (*Baeolophus inornatus*), Rufous Hummingbird (*Selasphorus rufus*), Song Sparrow (*Melospiza melodia*), Spotted Towhee (*Pipilo maculatus clementae*), Tricolored Blackbird (*Agelaius tricolor*), Wrentit (*Chamaea fasciata*), and Yellow-billed Magpie (*Pica nuttalli*). Additionally, amphibians including the California Red-legged Frog (*Rana draytonii*), Foothill yellow-legged frog, and California Tiger Salamander (*Ambystoma californiense*) as well as the reptilian Northwestern Pond Turtle (*Emys marmorata*), all of whom utilize aquatic, riparian, and/or upland habitat areas. Delta Smelt (*Hypomesus transpacificus*) also are found to populate similar

habitats. Due to lack of substantial habitat within the project area, the impact is found to be less than significant.

Riparian Habitat and other Sensitive Natural Communities: The natural community is a combination of herbaceous, shrub/scrub, medium intensity developed, and developed open space categorization. There are two ponds found onsite which are in many ways analogous to riparian or wetland habitat. Development plans preserve these ponds; therefore there is a less than significant impact.

Federally Protected Wetlands: There is no noted species from the National Wetland Inventory located in the project site, therefore there is no impact.

Movement of Fish and Wildlife: There is no major impact on the migratory thoroughfare of any fish and wildlife. Candidate, sensitive, and/or special status species have potential suitable habitat area within the 9-quadrangle area surrounding the project, but the site is small enough as to not greatly affect movement of these species. Therefore, there is a less significant impact.

Biological Resource Policies and Natural Community Conservation Plan: Amador County did not have any local policies or ordinances protecting biological resources in place when the project application was submitted. There is no impact.

Habitat Conservation Plan and Natural Community Conservation Plan: Amador County does not have an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plans. There is no impact.

Mitigation: None.

Source: California Department of Fish and Wildlife BIOS, U.S. Fish and Wildlife Service IPAC, California Department of Fish and Wildlife Habitat Conservation Planning

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Chapter 5. CULTURAL RESOURCES – Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or unique geological feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Historical and Archaeological Resources: It is anticipated implementation of the project and potential development densities would not affect historical resources. However, implementation of Mitigation Measure 5.1, below, would reduce any potential impacts to unknown resources to less than significant. Therefore, the impact is less than significant with mitigation incorporated.

Paleontological Resources and Geological Features: There are no known unique paleontological or geological resources associated with this project site. It is anticipated implementation of the project would not affect paleontological or geological resources. However, implementation of Mitigation Measure 5.1, below, will reduce any potential impacts to unknown resources to less than significant. Therefore, the impact is less than significant with mitigation incorporated.

Human Remains: This site is not a known burial site or formal cemetery. In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code §7050.5 dictates all work shall stop in the vicinity of the find and the Amador County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission who shall notify, pursuant to PRC § 5097.98, the person believed to be the most likely descendant. The most likely descendant shall work with the contractor to develop a program for re-internment of the human remains and any associated artifacts. Additional work shall not take place within the immediate vicinity of the find until the identified appropriate actions have been implemented. Per Mitigation Measure 5.1, below, the impact is reduced to a less than significant level with mitigation incorporated.

Mitigation: Mitigation Measure 5.1 - Prior to issuance of a demolition or building permit, the applicant shall provide a statement, for the review and approval of the Planning Department, that if historic, archaeological, and/or paleontological resources are encountered during site grading or other site work, all such work shall be halted immediately within the area of discovery and the developer shall immediately notify the Planning Department of the discovery. In such case, the developer shall, at their expense, retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist shall be required to submit to the Planning Department for review and approval a report of the

findings and method of curation or protection of the resources. Further grading or site work within the area of discovery shall not be allowed until the preceding steps have been taken.

Source: Planning Department; Amador County General Plan.

DRAFT 2010 CHECKLIST

Chapter 6. GEOLOGY AND SOILS – Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Risk of Loss Injury or Death due to Geologic Hazards: Pursuant to Division 2, Chapter 7.5, Section 2622 of the Public Resources Code (Alquist-Priolo Earthquake Fault Zoning Act), the State Geologist has determined there are no sufficiently active, or well defined faults or areas subject to strong ground shaking, liquefaction, landslides, or other ground failure in Amador County as to constitute a potential hazard to structures from surface faulting or fault creep. The impact is considered less than significant.

Soil Erosion and Loss of Topsoil: Grading Permits are reviewed and approved by the County in accordance with Ordinance 1619 (County Code 15.40), and conditions/requirements are applied to minimize potential erosion. The issuance of a grading permit, along with implementation of Erosion Control requirements during construction and the stabilized landscaped impervious areas, will minimize potential erosion resulting to a less than significant impact.

Potential Subsidence or Liquefaction: The State Geologist has determined there are no sufficiently active or well-defined faults or areas subject to strong ground shaking, liquefaction, landslides, or other ground failure in Amador County as to constitute a potential hazard to structures from surface faulting or fault creep. Therefore, the impact is less than significant.

Soils Capable of Sewage Disposal: County Code Section 17.44.010 requires that "when any part of any proposed subdivision lies within five hundred feet of any municipal, special district, or county sewage disposal system, providing sanitary sewer service, sanitary sewer facilities shall be installed to serve each lot in said subdivision and connected to such system to grades, locations and sizes approved by the governing body of such system, with the permission of the system involved."

The project lies within 500 feet of the public water and sanitary sewer lines of the City of Plymouth. Connection to those utilities would require annexation of the project site into the city limits. A Mitigation Measure or Condition of Approval that requires annexation is beyond the authority of the Lead Agency, Amador County, because the City of Plymouth is under no obligation to annex the project site. Therefore, the Lead Agency must focus its analysis of impacts under the assumption that the project site will remain in the unincorporated area.

The project proposes expansion of an existing onsite wastewater system to serve all resultant parcels. Such a system would be defined as a community system and must be accepted and operated by an approved public entity. The developer has provided the Department a written statement from an approved public entity indicating that the entity is willing to operate and maintain water and/or wastewater facilities serving parcels proposed by this land division, subject to terms and conditions to be identified in the service agreement.

The existing onsite wastewater system was designed in 1999 to serve a maximum daily flow of 414 gallons; this capacity is insufficient to serve the resultant parcels proposed by this project. The existing system does not comply with current design standards, therefore evaluation and recertification of the existing system to serve increased flows is not feasible. The existing system consumed all areas containing soil conditions compatible with approved onsite system designs, therefore expansion to accommodate increased wastewater flow is not realistic. The City of Plymouth operates a public wastewater system that could serve the project via annexation and minor main line extension. It is conceivable that one or more other public wastewater systems could become available prior to the time that the applicant is ready to record a final map. The impact is less than significant with the incorporation of Mitigation Measure 6.1, below.

Mitigation:

Mitigation Measure 6.1 – Prior to recordation of any final map, the developer shall provide to the Environmental Health Department a written commitment from an approved public entity to provide sanitary sewer service to every parcel created by that map.

Sources: Soil Survey-Amador County; Planning Department; Environmental Health Department; National Cooperative Soil Survey; Amador County General Plan EIR, California Geologic Survey; Alquist-Priolo Earthquake Fault Zones Maps, Amador Water Agency.

Chapter 7. GREENHOUSE GAS EMISSIONS – Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Generation of Greenhouse Gas Emissions: Greenhouse gas emissions include carbon dioxide, methane, and nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and nitrogen trifluoride. The most common form of greenhouse gas emissions from this project would be CO2 emissions from vehicles traveling to and from the site, and limited emissions from equipment on site during development and construction. The project has the potential to increase vehicle trips to the site attributed to commercial uses. However, the 9.69-acre project site is currently zoned for commercial use and the creation of smaller parcels will not contribute significantly to greenhouse gas levels within Amador County. The impact is less than significant.

Plans and Policies for Greenhouse Gas Emissions: New structures that may be built in the future will be required to meet CCR Title 24, Part 6, Building Energy Efficiency Standards, and would therefore be consistent with the Assembly Bill 32 Scoping Plan. It is anticipated that the project will have a less than significant impact to any plans and/or policies regulating Greenhouse Gas Emissions.

Mitigation: None required.

Sources: Amador County General Plan, Amador County Municipal Codes, Assembly Bill 32 Scoping Plan.

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Chapter 8. HAZARDS AND HAZARDOUS MATERIALS – Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Hazardous Materials Transport and Handling: The project will not significantly increase the potential for transport, use, or disposal of hazardous materials. Therefore, the impact is less than significant.

Hazardous Materials Upset and Release: The project does not significantly increase the risk of accident or upset conditions resulting in the release of hazardous materials into the environment. Therefore, the impact is less than significant.

Hazardous Emissions and Acutely Hazardous Materials Near Schools: The project is located just over one half mile from Plymouth Elementary School and is not likely to emit hazardous emissions

or handle hazardous, acutely hazardous materials, substances or wastes near the school. There is no impact.

Hazardous Materials Sites: Per General Plan Mitigation Measure 4.8-3a, the County will consult the hazardous sites list to evaluate and condition future development applications and projects, as necessary, to protect environmental and public health. For applications submitted to the County involving construction activities at Cortese-listed sites, project applicant(s) shall comply with requirements of the California Department of Toxic Substances Control, the Central Valley Regional Water Quality Control Board, and/or other applicable agencies regulating the investigation and cleanup of the site. The project is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5. There is no impact.

Hazards and Airports (Public and Private): The project is not located within two miles of a public or private airport. Therefore, there is no impact.

Emergency Response Plan and Emergency Evacuation Plan: The project does not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; therefore, there is no impact.

Wildland Fire Hazards: According to the California Department of Forestry and Fire Protection, the project is located in the State Responsibility Area for wildland fire protection and is within the Moderate Fire Hazard Severity Zones. Any future construction is required to comply with the Wildland-Urban Interface Building Codes (adopted by reference by Amador County in Chapter 15.04 of County Codes). Future discretionary projects will be evaluated for compliance with the General Plan mitigation measures and additional CEQA analysis, as necessary. Implementation of existing General Plan Mitigation Measures on future development makes the impact to wildland fire hazards less than significant.

Mitigation: None required.

Sources: Amador County Environmental Health Department and Planning Department; California Department of Forestry and Fire Protection; Amador County Code; Amador County General Plan and General Plan EIR, Amador County Local Hazard Mitigation Plan.

Chapter 9. HYDROLOGY AND WATER QUALITY – Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate or pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Water Quality Standards and Waste Discharge Requirements: The project may be served by a wastewater system that is subject to waste discharge requirements, however the potential for contributions from this project to result in significant impacts to water quality standards or violation of waste discharge requirements is minimal. The impact is less than significant.

Groundwater Supplies: The project is unlikely to significantly impact groundwater supplies via extraction or the creation of extensive hard surfaces which pose a barrier to recharge. The impact is less than significant.

Drainage Patterns and Erosion/Siltation/Flooding: The project will not substantially alter the course of surface water drainage patterns of the area, or substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion or siltation on- or off-site. The impact is less than significant.

Storm water system capacity/polluted runoff: The existing stormwater system consists of natural overland flow into on-site ponds and into existing ditches along the west side of Highway 49. No planned stormwater drainage systems are proposed by the project. The impact is less than significant.

Water quality: The project will have no impact on the quality of surface water or ground water supplies or resources, as indicated above.

Flood Hazard: The project site is not located in a Flood Hazard Area (100-year floodplain) as identified on the most recent FEMA Flood Insurance Rate Maps dated May 20, 2010. There is no impact.

Dam/Levee Failure: There is no know dam or levee upstream that could affect the project site. There is no impact.

Seiche/tsunami/mudflow: The project site would not be affected by seiche, tsunami, or mudflow; therefore, there is no impact.

Mitigation: None required.

Source: Amador County Department of Transportation and Public Works; Environmental Health Department; and Planning Department.

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Chapter 10. LAND USE AND PLANNING – Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

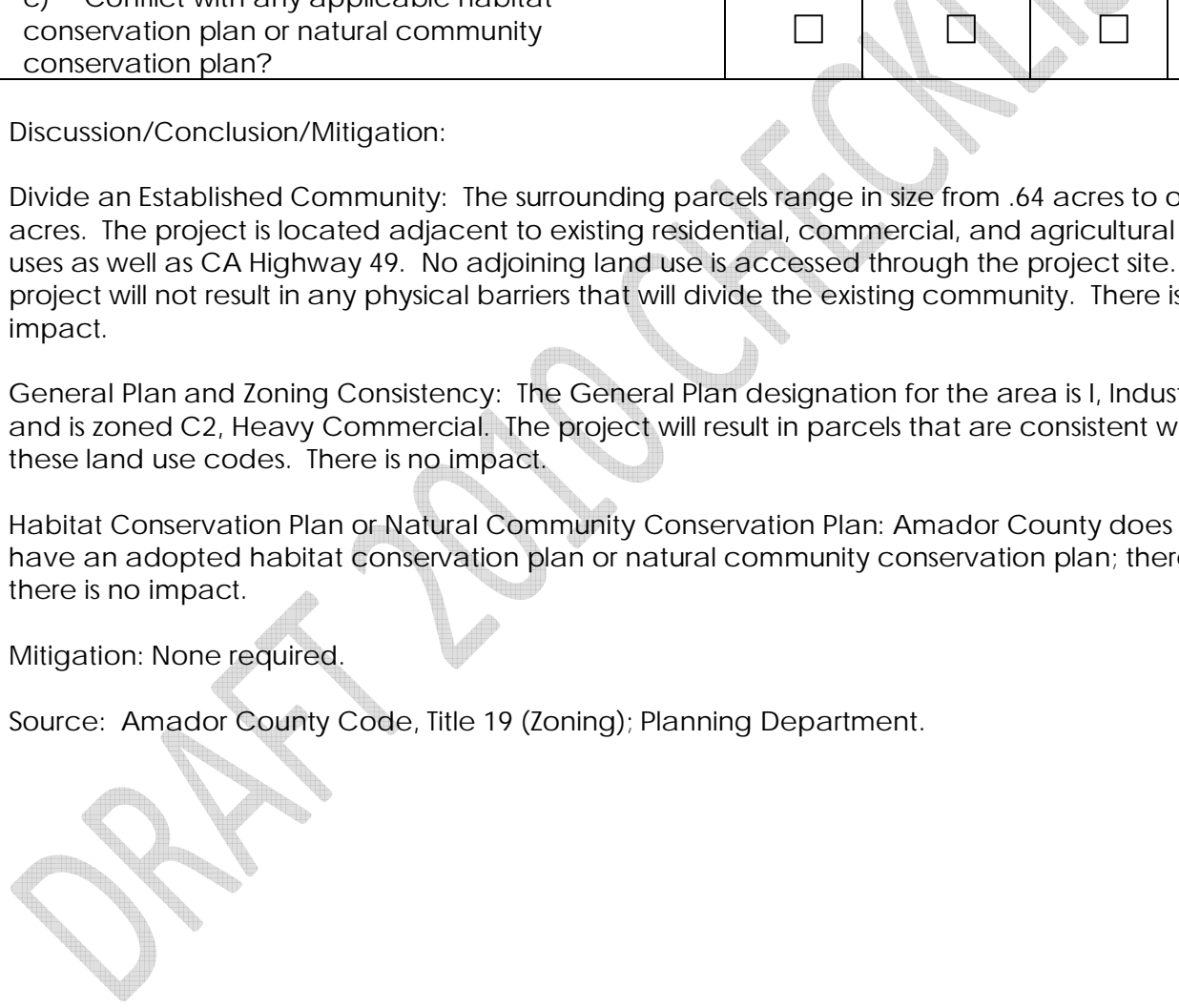
Divide an Established Community: The surrounding parcels range in size from .64 acres to over 25 acres. The project is located adjacent to existing residential, commercial, and agricultural land uses as well as CA Highway 49. No adjoining land use is accessed through the project site. This project will not result in any physical barriers that will divide the existing community. There is no impact.

General Plan and Zoning Consistency: The General Plan designation for the area is I, Industrial, and is zoned C2, Heavy Commercial. The project will result in parcels that are consistent with these land use codes. There is no impact.

Habitat Conservation Plan or Natural Community Conservation Plan: Amador County does not have an adopted habitat conservation plan or natural community conservation plan; therefore, there is no impact.

Mitigation: None required.

Source: Amador County Code, Title 19 (Zoning); Planning Department.



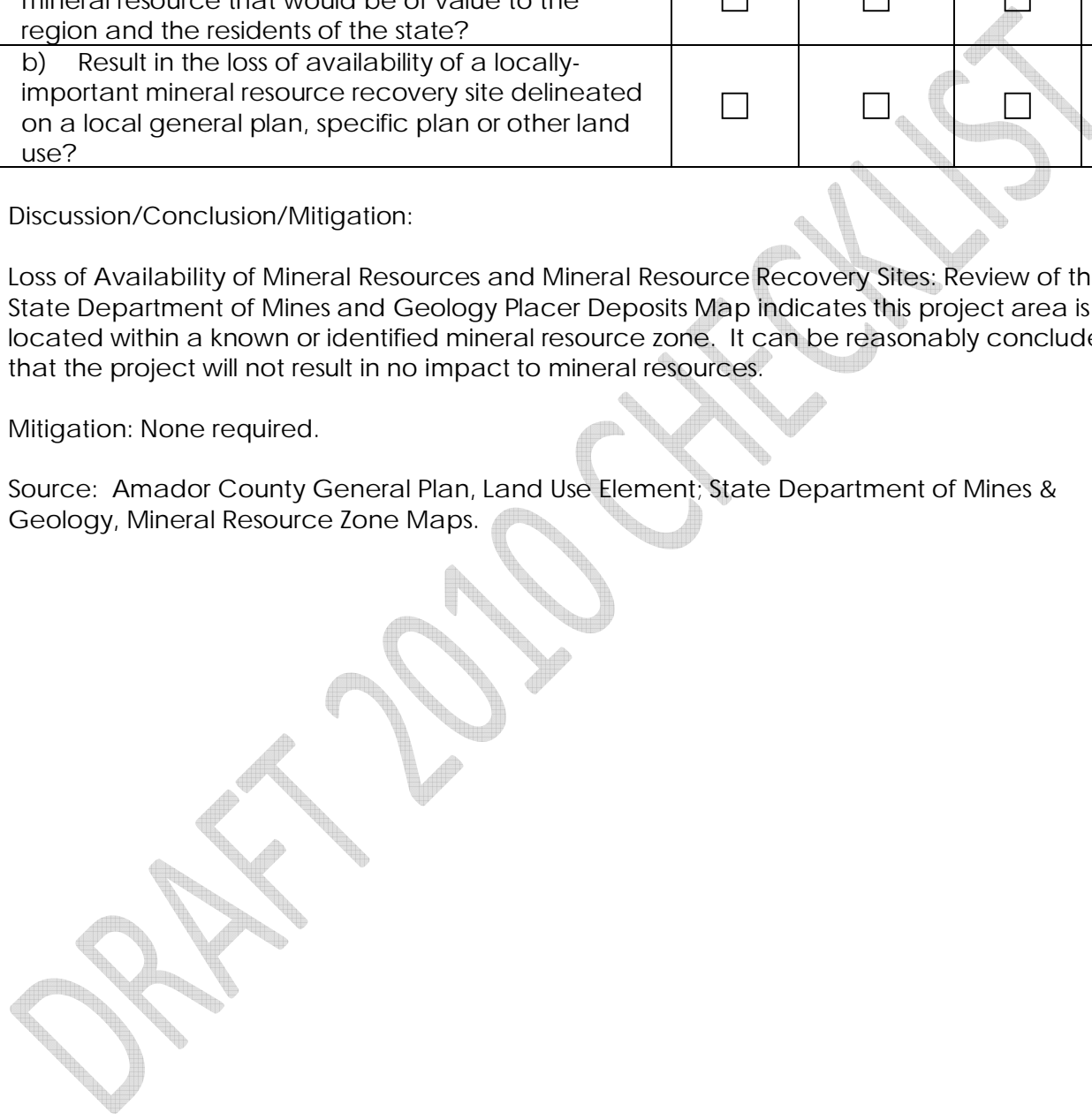
Chapter 11. MINERAL RESOURCES – Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Loss of Availability of Mineral Resources and Mineral Resource Recovery Sites: Review of the State Department of Mines and Geology Placer Deposits Map indicates this project area is not located within a known or identified mineral resource zone. It can be reasonably concluded that the project will not result in no impact to mineral resources.

Mitigation: None required.

Source: Amador County General Plan, Land Use Element; State Department of Mines & Geology, Mineral Resource Zone Maps.



Chapter 12. NOISE – Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Noise Levels in Excess of Standards: The project’s ultimate build-out of a commercial shopping center would create noise levels within the expected standards for the area, consistent with its zoning of C2, Heavy Commercial. The impact is less than significant.

Ground borne vibrations and noise levels: The project will not increase ground borne vibrations or noise levels beyond that of increased traffic in the lot, which is less than or comparable to the nearby highway traffic, therefore, there is no impact.

Substantial Permanent Increase in Noise Levels: The project densities and uses are consistent with the applicable zoning and general plan designations. The use of the property for future commercial development would have a less than significant increase in permanent noise levels.

Substantial Temporary or Periodic Increase in Ambient Noise Levels: There is the potential, during construction of potential future structures, for noise levels to increase temporarily or periodically. This increase is anticipated and considered to be a less than significant impact.

Noise Levels and Public and Private Airports/Airstrips: The project is not located within two miles of a public or private airport. There is no impact.

Mitigation: None Required

Source: Planning Department; Amador County General Plan; Westover Field Airport Land Use Plan.

Chapter 13. POPULATION AND HOUSING – Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Induce Substantial Population Growth: There is no potential for residential development off-site beyond what exists with the project’s current General Plan and zoning designations. While it is not possible at this time to foresee the nature and extent of development on the property or assess the environmental impacts of potential future development, additional environmental review will be needed once the specific nature and extent of development can be known. Due to close proximity of available infrastructure, any extensions to the project site are unlikely to induce population growth. For these reasons, the impact is considered less than significant.

Displace Existing Housing or People: The project will not result in the displacement of existing housing or people; therefore, there is no impact.

Mitigation: None required.

Source: Amador County General Plan, Amador County Planning Department

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Chapter 14. PUBLIC SERVICES – Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
• Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Fire Protection: Government Code Section 66474.02 requires the following findings when approving a Parcel or Subdivision Map that is located in a state responsibility area (SRA) or a very high fire hazard severity zone (VHFHSZ):

- 1) The design and location of each lot in the subdivision, and the subdivision as a whole, are consistent with any application regulations adopted by the State Board of Forestry and Fire protections pursuant to Sections 4290 and 4291 of the Public Resources Code.
- 2) Structural fire protection and suppression services will be available for the subdivision through any of the following entities:
 - (A) A county, city, special district, political subdivision of the state, or other entity organized solely to provide fire protection services that it monitored and funded by a county or other public entity.
 - (B) The Department of Forestry and Fire Protection by contract entered into pursuant to Section 4133, 4142, or 4144 of the Public Resources Code.
- 3) To the extent practicable, ingress and egress for the subdivision meets the regulations regarding road standards for fire equipment access adopted pursuant to Section 4290 of the Public Resources Code and any applicable local ordinance.

The Amador Fire Protection District has reviewed this project and has determined that no new or altered fire facilities or access improvements are required. The impact on fire protection services is considered less than significant with the incorporation of Mitigation Measure 14.1, below.

Police Protection: The project’s maximum development potential includes subdivision of the property into separate commercial entities. The Amador County Facility Fee is collected at the time building permits are issued for new construction to help offset the impacts on police facilities. Additionally, the adjacent City of Plymouth has a contractual agreement with the Amador County Sheriff’s Department and Amador Fire Protection District for first responder services. Therefore, the impact is less than significant.

Schools: Implementation of the project will not cause a significant increase in the number of students attending a school within Amador County. Therefore, the impact is less than significant.

Parks: No new or improved parks are required as a result of this project. There is no impact.

Other Public Facilities: The project is consistent with the General Plan and the project is not anticipated to require new or physically altered governmental facilities to the extent that would cause significant environmental impacts in order to maintain acceptable levels of service. Impact fees in addition to those outlined above may apply at the time of construction. The impact is considered to be less than significant.

Mitigation:

Mitigation Measure 14.1 – To mitigate the impact on fire protection services, in accordance with Amador County Ordinance No. 1640, the project proponent shall participate in the annexation to the County's Community Facilities District No. 2006-1 (Fire Protection Services) including execution of a "waiver and consent" to the expedited election procedure, the successful completion of a landowner-vote election authorizing an annual special tax for fire protection services, to be levied on the subject property by means of the County's secured property tax roll, and payment of the County's cost in conducting the procedure.

Sources: Amador County Code; Planning Department, Amador Fire Protection District.

DRAFT 2010 CHEVY

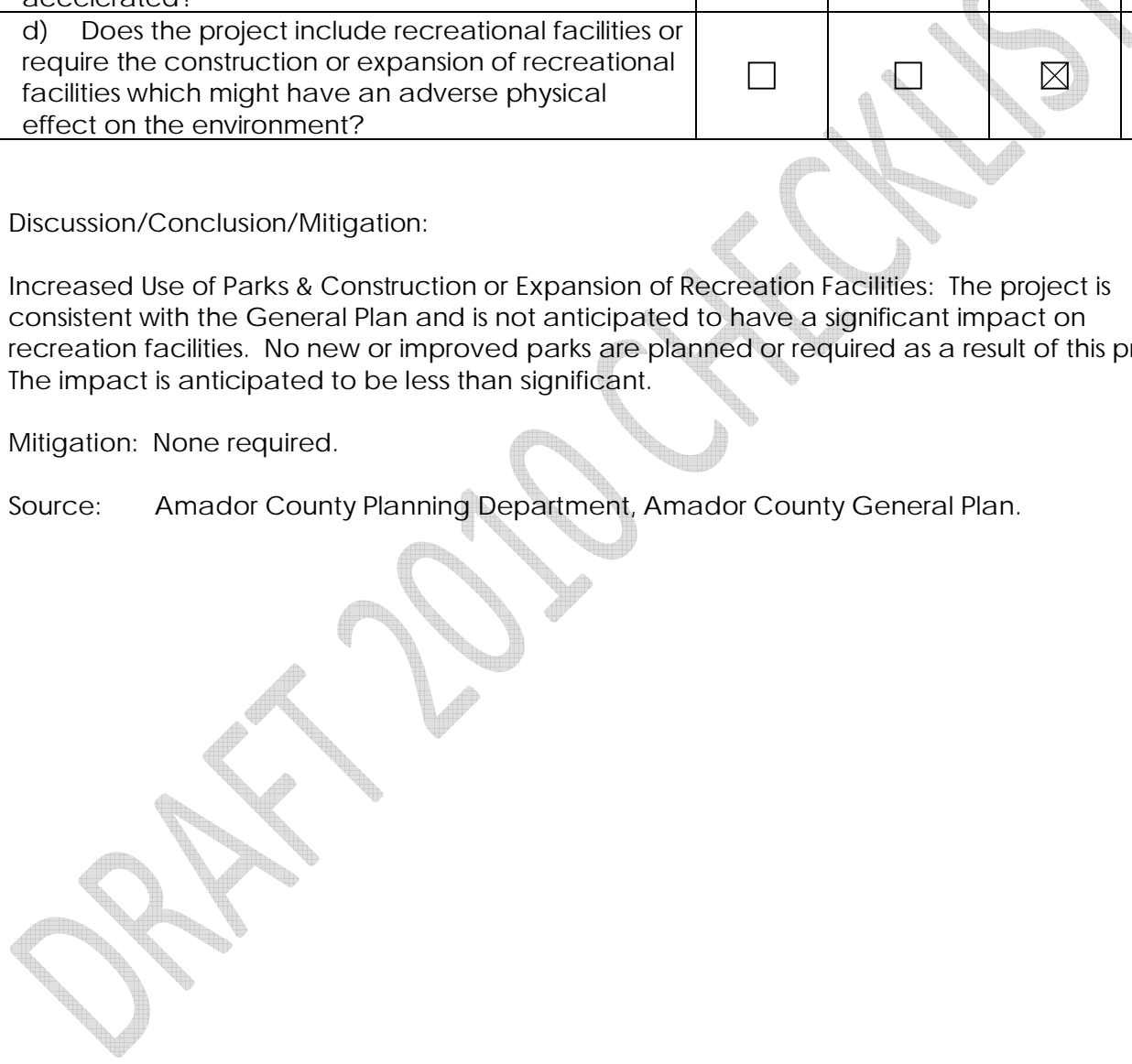
Chapter 15. RECREATION – Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Increased Use of Parks & Construction or Expansion of Recreation Facilities: The project is consistent with the General Plan and is not anticipated to have a significant impact on recreation facilities. No new or improved parks are planned or required as a result of this project. The impact is anticipated to be less than significant.

Mitigation: None required.

Source: Amador County Planning Department, Amador County General Plan.



Chapter 16. TRANSPORTATION / TRAFFIC – Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Measurement of Circulation System Effectiveness: The effectiveness of the County circulation element is measured by a project’s impact to the Level of Service (LOS) criteria adopted for roadways and transportation methods within Amador County. The project's impacts to LOS are discussed below. There is no impact to the effectiveness of the County’s circulation system.

Level of Service Standards: The LOS Standard criteria was the established congestion management program to evaluate discretionary projects at the time the application for this project was submitted. The creation of additional parcels with no increase in potential development density under the current General Plan and zoning schemes would have a less than significant impact on traffic volumes for Highway 49 and Randolph Drive.

Change in Air Traffic Patterns: There are no nearby airports or established air traffic patterns. There is no impact.

Hazards due to Design Features / Incompatible Uses: The project proposes to access Highway 49 via Randolph Drive. No new road design features are proposed or anticipated on Highway 49. New encroachments to Randolph Drive will have to comply with effective design and construction requirements at the time of application. The impact is less than significant.

Emergency Access: Compliance with standard commercial driveway encroachment requirements will result in the project having no impact on the adequacy of access for emergency vehicles or the adequacy of emergency ingress or egress to or from the resulting parcels.

Public Transit, Bicycle, and Pedestrian Facilities: The project does not conflict with the adopted policies and programs for public transit, bicycle, or pedestrian facilities. There is no impact.

Mitigation: None required.

Sources: Caltrans, Amador County Department of Transportation and Public Works.

DRAFT 2010 CHECKLIST

Chapter 17. UTILITIES AND SERVICE SYSTEMS – Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Exceed Wastewater Treatment Requirements: Depending on specific uses on each resultant parcel, pretreatment of the wastewater stream may be required to meet acceptance criteria established by the wastewater service provider. Grease interceptors or similar pretreatment units are commonly used to this end. The impact is less than significant.

Construction of New Water or Wastewater Treatment Facilities: This project may result in the construction of onsite wastewater treatment or recycling units to produce a discharge compatible with the sewerage agency. Such construction is relatively limited in scope. The impact is less than significant.

Stormwater facilities: The project will not substantially alter the course of surface water drainage patterns of the area, or substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion or siltation on- or off-site. The existing stormwater system consists of natural overland flow into on-site ponds and into existing ditches along the west side of Highway 49. No planned stormwater drainage systems are proposed by the project. The impact is less than significant.

Sufficient Water Supplies Available: County Code Section 17.44.030 requires that "when any part of any proposed subdivision lies within five hundred feet of any municipal, special district or county system providing domestic water, water mains shall be installed to serve each lot in said subdivision and connected to such system, if approved by the governing body of such system, to grades, locations and sizes approved by said governing body of such system."

The project lies within 500 feet of the public water and sanitary sewer lines of the City of Plymouth. Connection to those utilities would require annexation of the project site into the city limits. A Mitigation Measure or Condition of Approval that requires annexation is beyond the authority of the Lead Agency, Amador County, because the City of Plymouth is under no obligation to annex the project site. Therefore, the Lead Agency must focus its analysis of impacts under the assumption that the project site will remain in the unincorporated area.

The project is unlikely to demand unusually high amounts of water. The developer has provided the Department a written statement from an approved public entity indicating that the entity is willing to operate and maintain water and/or wastewater facilities serving parcels proposed by this land division, subject to terms and conditions to be identified in the service agreement.

The Amador County Environmental Health Department has been delegated authority to permit and regulate public water systems with less than 200 service connections pursuant to a Local Primacy Delegation Agreement with the Resources Control Board Division of Drinking Water (DDW). All new permits issued by the Department must obtain concurrence from DDW. Pursuant to SB 1263, six months prior to issuance of a new public water system permit, the applicant must submit a technical report to the Department and DDW which must address the feasibility of consolidation with an existing public water system. The City of Plymouth operates a public water system that could serve the project via annexation and minor main line extension. It is conceivable that one or more other public water systems could become available prior to the time that the applicant is ready to record a final map. The impact is less than significant with the incorporation of Mitigation Measure 17.1, below.

Wastewater Treatment Provider Capacity: County Code Section 17.44.010 requires that "when any part of any proposed subdivision lies within five hundred feet of any municipal, special district, or county sewage disposal system, providing sanitary sewer service, sanitary sewer facilities shall be installed to serve each lot in said subdivision and connected to such system to grades, locations and sizes approved by the governing body of such system, with the permission of the system involved."

The project lies within 500 feet of the public water and sanitary sewer lines of the City of Plymouth. Connection to those utilities would require annexation of the project site into the city limits. A Mitigation Measure or Condition of Approval that requires annexation is beyond the authority of the Lead Agency, Amador County, because the City of Plymouth is under no obligation to annex the project site. Therefore, the Lead Agency must focus its analysis of impacts under the assumption that the project site will remain in the unincorporated area.

The project proposes expansion of an existing onsite wastewater system to serve all resultant parcels. Such a system would be defined as a community system and must be accepted and operated by an approved public entity. The developer has provided the Department a written statement from an approved public entity indicating that the entity is willing to operate and maintain water and/or wastewater facilities serving parcels proposed by this land division, subject to terms and conditions to be identified in the service agreement.

The existing onsite wastewater system was designed in 1999 to serve a maximum daily flow of 414 gallons; this capacity is insufficient to serve the resultant parcels proposed by this project. The existing system does not comply with current design standards, therefore evaluation and recertification of the existing system to serve increased flows is not feasible. The existing system consumed all areas containing soil conditions compatible with approved onsite system designs, therefore expansion to accommodate increased wastewater flow is not realistic. The City of Plymouth operates a public wastewater system that could serve the project via annexation and minor main line extension. It is conceivable that one or more other public wastewater systems could become available prior to the time that the applicant is ready to record a final map. The impact is less than significant with the incorporation of Mitigation Measure 17.2, below.

Landfill Capacity: Amador County meets its mandated capacity requirements through waste hauler contracts. Provided the project utilizes the Amador County franchise waste hauler, permitted waste disposal capacity is achieved. The impact is less than significant.

Compliance with Solid Waste Statutes and Regulations: The project is unlikely to generate problematic volumes or types of solid waste. The impact is less than significant.

Mitigation:

Mitigation Measure 17.1 – Prior to recordation of any final map, the developer shall provide to the Environmental Health Department a written commitment from an approved public entity to provide domestic water service to every parcel created by that map.

Mitigation Measure 17.2 – Prior to recordation of any final map, the developer shall provide to the Environmental Health Department a written commitment from an approved public entity to provide sanitary sewer service to every parcel created by that map.

Sources: Amador County Environmental Health

DRAFT 2012

Chapter 18. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively are considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Discussion/Conclusion/Mitigation:

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

POTENTIAL DEGRADATION OF THE QUALITY OF THE ENVIRONMENT:

Based on the analysis contained in this Initial Study, impacts to Agricultural Resources, Air Quality, Biological Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Recreation, and Transportation would result in no impact or a less than significant impact on the environment.

Impacts to Aesthetics, Cultural Resources, Geology and Soils, Public Services, and Utility Systems would be significant unless mitigated. Therefore, Mitigation Measures 1.1, 1.2, 5.1, 6.1, 14.1, 17.1 and 17.2 are required of the project.

The implementation of the Mitigation Measures identified above would result in less than significant impacts to Aesthetics, Cultural Resources, Geology and Soils, Public Services, and Utility Systems. Therefore, the project will not degrade the quality of the environment and no habitat, wildlife populations, and plant and animal communities would be impacted. All environmental topics are either considered to have "No Impact," "Less Than Significant Impact," or "Less than Significant Impacts with Mitigation Incorporated."

CUMULATIVELY CONSIDERABLE IMPACTS:

Based on the analysis in this Initial Study Checklist, the project is consistent with the County's General Plan land use projections. The land use and density has been considered in the overall County growth. The analysis demonstrated that the project is in compliance with all applicable regulations. In addition, the project would not produce impacts that considered with the effects of other past, present, and probable future projects, would be cumulatively considerable because potential adverse environmental impacts were determined to be less than significant with the implementation of mitigation measures identified in this Initial Study.

SUBSTANTIAL ADVERSE EFFECTS ON HUMAN BEINGS:

As discussed in Chapters 1 through 17 of this Initial Study, the project would not expose persons to substantial adverse impacts related to Aesthetics, Agricultural and Forest Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards or Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation and Traffic, or Utilities and Service Systems. The effects to these environmental issues were identified to have no impact, a less than significant impact, or a less than significant impact with mitigation incorporated. Therefore, the project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

SOURCE: Chapters 1 through 17 of this Initial Study.

REFERENCES

Amador County General Plan; Amador County General Plan EIR; Amador Air District; Amador County Municipal Codes; Fish & Wildlife's IPAC and BIOS databases; California Air Resources Board; California Department of Conservation; California Department of Forestry and Fire Protection; California Geologic Survey; Alquist-Priolo Earthquake Fault Zones; State Department of Mines & Geology; Amador County GIS; Amador County Zoning Map; Amador County Municipal Codes; Amador County Soil Survey; Amador Fire Protection District; Caltrans District 10 Office of Rural Planning; Commenting Department and Agencies. All sources cited herein are available in the public domain, and are hereby incorporated by reference.

NOTE: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal. Appl. 4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal. App. 4th at 1109; San Franciscans Upholding the Downtown Plan v. city and County of San Francisco (2002) 102 Cal. App. 4th 656.



PLANNING DEPARTMENT
LAND USE AGENCY

County Administration Center
810 Court Street • Jackson, CA 95642-2132
Telephone: (209) 223-6380
Website: www.co.amador.ca.us
E-mail: planning@amadorgov.org

APPLICATION REFERRAL

TO: Mike Israel, Environmental Health Department
Jered Reinking, Department of Transportation and Public Works
Rich Millar, Building Department
David Bellerive, Amador Fire Protection District
Jim McHargue, Waste Management/Air District
George Allen, Surveying & Engineering
Greg Gillott, County Counsel
Jim Wegner, Sheriff
Carla Meyer, Amador Transit
Caltrans District 10
Darin McFarlin, Cal Fire
John Gedney, Amador County Transportation Commission
California Department of Fish & Wildlife, Region 2

DATE: September 30, 2015

FROM: Chuck Beatty, Planning Department

PROJECT: Tentative Parcel Map #2854, proposing the division of 9.69± acres into eight parcels ranging in size from 1.0± to 2.0± acres.

LOCATION: 17705 Highway 49, Plymouth, at the intersection with Randolph Drive (APN 008-100-019).

REVIEW: As part of the preliminary review process, this project is being sent to State and local agencies for their review and comment. The application will be reviewed for completeness by the Amador County Technical Advisory Committee on **Monday, October 19, 2015 at 10:00 a.m.** in Conference Room “A” at the County Administration Building, 810 Court Street, Jackson, California.

A future Technical Advisory Committee (TAC) meeting will be scheduled to conduct an environmental review and make recommendations to the Planning Commission. At this time staff, anticipates that a Mitigated Negative Declaration will be recommended as the appropriate environmental document for this project and a “Notice of Intent” will be filed.

cc: Gina Waklee, Toma & Associates, Inc.
Ken Deaver, Applicant

**APPLICATION FORM AND CHECKLIST FOR
TENTATIVE PARCEL MAP AND SUBDIVISION MAP**

RECEIVED
Amador County

SEP 23 2015

The following information shall be included with this application:

PLANNING DEPARTMENT

1. Parcel Map Number: **2854**
Subdivision Name/Number:
2. Subdivider and/or Land Owner: **Deaver Trust/Ninnis**
Name: **Kenneth Deaver**
Address: **21624 Shenandoah School Road, Plymouth, CA 95669**
Phone: **(209) 245-6661**
3. Surveyor: **Toma and Associates, 41 Summit St., Jackson, CA 95642**
4. Assessor Plat Number: **008-100-019**
5. Existing Zoning District: **"C2" Heavy Commercial**
6. General Plan Classification: **Industrial**
7. Date Application Submitted:
8. Proposed Use of Parcels: **Commercial**
9. Special Use Districts (if applicable): **Amador Fire Protection District**
10. Source of Water Supply: **Existing well to be used as common wtr. system**
11. Sewage Disposal System: **Existing common leach field to be expanded**
12. Signature of Landowner/Applicant: 
13. Signature of Surveyor: 

The following shall be included with this application:

- ✓ Thirty-five (35) copies of tentative map
Option for 35 copies:
15 copies 18" x 26" in size (folded to 6" x 9-1/2" in size)
20 copies 11" x 17" in size
- ✓ One (1) copy of Assessor's Plat Map
- ✓ Two (2) copies of deed(s)
- ✓ Two (2) copies of completed environmental information form (Sections 19, 30 and 31 require description and photos)
- ✓ Two (2) copies of preliminary map report
- ✓ One (1) reduced 8-1/2" x 11" copy of tentative map
- ✓ Application fee (see Fee Schedule)
- ✓ Copy of receipt of Health Department fee
- ✓ Completed and signed Indemnification Agreement
- ✓ If your project access off a State highway, provide encroachment permit or other pertinent information (e.g., a road maintenance agreement if your project access from a road directly connected to a State highway)

SEP 23 2015

PLANNING DEPARTMENT

ENVIRONMENTAL INFORMATION FORM

(To be completed by applicant; use additional sheets as necessary.)
Attach plans, diagrams, etc. as appropriate.

GENERAL INFORMATION

Project Name: TENTATIVE PARCEL MAP No. 2854

Date Filed: _____ File No. _____

Applicant/ Developer	<u>DEAYER/NINNIS</u>	Landowner	<u>SAME</u>
Address	<u>21624 SHENANDOAH SCHOOL ROAD PLYMOUTH, CA 95669</u>	Address	<u>↓</u>
Phone No.	<u>(209) 245-6661</u>	Phone No.	<u>↓</u>

Assessor's Plat Number(s) 008-100-019

Existing Zoning District "C2" HEAVY COMMERCIAL

Existing General Plan INDUSTRIAL

List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state, and federal agencies: _____

WRITTEN PROJECT DESCRIPTION (Include the following information where applicable, as well as any other pertinent information to describe the proposed project):

1. Site Size
2. Square Footage of Existing/Proposed Structures
3. Number of Floors of Construction
4. Amount of Off-street Parking Provided (provide accurate detailed parking plan)
5. Source of Water
6. Method of Sewage Disposal
7. Attach Plans
8. Proposed Scheduling of Project Construction
9. If project to be developed in phases, describe anticipated incremental development.
10. Associated Projects
11. Subdivision/Land Division Projects: Tentative map will be sufficient unless you feel additional information is needed or the County requests further details.
12. Residential Projects: Include the number of units, schedule of unit sizes, range of sale prices or rents and type of household size expected.
13. Commercial Projects: Indicate the type of business, number of employees, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities.
14. Industrial Projects: Indicate type, estimated employment per shift, and loading facilities.
15. Institutional Projects: Indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project.
16. If the project involves a variance, conditional use permit, or rezoning application, state this and indicate clearly why the application is required.

Are the following items applicable to the project or its effects? Discuss below all items checked "yes" (attach additional sheets as necessary).

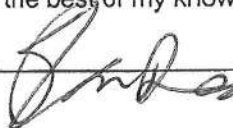
- | YES | NO | |
|-------------------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17. Change in existing features or any lakes or hills, or substantial alteration of ground contours. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 18. Change in scenic views or vistas from existing residential areas, public lands, or roads. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 19. Change in pattern, scale, or character of general area of project. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 20. Significant amounts of solid waste or litter. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 21. Change in dust, ash, smoke, fumes, or odors in the vicinity. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 22. Change in lake, stream, or ground water quality or quantity, or alteration of existing drainage patterns. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 23. Substantial change in existing noise or vibration levels in the vicinity. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 24. Site on filled land or on slope of 10 percent or more. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 25. Use or disposal of potentially hazardous materials, such as toxic substances, flammables, or explosives. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 26. Substantial change in demand for municipal services (police, fire, water, sewage, etc.). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 27. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 28. Relationship to a larger project or series of projects. |

ENVIRONMENTAL SETTING

- 29. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Snapshots or "Polaroid" photos will be accepted.
- 30. Describe the surrounding properties, including information on plants and animals and any cultural, historical, or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, setback, rear yard, etc.). Attach photographs of the vicinity. Snapshots or polaroid photos will be accepted (cannot be returned).
- 31. Describe any known mine shafts, tunnels, air shafts, open hazardous excavations, etc. Attach photographs of any of these known features. Snapshots or "Polaroid" photos will be accepted (cannot be returned).

Certification: I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date 9/20/15

 (Signature)

For _____

Environmental Information Form

Deaver/Ninnis Responses

Written project Description:

1. Site Size: 10 +/- acres
 2. Square footage of existing/proposed structures: 3 buildings, 15,000 +/- square feet
 3. Number of Floors of construction: 1
 4. Off Street Parking Provided: Refer to Toma & Associates drawing
 5. Source of Water: Existing well
 6. Method of Sewage Disposal: Existing septic system
 7. Attach Plans: No plans, refer to Toma & Associates drawing.
 8. Proposed scheduling of project construction: None at this time
 9. Development Stages: None at this time
 10. Associated projects: None
 11. Subdivision/Land Division Projects: See Toma & Associates proposed map
 12. Residential project: N/A
 13. Commercial projects: Unknown at this time
 14. Industrial Projects: None at this time
 15. Institutional Project: None at this time
 16. If the project involves a variance, conditional use permit or rezoning – None at this time.
-
24. Site is partially on filled land – no recent land disturbances – Ground prepped 20 +/- years ago.

Environmental Setting:

29. Project was leveled and prepped 20 years ago. Currently has three buildings, a hardware store, a vacant building available for rent and a veterinary clinic. No special soil, animals or plants.

30. Surrounding properties:

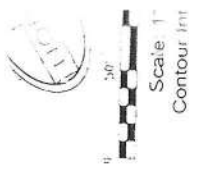
To the North – Rural residences

To the South – Highway 49

To the East – Rural Residence/vacant commercial property

To the West – Grazing ground and large animal vet.

31. Known mine shafts, tunnels, air shafts, open hazardous excavations, etc. – none known.



RANDOLPH DRIVE

EXISTING FENCELINE, TYP.

EDGE OF PAVEMENT, TYP.

EXISTING OVERHEAD POWER LINES, TYP.

EXISTING DRIVEWAY

STATE HIGHWAY 49

TO PL. MOUTH

1
1.6± AC.
SEWAGE DISPOSAL PARCEL

2
1.3± AC.

6
1.0± AC.

3
0.6± AC.

5
1.1± AC.

4
1.0± AC.

7
2.0± AC.

8
1.0± AC.



View of excess land



View of excess land



View of subject from Highway 49



Main entrance from Randolph Street



Looking south along Highway 49



Looking east along Randolph Street

PHOTOGRAPHS



View of hardware store (Building A)



View of hardware store (Building B)



View of veterinary clinic (Building C)



Rear view of hardware store from vet building



Parking lot



Yard storage adjacent to hardware store

Photographs

LOOKING WEST



Surplus Land

LOOKING EAST



Parking Lot



Parking Lot next to Bldg. 3



Propane Tank

LOOKING SOUTH



Vacant Pad Site

LOOKING SOUTHEAST



Randolph Drive

AMADOR LAFCO



LOCAL AGENCY FORMATION COMMISSION

P.O. BOX 22-1292 ♦ SACRAMENTO, CA 95822
810 COURT STREET ♦ JACKSON, CA 95642-95334 ♦ (209) 418-9377

March 4, 2019

Chuck Beatty, Planning Director
Amador County Planning Department
810 Court Street
Jackson, CA 95642

RE: Tentative Parcel Map #2854 (Deaver/Ninnis)

Dear Mr. Beatty:

Thank you for the opportunity to review and comment on the draft Mitigated Negative Declaration for PM 2854. I appreciate your willingness to extend the comment period for LAFCO's review and comments to be included. All of the additions and changes needed for LAFCO to use the document as a responsible agency are included in your revisions at this time.

Please provide any future notice related to this project to Amador LAFCO at the above address or electronically at amador.lafco@gmail.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Roseanne Chamberlain". The signature is fluid and cursive, with a long horizontal line extending to the right.

Roseanne Chamberlain
Executive Officer

Cc: Planning, City of Plymouth



RECEIVED

FEB 28 2019

**AMADOR COUNTY
PLANNING DEPARTMENT**

February 22, 2019

Amador County Planning Department
810 Court Street
Jackson, CA 95642

RE: Tentative Parcel Map #2854
APN: 008-100-019

Amador County Planning Department:

The Amador Water Agency (AWA) recently responded to the above Committee, and to Mr. Ken Deaver, in regards to the approval of Tentative Map #2854 (see letter from Lucas Carthew dated November 28, 2018, and letter from Gene Mancebo dated December 13, 2017). The intent of this letter is to clarify AWA's position on this matter.

The nearest AWA owned waterline is well over a mile away to the east; the Plymouth Pipeline from the Tanner Water Treatment Plant in Sutter Creek to the Plymouth water storage tank. AWA believes it is unreasonable to extend this pipeline for the purpose of providing retail water service for parcels proposed by Tentative Map #2854 and there are no plans to do so. Our understanding is that the existing onsite groundwater well will be utilized for providing water to the proposed subdivision as it resides in the unincorporated area of Amador County. In the future, water service and possible wastewater service from the City of Plymouth (City) may be considered. If the City provides water service in the future, AWA would require payment of wholesale participation fees as is the case with all new water service connections by the City. This requirement was contained in the November 18, 2018 letter.

AWA has indicated a willingness to operate and maintain the onsite water and wastewater facilities under contract with Mr. Deaver. The specific AWA obligations and compensation for the contract services would be outlined in an agreement. AWA would not own the water or wastewater system nor have any financial responsibility for improvements to the system. AWA will only be a contract operator of the onsite system and there is no intent or plans to connect this planned subdivision to existing AWA facilities.

A Public Agency



12800 Ridge Road, Sutter Creek, CA 95685-9630 • www.amadorwater.org • Office: (209) 223-3018

Please feel free to call me with any questions or concerns.

A handwritten signature in blue ink, appearing to read "Gene Mancebo".

Gene Mancebo

General Manager


Direct: (209) 257-5245

CC: File, City of Plymouth, Darrel Evensen, Mike Israel, LAFCO

CITY OF PLYMOUTH

MEMORANDUM

TO: James Beggs, City Planner

FROM: Roark Weber, Associate City Engineer 

RE: Tentative Parcel Map #2854 – Deaver/Ninnis

DATE: January 4, 2019

This application is for a Vesting Tentative Parcel Map which, when approved, "...confers a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map...conditionally approved." [Government Code Section 66498.1(b)]

"Development" can take place any time the tentative or parcel map is valid which can extend for years. Recognition of this enforces your draft conditions 4c., d., and e. and 7 related to water and wastewater. Those City services have been and are being improved as conditions of other nearby development. Appropriate contribution to these City infrastructure improvements should be considered in proportion to benefit.

Storm water runoff from this site enters the City limits now. The adequacy of down gradient facilities to handle increased runoff, if any, must be evaluated.

Current development activity of City indicates extension of municipal services to this and surrounding areas. Accordingly, City Standards should be applicable, subject to city processing and be annexed into the City for tentative map processing by the City of Plymouth.

The City Engineer supports the content of your draft memo to Chuck Beatty at the Amador County Planning Department regarding this project.

cc City Manager

#2032/nlm

Memo to City Planner Re Deaver TPM_2019-01-03



City of Plymouth CALIFORNIA

12/27/2018

MEMO:

RE: Tentative parcel map #2854 17705 Highway 49 Plymouth – Deaver/Ninnis

TO: County of Amador Planning Commission members and Chuck Beatty – Amador County Planning Department

FROM: James Beggs, City of Plymouth City Planner

The City of Plymouth has been notified that a tentative map has been submitted to the county. As LAFCO has noted the property is located within the Sphere of Influence for the City of Plymouth. Please see the LAFCO letter dated 11-1-18 for reference.

The City of Plymouth does have a list of substantial concerns that need to be addressed to meet the requests of the applicant and the requirements of the City. The City is considered an interested party because the property is within the City of Plymouth's sphere of influence, contiguous to City boundaries, and per county code 17.44 development must connect to a public water or sewer system when those services are available.

In past conversations with Ken Deaver he has stressed that he has no desire to construct buildings on this property currently or in the near future. The City has expressed some interest in allowing the subdivision of the property to go forward if LAFCO, the City Engineer, the City Attorney and the City Manager are all in agreement with this.

On December 13, 2018 the County of Amador held a Technical Advisory Committee (TAC) hearing. This committee reviewed the project for CEQA compliance and made recommendation to the County Planning Commission. The City of Plymouth does not have an issue with the recommendation of the TAC but does have concerns with the following mitigation measures that were approved by the TAC and are part of the Initial Study/Mitigated Negative Declaration:

- page 10 Mitigation measure 6.1
- page 23 -24 Mitigation measure 17.1 and 17.2

Although these conditions are common and normally would suffice to ensure that a building or property connect to nearby public facilities the applicant has already received two letters from AWA that state

their willingness to operate the existing onsite leach fields and well facilities. These letters (attached) can be seen as satisfying both mitigation measures and then would not require future uses to connect to nearby public facilities.

Below is a list of concerns that the City of Plymouth would like addressed before any public hearing, tentative map, or land use entitlements are approved:

1. Remove building profiles from tentative map.
2. All Building and site plans must be reviewed by City of Plymouth Staff for compliance with the Auto Urban Commercial General Plan land use and the corresponding zoning of Highway Commercial.
3. Parcels must be in compliance with Auto Urban Commercial General Plan land use, the Development standards for Highway Commercial zoning and the Scenic Corridor Design Guideline.
4. At time of submittal for a change of use, building permit, planning review, entitlement, map or new construction the applicant shall:
 - a. Submit an application with Amador LAFCO for annexation into the City of Plymouth.
 - b. Submit an application for pre-zoning to the City of Plymouth.
 - c. All plans must include the abandonment of spray fields/leach fields or septic system.
 - d. All plans must include plans to connect all existing or new buildings to City sewer and water systems.
 - e. All sewer and water fees must be paid per City of Plymouth Municipal Code.
 - f. All well systems can be maintained but must be in compliance with the City of Plymouth Municipal code and used only for landscape irrigation per City of Plymouth Municipal Code.
5. City of Plymouth Staff time and materials must be paid by applicant at time of map approval.
6. Parcels must conform with title 16 of the Plymouth Municipal Code "Subdivisions."
7. Existing leach field cannot be expanded. Deny the request to expand the leach field.
8. Require dedication of public easements for future sidewalks and/or utilities as determined by the City of Plymouth Engineer.
9. Future fire hydrants must connect to City hydrant system at expense of applicant.
10. Require the applicant to receive a letter from AWA that states that its past letters are not an intent to operate the facility beyond what the current capacity of the waste water and water system is currently supplying.

If there are any questions, please feel free to contact me at any time.

Best regards,

James Beggs
City of Plymouth
Planning Director
209-245-6941 Ext: 255
Office: 916-231-2230

AMADOR LAFCO



LOCAL AGENCY FORMATION COMMISSION

P.O. BOX 22-1292 ♦ SACRAMENTO, CA 95822
810 COURT STREET ♦ JACKSON, CA 95642-95334 ♦ (209) 418-9377

November 1, 2018

Chuck Beatty, Planning Director
Amador County Planning Department
810 Court Street
Jackson, CA 95642

RE: Tentative Parcel Map #2854 (Deaver/Ninnis)

Dear Mr. Beatty:

Thank you for the opportunity to review and comment on PM 2854. I have reviewed the proposed map and project details and have the following comments for your consideration:

- The project, in its entirety, is within the sphere of influence of the City of Plymouth. The territory has been in the City's sphere for many years. The sphere of influence designates the area where a government agency intends to provide service when services are needed.
- The project area is contiguous to the existing City boundaries and is eligible to annex into the City of Plymouth. To the best of my knowledge, the City is able to serve water and sewer service to the proposed uses.
- The project map shows a sewage disposal area. On-site wastewater treatment may be inappropriate given the close proximity of an existing, capable provider of public sewer service and the close proximity of other urban land uses.
- County Code 17.44 requires connection to essential City services where those services are needed for development and service is available nearby.
- Water and wastewater services will require LAFCO review, either under Government Code §56133 or through the annexation review process.

Please provide notice to Amador LAFCO for this project. I look forward to providing any additional information you may require.

Sincerely,

Roseanne Chamberlain
Executive Officer



City of Plymouth CALIFORNIA

December 21, 2017

Michael W. Israel, REHS
Director of Environmental Health
810 Court Street
Jackson, CA 95642

RE: Parcel Map #2854 (Deaver Trust/Ninnis Property) Plymouth, California

I received a phone call from the County Planner/County Counsel/Mike Israel in October 2015 about this project. At the time, concerns were raised, by Environmental Health, about a commercial development utilizing a septic system as well as if there was sufficient water for commercial development and fire flow purposes from the available water source. We Scheduled a Council agenda item and Mr. Ken Deaver was in attendance. There was no scope of development brought forth in that Council meeting. The discussion was focused on whether or not the City would provide water and sewer service to the parcel. It was the City Council's position that they would require a development on that parcel to be on City water and sewer, and they would require the area to be annexed into the City. At Mr. Deaver's request, I put together a letter which listed potential fees associated with the subdivision of the property and gave him a City of Plymouth master fee schedule for 2015/16.

Fast forward to today. I received an email with an attached will serve letter from AWA (Dated December 13, 2017) to operate the water/sewer facilities on site. Additionally, a request made to the planner regarding a tentative map approval prior to annexation. Included with this was documentation for fees associated with 57,760 square feet of retail/office space including a fast food restaurant.

As a partner with AWA here in the City of Plymouth, I was surprised to see a will serve letter associated with this parcel. I met with our Water Board representative two days earlier and there was no mention of this. The parcel is contiguous with the City limits and it appears the water and sewer resources available on site are not adequate and are potentially in conflict with the County Code.

I'm sure we can find some common ground to help move this forward. If certain conditions are placed on the parcel which protect the City and the City is involved in the process, I believe the City Council would be willing to work with the applicant. That will all need to be discussed prior to moving this forward.

December 21, 2017

Michael W. Israel, REHS

RE: Parcel Map #2854 (Deaver Trust/Ninnis Property) Plymouth, California

Page 2

If you have any questions please contact me. We look forward to finding a workable solution to this endeavor.

Sincerely,



Jeff Gardner, City Manager
Plymouth, CA

Cc Plymouth City Council
Amador Water Agency Board
Amador County Board of Supervisors

A Public Agency



12800 Ridge Road, Sutter Creek, CA 95685-9630 • www.amadorwater.org • OFFICE: (209) 223-3018
FAX: (209) 257-5281

December 13, 2017

Mr. Ken Deaver
21643 Shenandoah School Road
Plymouth, CA 95669

Subject: water/wastewater operations Parcel Map No. 2854

Dear Mr. Deaver:

The purpose of this letter is to confirm the Amador Water Agency's willingness to operate and maintain the water and/or wastewater facilities and service for parcels designated in the Tentative Parcel Map No. 2854. Prior to the initiation of the Agency's operation of the facilities, a service agreement will be required which will specify the Agency's obligations and compensation associated with the operation and maintenance of the facilities. This service agreement is anticipated to be executed at the time of final map approval.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gene Mancebo", is written over the word "Sincerely,".

Gene Mancebo
General Manager

Cc; Damon Wyckoff



City of Plymouth CALIFORNIA

December 14, 2015

Ken Deaver
21643 Shenandoah School Rd
Plymouth, CA 95669

RE: Annexation/Development/Planning Fee's for Parcel 008-100-019-000

Attached is the latest Fee Schedule updated for the 2015-16 fiscal year. As you know there are a number of issues which must be addressed in developing your parcel which is currently located in the County of Amador on the boundary of the City of Plymouth.

The City Council has provided direction for hooking up to the City's sewer and water. This would include annexing into the City and bringing the water line and sewer line to your property. The two utility lines currently extend to an area adjacent to the property on the other side of SR49. The cost for annexation would include LAFCO fees and staff time as well as Plymouth staff time. Bringing the utility lines across the highway would include working with Caltrans District 10 to get an encroachment permit and design clearance. It would also require coordination with the City's engineer and the cost of those services. Additionally there would be the cost of doing the actual work.

With respect to subdividing and/or developing the lot, again, you will need to work with the City Planner and Caltrans depending on what your plans will be. If you wish to subdivide this into seven buildable parcels as you have described this may trigger additional improvements to SR49 depending on what the anticipated development will be and the expected amount of traffic. This will be determined by Caltrans District 10 and is completely outside the scope of the City of Plymouth.

With respect to fees associated with the development of this parcel, there are numerous development impact fees based on a per square foot basis for commercial type development. There are local and regional Traffic Mitigation Fees based on trip ends and the type of development. There are local water impact fees based on the size of meter necessary for service. There are Amador Water Agency Participation Fees based on the size of meter necessary for service. There are Sewer Impact Fees based on the type of development. Most of these impact fees are due when the building permit is issued for the actual development and not when a final map on the property is issued.

Additional City fees may be incurred for planning and engineering services involved in subdividing the property and there is a small connection fee for water and sewer

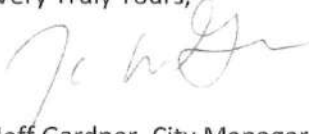
December 14, 2015
Ken Deaver
RE: Annexation/Development/Planning Fee's for Parcel 008-100-019-000
Page 2

I have highlighted the potential charges on the fee schedule. Most apply when the property is being developed. The cost to go through the annexation process is relatively small compared to the development costs.

The City of Plymouth works on a cost reimbursement basis as do most Cities these days. Services provided will be billed based on the planner and/or engineer's normal hourly rate. You will be required to sign a standard reimbursement agreement and put down a deposit based on the anticipated cost of processing your project. In the event the costs exceed this, you will be required to maintain a minimum deposit on record during this process.

If you have any questions please feel free to contact me. We look forward to working with you.

Very Truly Yours,



Jeff Gardner, City Manager

DEAVER TRUST & GERRY NINNIS

APPLICATION AND DEVELOPMENT FEES FOR COMMERCIAL PROJECT HWY 49, PLYMOUTH, CA.

January, 2016

ASSUMPTIONS:

Lot 1	Public facility	Lot 5	Retail 7,600 sf.
Lot 2	Office 14,000 sf.	Lot 6	Office 6,400 sf.
Lot 3	Public facility	Lot 7	Existing 13,960 sf
Lot 4	Retail 6,800 sf.	Lot 8	Fast food 3,000 sf & Retail 6,000 sf.

FEES AT APPLICATION

PLANNING:

Tentative Map	\$200*
Development Plan	\$400*
Annexation	\$200*

ENGINEERING:

Tentative Map	\$500*
---------------	--------

Sub Total \$1,300*

*Application fee is initial fee for preliminary review. Project processing and charges to be determined based on scope of project. Payments/reimbursements to the City to be per the terms of the project reimbursement agreement.

Does not include costs and fees for environmental document required or LAFCO processing for annexation.

FEES AT FINAL MAP FILING

Planning: final map checking	\$ 100*
Engineering: Subdivision Map check	\$1,500*
Improvement Plan checking	1.75% of estimated costs.

FEES AT BUILDING PERMIT

Long Range Planning:	9.5 ac. @ \$2,086.97/ac.	\$ 19,826
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Impact fees for new construction:

Streets:	Retail: 23,400 sf @ \$7.13/sf = \$166,842	
	Office: 20,400 sf @ \$4.42/sf = <u>90,168</u>	
	Total Streets	\$257,010
Law Enforcement:	Retail: 23,400 sf @ \$0.06/sf = \$ 1,404	
	Office: 20,400 sf @ \$0.09/sf = <u>1,836</u>	
	Total Law Enforcement	\$ 3,240
Drainage:	Retail: 23,400 sf @ \$0.61/sf = \$ 14,274	
	Office: 20,400 sf @ \$0.57/sf = <u>11,628</u>	
	Total Drainage	\$ 25,902
Parks and Recreation:		-0-
Admin. Facilities;	Retail: 23,400 sf @ \$0.62/sf = \$ 14,508	
	Office: 20,400 sf @ \$0.83/sf = <u>16,932</u>	
	Total Admin. Facilities	\$ 31,440
Fire:	Retail: 23,400 sf @ \$0.62/sf = \$ 14,508	
	Office: 20,400 sf @ \$0.83/sf = <u>16,932</u>	
	Total Fire	\$ 31,440
Library & Museum:		-0-
Corporation Yard:	Retail: 23,400 sf @ \$0.27/sf = \$ 6,318	
	Office: 20,400 sf @ \$0.34/sf = <u>6,936</u>	
	Total Corp Yard	\$ 13,254
Fee update program:	Retail: 23,400 sf @ \$0.08/sf = \$ 1,872	
	Office: 20,400 sf @ \$0.10/sf = <u>2,040</u>	
	Total Fee Update	\$ 3,912
TOTAL CITY IMPACT FEES		\$ 386,024

REGIONAL TRAFFIC IMPACT FEES

Fast food:	3,000 sf:	3.0 x	\$26,919 =	\$ 80,757
Retail (medium)	20,400 sf:	20.4 x	2,174 =	44,350
Office (general)	20,400 sf:	20.4 x	3,344 =	<u>68,218</u>

TOTAL REGIONAL TRAFFIC FEES \$ 193,325

WATER:

Fast food	1 ½ service	\$ 35,588
Bldg. #2	" "	35,588
All others (8)	1" service @ \$17,848 =	142,784
Connection charge	10 @ \$125 =	1,250
Equalization charge	1 ½ service: 2 @ \$2,914 =	5,828
	1" service: 8 @ \$1,461 =	11,688
Arroyo Ditch	1 ½ service: 2 @ \$13,320 =	26,640
	1" service: 8 @ \$6,680 =	53,440
AWA Participation	1 ½ service: 2 @ \$44,563 =	89,126
	1" service: 8 @ \$22,282 =	<u>178,256</u>

TOTAL WATER FEES \$ 580,188

WASTEWATER:

Fast food	60 seats @ \$ 840 =	\$ 50,400
Retail & Office	10 baths @ \$10,105 =	101,050
	10 addi @ \$ 2,247 =	22,470
Hookup & Insp	20 total @ \$ 125 =	<u>2,500</u> * (plus costs)

TOTAL WASTEWATER \$176,420

~~\$~~ 1,338,857



Scale: 1" = 100'
Contour Inter



49

STAJE HIGHWAY

STAJE HIGHWAY

TO MAP 14

DEPARTMENT OF TRANSPORTATION

DISTRICT 10

P.O. BOX 2048, STOCKTON, CA 95201

(1976 E. DR. MARTIN LUTHER KING JR. BLVD. 95205)

PHONE (209) 948-7325

FAX (209) 948-7164

TTY 711

October 22, 2015

*Flex your power!
Be energy efficient!*AMA-49-PM 16.04
Deaver Trust/Ninnis
Application ReferralChuck Beatty, Planner
Amador County Planning Department
810 Court Street
Jackson, CA 95642

Dear Mr. Beatty:

The California Department of Transportation appreciates the opportunity to review the application referral for Tentative Parcel Map #2854, proposing the division of 9.69+- acres into eight parcels ranging in size from 1.0+- to 2.0+- acres on Assessor's Parcel Number 008-100-019, located at 17705 State Route (SR) 49, Plymouth.

The proposed Tentative Parcel Map shows the subdivided parcels having internal circulation while using the existing access from Randolph Drive. This is the best option, since it eliminates the need for the three parcels fronting SR-49. The existing unpaved driveway to SR-49 at the south end of the parcel should be eliminated as part of this development. Caltrans recommends collecting any traffic impact mitigation fees that may be due.

Improvement of the project site has the potential to increase peak flows to SR-49 drainage facilities. If historical undeveloped topography shows drainage from this site flowed into the State right-of-way, it may continue to do so with the conditions that peak flows may not be increased from the pre-construction quantity. Caltrans requests the opportunity to review any plans and drainage studies for the project to ensure State facilities are not affected.

If you have any questions or would like to discuss these comments, please contact me at (209) 948-7325 (e-mail: carl.baker@dot.ca.gov) or Michele Demetras at (209) 948-7647 (e-mail: Michele.demetras@dot.ca.gov).

Sincerely,

Handwritten signature of Michele Demetras in blue ink, followed by the word "for".

CARL BAKER, Chief
Office of Rural Planning & Administrationc: Aaron Brusatori, Director, Amador County Dept. of Transportation and Public Works
John Gedney, Executive Director, Amador County Transportation Commission

Planning Commission Agenda Item Report

Submitting Department: Planning

Meeting Date: March 12, 2019

SUBJECT

(Continued from February 12, 2019 to give the appellant time to comply with County Code 10.32.030) Appeal of the Planning Department's denial of a Use Permit for collector's car collection pursuant to County Code Section 10.32.030(E), which allows a collector to maintain one or more collector vehicles provided that minimum conditions are met.

Recommendation:

Following the continued public hearing, the Planning Commission may:

1. Deny the appeal and uphold staff's denial of Use Permit; or
2. Grant the appeal and issue the Use Permit with conditions that the Commission deems necessary. If the Commission moves to approve the Use Permit, the decision should be supported by findings and evidence presented in the staff report or during the public hearing.

4/5 vote required:

No

Distribution Instructions:

Planning

ATTACHMENTS

- [SR_PC.03-12-19.Schaefer Appeal.doc](#)
- [County Code Chapter 10.32 - Abandoned Vehicle Abatement.docx](#)
- [Application File.pdf](#)
- [Vehicle Registration Log.pdf](#)

STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION
FOR MEETING OF: MARCH 12, 2019

Item 2 – (Continued from February 12, 2019) Appeal of the Planning Department’s denial of a Use Permit for collector’s car collection pursuant to County Code Section 10.32.030(E), which allows a collector to maintain one or more collector vehicles provided that minimum conditions are met.

Appellant: Dale Schaefer

Supervisorial District: 3

Location: 15790 Schaefer Ranch Road, Pioneer, just west of the intersection of Schaefer Ranch Road and Pioneer Creek Road (APN 031-030-002)

A. General Plan Designation: RR - Rural Residential

B. Present Zoning: R1, Single Family Residential

C. Acreage Involved: 19.86 acres

D. Background. On June 22, 2017, a complaint was received by the Amador County Planning Department regarding an accumulation of junk and debris on the subject property. Site visits revealed that, in addition to the junk and debris violation, over 50 inoperable or abandoned vehicles were stored on the property in violation of County’s Abandoned Vehicle Abatement ordinance (County Code Chapter 10.32, attached). The appellant was given an initial deadline of December 8, 2017 to achieve compliance with the violations.

A subsequent site visit in February, 2018 resulted in staff offering a staggered compliance schedule for seven separate sections of the subject property with a final deadline for all sections to be in compliance by September 28, 2018. Continued non-compliance resulted in the matter being forwarded to the Amador County Abatement Board for a recommendation to the Board of Supervisors on October 24, 2018. Prior to the Abatement Board’s hearing, however, the appellant submitted an application for a staff-issued Use Permit for a Collector’s Car Collection pursuant to County Code Chapter 10.32.030(E), which established a stay against enforcement action on the abandoned vehicle violations until the Use Permit process reaches its conclusion. Pictures, descriptions, and registration records of the vehicles proposed for inclusion in the Use Permit are included with the staff report. (The junk and debris violation was ultimately heard by the Board of Supervisors, and the property owner was given a deadline of February 18, 2019 to abate those violations.)

County Code Section 10.32.030 allows an exception to abandoned vehicle abatement whereby a property owner can apply for a Use Permit for a collection of collector vehicles provided, that the collector first obtains a county use permit as set forth in this subsection for the property where the vehicles are situated. A collector may maintain one

or more collector vehicles on his or her property as long as the following minimum conditions are met:

1. The parcel is at least five acres in size;
2. The storage area does not exceed one-half contiguous acre;
3. The storage area is set back at least thirty feet from all of the parcel's boundary lines;
4. Vehicles stored pursuant to this section shall be maintained in a manner so as not to constitute a health or safety hazard (e.g., no broken glass, no leaking fuel, oil, or other fluids from stored vehicles, no rodents, no refuse, and not stacked on top of one another);
5. Vehicles shall be in lines or rows, and upright;
6. The vehicle storage area shall be cleared of all vegetation which constitutes a fire hazard, refuse, scrap and vehicle parts, including tires, that are not stored within a vehicle;
7. Use permits for collector car collections may be issued by the planning department for collections which comply with all of the criteria set forth in this chapter after notification to all owners of property, as shown on the most recent tax roll, within a distance of at least three hundred feet in all directions from the subject parcel. If the planning department receives opposition to the permit application within ten calendar days after the mailout or if the application in the opinion of the planning department fails to meet said criteria, the permit may be denied. The applicant or any interested person may appeal the planning department's decision to planning commission pursuant to Chapter 19.64 of this code within ten calendar days after said decision. Approved use permits shall become valid following the ten-day appeal period if no appeals are filed.

"Collector vehicles" means "parts vehicles," "special interest vehicles," and "vehicles of historic value," all as defined below, plus parts necessary for the restoration of said collector vehicles.

"Parts vehicle" means a motor vehicle that is owned by a collector to furnish parts for restoration or maintenance of a special interest vehicle or a vehicle of historic value in the custody of that collector, thus enabling a collector to preserve, restore, and maintain a special interest vehicle or a vehicle of historic value.

"Special interest vehicle" means a vehicle of any age that is unaltered from the manufacturer's original specifications and, because of its significance, such as being an out-of-production vehicle, or a model of less than two thousand sold in California in any model year, is being collected, preserved, restored, or maintained for hobby or historical, educational, investment or other purposes.

"Vehicle of historic value" means a vehicle described below:

1. A motor vehicle with an engine of sixteen or more cylinders manufactured prior to 1965;
2. A motor vehicle manufactured in the year 1922 or prior thereto;
3. A vehicle which was manufactured after 1922, is at least twenty-five years old, and is of historical interest;

4. A vehicle which if fully restored would have a higher monetary value than when it was originally sold as a new vehicle.

Following staff's review of the information included in the appellant's Use Permit application, the Use Permit was denied. Based on the information available regarding the condition of the vehicles proposed to be stored in the collection, they appear inconsistent with the definitions of "collector vehicles" as defined by County Code, and the applicant did not demonstrate compliance with the codified conditions of a "collection of collector vehicles," specifically Section 10.32.030(E)4: "Vehicles stored pursuant to this section shall be maintained in a manner so as not to constitute a health or safety hazard (e.g., no broken glass, no leaking fuel, oil, or other fluids from stored vehicles, no rodents, no refuse, and not stacked on top of one another.)"

Following notification that staff had denied the Use Permit, the appellant filed for an appeal to the Planning Commission.

- E. **Prior Planning Commission Action:** After opening the public hearing and receiving the staff report and public comments, the Planning Commission continued this item to March 12, 2019, in order to provide the appellant an opportunity to comply with the requirements of County Code Section 10.32.030.

Planning Commission Action: Following the continued public hearing, the Planning Commission may:

1. Deny the appeal and uphold staff's denial of Use Permit; or
2. Grant the appeal and issue the Use Permit with conditions that the Commission deems necessary. If the Planning Commission moves to approve the Use Permit, the decision should be supported by findings and evidence presented in the staff report or during the public hearing.

Chapter 10.32
ABANDONED VEHICLE ABATEMENT

Sections:

[10.32.010 Declaration of nuisance.](#)

[10.32.020 Definitions.](#)

[10.32.030 Exceptions.](#)

[10.32.040 Chapter not exclusive regulation.](#)

[10.32.050 Enforcement authority--Right of entry.](#)

[10.32.060 Contract or franchise--Right of entry for removal of a vehicle.](#)

[10.32.070 Administrative costs determination.](#)

[10.32.080 Notice of intention to abate and remove vehicle.](#)

[10.32.090 Conduct of hearing.](#)

[10.32.100 Appeal to authority.](#)

Sections: (Continued)

[10.32.110 Order of vehicle removal--Assessment of costs.](#)

[10.32.120 Exceptions to hearing requirement.](#)


[10.32.130 Disposition of vehicle or parts.](#)

[10.32.140 Notice to Department of Motor Vehicles.](#)

[10.32.150 Collection of delinquent assessment.](#)

[10.32.160 Collection of costs.](#)

[10.32.170 Refusal to remove vehicle--Misdemeanor.](#)

10.32.010 Declaration of nuisance. 

In addition to and in accordance with the determination made and the authority granted by the state under Section [22660](#) of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperable vehicles or parts thereof as public nuisances, the board of supervisors makes the following findings and declarations: The accumulation and storage of abandoned, wrecked, dismantled or inoperable vehicles or parts thereof on private or public property is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating hazard to the health and safety of children, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperable vehicle or part thereof, on private or public property, except as expressly hereinafter permitted, is declared to constitute a public nuisance which may be abated as such in this chapter. (Ord. 1706 §1(part), 2011).

As used in this chapter:

- A. "Abandoned vehicle" means a motor vehicle left on a highway, public property or private property in such inoperable or neglected condition that it may be reasonably inferred that the owner's intention is to relinquish all further rights or interests in the vehicle. A vehicle is presumed to be "abandoned" when it is left on a highway for seventy-two hours or more without being moved, is parked, resting or otherwise immobilized on any highway or public right-of-way and lacks an engine, transmission, wheels, tires, doors, windshield, or any other part of equipment necessary to operate safely on the highway. Vehicles found in such a condition on a highway or public right-of-way are presumed to be a hazard to public health, safety and welfare and may be removed immediately upon discovery by a peace officer or other designated employee.
- B. "Authority" means the Amador County abandoned vehicle abatement authority.
- C. "Collector" means the owner of one or more "collector vehicles" as defined in subsection D of this section who collects, purchases, acquires, trades, or disposes of such vehicle, or parts thereof, for his or her own use, in order to preserve, restore, and maintain such vehicle for hobby or historical, educational, investment or other purposes.
- D. "Collector vehicles" means "parts vehicles," "special interest vehicles," and "vehicles of historic value," all as defined in subsections J, L, and N of this section, and parts necessary for the restoration of said collector vehicles.
- E. "Designated employee" means a representative of the Amador County sheriff and/or the code enforcement division of the land use agency.
- F. "Dismantled vehicle" means any motor vehicle that is partially or wholly disassembled.
- G. "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. "Highway" includes "street."
- H. "Inoperable vehicle" means any motor vehicle that does not meet the definition of an operable vehicle as set forth in subsection I of this section.
- I. "Operable vehicle" means any motor vehicle that meets all of the following requirements:
1. The vehicle must be able to move forward and backward a minimum distance of ten feet using only its own power.
 2. All tires on the vehicle must be inflated.
 3. All basic electrical and fuel systems on the vehicle must be able to function without manual assistance in order to sustain power.
- J. "Parts vehicle" means a motor vehicle that is owned by a collector to furnish parts for restoration or maintenance of a special interest vehicle or a vehicle of historic value in the custody of that collector, thus enabling a collector to preserve, restore, and maintain a special interest vehicle or a vehicle of historic value.

K. "Public property" includes "streets" and "highways."


L. "Special interest vehicle" means a vehicle of any age that is unaltered from the manufacturer's original specifications and, because of its significance, such as being an out-of-production vehicle, or a model of less than two thousand sold in California in any model year, is being collected, preserved, restored, or maintained for hobby or historical, educational, investment or other purposes.

M. "Vehicle" or "motor vehicle" means a device by which any person or property may be propelled, moved or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

N. "Vehicle of historic value" means a vehicle described in subsection (N)(1), (2), (3) or (4) of this section:

1. A motor vehicle with an engine of sixteen or more cylinders manufactured prior to 1965;
2. A motor vehicle manufactured in the year 1922 or prior thereto;
3. A vehicle which was manufactured after 1922, is at least twenty-five years old, and is of historical interest;
4. A vehicle which if fully restored would have a higher monetary value than when it was originally sold as a new vehicle.

O. "Wrecked vehicle" means any motor vehicle that is damaged to such an extent that it cannot lawfully be operated upon the highway. A vehicle which has been wrecked in a traffic collision, then removed from the roadway to a storage facility, but not yet claimed by its owner, will not be considered an abandoned vehicle. (Ord. 1706 §1(part), 2011).

10.32.030 Exceptions. 

This chapter shall not apply to:

- A. Operable vehicles as defined in Section [10.32.020\(I\)](#);
- B. Inoperable vehicles or parts thereof on any size parcel that are completely enclosed within a building in a lawful manner where they are not visible from the street or other public or private property;
- C. Inoperable vehicles or parts not completely enclosed in a building, but completely screened from unaided view from neighboring properties or public ways by terrain, vegetation, solid wood or masonry fence, solid cover, or otherwise with the approval of the AVA;
- D. Vehicles or parts thereof which are stored or parked in a lawful manner on private appropriately zoned property in connection with the business of a licensed dismantler, licensed vehicle dealer, licensed junk dealer, licensed automotive repair shop, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise;
- E. A collection of collector vehicles; provided, that the collector first obtains a county use permit as set forth in this subsection for the property where the vehicles are situated. A collector may maintain one or more collector vehicles on his or her property as long as the following minimum conditions are

met. Collectors who have existing collections of collector vehicles as of the effective date of the ordinance codified in this section shall have until July 1, 2001, to obtain such a use permit without payment of an application fee which may be approved with conditions so as to fall within this section:

1. The parcel is at least five acres in size;
2. The storage area does not exceed one-half contiguous acre;
3. The storage area is set back at least thirty feet from all of the parcel's boundary lines;
4. Vehicles stored pursuant to this section shall be maintained in a manner so as not to constitute a health or safety hazard (e.g., no broken glass, no leaking fuel, oil, or other fluids from stored vehicles, no rodents, no refuse, and not stacked on top of one another);
5. Vehicles shall be in lines or rows, and upright;
6. The vehicle storage area shall be cleared of all vegetation which constitutes a fire hazard, refuse, scrap and vehicle parts, including tires, that are not stored within a vehicle;
7. Use permits for collector car collections may be issued by the planning department for collections which comply with all of the criteria set forth in this chapter after notification to all owners of property, as shown on the most recent tax roll, within a distance of at least three hundred feet in all directions from the subject parcel. If the planning department receives opposition to the permit application within ten calendar days after the mailout or if the application in the opinion of the planning department fails to meet said criteria, the permit may be denied. The applicant or any interested person may appeal the planning department's decision to planning commission pursuant to Chapter [19.64](#) of this code within ten calendar days after said decision. Approved use permits shall become valid following the ten-day appeal period if no appeals are filed.

F. Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under the provisions of law other than Chapter 10 (commencing with Section [22650](#)) of Division 11 of the Vehicle Code and this chapter. (Ord. 1706 §1(part), 2011).


10.32.040 Chapter not exclusive regulation. 

The provisions of this chapter are not the exclusive regulation of abandoned, wrecked, dismantled or inoperable vehicles.

It is in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the county, the state or any other legal entity or agency having jurisdiction. (Ord. 1706 §1(part), 2011).

10.32.050 Enforcement authority--Right of entry. 

Except as otherwise provided herein, the provisions of this chapter may be administered and enforced by the Amador County sheriff and the code enforcement division of the community development agency. In enforcing this chapter such employees may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle (and to remove or cause the removal of a vehicle or parts thereof) declared to be a nuisance pursuant to this chapter; provided, however, that such entry shall be made in a lawful manner. (Ord. 1706 §1(part), 2011).

10.32.060 Contract or franchise--Right of entry for removal of a vehicle. 


When the board has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter; provided, however, that such entry shall be made in a lawful manner. (Ord. 1706 §1(part), 2011).

10.32.070 Administrative costs determination. 

The authority shall from time to time determine and fix an amount to be assessed as administrative costs (excluding the actual cost of removal of any vehicle or part thereof) under this chapter. Such amount shall be based on an analysis of the staff time reasonably necessary to process each case involving the removal of a vehicle, and shall not exceed the good faith estimate of such administrative costs based on such analysis. (Ord. 1706 §1(part), 2011).


10.32.080 Notice of intention to abate and remove vehicle. 

Unless both the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof, not less than ten days before the date of intended removal of the vehicle pursuant to the provisions of this chapter, a notice of intention to abate and remove the abandoned, wrecked, dismantled or inoperable vehicle shall be sent by the designated employee by registered or certified mail, to the owner of the land on which the vehicle is located, as shown on the last equalized assessment roll, and to the last registered and legal owners of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. It shall not be prerequisite to removal of the vehicle pursuant to this section that the return receipt be received showing delivery of the notice. Such notice of intention shall contain a statement that the owner of the property and the owner of the vehicle have a right to request a hearing before the designated employee, at which hearing the property owner may, in lieu of appearing, submit a sworn written statement denying responsibility for the presence of the vehicle on the land, with his reasons for such denial. If such a statement is submitted, it shall be construed as a request for hearing on the issue of assessment of costs which does not require the presence of the property owner submitting such request, although the submission of such a statement shall not preclude the owner from presenting testimony at the hearing if he or she should decide to do so. If, based on the inspection by the designated employee or his designated representative, there is evidence that a known third party who is not the property owner or the vehicle owner left the vehicle on the property without the consent of the vehicle owner or the property owner, the notice referenced above in this section shall be sent to said third party in the manner specified in this section, at the best known address available to the designated employee. The request shall be made to the designated employee within ten days after the mailing of the notice of intention to abate and remove the vehicle. If such a request is not received within such period, the designated employee shall have authority to remove or cause the removal of the vehicle. (Ord. 1706 §1(part), 2011).

10.32.090 Conduct of hearing. 

If either the property owner or the vehicle owner requests a hearing within ten days after the mailing of the notice of intention to abate and remove the vehicle, the person or persons making such request

shall be entitled to a hearing before the designated employee, who shall hear all facts and testimony the designated employee deems pertinent. (Ord. 1706 §1(part), 2011).


10.32.100 Appeal to authority. 

A. Any interested party may appeal the decision of the designated employee by filing a written notice of appeal with the designated employee within five days of his decision. Appellant shall pay an appeal fee of seventy-five dollars when filing an appeal with the AVA. No such appeal fee shall be required unless the appeal is from such hearing.


B. Such appeal shall be heard by the authority, which may affirm, amend or reverse the order or take such other action as it deems appropriate.

C. The authority shall give written notice of the time and place of the hearing to the appellant and those persons specified as entitled to notice under Section [10.32.080](#).

D. In conducting the hearing, authority shall not be limited by the technical rules of evidence. (Ord. 1706 §1(part), 2011).

10.32.110 Order of vehicle removal--Assessment of costs. 

If no request for a hearing is received by the designated employee within ten days after the notice is mailed, or both the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle, and the designated employee finds, at the conclusion of the hearing, that the vehicle or part thereof is abandoned, wrecked, dismantled or inoperable within the meaning of this chapter, and in the event of an appeal to the authority, the authority upholds such officer's findings, such officer may order the vehicle removed from the property as a public nuisance and disposed of as hereinafter provided, and determine the administrative costs and the costs of removal to be charged against the owner of the vehicle, the owner of the property on which it is located, and/or the person who placed the vehicle on the property if that fact has been determined at the hearing. Such officer may impose such conditions and take such other action as he deems appropriate under the circumstances to carry out the purposes of this chapter, including without limitation delaying the time for removal of the vehicle or part thereof if, in his opinion, the circumstances justify it. If the vehicle is ordered removed, the order shall include a description of the vehicle or part thereof and the correct identification number and license number, if available. (Ord. 1706 §1(part), 2011).

10.32.120 Exceptions to hearing requirement. 

A hearing as provided above in this chapter shall not be required in the following circumstances:


A. When both the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof; or

B. When the vehicle is located upon a parcel zoned A, AG or R1-A, or not improved with a residential structure, is inoperable due to the absence of a motor, transmission or wheels and is incapable of being towed, is valued at less than three hundred dollars by the designated employee or any of his designated representatives, the Amador County sheriff or any of his deputies, or any California Highway Patrol officer, is determined by the designated employee or any of his designated representatives to be a

public nuisance presenting an immediate threat to public health or safety, and the property owner has signed a release authorizing removal and waiving further interest in the vehicle or part thereof. Prior to final disposition pursuant to Section [10.32.130](#), of such a low valued vehicle for which evidence of registration is available, the designated employee shall provide notice to the registered and legal owners of intent to dispose of the vehicle or part, and if the vehicle or part is not claimed and removed within ten days after the notice is mailed, from the disposal site to which the vehicle was taken, final disposition may proceed. (Ord. 1706 §1(part), 2011).

10.32.130 Disposition of vehicle or parts. 


Vehicles or parts thereof removed pursuant to this chapter may be disposed of by removal to a scrap yard, automobile dismantler's yard, or any suitable site authorized under applicable county ordinances to receive junk and/or dismantled vehicles. After a vehicle or part thereof has been removed, it shall not be reconstructed or made operable, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Vehicle Code Section [5004](#), in which case the vehicle may be reconstructed or made operable. (Ord. 1706 §1(part), 2011).

10.32.140 Notice to Department of Motor Vehicles. 


Within five days after the date of removal of the vehicle pursuant to this chapter, notice shall be given by the designated employee to the Department of Motor Vehicles, identifying the vehicle or part thereof any evidence of registration available, including, but not limited to, the registration card, certificates of ownership or license plates. (Ord. 1706 §1(part), 2011).

10.32.150 Collection of delinquent assessment. 

If the administrative costs and costs of removal are charged against the owner of the land pursuant to Section [10.32.110](#) and are not paid within thirty days of the date of the order or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to Section [25845](#) of the Government Code, and shall be transmitted to the tax collector for collection subject to collection in any manner specified in said section. Such assessment shall have the same priority as other county taxes. (Ord. 1706 §1(part), 2011).

10.32.160 Collection of costs. 

If the administrative costs and costs of removal are not paid within thirty days after the date of the order, or the final disposition of an appeal therefrom, the designated employee shall have the right, in addition to any other manner provided by law for the collection of such costs, to recover such administrative costs and costs of removal from the property, the registered owner and/or legal owner of any vehicle removed from property pursuant to this chapter, and/or from the third party, if any, responsible for placing such vehicle on the property for which it was removed in an action in a court of competent jurisdiction over the amount of such costs. (Ord. 1706 §1(part), 2011).

10.32.170 Refusal to remove vehicle--Misdemeanor. 

It is unlawful and a misdemeanor for any person to fail or refuse to remove an abandoned, wrecked, dismantled or inoperable vehicle or part thereof or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this chapter or state law where state law in

applicable. This offense is punishable by a fine of not more than five hundred dollars or imprisonment in the county jail not to exceed six months, or by both such fine or imprisonment. (Ord. 1706 §1(part), 2011).

Jan. 02, 2019

To: Amador County Planning Department
County Administration Center
810 Court St. , Jackson, Ca. 95642

Re: use permit at APN 031030002
15790 Schaefer Ranch Rd.
Pioneer, Ca. 95666

This letter is submitted as a written appeal to the above matter. I totally disagree with your opinion of collector vehicles.

Thank You,



Dale Schaefer



AMADOR COUNTY COMMUNITY DEVELOPMENT
AGENCY
PLANNING DEPARTMENT

PHONE: (209) 223-6380
FAX: (209) 257-5002
WEBSITE: www.amadorgov.org
EMAIL: planning@amadorgov.org

COUNTY ADMINISTRATION CENTER • 810 COURT STREET • JACKSON, CA 95642-2132

November 28, 2018

Dale Schaefer
PO Box 295
Pioneer, CA 95666

RE: APN 031030002; 15790 Schaefer Ranch Road, Pioneer, CA

Dear Mr. Schaefer,

The Planning Department has reviewed your request for a Use Permit for a "Collectors Car Collection" at the above location pursuant to County Code Section 10.32.030E. Based on the information available regarding the condition of the vehicles proposed to be stored in the collection, they appear inconsistent with the definitions and requirements of "collector vehicles" as defined by County Code 10.32.020 and 10.32.030 (see reverse). Therefore, your request for a Use Permit has been denied.

You may appeal this decision to the Planning Commission by submitting a written appeal along with the \$533.00 appeal fee to the Planning Department within 10 days of receipt of this letter.

Sincerely,


Chuck Beatty
Planning Director



AMADOR COUNTY COMMUNITY DEVELOPMENT
AGENCY
PLANNING DEPARTMENT

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Sincerely,

Chuck Beatty
Planning Director

WP 18;10-1



PLANNING DEPARTMENT LAND USE AGENCY

COUNTY ADMINISTRATION CENTER

810 Court Street • Jackson, CA 95642-2132
Telephone: (209) 223-6380

website: www.co.amador.ca.us
e-mail: planning@co.amador.ca.us

APPLICATION PROCEDURE FOR USE PERMIT

A Public Hearing before the Planning Commission will be scheduled after the following information has been completed and submitted to the Planning Department Office:

- ✓ 1. Complete the following:
 Name of Applicant DALE SCHAEFER
 Mailing Address P.O. Box 295
 Phone Number 209 295 4869
 Assessor Parcel Number 031-030+002-000
- ✓ 2. Use Permit Applied For:
 ** Excessive Height
 ** Bed and Breakfast Inn
 ** Temporary Caretaker Mobile Home
 ** Mobile Home for Farm Labor Quarters
 ** Other Collector Vehicles STORAGE AREA
- ✓ 3. Attach a letter explaining the purpose and need for the Use Permit.
- ✓ 4. Attach a copy of the deed of the property (can be obtained from the County Recorder's Office).
- N/A 5. If Applicant is not the property owner, a consent letter must be attached.
- 6. Assessor Plat Map (can be obtained from the County Surveyor's Office).
- ✓ 7. Plot Plan (no larger than 11" X 17") of parcel showing location of request in relation to property lines, road easements, other structures, etc. (see Plot Plan Guidelines). Larger map(s) or plans may be submitted if a photo reduction is provided for notices, Staff Reports, etc. The need is for easy, mass reproduction.
- ✓ 8. Planning Department Filing Fee: \$ 96.00
 Public Works Agency Review Fee: \$ 0
 Environmental Health Review Fee: \$ 0
- N/A 9. If necessary, complete an Environmental Information Form (ask Planning Department Staff).
- N/A 10. Proposed floor plan (Guest House applications only).

** Environmental Health and Public Works Fee's apply.

10-2-18

I have accumulated many old vehicles on my property. The County informed me having these vehicles are not in compliance with county code. To comply we are asking for a use permit to store on this 1/2 acre plot vehicles 25 years or older that have a greater value than their original price.

Dr. Schaper

INDEMNIFICATION

Project: VEHICLE STORAGE AREA

In consideration of the County's processing and consideration of the application for the discretionary land use approval identified above (the "Project") the Owner and Applicant, jointly and severally, agree to defend, indemnify, and hold harmless the County of Amador from any claim, action, or proceeding against the County to attack, set aside, void or annul the Project approval, or any action relating related to the Project approvals as follows:

1. Owner and Applicant shall defend, indemnify, and hold harmless the County and its agents, officers or employees from any claim, action, or proceeding against the County or its agents, officers or employees (the "County") to attack, set aside, void or annul the Project approval, or any prior or subsequent determination regarding the Project, including but not limited to determinations related to the California Environmental Quality Act, or Project condition imposed by the County. The Indemnification includes, but is not limited to, damages, fees, and or costs, including attorneys' fees, awarded against County. The obligations under this Indemnification shall apply regardless of whether any permits or entitlements are issued.

2. The County may, within its unlimited discretion, participate in the defense of any such claim, action, or proceeding if the County defends the claim, action, or proceeding in good faith.

3. The Owner and Applicant shall not be required to pay or perform any settlement by the County of such claim, action, or proceeding unless the settlement is approved in writing by Owner and Applicant, which approval shall not be unreasonably withheld.

IN WITNESS WHEREOF, by their signature below, Owner and Applicant hereby acknowledge that they have read, understand, and agree to perform the obligations under this Indemnification.

Applicant:

Owner (if different than Applicant):


Signature

Signature

AMADOR COUNTY VEHICLE LIST 9/28/18

OPERABLE								
	YEAR	MAKE	MODEL	BODY	COLOR	LICENSE	VIN NO.	OPERABLE
1		CADI	BIARRITZ		BLK	4TDX506	1G6AL5791BE623911	YES
2		FORD	THUNDERBIRD		WHITE	AEF818	3Y83Z126097	YES
3		CHRY	CONCORDE		WHITE	3KOJ170		YES
4		FORD	TARUS		SILVER	7PDW953		YES
5		DODGE	DAKOTA		BLUE	4X76484		YES
6		GMC			CREAM	1E83036		YES
7		FORD	F100		GRN	30909P		YES
8		FORD	MUSTANG		GRN	JUDITH4		YES
9		CHEVY	CORVETTE		PUR	3SOF245		YES

NON-OPED- TAGGED FOR REMOVAL IN 16 DAYS OCTOBER 14, 2018 10:00AM								
	YEAR	MAKE	MODEL	BODY	COLOR	LICENSE	VIN NO.	OPERABLE
10		FORD	250		RED	Oregon plate NWW626		NO
11		FORD	ELCAMINO		WHITE	3A39313		NO
12		FORD	F150 RANGER		SILVER	1U46373		NO
13	1972	JEEP	WAGONEER	SW	GRN	2KLC264	J2A144CN14946	NO
14		UNK	UNK	WORK TRK	RUST	J62969	NOTE: CATERPILLAR ON BACK	NO
15		VOLVO	OPEL		WHITE	708MZF		NO
16		CHEVY	10		WHITE	2R65531		NO
17	1986	CHEVY	EEAUVILLE	VA	BRN	5GAB470	J2A144CN14946	NO
18		FORD	UNK			UNK	UNK	NO
19			STDABAKER		CREAM	UNK	4831364	NO
20	1986	FORD	ECOLINE	VN	CREAM	2V93089	1FTES14Y6GHC34595	NO
21		PORSHE	914		YELLOW	2AIR318		NO
22	1980	FORD	ECOLINE	VN	WHITE	1V30847	E38GHHJ5297	NO
23	1984	TOYOTA		PK	CREAM	3M65404	JTRN65DXE5012772	NO
24			STDABAKER		RUST	AEL780	4379268	NO
25		GMC	100				10124CZ5733	NO
26		DODGE			WHITE	NV PLATE 401FEW		NO
27		CADI	ELDORADO		BLK	3U0C911		NO
28	1986	FORD	F250	PM	GRY	2YK8571	1FTHX261XGKB884579	NO
29		VOLKS	1300		BLK	NO PLATE	NO VIN	NO
30		CHEVY	LUV		RED	4E14504	82179101980	NO
31	1969	GMC	1500		ORANGE	88494C	CE10DZA15972	NO
32	1973	FORD	ECOLINE	VN	BLUE	47511R	E14GHS42953	NO
33	1962	CHEVY	20	PK	RUST	5L53789	2C2540123557	NO
34		BUICK			COPPER		4R35K8X110034	NO

	YEAR	MAKE	MODEL	BODY	COLOR	LICENSE	VIN NO.	OPERABLE
35		CHEVY			BLK	A26935		NO
36		VOLKS	BEETLE		ORANGE	ULD130		NO
37		INTERNATIO NAL			GRN	NO PLATE	NO VIN	NO
38		YORK	HOOVER		RUST		3451446	NO
39		CHEVY	SPARTAN		GOLD	B97819		NO
40	1973	FORD	F350	PU	WHITE	17900P	F35YRR50840	NO
41	1977	BUICK	CONTIN	SD	CREAM	2RZX324	7Y895917679	NO
42		CHRY	NEW YORK		GREY	670THG	CS23T7C148125	NO
43		OPEL	MANTA		BLUE	POEMIE	OL77MC9965257	NO
44		CHEVY	20		BLUE	NV PLATE 760HCH	CGY253U104312	NO
45		CHEVY	20		BLUE	58605L	CGE252U150619	NO
46		CHEVY	APACHE		WHITE	D35742	1C1542112554	NO
47		CHEVY	LUX		BLUE	1U38319		NO
48	1972	GMC	6500	FB	WHITE	1P87798	TTM63WB531225	NO

GOT METAL REMOVAL- NON-OPED- TAGGED FOR REMOVAL IN 16 DAYS OCTOBER 14, 2018 10:00AM								
	YEAR	MAKE	MODEL	BODY	COLOR	LICENSE	VIN NO.	OPERABLE
49		CHEVY	SPRINT		GOLD	1RNU680		NO
50		CHEVY	SPRINT		BLUE	2GQM733		NO
51		GMC	VANTURA		BLU/WT	1N16981		NO
52								NO
53								NO
54								NO
55								NO
56								NO
57								NO
58								NO
59								NO
60								NO
61								NO

NO LETTER- NO RECORD
LETTER

IN ORDER FROM LIST

1



2



3



4



5



6



7



8



9



10



11



12



13



14



15







46



47



48



49



50



51

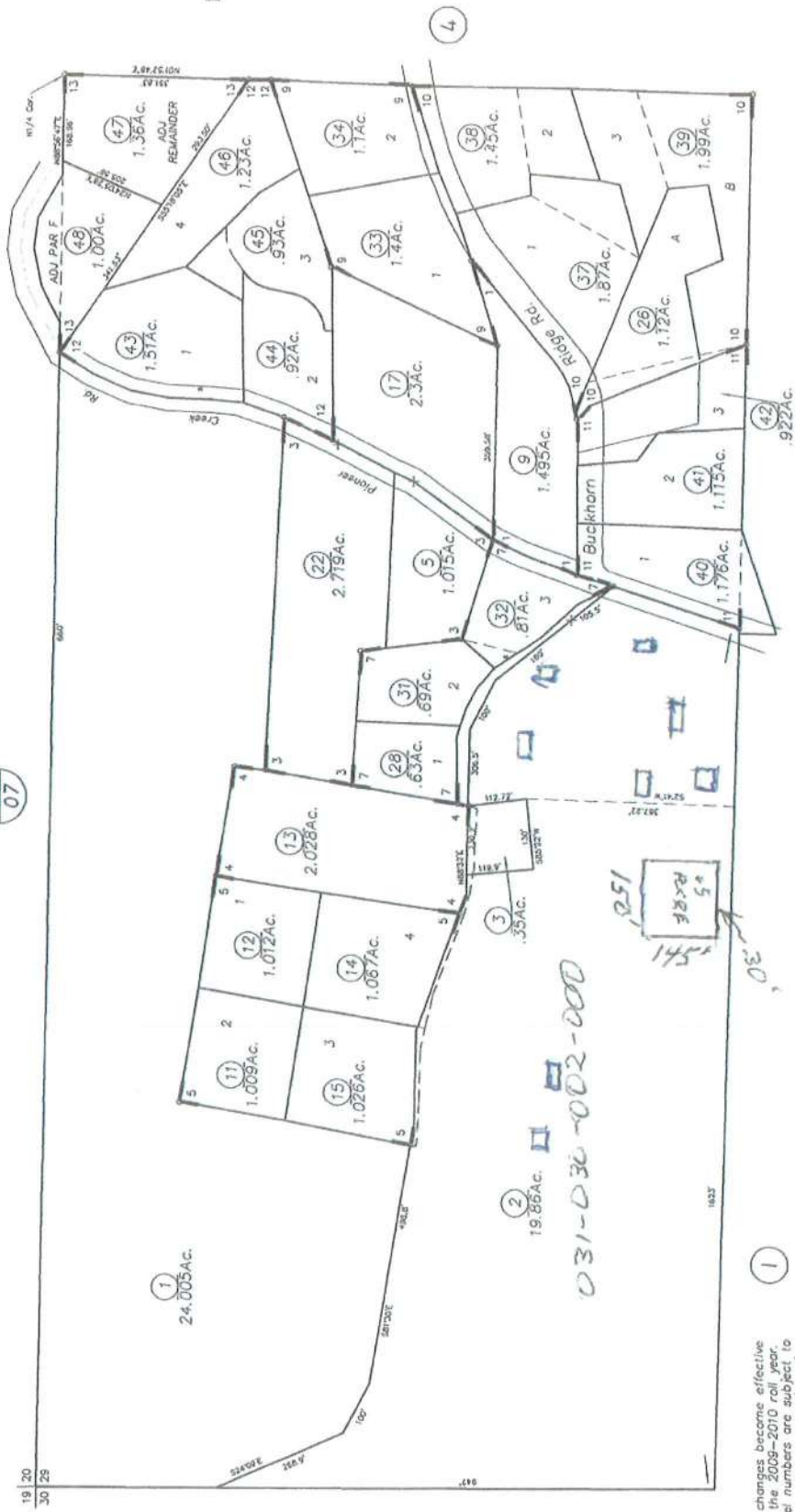


#	NADA APPRAISAL GUIDE 2018	New	Restored
10	1969 Ford FV Red.	2908	34,800
11	1977 Ranchero white.	4315	36,800
12	1978 Ford FV F-150 Gray	4729	21,225
13	1971 Jeep Wagoneer	4447	20,400
14	mining Equip -		
15	1975 Opel 1900 white	445	9550
16	1972 Chevy Van white	2897	3975
17	Gone -		
18	1928 Studebaker	1665	13750
19	1947 Studebaker Landcruiser	2043	32700
20	Gone		
21	1970 Porsche 914	3595	28100
22	1974 Ford Box Van	3523	9,200
23	Gone -		
24	1950 Studebaker Land Cruiser	2187	31,100
25	1952 GMC Panel 100	—	65,000
26	Gone		
27	1979 cad Eldorado	14668	15500
28	1986 Ford FV Diesel	4465	11800
29	1978 VW 1300 Bug	5695	36300
30	1980 Chevy Low PO 4WD	4612	6700
31	1960 GMC PU 20	2189	67700
32	1969 Ford Econoline 100	2489	7650
33	1962 Chevy 20 PU	2189	67700
34	1977 Buick Century Wagon	5219	6375
35	1946 Chevy Truck	1235	35300
36	1966 VW Bug 1300	2025	36600
37	1942 International	—	16,010

RECEIVED
 Amador County
 OCT 25 2018
 CODE ENFORCEMENT

#		New	Restored
38	1948 International mail Truck	1785	30,300
39	mining equipment.		
40	1973 Ford F350 PU LB	3189	30800
41	1977 Lincoln Mark 5	11396	26900
42	1970 Chrysler New Yorker	4681	9650
43	1973 Opel Blue Max	3110	11450
44	1972 Chevy Van 20	3480	4150
45	1972 Chevy Van 20	3034	3100
46	1960 Chevy PU step side Apache 10	2028	45300
47	1980 Chevy Low PD 4WD	4612	6700
48	minc equipment.		
49	Gone - To Scrap		
50	Gone - To Scrap		
51	Gone To Scrap - Keeping Engine -		

23
07



Map changes became effective with the 2009-2010 roll year. Parcel numbers are subject to change prior to adoption of roll on each July 1.

IMPORTANT NOTE: This map was prepared for property tax assessment purposes only. It is assumed that the property, as described in it's deed, is the property being assessed. No liability is assumed for the accuracy of the data delineated hereon.

- 1- R.M. Bk.06, Pg.12
- 2- R.M. Bk.07, Pg.11 (09/21/09)
- 3- R.M. Bk.07, Pg.51 (09/01/01)
- 4- R.M. Bk.10, Pg.08 (07/23/03)
- 5- R.M. Bk.10, Pg.21 (04/03/03)
- 6- R.M. Bk.13, Pg.51
- 7- R.M. Bk.19, Pg.75 (12/21/71)
- 8- R.M. Bk.21, Pg.84 (11/05/75)
- 9- R.M. Bk.21, Pg.87 (11/02/73)
- 10- R.M. Bk.25, Pg.82 (07/22/76)
- 11- R.M. Bk.41, Pg.92 (06/21/02)
- 12- R.M. Bk.44, Pg.68 (01/19/00)
- 13- R.M. Bk.45, Pg.80 (09/06/01)
- 14- R.M. Bk.60, Pg.91 (01/06/00)

Owner Dale Schaefer 295-4869
collector vehicles storage Area

physical address 15790 Schaefer Rd., Pioneer, 95166



CODE ENFORCEMENT
COUNTY ADMINISTRATION CENTER

810 Court Street • Jackson, CA 95642-2132
Telephone: (209) 223-6565

Compliance Agreement

Date: February 15, 2018

To: Dale Schaefer
PO Box 295
Pioneer, CA 95666

Affected Property: Assessor's Parcel Number: 031-030-002-000
Address: 15790 Schaefer Ranch Rd, Pioneer, CA 95666

Dear Mr. Schaefer,

This is a follow up of our recent meeting held on Thursday, February 8, 2018, at 10:00 AM. Present was Michelle Gallaher (Code Enforcement), Chuck Beatty (Planning), Grace Pak (County Counsel), Armando Navarro (Got Metal?), Carl Schaefer (Brother of Owner), and Dale Schaefer (Owner). This letter will act as an agreement for compliance for the following violations noted on your Abatement Notice dated December 8, 2017.

The alleged violation(s) is/are as follows:

CODE SECTION(S):

- Amador County Municipal Code Sections 19.48.130(A) (Junk and Debris)
- Amador County Municipal Code 10.32 (Abandoned Vehicle Abatement)
- Amador County Municipal Code Sections 19.48.080(A) (Recreational Vehicles)
- Added after 2/8/18 inspection walk: California Penal Code Section 402b : Appliances & Refrigerators

DESCRIPTION OF VIOLATION(S):

- Accumulation of household items, miscellaneous metal, over 20 vehicles, trailers, boats, appliances and large equipment.

TO REMEDY THESE VIOLATIONS:

- All items (except vehicles that are proven to be operable and an additional non-operable 15 vehicles must be stored in a 10'x 20' area and screened. Items that do not fit in the 10'x 20' area must either be stored in an enclosed area or removed from the property. Vehicles that are proven to be operable by moving 10ft forward and 10ft back on its own power, tires inflated, and all electrical components work, can be

stored anywhere on the property. RV's with an engine must be shown to be operable and can be stored anywhere on the property. Only two trailers without an engine are allowed to be stored on a property unless the additional trailers are stored in an enclosed area. All large commercial vehicles and heavy machinery must be moved behind the fence. All appliances not being used must either be stored indoors or removed immediately. "Got Metal?" has agreed to move all appliances free of charge with no percentage of return since the refrigerators, etc. must be disposed of properly due to hazardous material. Please contact him immediately to set an appointment for him to remove or properly dispose of them using another company or on your own. Any agreements you enter with "Got Metal?" are between you and the company. The County has brought him as only a resource from the list of three-dismantler (attached) given to you over the course of the case proceedings to assist you in getting into compliance. Note: Any disposal of material, vehicles, etc., will require you to keep the receipt to show proof of proper disposal. Please be ready to show receipts at follow-up inspections. Tires must be stored indoors only. Vehicles being removed by the County may include 4 additional tires be placed in the vehicle for disposal as long as it does not impede the front seat area. The County will remove only 8 vehicles and unlimited motorcycles free of charge at this time. A removal fee will be charged for more than 8 vehicles. Per our agreement, starting March 30, 2018, a series of inspections will be performed each month on an assigned section of your property. Each section must be completed on or before the scheduled inspection to show compliance (see attached map). If the assigned section is not completed by the inspection date, an abatement hearing will be scheduled and all vehicles will tagged for abatement. It is important all areas are worked on, but focus on the area that is assigned for that inspection to avoid non-compliance. We have agreed each section is manageable and can be done in the allotted time.

- Per our agreement, here is a list of the inspection dates set for each section (see attached map).
- Section 1: March 30, 2018, at 10:00AM. This area consists of the driveway and along the area of the house to the start of the corner of the gate. In addition, the appliances in Section 7 must be either stored indoors or removed.
- Section 2: April 27, 2018 at 10:00 AM. This area consists of the rest of the front area in front of fence. The heavy machinery, commercial vehicles, trailers (except boat and horse trailer) must be moved behind the fence. The RV must be shown to be operable or remove from property or chosen as one of the 15 non-operable vehicles to keep.
- Section 3: May 31, 2018 at 10:00 AM.
- Section 4: June 29, 2018 at 10:00 AM.
- Section 5: July 31, 2018 at 10:00 AM. This area consists of where the majority of the vehicles are parked. Mark the 15 vehicles you are opting to keep that are non-operable and the others must be shown they are operable. It will not count if I have to wait for you to move a

battery around for each vehicle. They must have already been tested to operate and are ready to show me they do. Otherwise, they will be tagged at this point for abatement. This section should be worked on ahead of time. Based on our compliance agreement (starting February 8, 2018), this gives you ample time to get those vehicles operating.

- Section 6: August 31, 2018 at 10:00 AM. Heavy equipment can stay.
- Section 7: September 28, 2018 at 10:00 AM. All items (except the heavy equipment), must be stored enclosed or removed. Appliances should have been removed already in Section I phase.

Finally, we discuss your family's interest in changing the zoning from Residential to Commercial. Please see the Planning Department for more information. Please keep in mind if you choose to go this route, this does not change the fact you must stay on schedule with this agreement. Whether the property is zoned Residential or Commercial, it is still in violation of Amador County codes and must come into compliance. This was stated at our last meeting. It cannot be used as an excuse to extend your time.

Failure to stay on schedule will result in the case going before the Amador County Board of Supervisors which may include to abate the violations at your expense including all cost incurred by the County for the physical abatement as well as administrative and investigating costs AND Amador County Abandoned Vehicle Authority will tag all vehicles for abatement unless proven to be operable.

If you have any questions regarding this matter or any foreseen circumstances arise, you may contact this office at (209) 223-6565 Monday through Friday 8:00 A.M. to 4:30 P.M.

Thank you for your anticipated cooperation in this matter.

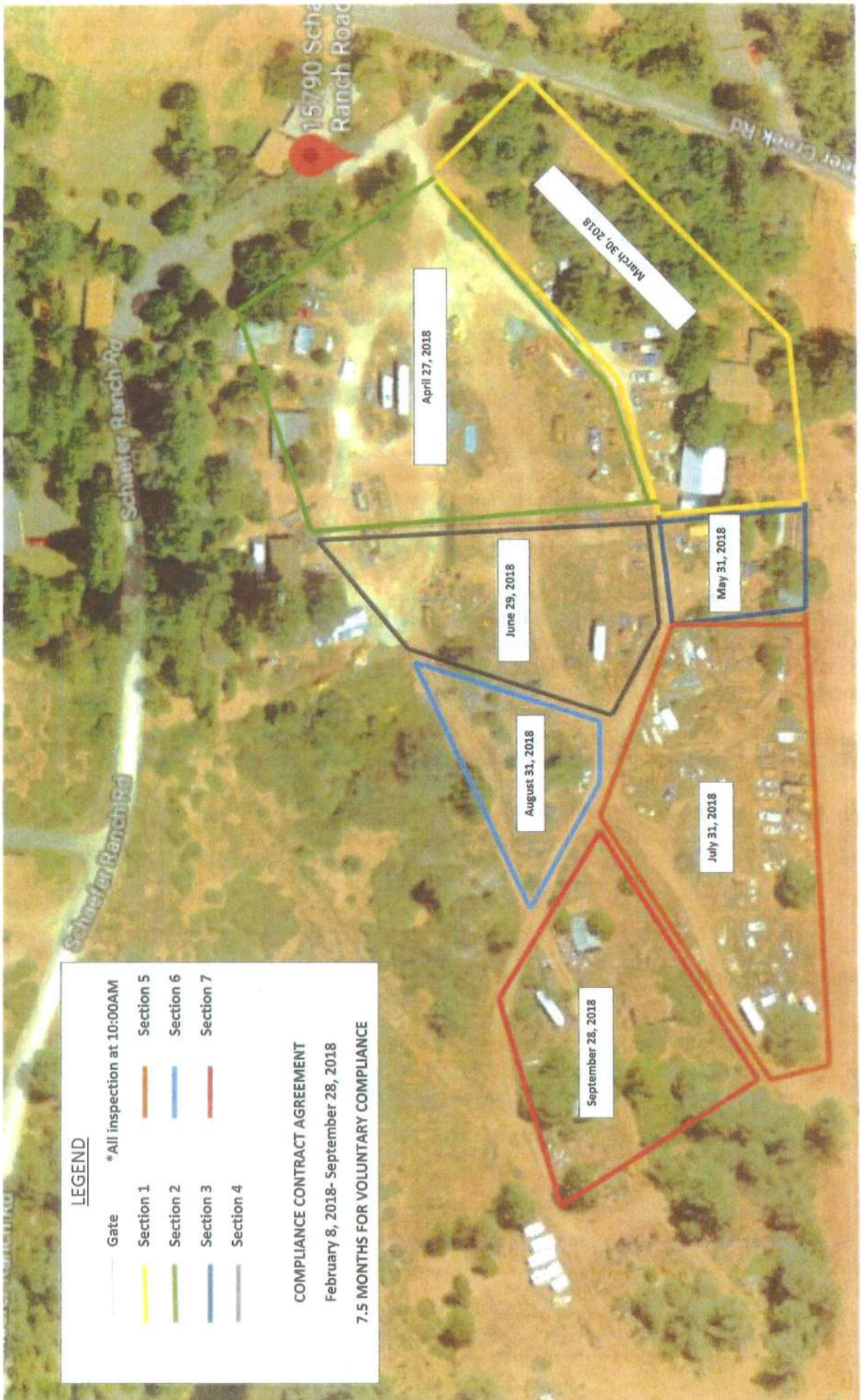
Sincerely,



Michelle Gallaher
Code Enforcement Officer

Attached:

Amador County Municipal Code Sections 19.48.130(A) (Junk and Debris)
Amador County Municipal Code 10.32 (Abandoned Vehicle Abatement)
Amador County Municipal Code Sections 19.48.080(A) (Recreational Vehicles)
State of California Penal Code 402b
List of Dismantlers
Hazmat Flyer
Mattress Recycling



LEGEND

- Gate *All inspection at 10:00AM
- Section 1
- Section 2
- Section 3
- Section 4
- Section 5
- Section 6
- Section 7

COMPLIANCE CONTRACT AGREEMENT
 February 8, 2018- September 28, 2018
 7.5 MONTHS FOR VOLUNTARY COMPLIANCE

AMADOR COUNTY VEHICLE LIST LOG FOR SCHAEFER 9/28/18

OPERABLE									Case	Name	Address on DMV	Location	Date Tag	T	Sent Notice	Notified	NEW	Restored	Difference (Cost to Repair)
YEAR	MAKE	MODEL	BODY	COLOR	LICENSE	VIN NO.	OPERABLE												
1		CADI	BIARRITZ		BLK	4TDX506	YES	A17-50	unknown			PIO							
2		FORD	THUNDERBIRD		WHITE	AEF818	YES	A17-50	unknown			PIO							
3		CHRYSLER	CONCORDE		WHITE	3KOJ170	YES	A17-50	unknown			PIO							
4		FORD	TARUS		SILVER	7PDW953	YES	A17-50	unknown			PIO							
5		DODGE	DAKOTA		BLUE	4X76484	YES	A17-50	unknown			PIO							
6		GMC			CREAM	1E83036	YES	A17-50	unknown			PIO							
7		FORD	F100		GRN	30909P	YES	A17-50	unknown			PIO							
8		FORD	MUSTANG		GRN	JUDITH4	YES	A17-50	unknown			PIO							
9		CHEVY	CORVETTE		PUR	3SOF245	YES	A17-50	unknown			PIO							
NON-OPED- TAGGED FOR REMOVAL IN 16 DAYS OCTOBER 14, 2018 10:00AM																			
10	1969	FORD	250		RED	Oregon plate NWW626	NO	A17-50	unknown			PIO	09/28/2018		09/28/2018		\$ 2,908.00	\$ (34,800.00)	\$ (31,892.00)
11		FORD	ELCAMINO		WHITE	3A39313	NO	A17-50	unknown			PIO	09/28/2018		09/28/2018				
12	1977	FORD	F150 RANGER		SILVER	1U46373	NO	A17-50	unknown			PIO	09/28/2018		09/28/2018		\$ 4,729.00	\$ (21,225.00)	\$ (16,496.00)
13	1972	JEEP	WAGONEER	SW	GRN	2KLC264	NO	A17-50	Lawrence Schaefer or Lynette Frances	PO BOX 295 Pioneer CA	PIO	09/28/2018		09/28/2018	1	\$ 4,447.00	\$ (20,400.00)	\$ (15,953.00)	
14		UNK	UNK	WORK TRK	RUST	J62969	NO	A17-50	unknown			PIO	09/28/2018		09/28/2018		mining		
15	1975	VOLVO	OPEL		WHITE	708MZF	NO	A17-50	unknown			PIO	09/28/2018		09/28/2018		\$ 2,445.00	\$ (9,550.00)	\$ (7,105.00)
16		CHEVY	10		WHITE	2R65531	NO	A17-50	unknown			PIO	09/28/2018		09/28/2018		\$ 2,897.00	\$ (3,975.00)	\$ (1,078.00)
17	1986	CHEVY	EEAUVILLE	VA	BRN	5GAB470	NO	A17-50	Carl Schaefer	848 E State Hwy 88 Jackson, CA	PIO	09/28/2018	X	09/28/2018	2	REMOVED	Verified CE 10/25/18		
18		FORD	UNK		UNK	UNK	NO	A17-50	unknown			PIO	09/28/2018		09/28/2018				
19	1947		STDABAKER		CREAM	UNK	NO	A17-50	unknown			PIO	09/28/2018		09/28/2018		\$ 2,043.00	\$ (32,700.00)	\$ (30,657.00)
20	1986	FORD	ECOLINE	VN	CREAM	2V93089	NO	A17-50	Dale Schaefer	PO BOX 295 Pioneer CA	PIO	09/28/2018		09/28/2018	1	REMOVED	According to Carl		
21	1970	PORSHE	914		YELLOW	2AIR318	NO	A17-50	unknown			PIO	09/28/2018		09/28/2018		\$ 3,595.00	\$ (28,100.00)	\$ (24,505.00)
22	1980	FORD	ECOLINE	VN	WHITE	1V30847	NO	A17-50	Dale Schaefer	PO BOX 295 Pioneer CA	PIO	09/28/2018		09/28/2018	1				Note- Carl c
23	1984	TOYOTA		PK	CREAM	3M65404	NO	A17-50	Carl Schaefer	848 E State Hwy 88 Jackson, CA	PIO	09/28/2018		09/28/2018	2	REMOVED	Verified CE 10/25/18		
24	1950		STDABAKER		RUST	AEL780	NO	A17-50	unknown			PIO	09/28/2018		09/28/2018		\$ 2,187.00	\$ (31,100.00)	\$ (28,913.00)
25	1952	GMC	100				NO	A17-50	unknown			PIO	09/28/2018		09/28/2018		?	\$ 65,000.00	unknown
26		DODGE			WHITE	NV PLATE 401FEW	NO	A17-50	unknown			PIO	09/28/2018	X	09/28/2018		REMOVED	Verified CE 10/25/18	
27	1979	CADI	ELDORADO		BLK	3U0C911	NO	A17-50	unknown			PIO	09/28/2018		09/28/2018		\$ 14,668.00	\$ (15,500.00)	\$ (832.00)
28	1986	FORD	F250	PM	GRY	2YKB571	NO	A17-50	David Mendonca or Alberta Rose	24301 Carson Dr Pioneer, CA	PIO	09/28/2018	XAC	09/28/2018	2	REMOVED	Verified CE 11/9/18		
29	1978	VOLKS	1300		BLK	NO PLATE	NO	A17-50	unknown			PIO	09/28/2018		09/28/2018		\$ 5,695.00	\$ (36,300.00)	\$ (30,605.00)
30	1980	CHEVY	LUV		RED	4E14504	NO	A17-50	unknown			PIO	09/28/2018		09/28/2018		\$ 4,612.00	\$ (6,700.00)	\$ (2,088.00)
31	1969	GMC	1500		ORANGE	88494C	NO	A17-50	Lawrence Schaefer or Lynette Frances	PO BOX 295 Pioneer CA	PIO	09/28/2018		09/28/2018	2	\$ 3,029.00	\$ (5,275.00)	\$ (2,246.00)	Note- Ca 116

Did not go through CLETS since they were operable

	YEAR	MAKE	MODEL	BODY	COLOR	LICENSE	VIN NO.	OPERABLE	Case	Name	Address on DMV	Location	Date Tag	T	Sent Notice	Notified	NEW	Restored	Difference (Cost to Repair)	
32	1973	FORD	ECOLINE	VN	BLUE	47511R	E14GHS42953	NO	A17-50	Dale Schaefer	PO BOX 295 Pioneer CA	PIO	09/28/2018		09/28/2018	1	\$ 2,925.00	\$ (10,350.00)	\$ (7,425.00)	Note- Carl
33	1962	CHEVY	20	PK	RUST	5L53789	2C2540123557	NO	A17-50	Robert Jr Jackson	16091 Overlook Ter Pioneer, CA	PIO	09/28/2018		09/28/2018	2	\$ 2,189.00	\$ (67,700.00)	\$ (65,511.00)	
34	1977	BUICK	station Wagon		COPPER		4R35K8X110034	NO	A17-50	unknown		PIO	09/28/2018		09/28/2018		\$ 5,219.00	\$ (6,375.00)	\$ (1,156.00)	
35	1946	CHEVY			BLK	A26935		NO	A17-50	unknown		PIO	09/28/2018		09/28/2018		\$ 1,235.00	\$ (35,300.00)	\$ (34,065.00)	
36	1966	VOLKS	BEEBLE		ORANGE	ULD130		NO	A17-50	unknown		PIO	09/28/2018		09/28/2018		\$ 2,075.00	\$ (36,600.00)	\$ (34,525.00)	
37	1942	INTERNAT IONAL			GRN	NO PLATE	NO VIN	NO	A17-50	unknown		PIO	09/28/2018		09/28/2018		?	\$ 16,010.00	unknown	
38		YORK	HOOVER		RUST		3451446	NO	A17-50	unknown		PIO	09/28/2018		09/28/2018				unknown	Note- Carl
39		CHEVY	SPARTAN		GOLD	B97819		NO	A17-50	unknown		PIO	09/28/2018		09/28/2018		mining			
40	1973	FORD	F350	PU	WHITE	17900P	F35YRR50840	NO	A17-50	Lawrence Schaefer	PO BOX 295 Pioneer CA	PIO	09/28/2018		09/28/2018	2	\$ 3,189.00	\$ (30,800.00)	\$ (27,611.00)	
41	1977		Lcontin	SD	CREAM	2RZX324	7Y895917679	NO	A17-50	Dale Schaefer	PO BOX 295 Pioneer CA	PIO	09/28/2018		09/28/2018	1	\$ 9,474.00	\$ (24,600.00)	\$ (15,126.00)	Not a Mark
42	1970	CHRY	NEW YORK		GREY	670THG	CS23T7C148125	NO	A17-50	unknown		PIO	09/28/2018		09/28/2018		\$ 4,681.00	\$ (9,650.00)	\$ (4,969.00)	
43	1973	OPEL	MANTA		BLUE	POEMIE	OL77MC9965257	NO	A17-50	unknown		PIO	09/28/2018		09/28/2018		\$ 3,110.00	\$ (11,450.00)	\$ (8,340.00)	
44	1972	CHEVY	20		BLUE	NV PLATE 760HCH	CGY253U104312	NO	A17-50	unknown		PIO	09/28/2018		09/28/2018		\$ 3,480.00	\$ (4,150.00)	\$ (670.00)	
45	1972	CHEVY	20		BLUE	58605L	CGE252U150619	NO	A17-50	unknown		PIO	09/28/2018		09/28/2018		\$ 3,034.00	\$ (3,100.00)	\$ (66.00)	
46	1960	CHEVY	APACHE		WHITE	D35742	1C1542112554	NO	A17-50	unknown		PIO	09/28/2018		09/28/2018		\$ 2,028.00	\$ 45,300.00	\$ 47,328.00	
47		CHEVY	LUX		BLUE	1U38319		NO	A17-50	unknown		PIO	09/28/2018		09/28/2018		\$ 4,612.00	\$ (6,700.00)	\$ (2,088.00)	
48	1972	GMC	6500	FB	WHITE	1P87798	TTM63WB531225	NO	A17-50	Carl Schaefer Release of Liability has not completed DMV Paperwork	848 E State Hwy 88 Jackson, CA	PIO	09/28/2018	X AC	09/28/2018	2	REMOVED CE	Verified CE 11/9/18		

#48- 10/15/18- discussed it would be scraped- included in follow up letter
 No engine, no windows, gutted inside, missing front lights- does not qualify

GOT METAL REMOVAL- NON-OPED- TAGGED FOR REMOVAL IN 16 DAYS OCTOBER 14, 2018 10:00AM

	YEAR	MAKE	MODEL	BODY	COLOR	LICENSE	VIN NO.	OPERABLE												
49		CHEVY	SPRINT		GOLD	1RNU680		NO	A17-50	unknown		PIO	09/28/2018		09/28/2018		REMOVED	Removed by GOT Metal		
50	1988	CHEVY	SPRINT	4H	BLUE	2GQM733	JG1MR6151JK712620	NO	A17-50	unknown		PIO	09/28/2018		09/28/2018		REMOVED	Removed by GOT Metal		
51		GMC	VANTURA		BLU/WT	1N16981		NO	A17-50	unknown		PIO	09/28/2018		09/28/2018		REMOVED	Note: has not been removed Per Got Metal		
52								NO												
53								NO												
54								NO												
55								NO												
56								NO												
57								NO												
58								NO												
59								NO												
60								NO												
61								NO												

Owner would have to provide to the DMV Bill of Sales and other documentation proving how he got the vehicle. No documentation- will have to request Sacramento for owner info and get approval. If approved, will have to send certified mail to all parties. Then pay back taxes and current registration. If the vehicle does not have an owner, will have to prove how he got possession of the vehicle and go through a process to register the vehicles and pay all fees.

Carl Claimed as Collectors with his YR and Amounts

NO LETTER- NO RECORD LETTER

Number of vehicles operable without CLETS check	9
Total Number of vehicles registered	13
Number of vehicles registered to the Schaefer's	10
Vehicles without records- not registered to Schaefer's	29



Note: If they are to be restored- vehicle cannot be sold unless registered

#26 & #48 were ask to be removed on 10/15/18 Letter

Planning Commission Agenda Item Report

Submitting Department: Planning

Meeting Date: March 12, 2019

SUBJECT

Review and recommendation to the Board of Supervisors regarding a proposed amend Section 19.24.045(D), Conditional Uses in the R1A, Single-family Residential and Agricultural Zoning District, by adding Section 19.24.045(D)(13), “Lodging and Special Event Facilities” pertaining to parcels 10 acres or larger in the R1A Zoning District and in the O-R/Open-Recreation General Plan land use designation. The amendment proposes to establish permitting processes and operational standards for such facilities.

Recommendation:

Recommendation to the Board of Supervisors as the Commission deems appropriate.

4/5 vote required:

No

Distribution Instructions:

Planning

ATTACHMENTS

- [Staff Report & Proposed Ordinance.pdf](#)
- [Parcels zoned R1A with O-R General Plan.xlsx](#)
- [Maps of R1A with O-R parcels.pdf](#)
- [Hoover code proposal.9-28-18.pdf](#)

STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION
FOR MEETING OF: MARCH 12, 2019

Item #3: Review and recommendation to the Board of Supervisors regarding a proposed amend Section 19.24.045(D), Conditional Uses in the R1A, Single-family Residential and Agricultural Zoning District, by adding Section 19.24.045(D)(13), “Lodging and Special Event Facilities” pertaining to parcels 10 acres or larger in the R1A Zoning District and in the O-R/Open-Recreation General Plan land use designation. The amendment proposes to establish permitting processes and operational standards for such facilities.

Applicant: County of Amador (Zoning Ordinance Amendment ZOA-19;2-1).
Supervisorial Districts: All
Location: The ordinance would apply to all parcels 10 acres or larger in the R1A, Single-family Residential and Agricultural district in conjunction with the Open-Recreation General Plan land use designation.

BACKGROUND: In 2016, several County departments were made aware of potential land uses at the “The Hideout at Kirkwood” which appeared to be inconsistent with the permitted and conditional uses of the “R1A,” Single-family Residential and Agricultural zoning district. The property owner was given a timeline to achieve compliance with land use codes, which included a request for the Planning Commission to interpret whether or not the various events, weddings, and social gatherings held on the property were consistent with R1A zoning. Currently, wineries and bed & breakfast inns are the only uses in the R1A district which are allowed to host weddings and other social events, subject to securing a Use Permit.

Following a public hearing on April 10, 2018, the Planning Commission found that the current uses of The Hideout at Kirkwood are not consistent with the intent of “recreation uses” in the R1A zoning district. The matter was appealed to the Board of Supervisors, who concurred with the Planning Commission. The Board also directed staff to prepare an amendment to the County Code that would allow properties with R1A zoning AND Open-Recreation General Plan land use designation to be able to apply for a Use Permit for lodging and event facilities.

Staff’s analysis of the zoning and General Plan maps show that 129 parcels, totaling 6,263 acres, have both R1A zoning and Open-Recreation General Plan designations. The proposed Lodging Houses and Special Events Facilities ordinance limits application to parcels 10 acres or larger, which reduced the area eligible to apply for a Use Permit to 58 parcels totaling 4,350 acres. The attached maps show the location of the eligible parcels (APN list also attached).

The proposed ordinance establishes a set a minimum criteria that would have to be met in addition to mitigation measures and conditions of approval developed through CEQA analysis of the project. Proposed criteria include:

- Maintains County definition of lodging house as having 5 bedrooms max.
- Maximum of 2 lodging houses per parcel
- Limits overnight guests to 2 persons/bedroom
- Compliance with applicable General Plan mitigation measures
- Noise limits per General Plan guidelines
- Traffic Management Plan
- Access road standards
- Road Maintenance Agreements for private roads
- Water storage for fire suppression
- Maximum attendance of 200 persons between 7am and 10pm
- Approved well and septic systems designed for facility capacity
- Appropriate food facility permits
- Appropriate alcohol licenses
- Outdoor lighting standards
- Dust control for unpaved areas

PLANNING COMMISSION ACTION: The Planning Commission, after taking public comment on the proposed ordinance, may make any recommendations felt necessary. Those recommendations will be forwarded to the Board of Supervisors for their consideration at a future public hearing.

RECOMMENDED FINDING: The adoption of this ordinance exempt from CEQA pursuant to sections 15061(b)(3) and 15308 of the CEQA Guidelines. Categorical Exemptions should be adopted and filed with the County Clerk/Recorder.

PROPOSED SECTION 19.24.045(D)13 - Lodging Houses and Special Events Facilities.

- A. Purpose. This section establishes a permit process and standards for the development and operation of Lodging Houses and Special Event Facilities. These provisions are necessary to reduce impacts to surrounding properties and to protect the health, safety, and welfare of the general public.
- B. Applicability. The provisions of this section apply to parcels 10 acres or larger in the R1A, Single-family Residential and Agricultural district in combination with the O-R, Open-Recreation General Plan land use designation. Lodging Houses and Special Event Facilities shall be operated at the owner's primary residence or manager's residence if the manager is responsible for running the special event facility. No Special Events Facility shall be permitted where no residential use exists on the property.
- C. Definitions.
 - 1. Lodging House is defined in Section 19.08.375 as any building or portion thereof containing not more than five guest rooms where rent is paid in money, goods, labor or otherwise. (Ord. 1256 §4, 1991). A maximum of two (2) Lodging Houses may be located on any single parcel of land.
 - 2. Special Event. For the purposes of this Section, a Special Event is a celebration, ceremony, wedding, reception, family or corporate function, or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event.
 - 3. Special Event Facility. A Special Event Facility is a Lodging House where special events are permitted to occur under this section and involve a private use agreement between the owner and the group or individual using the facility. The owner may or may not charge a fee for the use of the facility such as for a fundraiser for a charitable non-profit organization. Facilities may operate entirely within a structure or structures, outside of a structure, or both inside and outside a structure. Facilities must include improvements to accommodate special events, including access and circulation improvements, parking areas, adequate potable water supplies and wastewater systems, gathering areas, and other physical or infrastructure improvements necessary to accommodate special events.
- D. Permit Process. All Lodging Houses and Special Event Facilities as described in this section require the approval of a Use Permit as provided in Chapter 19.56. The Use Permit application shall include a detailed plot plan, description of all proposed uses, an exhibit map showing the location and distance of the facility to the closest surrounding sensitive receptors, and shall comply with the Operational Requirements and Limitations of this chapter.
- E. Operational Requirements and Limitations. The following operational requirements and limitations apply to all Lodging Houses and Special Event Facilities:
 - 1. Event Management Plan. Permittee shall maintain an event management plan that includes but is not limited to all applicable conditions of approval, approved Use Permit and plot plan, traffic management plan, exhibit map showing all closest surrounding sensitive receptors, and all other operational limitations. A copy of the event management plan shall be provided to the Planning Department and must be available for on-site inspection at all times.
 - 2. Noise Control.
 - a. Noise Standards shall be regulated in accordance with the Noise Element of the Amador County General Plan.
 - b. The County may conduct field-testing to verify noise levels, or the County may require the operator to hire an acoustical consultant to conduct field-testing. For evaluating conformance with the standards of this section, noise levels shall be measured in accordance with the General Plan Noise Element.

3. Access and Traffic. The Use Permit shall include a traffic management plan approved for traffic safety by the Department of Transportation and Public Works. The traffic management plan shall include the following requirements and standards:
 - a. Approved access conforming to County Code Section 15.30 as determined by the Department of Transportation and Public Works.
 - b. Adequate year-round ingress and egress shall be provided for emergency vehicles per Public Resources Code 4290 to the satisfaction of the affected emergency response agencies and the Department of Transportation and Public Works. Locations subject to seasonal limitations for access by traditional emergency vehicles shall submit an emergency management plan demonstrating adequate accessibility of emergency services to the satisfaction of the affected emergency response agencies.
 - c. The site access connection to a County or State maintained road shall meet the minimum requirements of the Department of Transportation and Public Works or the California Department of Transportation, as applicable.
 - d. A traffic control plan to ensure an orderly and safe arrival, parking, and departure of all vehicles and to ensure that traffic will not back-up or block private easements, County or State roads, intersections, or private driveways.
 - e. The location of all temporary directional signs on driveway entrance and within parking lots to ensure orderly flow of traffic. Temporary directional signs shall be placed prior to all events and promptly removed at the conclusion of the event.
4. Prior to issuance of the Use Permit, the permittee shall pay applicable Regional and Local Traffic Mitigation Fees in accordance with County Code Chapter 7.80 at the rate(s) in effect at the time of payment.
5. Permittee of a Lodging House and Special Events Facilities located on private roadways shall have entered into a road maintenance agreement with a majority of the owners of the road which includes specific terms to include impacts from the Lodging House and Special Events Facility.
6. Lodging Houses and Special Events Facilities shall avoid Flood Hazard Areas as shown in the most recent Flood Insurance Rate Maps.
7. A minimum of 5,000 gallons of water storage for fire-fighting purposes shall be located within 150 feet of the any Lodging House and Special Events Facility. Storage tanks and/or ponds used for water storage shall have the appropriate connection fittings, drafting hydrants, directional signage, etc., as required by the affected fire district.
8. The permittee shall obtain all necessary building permits for all structures and maintain the use and occupancy limits of those structures in accordance with their respective Certificates of Occupancy.
9. No special event facility shall be allowed to exceed an attendance level of two hundred (200) people between the hours of 7:00 am and 10:00 p.m. Attendance levels between the hours of 10:00 p.m. and 7:00 a.m. is limited to overnight lodging guests. The number of overnight lodging guests shall not exceed two persons per bedroom. The number of bedrooms shall be determined by County records.
10. The permittee shall provide a potable domestic water supply and an on-site sewage disposal system necessary to accommodate all special events and lodging rooms to the satisfaction of the Environmental Health Department. This may require being permitted as a "small public water system" if the location regularly serves 25 individuals daily at least 60 days out of the year.
11. Any food provided at lodging and/or special events held on the premises shall be prepared off-site and served by a caterer holding a valid permit from the Amador County Environmental Health Department, unless the permittee obtains a valid food facility permit to operate a food

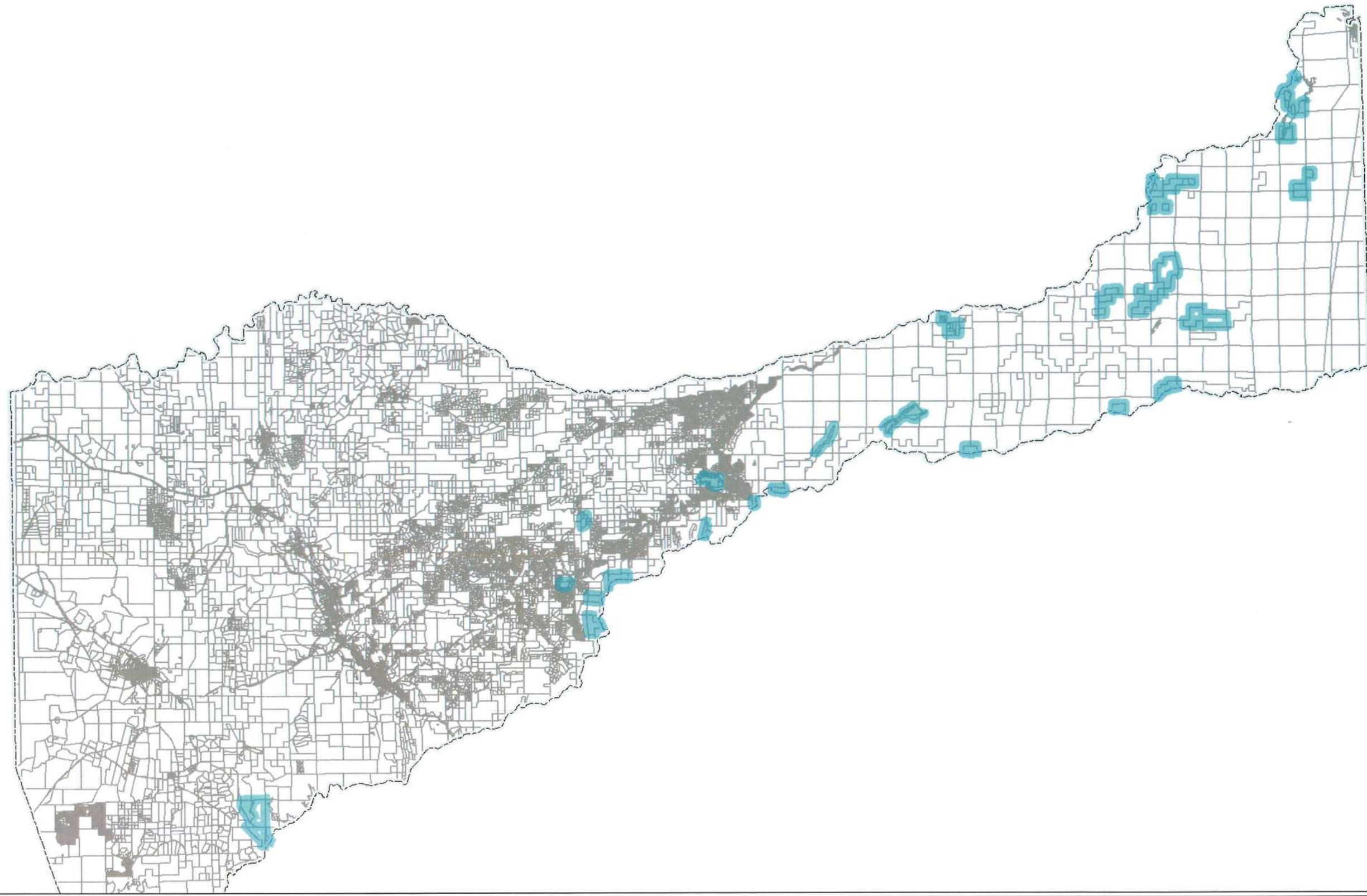
preparation facility for catering on-premises prior to activation of the Use Permit. The food facility permit shall remain in effect for the life of the Use Permit. No food shall be catered to off-site locations or functions.

12. The permittee shall be responsible for obtaining the appropriate California State Department of Alcoholic Beverage Control (ABC) licenses and complying with all ABC requirements, rules, and regulations.
 13. Prior to activation of the use permit, the permittee shall provide documentation to the Amador County Environmental Health Department that the site is in full compliance with the requirements of the Certified Unified Program Agency (CUPA) regarding hazardous materials business plan requirements, hazardous waste generation, treatment or storage, aboveground petroleum storage, and underground tanks. If a hazardous materials business plan is triggered, the emergency response portion shall include a plan for the evacuation of attendees in the event of a hazardous materials incident. The permittee shall substantially comply with all requirements of the CUPA Program throughout the life of the Use Permit.
 14. Solid waste handling and storage must comply with Amador County Code Chapter 7.24. No less than 14 days prior to the first special event, the permittee shall submit a plan for review and approval to the Amador County Waste Management Department describing the waste segregation methods and destinations for each waste or recyclable stream.
 15. The following setbacks shall be maintained at all times:
 - a. No lodging or event structures shall be located closer than thirty (30) feet from a property line, unless a greater distance is identified as being necessary under the Use Permit to ensure compatibility with surrounding sensitive receptors.
 - b. All temporary structures such as tents, stages, seating areas, etc., shall abide by all setbacks, building codes, and fire codes, and their use must be identified on the plot plan.
 16. All lighting shall comply with the following requirements:
 - a. All outdoor lighting associated with any special event shall be turned off by 10:00 p.m.
 - b. Outdoor Lighting Shall Comply With General Plan Mitigation Measure 4.14: Outdoor Lighting in order to reduce light pollution and glare. Outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way.
 17. All signage shall comply with the following requirements:
 - a. One (1) sign up to thirty-two (32) square feet is permitted per facility, subject to the requirements of Chapter 19.32, and may be indirectly illuminated.
 - b. Temporary directional signage is allowed during event activities as well as to slow traffic if placed outside of the County or State right-of-way.
 18. Fugitive dust shall be minimized by reducing vehicle speeds on driveways and parking areas and the application of water or other approved dust suppressant.
 19. On-site parking shall be provided at the ratio of one (1) space per every four (4) attendees.
 20. An emergency communication plan shall be provided for locations that do not have land line telephone service.
- F. Findings. No Use Permit shall be granted unless the Planning Commission finds that the special event facility, as approved:
- a. Complies with the standards and operational requirements and limitations set-forth under this section; and,

- b. Complies with applicable General Plan Mitigation Measures; and
- c. Will not be incompatible with surrounding land uses. The following factors shall be evaluated in the processing and review of a Use Permit application pursuant to this section:
 - 1. The design of the special events facility in terms of its physical and operating characteristics.
 - 2. The intensity of the use proposed and density of the surrounding area, including the size of the parcel proposed for the special event facility and the size of surrounding parcels.
 - 3. The distance to surrounding sensitive receptors, including residences, from the special event facility.
 - 4. The type of sound generated by the special event facility and whether the facility includes an allowance for amplified music, non-amplified music or no music, and the location where amplified and non-amplified music may take place.
 - 5. The location of noise producing activities such as stages, party areas, speakers, temporary tents, including whether such activities may take place entirely within enclosed structures, partially enclosed structures, or in outdoor areas and their proximity to surrounding sensitive receptors.
 - 6. The allowed number of events per year, frequency of events, and allowed number of guests that may occupy the site at any given time.

APN	ACREAGE
26030037000	10.43
26020033000	28.86
26020048000	15
26020049000	28.62
26030015000	74.89
26030014000	25.34
26030016000	25.28
26030005000	65.09
26030004000	43.33
26040067000	28.86
26040069000	62.17
26080005000	40
26070009000	80
26110004000	80
26060018000	38.3
26060019000	38.3
26060011000	160
26100001000	75.74
26060012000	39.1
26060010000	20
26100004000	40
26100003000	29
28010010000	460
28010011000	38
28010008000	36.61
28050008000	40
28050005000	160
28060003000	560
28010006000	70
28050001000	76.2
28050003000	40
28090012000	145
28130002000	75.76
24090004000	22.7
25020018000	19.33
25020020000	22.54
25020028000	23.83
25020029000	32.77
25020027000	25.22
25020015000	41.57
25060013000	106.79
24060015000	80
24050013000	101.51
33010028000	67
33010089000	104.68
033010024000	28.69

31010028000	36.3
30060077000	54.39
38180056000	45.7
36060006000	12.2
36060042000	154.04
12110017000	180
12140005000	146.39
12110018000	33
12150002000	25
12140005000	22.3
38210029000	80.25
38210013000	134
	4350.08



Administrative Boundaries
 □ Amador County Boundary
 □ Parcels



1" = 20773 ft

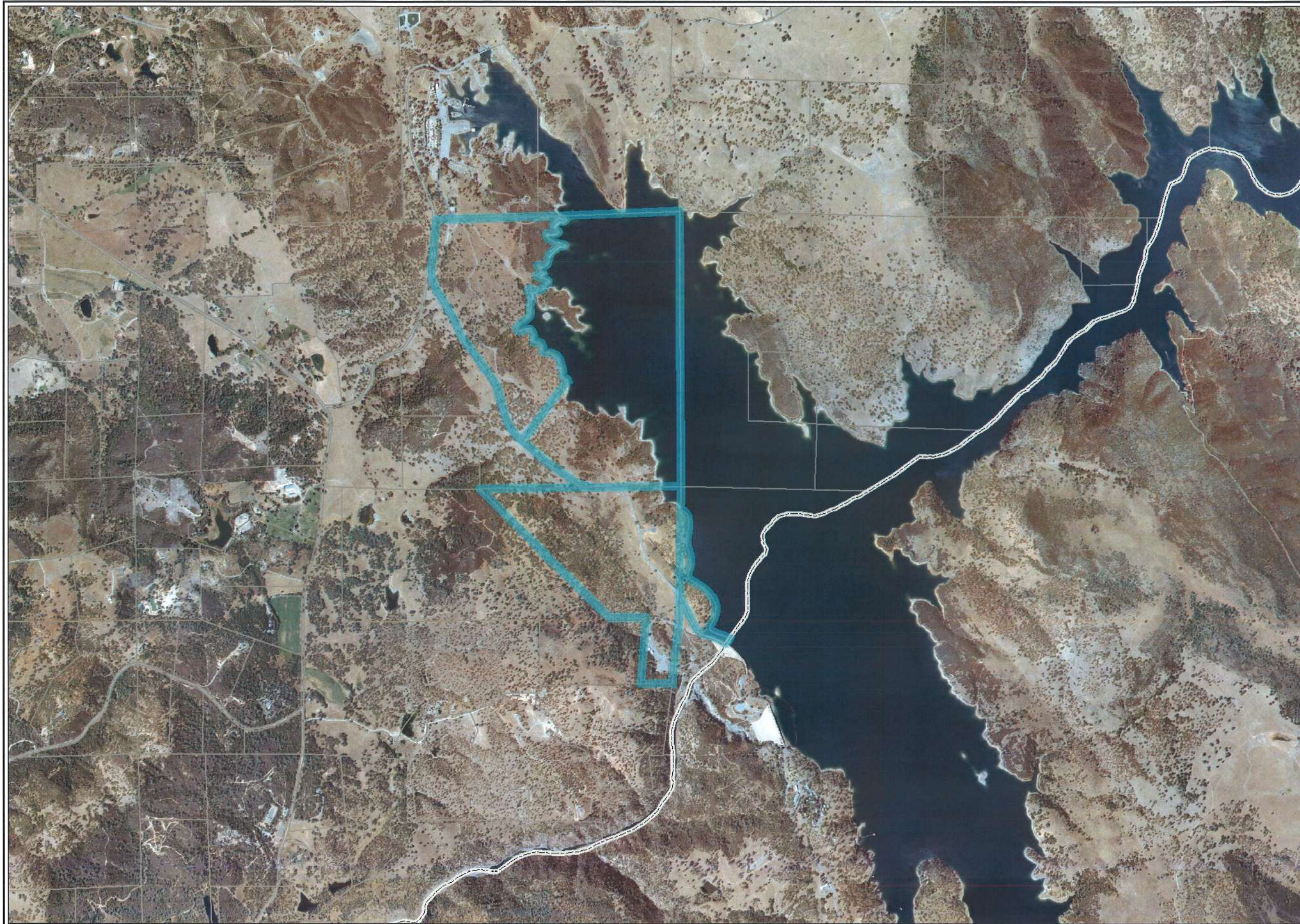
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Notes



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Amador County GIS Viewer
 Amador County Information Technology Dept.
 810 Court St, Jackson CA 95642
 March 5, 2019



Administrative Boundaries
□ Amador County Boundary
□ Parcels



1" = 1836 ft

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Amador County GIS Viewer

Amador County Information Technology Dept.
810 Court St, Jackson CA 95642

March 5, 2019



Administrative Boundaries
□ Amador County Boundary
□ Parcels



1" = 3672 ft

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Amador County GIS Viewer
Amador County Information Technology Dept.
810 Court St, Jackson CA 95642

March 5, 2019



Administrative Boundaries
□ Amador County Boundary
□ Parcels



1" = 8734 ft

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Amador County Information Technology Dept.
810 Court St, Jackson CA 95642

March 5, 2019

HOOVER ENTERPRISES
43300 State Highway 88
135 Schober Avenue Jackson CA 95642
209-223-0718 Cell: 209-419-0717
whovrzu@comcast.net

September 28, 2018

Chuck Beatty, Planning Director
Amador County Planning Department
810 Court Street
Jackson CA 95642

Subject: Proposed Text Amendment for Recreation Uses in an R1-A Zone

Dear Chuck:

Attached for your consideration is a proposed Text Amendment to revise portions of the R1-A Zoning District to address public and private recreation uses.

If you concur with this approach, please take the necessary steps to start the formal review process.

We are available to meet with you to discuss revisions, refinements, and corrections. Please give me a call on my cell phone, or send me an e-mail.

Yours truly,

HOOVER ENTERPRISES



THOMAS HOOVER
Owner

Proposed Text Amendment for the R1-A Zoning District

19.24.045 R1-A District – Single-family residential-agricultural district.

[**Bold underline** indicated new wording.]

- D. Uses Permitted Subject to First Securing an Approved Use Permit.
1. Guest house;
 2. Farm and forestry labor camp;
 3. Recreation Uses. **Public and private recreation facilities as long as the underlying General Plan Land Use designation is OR (Open Recreation).**
 - a) **Such facilities may include any incidental and necessary structures such as a lodge, dormitory, recreation building, cook shack, cabins, indoor/outdoor pavilions, and restrooms and shower buildings.**
 - b) **Uses permitted under a Conditional Use Permit include but are not limited to: outdoor recreation activities such as hiking, fishing, swimming, kayaking and canoeing; water sports; tent and RV camping; outdoor weddings; rifle, pistol and archery ranges; horseshoes; bocce; winter sports such as snowmobiling, skiing and snowshoeing; gold panning and sluicing; acoustic and amplified music; playground equipment; basketball; volleyball; miniature golf; boat launching; and horseback riding. Any other proposed uses shall be determined by the Planning Commission as part of the Conditional Use Permit approval process.**
 - c) **Resort developments and commercial recreation-related activities are allowed subject to approval of an overall development plan as part of the Conditional Use Permit.**

Add to Section G – Minimum Parcel Size Required:

General Plan Classification

Minimum Parcel Size

OR

Forty Acres

Planning Commission Agenda Item Report

Submitting Department: Planning

Meeting Date: March 12, 2019

SUBJECT

Discussion of Short-Term Rental impacts and benefits and scheduling of a public hearing to solicit comments.

Recommendation:

Following a presentation from staff and discussion with the Commission, it is recommended that the Commission schedule a public hearing and input process to gather public comments on this issue.

4/5 vote required:

No

Distribution Instructions:

Planning

ATTACHMENTS

- [Short Term Rental presentation](#)
- [STR-Jackson,CA.pdf](#)
- [STR-ord_El Dorado.pdf](#)
- [STR-ord_Alpine.pdf](#)
- [STR-Sacramento,CA.pdf](#)

Short-term Rentals



The map features several informational panels:

- Trailer:** A panel with a red title, images of a trailer, and text. It includes a small icon of a yellow dog.
- Potential Problems Associated with STR's:** A central panel with a list of issues and a group photo. The list includes:
 - Increased Occupancy for transient
 - Increased turnover and wear
 - Lack of maintenance and safety features
 - Lack of local laws (check)
 - Increased safety and security issues
 - Reduced fire and electrical safety
 - Reduced safety and protection for neighbors
 - Increased noise and disturbance
 - Increased parking and traffic
 - Lack of local regulations
 - Lack of proper permits/licenses
 - Increased waste
 - Increased security risks
- Emily Way:** A panel with a red title, images of a house, and text. It includes a small icon of a deer.
- Typical Short-term Rentals:** A panel with a red title, images of various rental properties, and text. It includes a small icon of a horse.
- Open Homes Program:** A panel with a red title, a map, and text. It includes a small icon of a cow.
- In The News:** A panel with a red title, a list of news items, and a small icon of a blue bird.
- Host people in need of critical care and respite:** A panel with a red title, text, and a small icon of a white dog.
- Host newcomers who are respite for your city:** A panel with a red title, text, and a small icon of a white dog.

Short-term rental

/SHôrt/t·rm/ren(t)l/

verb

the use of a residential dwelling unit, portion of a single family dwelling, or accessory building for occupation by residents on a temporary or transient basis for compensation, monetary or otherwise for a period less than or equal to 30 days.

noun

a furnished home, apartment, condominium, or other lodging for a short-term stay (less than or equal to 30 days).

Vacation Properties

A residence other than the owner's primary residence that is used for vacations or other recreational purposes. A vacation home is often rented to tenants during times when the owner is not using it. ...

25% of Vacation buyers bought and rented their property as STR's*

6% of Vacation Home Investors bought the property with the intent to generate income through rental*

*Most recent statistical data provided in 2017 by the National Association of Realtors

National Association of Realtors
IRS.gov
The Complete Real Estate Encyclopedia by Denise L. Evans, JD & G. William Evans, JD. 2007. The McGraw-Hill Companies, Inc. 22 Feb. 2019 <https://financial-dictionary.thefreedictionary.com/vacation-home>
The Real Estate Marketplace Glossary - How to Talk the Talk. Federal Trade Commission, FTC. 22 Feb. 2019 <https://www.ftc.gov/sites/default/files/documents/one-stop/real-estate-competitions/realstateglossary.pdf>

Investment Properties

Investment Property: A property purchased to generate rental e, tax benefits, or profitable resale rather than to serve as the borrower's primary residence. Contrast with "second home."

24% of Investment Properties were rented as STR's*

45% of Investment buyers bought their property to generate rental income*

Any Property Owner is considered to use a dwelling unit as a residence they use it for personal purposes during the tax year for more than the greater of

14

days



Houses and Cabins



\$375 a night, 8 guests, 3 bedrooms, 4 beds, 4 bath



\$250 a night, 4 guests, 2 bedrooms, 2 beds, 1 bath

Typical House Rules

- No unregistered guests/Ask host for price approval for all guests/maximum number of _____ guests allowed, etc.
- No smoking
- Off Premises/Offsite
- Eating/Drinking
- Cleaning Procedures
- Laundry
- Gatherings or Parties
- Quiet Hours
- Pets/Animals



Typical Short-term Rentals

Room and Suite Lodging



Houses and Cabins



\$375 a night. 8 guests, 3 bedrooms, 4 beds, 4 bath



\$250 a night, 4 guests, 2 bedrooms, 2 beds, 1 bath


Typical Short-term Rentals



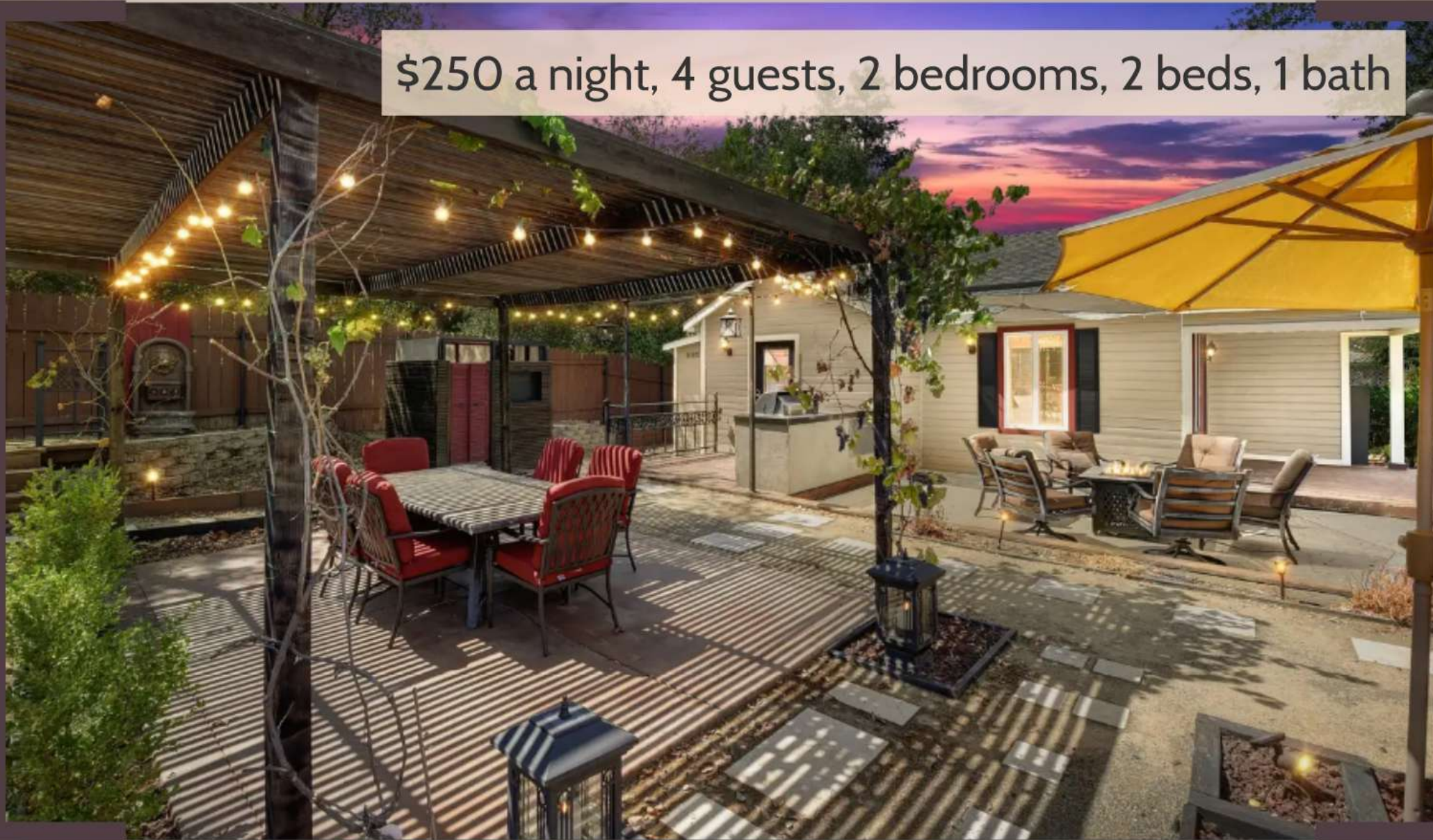
\$375 a night, 8 guests, 3 bedrooms, 4 beds, 4 bath





 Prezi
\$275 a night, 8 guests, 3 bedrooms, 4 beds, 4 bath

\$250 a night, 4 guests, 2 bedrooms, 2 beds, 1 bath



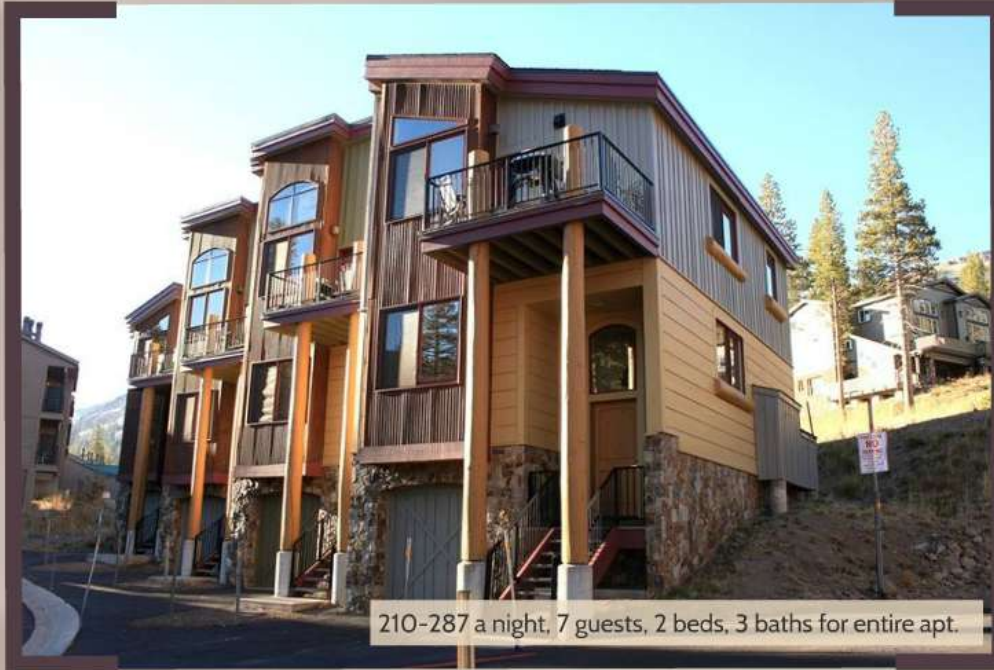
Houses and Cabins



\$250 a night, 4 guests, 2 bedrooms, 2 beds, 1 bath



Room and Suite Lodging





210-287 a night, 7 guests, 2 beds, 3 baths for entire apt. 148

g





210-287 a night, 7 guests, 2 beds, 3 baths for entire apt.



\$150 a night, 8 guests, 4 bedrooms, 5 beds, 2 baths.



Typical House Rules

- No unregistered guests/Ask host for prior approval for all guests/ maximum number of ____ guests allowed... etc.
- No smoking
- Off limit areas/penalties
- Eating areas
- Cleaning Procedures
- Laundry
- Gatherings or Parties
- Quiet Hours
- Pets/Animals



Open Homes Program

In The News

NOVEMBER 24TH, 2017

Rome hosts visit Amatrice to support the community hit by the earthquake

NOVEMBER 15TH, 2017

Seattle hosts participate in emergency preparedness and safety training

SEPTEMBER 1ST, 2017

Hurricane Harvey evacuees: How to book emergency accommodations for \$0

AUGUST 16TH, 2017

Dallas host embodies spirit of World Humanitarian Day

JUNE 20TH, 2017

Hosts open homes to Red Cross relief workers following Grenfell Tower tragedy

JUNE 7TH, 2017

Opening more homes to people in need

APRIL 7TH, 2017

Denver host opens her home to refugees

FEBRUARY 6TH, 2017

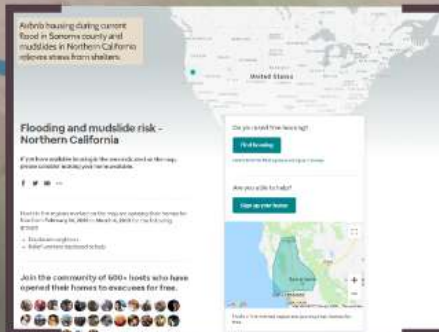
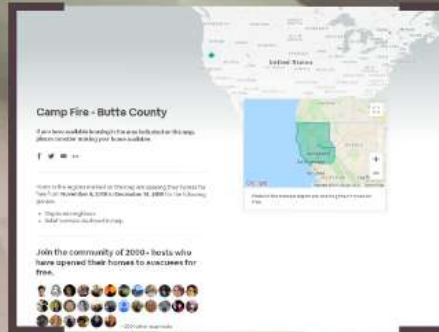
Airbnb launches campaign to help 100,000 displaced people belong

JANUARY 30TH, 2017

Helping people belong anywhere matters now more than ever

OCTOBER 10TH, 2016

Airbnb partners with Auckland Council to assist with disaster relief



OPEN HOMES - MEDICAL STAYS

Host people in need of critical care and respite

Offer free, temporary housing to people who need a place to call home.

Sign up

Learn more

OPEN HOMES - REFUGEE HOUSING

Host newcomers who are moving to your city

Offer free, temporary housing to people who need a place to call home.

Sign up

Airbnb housing during current flood in Sonoma county and mudslides in Northern California relieves stress from shelters.



Flooding and mudslide risk - Northern California

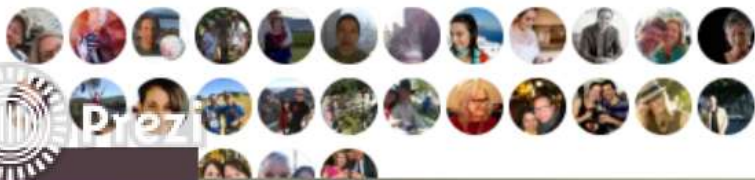
If you have available housing in the area indicated on the map, please consider making your home available.



Hosts in the regions marked on the map are opening their homes for free from **February 14, 2019** to **March 4, 2019** for the following groups:

- Displaced neighbors
- Relief workers deployed to help

Join the community of **600+** hosts who have opened their homes to evacuees for free.



Do you need free housing?

[Find housing](#)

[Learn how to find a place on Open Homes](#)

Are you able to help?

[Sign up your home](#)



Hosts in the marked region are opening their homes for free.



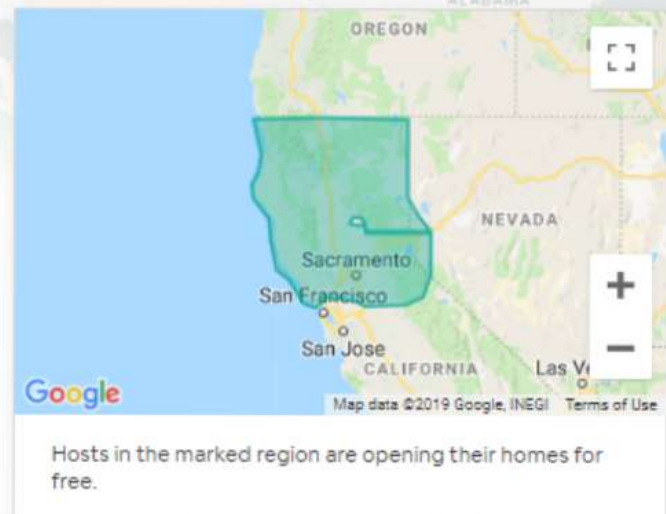
Camp Fire - Butte County

If you have available housing in the area indicated on the map, please consider making your home available.



Hosts in the regions marked on the map are opening their homes for free from **November 8, 2018** to **December 14, 2018** for the following groups:

- Displaced neighbors
- Relief workers deployed to help



Join the community of 2000+ hosts who have opened their homes to evacuees for free.



Open Homes Program

In The News

NOVEMBER 24TH, 2017

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NOVEMBER 15TH, 2017

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SEPTEMBER 1ST, 2017

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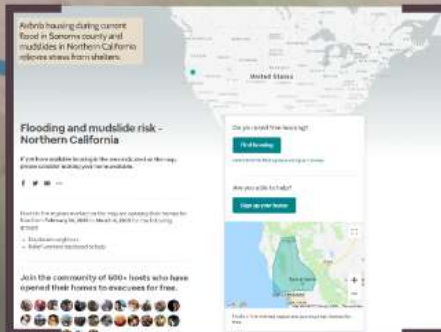
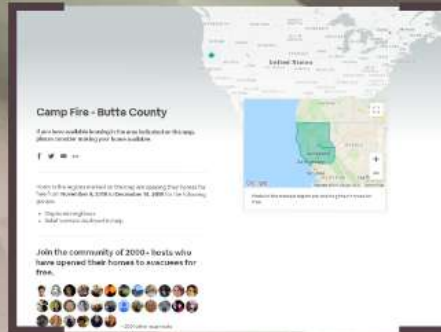
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Sign up

Learn more

OPEN HOMES - REFUGEE HOUSING

Host newcomers who are moving to your city

Offer free, temporary housing to people who need a place to call home.

Sign up

Emily Way



Ashley
June 2017

This house is perfection! Pictures don't even do it justice. It was so clean, and beautifully decorated. It felt like we were in a celebrity home. Huge kitchen made entertaining very easy as that's where we gathered much of the time. There's also a very big dining room table so we were all able to sit and have dinner together every night. (There were 10 of us). Plenty of bedrooms and everyone was able to have their own bed. There are also a LOT of bathrooms which is convenient with a big group. We came for my sister's bachelorette party and never needed to leave the property. We were able to have an awesome pool day, but it rained the rest of the time so the game room was perfect to keep us entertained. It would have been nice to have a hot tub in the colder weather, but it didn't bother us at all. Everyone loved the house and many of us want to plan something to go back. Nothing but positive reviews. Sheryl was quick to reply with any questions I had and was very helpful since I'd never been to the area before. The house is on a lot of property so it was nice to not need to worry about noise, outdoor music, etc. but it is not far from the town at all. Secluded, but still convenient. Honestly, I could go on. We'll be back for sure! Amazing house!



Country Living at its Finest
Suffar Creek

\$875 per night
★★★★☆ 27

Entire house
10 guests · 5 bedrooms · 9 beds · 5.5 baths

Sparkling clean
10 recent guests said this place was sparkling clean.

Self check-in
Check yourself in with the keypad.

Sheryl is a Superhost
Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

Book

There's no charge yet.

Report this listing

David
September 2018

This house is great for a large party. We had ten people in our party and everyone had a great time. We pretty much stayed at the house the entire weekend since we had done grocery shopping before coming. Driving to actual Butler Creek town is about 1 minute. We were perfectly entertained at the house though with the pool, game room, horsehoses, etc. will definitely stay here again if we are coming out this way.





ENTIRE HOUSE

Country Living at its Finest

Sutter Creek



Sheryl

Entire house

15 guests 5 bedrooms 9 beds 5.5 baths

Sparkling clean

10 recent guests said this place was sparkling clean.

Self check-in

Check yourself in with the keypad.

Sheryl is a Superhost

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

\$875 per night

★★★★★ 27

Dates

Check in → Check out

Guests

1 guest

Book

You won't be charged yet

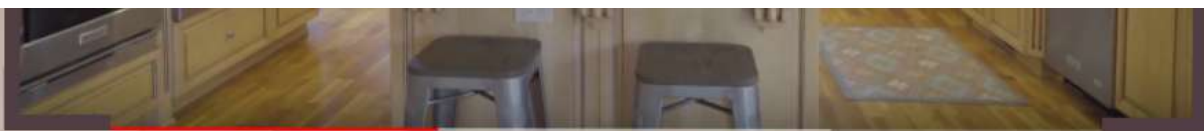
Report this listing



David

September 2018

This house is great for a large party. We had ten people in our party and everyone had a great time. We pretty much stayed at the house the entire weekend since we had done grocery shopping before coming. Driving to actual Sutter Creek town is about 1 minutes. We were perfectly entertained at the house though with the pool, game room, horseshoes, etc. will definitely stay here again if we are coming out this way.



David

September 2018

P

This house is great for a large party. We had ten people in our party and everyone had a great time. We pretty much stayed at the house the entire weekend since we had done grocery shopping before coming. Driving to actual Sutter Creek town is about 1 minutes. We were perfectly entertained at the house though with the pool, game room, horseshoes, etc. will definitely stay here again if we are coming out this way.



people in our party and everyone
 use the entire weekend since
 going to actual Sutter Creek
 stayed at the house though with
 stay here again if we are



Ashley
 June 2017

This house is perfection! Pictures don't even do it justice. It was so clean, and beautifully decorated. It felt like we were in a celebrity home. Huge kitchen made entertaining very easy as that's where we gathered much of the time. There's also a very big dining room table so we were all able to sit and have dinner together every night. (There were 10 of us). Plenty of bedrooms and everyone was able to have their own bed. There are also a LOT of bathrooms which is convenient with a big group. We came for my sisters bachelorette party and never needed to leave the property. We were able to have an awesome pool day, but it rained the rest of the time so the game room was perfect to keep us entertained. It would have been nice to have a hot tub in the colder weather, but it didn't bother us at all. Everyone loved the house and many of us want to plan something to go back. Nothing but positive reviews. Sheryl was quick to reply with any questions I had and was very helpful since I'd never been to the area before. The house is on a lot of property so it was nice to not need to worry about noise, outdoor music, etc. but it is not far from the town at all. Secluded, but still convenient. Honestly, I could go on. We'll be back for sure! Amazing house!

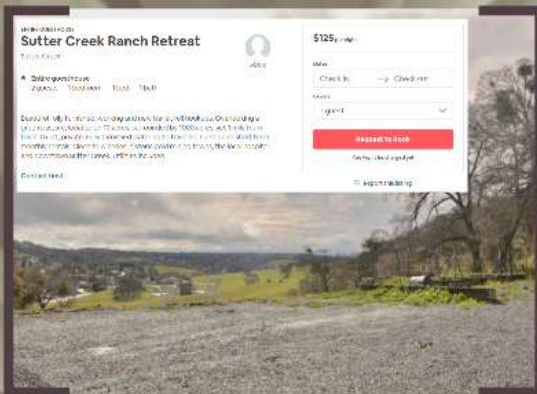


Potential Problems Associated with STR's

- Inaccurate Occupancy Tax reported
- Irresponsible tourism and growth
- Lack of limitation on numbers of guests
- Lack of limit of days offered
- Potential safety and security threats
- Possible fire susceptibility
- Public nuisances and problems for neighbors
- Transportation/infrastructural impacts, increased traffic
- Housing shortage
- Loss of cultural integrity
- Vacant residents/homeowners
- Nuisance Signage
- Visual/aesthetic detracting



Trailer



Venues for noncompliance

ENTIRE GUESTHOUSE

Sutter Creek Ranch Retreat

Sutter Creek



Abbie

Entire guesthouse

2 guests 1 bedroom 1 bed 1 bath

Beautiful fully furnished, working and new trailer, full hookups. Overlooking a green pasture, located on 10 acres, surrounded by 1000 acres, yet 1 mile from town. Quiet, private. Fully furnished, catering to traveling nurses and short term monthly rentals. Close to wineries, historic gold mining towns, the local hospital and downtown Sutter Creek. Utilities included.

Contact host

\$125 per night

Dates

Check in → Check out

Guests

1 guest

Request to Book

You won't be charged yet

Report this listing



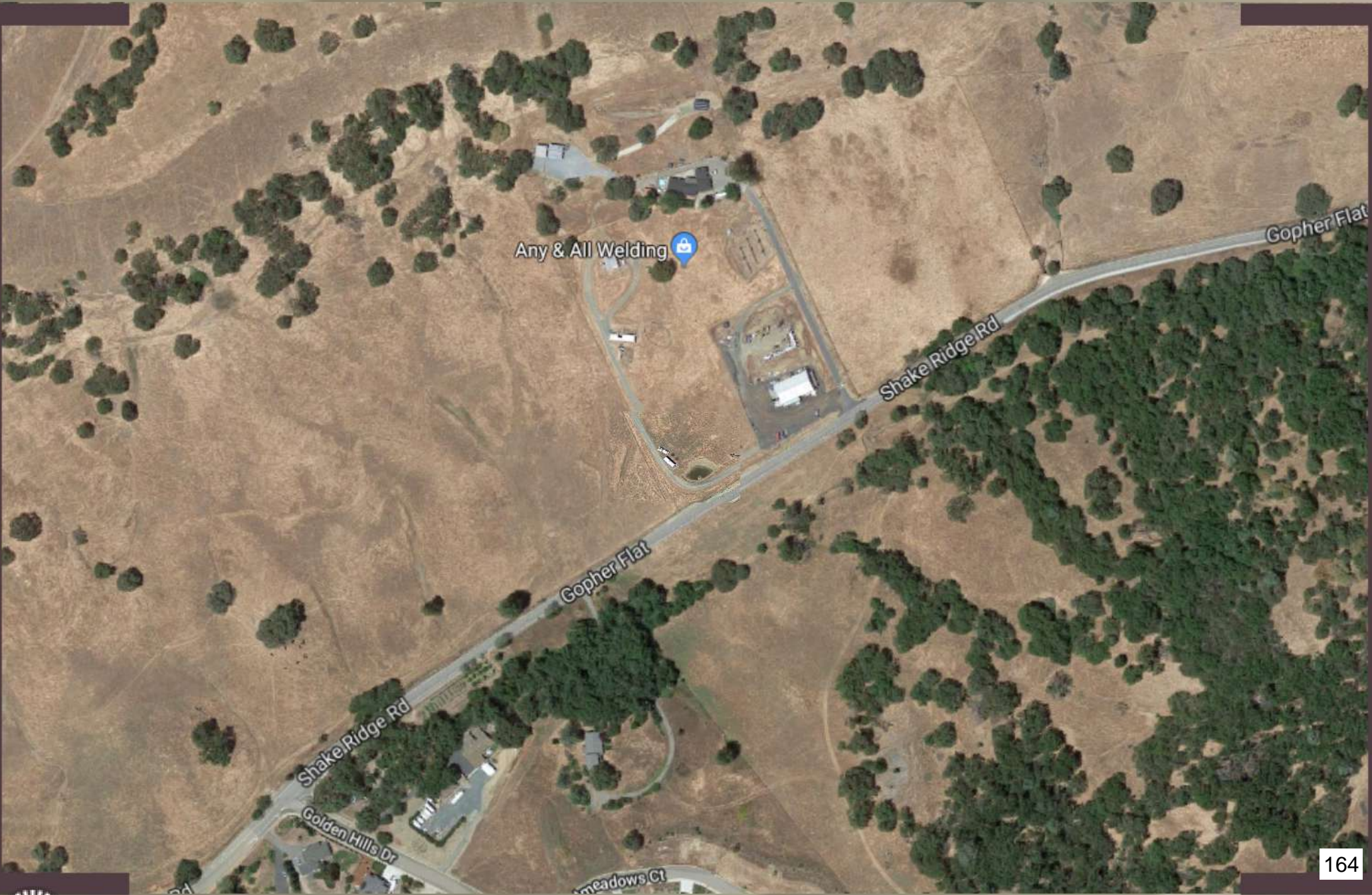
Michael

October 2014

My bud and I enjoyed the night therefore could more easily enjoy October, it was a fair and warm grounds. I stayed in the trailer. Bruce slept in his sleeping bag on of the bed for two non-lovers. I shower until the next morning a short distance. I'm not sure how dawn and my shower was only a two cats, and one was a bit pesky discouraged it, but then after pr stayed clear of that cat from the text and he was friendly and over to him AFTER lighting the fire pit drought in the area. At first I was going with only one match, but to make sure it didn't light up half of exaggerate. But suffice to say, ch night to start a campfire under t of this hillside.



Venues ¹⁶³ for



Any & All Welding

Shake Ridge Rd

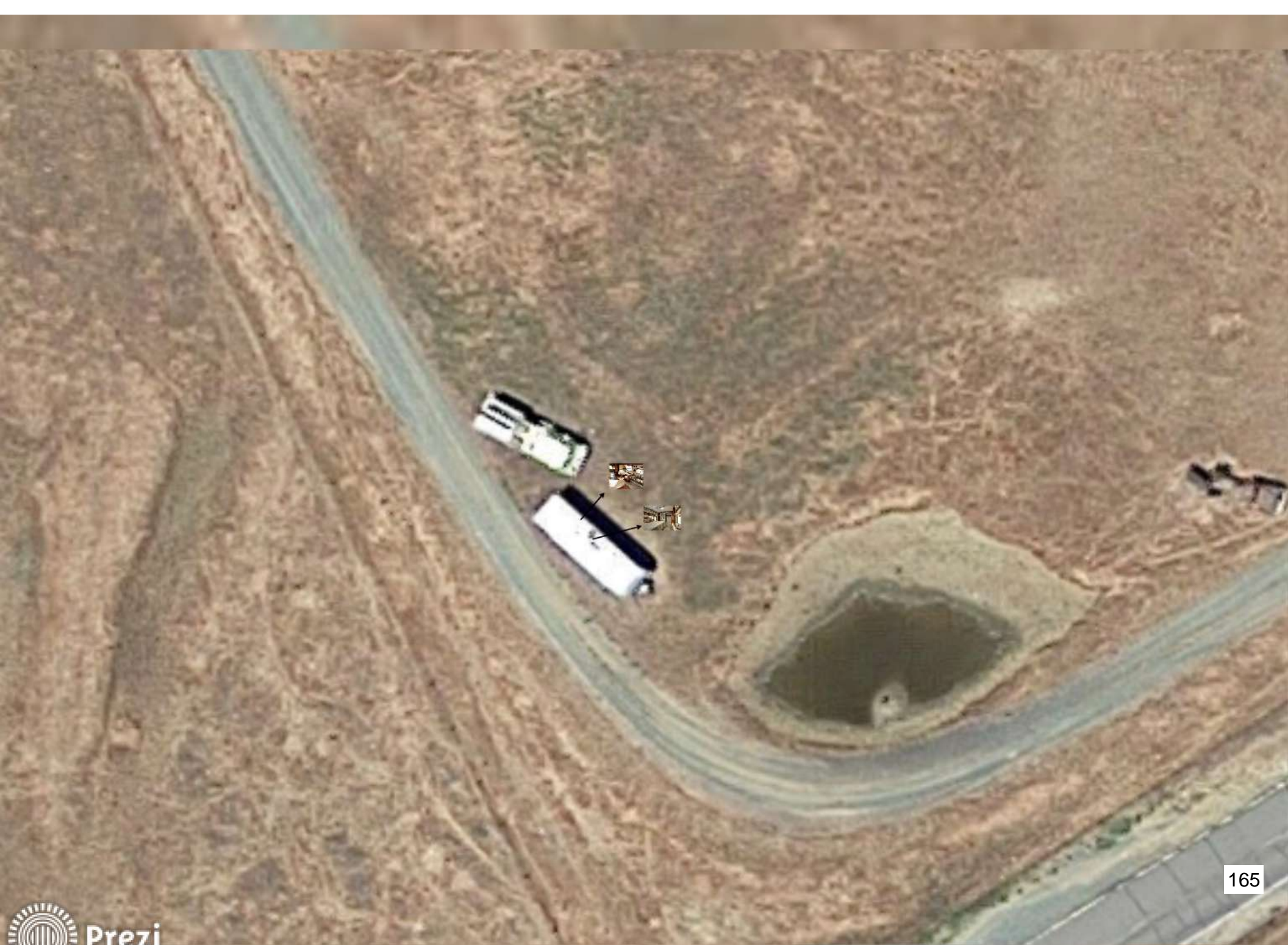
Gopher Flat

Gopher Flat

Shake Ridge Rd

Golden Hills Dr

Meadows Ct









Michael

October 2014

My bud and I enjoyed the night on the hill. We had no false impressions and therefore could more easily enjoy the adventure. Altho the calendar read October, it was a fair and warm night, and even a half moon illuminated the grounds. I stayed in the trailer (second one; the first was used by "a friend") while Bruce slept in his sleeping bag outside due to his sensitivity to heat and smallness of the bed for two non-lovers. I actually did not even recognize the outdoor shower until the next morning as it was well hidden from view down the hill a short distance. I'm not sure how the solar panels work to generate hot water at dawn and my shower was only as warm as the earth/air temperature. There are two cats, and one was a bit pesky and was bothering Bruce for a while until he discouraged it, but then after pretending to be nice to me, it bit my thumb. I stayed clear of that cat from that point on. The host was available by phone and text and he was friendly and overall helpful on tidbits. Unfortunately I reached out to him AFTER lighting the fire pit that that was unadvised due to the relative drought in the area. At first I was proud of myself for being able to get flames going with only one match, but then we had to quickly go into damage control to make sure it didn't light up half of California and put myself on the news. I exaggerate. But suffice to say, check with the host before deciding it a good night to start a campfire under the countless nighttime stars visible from the top of this hillside.

\$30 a night, Jackson, 2 guests, 1 bedroom, 1 private bath



Venues for noncompliance

Prezi



Michael

October 2014

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tiny home



2 guests, studio, 1 bed, 1 bath, rv electric hookup, well and older septic,



Other things to note

This is a rustic cabin. Here's some things you should know:

- The cabin is rustic but has some updates. There is only a full size laundry sink located in the bathroom; the kitchenette does not have one.
- The cabin is on a well and older septic system. Because the cabin sits on an old mine the water has high iron content and is not potable. The water is fine for showers or washing hands, but it does have an iron odor. The shower water is also a bit hard for some and may cause some dry skin. The water has caused some red staining to the shower, toilet and sink which may be mistaken for not being clean (but it is).
- Bugs. There are plenty of tools to keep the bugs away but remember this is a cabin and there are flying insects such as mosquitoes and moths
- Bees. In our effort to give back to our community and environment we have established several bee hives throughout the property. The bees keep to themselves staying busy producing sustainable honey for your visit and for us. Unless disturbed they won't disturb you. We ask that you enjoy the hives from a distance. If you have an allergy to bees, or suspect that you may have an allergic reaction to a sting, we ask that you give some consideration as to whether this cabin is the best place for your stay.
- Heat/AC: Like we said, this is a rustic cabin. There is no air conditioning for warm days. There is a portable heater and free standing fireplace.



Blair
July 2016

Used the platform for tents. It was flat but the nails are coming up so that was a bit uncomfortable. There is a bit of poison oak all around the deck so be careful. Breakfast was great and Alice was a good host. Only animals at this property were chickens but next door there are some pretty amazing Scottish Highland Cattle. Huge horns on these short but fat cattle. We had use of the upstairs bathroom which was great for my daughter. Fiddletown is very small but the 1850's buildings are quite interesting. Bring a hammer.



Collie
October 2017

The hostess, Alice, was warm, welcoming and gracious! Her farmhouse is delightfully charming and her home cooked breakfast was awesome! The bathroom is sufficient and shared with other guests. Not sure if the other guests were conscientious of that as I got walked in on and we never made any arrangements with the other guests on timing. I didn't mind that the hostess wasn't home when we arrived as she communicated well on that day through the Airbnb website and a note. But the wood platform was covered in thick tree debris that would have been nice to have a broom to remove it (even better had it been removed before we got there). The hostess had some personal laundry hanging to the side of our camp space when we arrived. There was a majestic old Oak tree looming over the wood camp platform that was a once in a lifetime treasure to sleep under. The view from the wood platform into the side of her property line was private with about a 1/2 acre dried grass space surrounded by trees with lots of birds and nature. Unfortunately, there are some large piles of tree debris and abandoned fuel tanks that need to be removed from the immediate camp area and private view. But Alice does make up for the rounded value of the experience with everything else. I would have rated her excellent-5 stars if it weren't for these minor items.



PRIVATE ROOM IN CAMPSITE

platform under oak near farmhouse

Fiddletown

★ Private room in campsite

4 guests 1 bedroom 4 beds 1 bath



Alice

\$50 per night
★★★★ 11

Dates

Check in → Check out

Guests

1 guest

Book

You won't be charged yet

Report this listing

A wooden platform under a big oak near the farmhouse accommodates up to 4, bring a tent or just sleeping bags and pads. Starlight and quiet at night, a good place for meditation during the day. Guest bathroom and FULL ORGANIC BREAKFAST included: Fresh seasonal fruit, homemade bread and jams, egg dish, coffee or tea; added charge more than 2. Parking just steps away. Chairs and table under the oaks a great place to eat lunch or read.

[Read more about the space](#)



PRIVATE ROOM IN CAMPSITE

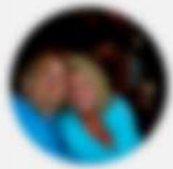
platform under oak near farmhouse

Fiddletown

 Private room in campsite

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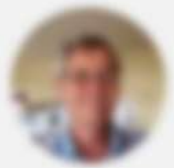




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Collie

October 2017



YURT: \$50 a night, mountain ranch, 4 guests, 2 beds, 1 shared bath, indoor fireplace,



TREEHOUSE



\$35 a night, mountain ranch, 1 guest, 1 bedroom, 1 bed, 1 shared bath



Short-term Rentals



Trailer

Referral Problems Associated with STR's

- Increased Occurrence for increased
- Increased duration and growth
- Local development and loss of homes
- Loss of local tax revenue
- Increased safety and security issues
- Reduced fire and police response times
- Reduced revenue and productivity for businesses
- Increased safety and security issues
- Increased noise
- Loss of local tax revenue
- Increased safety and security issues
- Reduced fire and police response times
- Reduced revenue and productivity for businesses

Emily Way

Typical Short-term Rentals

Open Homes Program

In The News

Host people in need of critical care and respite

Host newcomers who are respite for your city

Amador County Planning



Created By

Ruslan Bratan
and Krista Ruesel

H. Exception. An accessory dwelling unit is exempt from the requirements of this section and may proceed with a building permit if the unit meets all the requirements of subparagraph (H)(1):

1. The accessory dwelling unit:
 - a. Is one accessory dwelling unit per single-family lot located within a single-family residential zone;
 - b. Is contained within the existing [living area] space of a single-family residence or accessory structure;
 - c. Has independent exterior access from the existing residence; and
 - d. The side and rear setbacks are sufficient for fire safety.
2. If subparagraphs requirements of subparagraph (H)(1) are met, then the applicant:
 - a. Is required to install fire sprinklers in the accessory dwelling unit if the primary residence is also required to have fire sprinklers;
 - b. Is not required to install a new or separate utility connection directly between the accessory dwelling unit and the utility, or to be charged a related connection fee or capacity charge.
 - c. Shall record a deed restriction as provided in subparagraph (E) and obtain a building permit as required by Title 14 of the Municipal Code.

I. Effect. An accessory dwelling unit that conforms to this section shall:

1. Be deemed an accessory use or an accessory building and not be considered to exceed the allowable density for the lot upon which it is located;
2. Be deemed a residential use that is consistent with the general plan and the zoning designations for the lot;
3. Not be considered in the application of any ordinance, policy, or program to limit residential growth; and
4. Not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service except in accordance with Section 17.58.100 (A)(9) of this regulation.

SECTION 5. Section 17.220.020 Definitions of Specialized Terms and Phrases is hereby amended to include definitions for short-term rentals and accessory dwelling units:

Accessory Dwelling Unit (ADU) – An ADU is a secondary dwelling unit with complete independent living facilities for one or more persons and generally takes three forms:

1. Detached: The unit is separated from the primary structure;
2. Attached: The unit is attached to the primary structure; and
3. Repurposed Existing Space: The space (e.g. garage) is within the primary residence and is converted into an independent living unit.

Short-term Rental Units (STR) – A STR or vacation rental is a rental of a residential dwelling unit or accessory building for periods of less than 31 consecutive days. The rental may be of the entire dwelling unit, an accessory dwelling or one or more rooms in a residence.

SECTION 6. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 7. The City Council finds the adoption of this ordinance to be statutorily exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Section 21080.17 of the Public Resources Code because it is an ordinance regarding second units in a single-family or multifamily residential zone to implement the provisions of Government Code Section 65852.2.

SECTION 8. This ordinance shall be effective 30 days after its adoption.

SECTION 9. Within fifteen (15) days after the final passage and adoption of this ordinance, the City Clerk shall cause it to be posted in the three public places designated by resolution of the City Council.

SECTION 10. Filing. The City Clerk shall submit a copy of this ordinance to the Department of Housing and Community Development within 60 days after adoption.

The foregoing ordinance was duly and regularly introduced at a regular meeting of the Jackson City Council, held in said City on the ___th day of _____, 2019, and thereafter adopted at a regular meeting of the City Council, held in said City on the ___ day of _____ 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Robert Stimpson, Mayor

Attest:

John Georgette, City Clerk

Approved at to Form:

Joshua Nelson, City Attorney

Sec. 5.56.010. - Title.

This chapter shall be referred to as the Vacation Home Rental Ordinance.

(Ord. No. 5092, 9-11-2018)

Sec. 5.56.020. - Applicability.

The provisions of this chapter apply only within the unincorporated area of the County. All requirements, regulations, and standards imposed by this chapter are intended to apply in addition to any other applicable requirements, regulations, and standards imposed elsewhere in this Code. Vacation home rentals in operation outside of the jurisdictional boundaries of the Lake Tahoe Basin shall be required to obtain a vacation home rental permit at the time of application for or renewal of a business license to operate a vacation home rental. The provisions of the section shall apply to all vacation rentals except where there is a primary owner in residence during the rental period. This section does not apply to hosted rentals or bed and breakfast inns, which are regulated by Section 130.40. Vacation rentals shall not be permitted in non-habitable structures, within accessory or second dwelling units, in structures or dwellings with County covenants or agreements restricting their use including but not limited to affordable housing units, agricultural employee units, farmworker housing, or farm family units. Tents, yurts, RVs, and other provisions intended for temporary occupancy are not allowed as a part of a vacation rental.

(Ord. No. 5092, 9-11-2018)

Sec. 5.56.030. - Definitions.

For purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section, except where the context clearly indicates a different meaning:

Local contact means a local property manager, owner, or agent of the owner, who is available to respond to renter and neighborhood questions or concerns, or any agent of the owner authorized by owner to take remedial action and respond to any violation of this chapter.

Loud and raucous noise means:

1. The human voice, any record, or recording thereof when amplified by any device whether electrical, mechanical, or otherwise to such an extent as to cause it to unreasonably carry on to public or private property or to be heard by others on residential property or public ways within the County.
2. Any sound not included in the foregoing which is of such volume, intensity, or carrying power as to interfere with the peace and quiet of persons upon residential property or public ways within the County in accordance with Chapter 9.16—Noise.

Managing agency or agent means a person, firm, or agency representing the owner of the vacation home rental, or a person, firm, or agency owning the vacation home rental.

Operator means the person who is proprietor of a transient lodging facility, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee, or any capacity. Where the operator performs his or her functions through a managing agent of any type or character, other than an employee, or where the operator performs his or her functions through a rental agent, the managing agent or the rental agent shall have the same duties as his or her principal. Compliance with the provisions of this chapter by either the principal or the managing agent or the rental agent shall be considered to be in compliance by both.

Owner means the person or entity that holds legal and/or equitable title to the private property.

Person responsible for event means the owner of the property where the large party, gathering or event takes place, the person in charge of the premises, and/or the person who organized the event. If the person responsible for the event is a minor, then the parents or guardian of minor will be jointly and severally liable for the fines imposed for the special security assignment.

Private means intended for or restricted to the occupants and/or guests of his or her vacation home rental; not for public use.

Vacation home rental means one or more dwelling units, including either a single-family, home, duplex, or single condominium unit rented for the purpose of overnight lodging for a period of not less than one night and not more than 30 days other than ongoing month-to-month tenancy granted to the same renter for the same unit.

(Ord. No. 5092, 9-11-2018)

Sec. 5.56.040. - Purpose of chapter.

The Board of Supervisors of the County finds and declares as follows:

- A. Vacation home rentals provide a community benefit by expanding the number and type of lodging facilities available and assist owners of vacation home rentals by providing revenue which may be used for maintenance upgrades and deferred costs;
- B. County staff has responded to numerous complaints involving excessive noise, disorderly conduct, vandalism, overcrowding, traffic congestion, illegal vehicle parking, and accumulation of refuse at vacation home rentals which require response from police, fire, paramedic, and/or other public personnel;
- C. The provisions of this chapter are necessary to prevent or mitigate the continued burden on public services and impacts on residential neighborhoods posed by vacation home rentals.

(Ord. No. 5092, 9-11-2018)

Sec. 5.56.050. - Vacation home rental permit requirements.

No owner of a vacation home rental shall rent that unit for 30 consecutive calendar days or less without a valid vacation home rental permit for that unit issued pursuant to this chapter. A separate permit shall be required for each vacation home rental. The permit requirements of this chapter are in addition to any business license, hotel/motel tax registration, any other permit, or licensing requirements. However, at the discretion of the County, the processing of permits required under this chapter may be combined with the processing of business licenses, transient occupancy tax registration, any other permit, or license process administered by the County. The County shall prescribe forms and procedures for the processing of permits under this chapter.

(Ord. No. 5092, 9-11-2018)

Sec. 5.56.060. - Agency.

An owner may retain an agent, representative, or local contact to comply with the requirements of this chapter, including without limitation, the filing of an application for a permit, the management of the vacation home rental, and the compliance with the conditions of the permit. The permit shall be issued only to the owner of the vacation home rental. When construing and enforcing the provisions of this chapter, the act, omission, or failure of any agent, representative, or local contact person acting for or employed by an owner, shall in every case be deemed also the act, omission, or failure of the owner.

(Ord. No. 5092, 9-11-2018)

Sec. 5.56.070. - Application for vacation home rental permit.

An application for a permit shall be filed with the County prior to use of the property as a vacation home rental. Permit applications shall be on the forms provided by the County and shall contain the following information:

- A. The name, address, and telephone number of the owner of the vacation home rental for which the permit is being issued;
 - B. The name, address, and telephone number of the agent, representative, or local contact for the owner of the vacation home rental;
- C. The number of bedrooms and approximate habitable square footage in the vacation home rental, and the maximum allowable number of overnight occupants;
- D. Acknowledgment that all designated bedrooms meet all local building and safety code requirements;
- E. A diagram and/or photograph of the premises showing and indicating the number and location of designated on-site parking spaces;
- F. Evidence of a valid business license issued by the County for the separate business of operating the vacation home rental, unless the operation of the vacation home rental is otherwise exempt from the requirement of a business license under the express provisions of this Code. An application for a permit under this chapter may be made concurrent with an application for a business license. If concurrent applications are made, a permit under this chapter shall not be approved unless the application for the business license is also approved;
- G. Evidence of a valid transient occupancy tax registration certificate issued by the County for the vacation home rental. Such registration may be filed concurrently with the application for a permit under this chapter;
- H. Acknowledgment that the owner, agent, and local contact person have read all regulations pertaining to the operation of a vacation home rental;
- I. Certification of the accuracy of the information submitted and agreement to comply with all conditions of the permit;
- J. Acknowledgment that the owner, agent, or local contact has or will post the vacation home rental with the notice required in Section 5.56.100;
- K. The source of drinking water for the vacation home rental;
- L. Disclosure of a hot tub or spa at the vacation home rental;
- M. Certification by the property owner and/or property owner's agent that independent garbage collection and disposal for the vacation home rental site is provided. The certification of garbage collection should include acknowledgement that the activity is subject to the solid waste management provisions of Chapter 8.42—Solid Waste Management and Chapter 8.76—Bear-Proof Garbage Can Requirements.
- N. An acknowledgement that the property may be inspected for compliance with this chapter prior to issuance or renewal of a permit and that the owner will grant access to the property for such inspection;
- O. Such other information as the County deems reasonably necessary to administer this chapter.

(Ord. No. 5092, 9-11-2018)

Sec. 5.56.080. - Application fee.

An application for a vacation home rental permit shall be accompanied by an initial fee established by resolution of the Board of Supervisors; provided, however, the fee shall be no greater than necessary to defer the cost incurred by the County in administering the provisions of this chapter. An annual renewal fee will be established by resolution of the Board of Supervisors and shall be no greater than necessary to defer the cost incurred by the County in administering the provisions of this chapter.

(Ord. No. 5092, 9-11-2018)

Sec. 5.56.090. - Permit conditions.

- A. All permits issued pursuant to this chapter are subject to the following standard conditions:
 - 1. Maximum Occupancy. The owner shall, by written agreement with any renter, limit overnight occupancy of the vacation home rental to the specific number of occupants designated in the permit. The number of overnight occupants shall not exceed two persons per bedroom meeting building code requirements, plus two additional persons per residence,

excluding children five years of age or younger. The property owner shall ensure that all contracts and online listings and advertisements clearly set forth the maximum number of overnight guests permitted at the property.

A bedroom is a room that is designed to be used as a sleeping room and for no other primary purpose and shall comply with the following:

- a. Bedrooms shall have at least one operable window or door approved for emergency escape or rescue that opens directly into a public street or yard. The emergency door or window shall be operable from the inside to provide a full, clear opening without the use of separate tools. Escape or rescue windows shall have a minimum net clear openable area of five and seven-tenths square feet. The minimum net clear openable height dimension shall be 24 inches. The minimum net clear openable width dimension shall be 20 inches. When windows are provided as a means of escape or rescue, they shall have a finished sill height not more than 44 inches above the floor. Homes built in 1976 or earlier comply if the window sill height does not exceed 48 inches, the openable area is at least five square feet and no openable dimension is less than 22 inches;
 - b. Bedrooms shall have a ceiling height of not less than seven feet six inches, except as provided in this section. When exposed beam ceiling members are spaced at 48 inches or more on center, ceiling height shall be measured to the bottom of the deck supported by these members, provided that the bottom of the members is not less than seven feet above the floor. If any room has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half of the area thereof. No portion of the room measuring less than five feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof. If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds area thereof, but in no case shall the height of the furred ceiling be less than seven feet;
2. Noise. Occupants and/or guests of the vacation home rental shall not use or operate any outdoor spa or hot tub, create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any State law pertaining to noise or disorderly conduct at any time between the hours of 10:00 p.m. and 8:00 a.m. The property owner shall ensure that the quiet hours and limits on outdoor activities are included in rental agreements and in all online advertisements and listings.
 3. Visitors. The number of people present in any vacation home rental shall not exceed the maximum occupancy designated in the vacation home rental permit for that property at any time between the hours of 10:00 p.m. and 8:00 a.m.
 4. Trash and Refuse. The owner of the vacation home rental shall comply with all the solid waste management provisions of [Chapter 8.42—Solid Waste Management](#). In the Lake Tahoe Basin, the owner of the vacation home rental shall comply with the Bear-Proof Garbage Can Requirements of [Chapter 8.76—Bear-Proof Garbage Can Requirements](#).
 5. Tahoe Basin Snow Removal. The owner of the vacation home rental shall notify the occupants of their obligations to comply with all snow removal provisions of [Chapter 10.12—Parking](#);
 6. Limit on Number of Residences or Structures per Parcel. Only a single family residence or a legally-established guest house meeting current standards shall be used as a vacation rental. Parcels containing multiple residences, units, or habitable structures may only be used as vacation home rentals subject to the granting of a conditional use permit.
 7. Fire and Life Safety Requirements. The following conditions shall be posted within the VHR and shall be in place prior to issuance of a VHR permit, subject to inspection:
 - a. Residential street address clearly visible.
 - b. Functional smoke alarms.
 - c. Functional carbon monoxide alarms.
 - d. Landline phone service installed if cell phone service is inadequate.
 - e. NFPA 13D Residential sprinkler system functional, if installed.
 - f. Portable fire extinguisher.

- g. Windows in bedrooms are operable and do not have bars or other obstructions that prevent egress.
 - h. Extension cords are not used as permanent wiring for lights or appliances.
 - i. Outdoor fire areas and fire pits when not prohibited by State or local fire regulations, shall be limited to three feet in diameter, located on a non-combustible surface, covered with fire screens, and located no closer than within 25 feet of a structure or combustible material. Use of fire areas shall require a campfire permit issued by CALFIRE.
- B. The Board of Supervisors at a duly noticed meeting shall have the authority to impose additional standard conditions applicable to vacation home rentals as necessary to achieve the objectives of this chapter.

(Ord. No. 5092, 9-11-2018)

Sec. 5.56.095. - Advertisement requirements.

The owner shall include all of the following information in any online advertisements and/or listings for the vacation rental property:

- A. The VHR permit number;
- B. Conditional use permit number, if applicable;
- C. Number of bedrooms and maximum occupancy, not including children five or younger;
- D. Notification that quiet hours must be observed between 10:00 p.m. and 8:00 a.m.;
- E. Notification that occupancy is limited to the maximum designated in the VHR permit between the hours of 10:00 p.m. and 8:00 a.m.; and
- F. The transient occupancy tax certificate number for that particular property.

(Ord. No. 5092, 9-11-2018)

Sec. 5.56.100. - Interior sign and notification requirements.

A copy of the permit and a copy of the conditions shall be posted in a conspicuous place within the vacation home rental. Additionally, each vacation home rental shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:

- A. The name of the managing agency, agent, property manager, local contact, or owner of the unit, and a telephone number at which that party may be reached on a 24-hour basis;
- B. The maximum number of occupants permitted to stay in the unit;
- C. The number and location of on-site parking spaces and the parking rules for seasonal snow removal;
- D. The trash pickup day and notification that trash and refuse shall not be left or stored on the exterior of the property except from 6:00 p.m. of the day prior to trash pickup to 6:00 p.m. on the day designated for trash pickup and that failure to utilize the provided bear-resistant garbage can enclosure, unless otherwise exempted, is a violation of this chapter;
- E. Notification that occupants, may be cited and fined for creating a disturbance or for violating other provisions of this chapter;
- F. Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of this chapter;
- G. Notification if the source of drinking water at the vacation home rental is not a public water system; and
- H. Notification that occupants and/or guests of the vacation home rental shall not use or operate any outdoor spa or hot tub or create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any State law pertaining to noise or disorderly conduct between the hours of 10:00 p.m. and 8 :00 a.m.

(Ord. No. 5092, 9-11-2018)

Sec. 5.56.105. - Exterior sign requirements.

Each vacation home rental shall have signage posted on the property that is clearly visible and legible from the property line, containing the following information:

- A. The vacation home rental permit number;
- B. The name of the local contact and a telephone number at which that party may be reached on a 24-hour basis;
- C. The maximum number of occupants permitted to stay in the unit;
- D. All signage shall comply with font and size requirements established by County.

(Ord. No. 5092, 9-11-2018)

Sec. 5.56.110. - Parking.

All permissible uses shall comply with the County parking, driveway, loading standards, and seasonal snow removal regulations.

(Ord. No. 5092, 9-11-2018)

Sec. 5.56.120. - Noise.

All residential vacation home rentals shall comply with the following standards:

- A. It shall be unlawful for any person on residential property or a public way to make or continue, or cause to be made or continued, any offensive, excessive, unnecessary, or unusually loud, or raucous noise, or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others on residential property or public ways within the County.
- B. It shall be unlawful to allow, permit, encourage, organize, promote, conduct, or advertise any entertainment, game, show, exhibition, activity, amusement, gathering, or assembly of persons where there will be presented outdoor live or recorded musical entertainment without first obtaining a special use permit. Private events are allowed under the following provisions:
 1. The occupants and/or guests of the vacation home rental shall not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any State law pertaining to noise or disorderly conduct;
 2. Parking resulting from the activity shall comply with the County parking, driveway, loading standards, and seasonal snow removal regulations.

Compliance with this standard shall be in addition to compliance with all other provisions of this Code relating to nuisance, peace, and safety.

(Ord. No. 5092, 9-11-2018)

Sec. 5.56.130. - Certified local contact/owner responsibilities.

- A. Each owner of a vacation home rental shall designate a local contact. The local contact may be a professional property manager, realtor, property owner, or other designated person who is available 24 hours per day, seven days per week during all times that the property is rented, and has access and authority to assume management of the unit and take remedial measures. An owner of a vacation home rental who resides within 30 minutes travel distance from the vacation home rental may designate himself or herself as the local contact. The local contact shall be required to abate a nuisance relating to **187**, trash, or parking within 30 minutes after being notified of the existence of a potential violation of this chapter.
- B. The owner or owner's agent must immediately notify the County in writing upon a change of local contact or the local contact's

telephone number. This notification will be on forms prescribed by the County. The revised permit will not extend the renewal date of the vacation home rental permit, and will be issued for a fee not to exceed the cost of issuance. The name and 24 hour contact information of the local contact shall be made available to the public. The changes must be posted on both the interior and exterior signage of the vacation home rental within ten days of any change of contact information.

- C. For all permits issued or renewed after January 1, 2019, the local contact shall have successfully completed a training course and achieved a qualifying score on a county-administered certification test. Once certified, the local contact will not be required to become re-certified, but must continue to comply with all provisions set forth in this section, including timely reporting of all complaints and their resolutions, in order to remain certified. There may be one or more local contacts for a given VHR, however, the phone number on record to be used to report initial complaints shall be valid to reach an available certified local contact. Operation of a vacation rental without a valid certified local contact, or without a valid contact phone number shall be considered a violation of this section.
- D. The owner or the owner's agent, representative, or local contact for the VHR is responsible for the following:
 - 1. Ensuring that the VHR complies with all posting requirements, fire and life safety requirements, and other provisions of this chapter at all times when the home is used as a VHR.
 - 2. Obtaining the name, address, and contact information for each renter age 18 or over.
 - 3. Providing the renters a written copy of occupancy limits for overnight and daytime hours, quiet hours, any parking restrictions including for snow removal, trash pick-up day and bear box instructions, requirements for campfire permits, and all other rules and regulations, and that should any violation of this chapter occur, that fines may be imposed in accordance with Sections 5.56.150 and 5.56.200.
 - 4. Obtaining formal, written acknowledgement from all renters over the age of 18 that he or she is legally responsible for compliance of all occupants of the VHR with all applicable laws, rules, and regulations pertaining to the use and occupancy of the VHR, and that should any violation of this chapter occur, that fines may be imposed in accordance with Sections 5.56.150 and 5.56.200. This information shall be maintained by the local contact for a period of one year from date of occupancy and be made available upon request of any officer of the County responsible for the enforcement of any provision of this chapter or any other applicable law, rule, or regulation pertaining to the use and occupancy of the VHR.
 - 5. Being available by phone in case of complaints and being available to respond on-site if necessary to resolve complaints that are in violation of this chapter in accordance with Section 5.56.150(A).

(Ord. No. 5092, 9-11-2018)

Sec. 5.56.140. - Enforcement, violation and penalties.

- A. Failure of an owner or renter to abide by any of the provisions of this chapter shall constitute a violation subject to imposition of the penalties specified in Subsections B, C and D of this section. Fines will be imposed on the party deemed responsible for the violation. Violations such as failure to obtain proper permits, provide local contact response, comply with advertisement or signage requirements, or provide required trash, fire, or life safety equipment shall result in fines and penalties being imposed on the owner. Violations of occupancy limits, quiet hours, hot tub use, or other nuisance requirements shall result in fines being imposed on renters.
- B. The fine for violations specified in Subsection A of this section shall be as follows:
 - 1. For the first violation within any 18-month period, the fine shall not exceed \$500.00;
 - 2. For a second violation within any 18-month period, the fine shall not exceed \$750.00;
 - 3. For a third violation within any 18-month period, the fine shall not exceed \$1,000.00.
- C. A permit may be suspended after enforcement staff has responded to the property, and such response has resulted in **188** one violation on each visit, three times within any 18-month period. The suspension shall not exceed six months.
- D. A permit may be revoked in accordance with the provisions of Section 5.56.150 after enforcement staff has responded to the property, and such response has resulted in at least one violation on each visit, four times within any 18-month period. An

owner may petition the Hearing Officer for reinstatement no sooner than 12 months after revocation.

(Ord. No. 5092, 9-11-2018)

Sec. 5.56.150. - Procedure for notice of violation and imposition of penalties: fine/suspension/revocation.

Notice of violation, and penalties, including: fines, suspension, and revocation of permits, shall be imposed only in the manner provided in this section.

- A. Initial complaints shall be directed to the certified local contact. The certified local contact shall be available 24 hours during all times when the property is rented, and shall be available by phone during these hours. Should a problem arise and be reported to the certified local contact, the certified local contact shall be responsible for contacting the renter and correcting the problem within 30 minutes, including visiting the site if necessary to ensure that the issue has been corrected. The certified local contact shall report any such complaints, and their resolution or attempted resolution(s), to the County within 24 hours of the occurrence. Failure to respond to complaints or report them shall be considered a violation of this section.
- B. If the issue continues or reoccurs following initial complaint to the certified local contact and code or law enforcement is contacted, enforcement staff shall investigate whether a violation has occurred. The investigation may include an inspection of the premises and may result in the issuance of an on-site citation by code enforcement if they deem such warranted. Sheriff reports, online searches, citations or documentation provided by members of the public including, but not limited to, signed declarations, photos, sound recordings and video may constitute proof of a violation. Should the investigation reveal sufficient evidence to support a finding that a violation occurred, the County shall issue written notice of the violation and intention to impose a penalty in accordance with this chapter. The written notice shall be served either by first class mail or by personal service on the owner. The written notice shall specify the facts which, in the opinion of the County, constitute sufficient evidence to establish grounds for imposition of the penalty and specify that the fine, or fine and suspension, or fine and revocation will be imposed 15 calendar days from the date of the notice unless the owner files with the County the fine amount and a request for a hearing before the Code Enforcement Hearing Officer.
- C. If the owner requests a hearing within the time specified in Subsection A of this section, the County shall serve written notice of the date, time, and place for the hearing on the owner. The written notice shall be served either by first class mail or by personal service on the owner. The hearing shall be scheduled not less than 15 calendar days, nor more than 60 calendar days from receipt by the County of the request for a hearing. The Code Enforcement Hearing Officer will preside over the hearing and conduct the hearing according to the rules normally applicable to administrative hearings. The Code Enforcement Hearing Officer shall render a decision within 30 calendar days of the hearing and submit findings and recommendations to the County. The County shall impose the penalty in accordance with Section 5.56.140 upon the finding that a violation has been proven by a preponderance of the evidence, and that the fine, or fine and suspension, or fine and revocation is consistent with the provisions of Sections 5.56.140.B, C and D. The decision will be mailed by first class mail to the owner at the last known mailing address provided by the owner. Deposit of the decision in the U.S. Postal Service is presumptive evidence that the owner or owner's agent has received notice of the decision.

(Ord. No. 5092, 9-11-2018)

Sec. 5.56.160. - Permits and fees not exclusive.

Permits and fees required by this chapter shall be in addition to any license, permit, or fee required under any other chapter of this Code. The issuance of any permit pursuant to this chapter shall not relieve the owner of the obligation to comply with all other provisions of this Code pertaining to the use and occupancy of the vacation home rental or the property on which it is located.

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(Ord. No. 5092, 9-11-2018)

Sec. 5.56.170. - Operation of a vacation rental home without a permit—Penalty.

A vacation rental that is determined to be operating without the necessary permit required under this section shall be subject to the penalties listed above in Section 5.56.140. Each day of operation without a permit shall constitute a separate violation.

(Ord. No. 5092, 9-11-2018)

Sec. 5.56.180. - Enforcement of chapter.

The Sheriff or his or her designee is hereby authorized and directed to establish such rules and regulations as may from time to time be required to carry out the purpose and intent of this chapter. Substantive changes to this chapter can only be made by the Board of Supervisors.

(Ord. No. 5092, 9-11-2018)

Sec. 5.56.190. - Private actions to enforce.

- A. Any person who has suffered, or alleges to have suffered, damage to person or property because of a violation of this chapter may bring an action for money damages and any other appropriate relief in a court of competent jurisdiction against the party alleged to have violated this chapter. The prevailing party in any such litigation shall be entitled to recover reasonable litigation costs, including attorney's fees in an amount deemed reasonable by the court.
- B. Nothing herein shall be deemed or construed to create any right of action against the County or any of its officers, employees, or agents. The sole purpose and intent of this section is to create a right of action between private parties, entities, and interests, which are or may be impacted or affected by various aspects of vacation home rentals within the County.

(Ord. No. 5092, 9-11-2018)

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The residential short-term rental shall comply with this chapter, except for specific exemptions or exceptions that are described in this chapter. (Ord. 723 § 1(4), 2017)

18.73.050 Acknowledgement of registration.

An acknowledgement of registration shall be issued by the community development director upon his/her determination that the residential short-term rental complies with all of the requirements of this chapter. The acknowledgement of registration is issued to the property owner or their designated agent, is not transferable and does not run with the land. (Ord. 723 § 1(5), 2017)

18.73.060 Notification of residential short-term rental.

Upon receiving an acknowledgement of registration and prior to offering the residential short-term rental, the property owner or their agent shall send a notification to all property owners shown on the latest equalized assessment roles as owning real property within three hundred feet of the property where the residential short-term rental is located. Notices shall contain the property owner's and, if applicable, the rental agent's name, telephone number and mailing address; street address of the residential short-term rental unit, description of the residential short-term rental use, name and phone number for twenty-four/seven emergency contact.

This notification requirement does not apply to residential

CHAPTER 6: ADMINISTRATION

6.1. GENERAL PROVISIONS

6.1.1. Purpose and Overview

This Chapter describes the review and enforcement of the Code and its regulations and the administration and regulation of different types of applications for development in Sacramento County, organized by the following Sections:

- **Section 6.2 Zoning Amendments**
- **Section 6.3 Design and Site Plan Review**
- **Section 6.4 Special Permits**
- **Section 6.5 Other Applications**
- **Section 6.6 Enforcement**
- **Section 6.7 Fair Oaks Boulevard Corridor Plan**

Sections 6.2-6.5 shall be referenced in conjunction with the *Zoning Code User Guide* (User Guide), which has been prepared to facilitate navigation of this Code and the County's Design Guidelines and to clarify the processes for obtaining planning entitlements and approval for development activity in Sacramento County.

6.1.2. Advisory, Decision, and Appeal Bodies

Advisory, Decision, and Appeal Bodies are referenced throughout this Code. In addition to this Section and other Sections of this Code, Title 2 of the Sacramento County Code provides information on the composition, responsibilities, and rules of conduct for planning decision bodies and Title 22 provides additional information on subdivisions. A table summary of the major review and decision-making responsibility bodies for planning entitlement applications is provided for reference in the User Guide.

CPAC Action. In those cases where the CPAC recommends denial of a project, the Zoning Administrator shall refer the application directly to the County Planning Commission, with appeal to the Board of Supervisors.

6.1.3. Appeals

Any person dissatisfied with an act or determination of the Planning Commission, the Subdivision Review Committee, Zoning Administrator, Chief Building Inspector, Design Review Administrator, Planning Director, or the Secretary of the Planning Commission, relating to the provision of this Code may appeal such act or determination as provided in this Section, provided that when any determination made by the aforementioned is given in the form of a recommendation or report addressed to the Board of Supervisors, or such other commission, board or officer, no appeal may be taken; but any interested party, unless otherwise provided in this Code, shall be entitled to appear at the time of consideration of such recommendation or report and to be heard thereon.

6.1.3.A. Notice of Appeal

Appeals of determination or actions of the officers or agencies mentioned in this Section may be taken by filing written notice thereof with the Secretary of the Planning Commission not later than 10 calendar days after the day on which the act or determination appealed from was made. A filing fee set by resolution of the Board of Supervisors shall accompany the Notice of Appeal. In computing the time within which the Notice of Appeal shall be filed, the day on which the act of determination was made shall include the next working day. The 10-day period for filing the notice of appeal shall not be waived.

No filing fee shall be required if the appeal is filed by a Community Planning Advisory Council (CPAC), and if there is a community-wide interest in the appeal. The appeal shall be filed within the timeframe specified by this Chapter; however, a CPAC may preauthorize an appeal at the time of the original action. The appeal form must specify the community-wide interest. Community-wide interest means that the project could potentially adversely affect properties beyond the immediate neighborhood (properties within 500 feet), in terms of traffic, noise, aesthetics, drainage, or other impacts. In addition, the project would set a precedent for a use of land that has policy implications for the larger community.

6.1.3.B. Effect of Filing Notice

The filing of the notice of appeal shall have the effect of staying the issuance of any permit, Variance, or mobile home certificate of compatibility until such time as the matter is disposed of on appeal, and all records relating to the decision or act appealed shall be transmitted to the Secretary of the Planning Commission.

6.1.3.C. Contents of Notice

The Notice of Appeal shall state the act or determination which is being appealed, the identity of the applicant and his or her interest in the matter, and shall set forth in a concise statement the reasons which, in the opinion of the appellant, render the decision made unjustified or inappropriate.

6.1.3.D. Board of Zoning Appeals

- 1. Jurisdiction.** The Board of Zoning Appeals shall hear and decide all appeals from the actions of the Zoning Administrator, Chief Building Inspector, Planning Director, or Secretary of the Planning Commission relating to the provisions of this Code. However, the appeal shall be heard by the Board of Supervisors if it is filed on the basis of any of the following:
 - a.** The action appealed may have a significant effect upon the environment, or
 - b.** An Environmental Impact Report has not been prepared or is deficient in any manner; or
 - c.** A decision of the decision-makers named in this Section relates in any manner to an adult bookstore, adult motion picture theater, adult live theater, or an adult video tape store.
- 2. Hearings.** Upon receipt of a Notice of Appeal of a decision or act to be heard by the Board of Zoning Appeals, the Secretary of the Planning Commission shall set the same for hearing not later than the next regularly scheduled meeting following 30 days after the date the Notice of Appeal was received.

3. **Action.** The Board of Zoning Appeals may review the entire proceeding or proceedings relating to the act or decision being appealed, and in the process of such review may rehear the matter de novo and make any order it deems just and equitable, including the granting of any permit. Notwithstanding any provisions to the contrary in this Code, if a vote of the members of the Board of Zoning Appeals results in a 2-2 tie vote, the matter is denied. All actions of the Board of Zoning Appeals shall be final for all purposes.

6.1.3.E. Planning Commission Appeals

The Planning Commission shall hear and decide all appeals from the actions of the Subdivision Review Committee and Design Review Administrator relating to the provisions of this Code. Notwithstanding any provisions to the contrary in this Code, if a vote of the members of the Planning Commission results in a 2-2 tie vote, the matter shall be referred to the Board of Supervisors, without a recommendation, for public hearing.

6.1.3.F. Board of Supervisors

1. **Appeals.** The Board of Supervisors shall hear all appeals from the actions of the Planning Commission. Upon receipt of a notice of appeal of a decision of either Planning Commission, the Secretary shall transmit to the Clerk of the Board of Supervisors all records relating to the appeal. The Clerk of the Board of Supervisors shall set a date for a public hearing before the Board of Supervisors, not later than 30 days following the date the Notice of Appeal was received.

Notice of the hearing shall be given as provided in the User Guide, provided however, where the matter being appealed is a recommendation by the Planning Commission against the adoption of an amendment of this Code to change property from one zoning district to another the only notice given shall be the notice required by Section 65854 of the Government Code unless additional notice is directed by the Board of Supervisors.

In addition to any other matters set forth in the notice, the notice of the hearing shall contain the following statement:

"The decision of the Board of Supervisors shall be final for all purposes unless a court review thereof is commenced within 30 days after such a decision becomes final."

2. **Action.** The Board of Supervisors shall review the entire proceeding held before the Planning Commission and may make any order it deems just and equitable, including the grant of any permit.

6.1.3.G. Limitation of Actions

Any court action or proceeding to attack, review, set aside, void, or annul any decision, proceeding, act or determination by the Board of Zoning Appeals or by the Board of Supervisors concerning any matter provided for in this Code, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained unless such action or proceeding is commenced within 30 days after the date such decision became final.

6.1.4. Fees**6.1.4.A. Purpose**

For the purpose of defraying the expense involved with the filing of any application or petition, the Board of Supervisors shall establish by resolution a schedule of fees, charges, and expenses and a collection procedure for Amendments to this Code, Variances, conditional use and other permits, Exceptions, Appeals, requests for hearings, notices, and other matters relating to this Code. The schedule may be amended by subsequent resolution.

No fee shall be charged for a hearing of a decision of the Planning Commission if the vote of the Commissioners results in a tie (2-2) vote; nor shall any fee be charged persons whose properties are included in Resolutions of Intention adopted by the Planning Commission or the Board of Supervisors initiating a procedure to amend this Code.

6.1.4.B. Payment

No action shall be on any application or petition until all applicable fees, charges and expenses have been paid in full.

6.1.4.C. Refund

Fees are not refundable, except when all of the following conditions exist:

1. Expenditures have not been made by the County with regard to the petition.
2. Investigation has not been made as a result of the application or petition.
3. The application or petition has not been set for public hearing.

A partial refund of fees is possible when unspent fees remain. The determination of the Planning Director shall be final in all questions relating to refunds.

6.1.4.D. Waiver of Fees [AMENDED 12-01-2017]

The Deputy County Executive Officer is authorized to approve a waiver of any fee, change or expense to any applicant for a permit or entitlement pursuant to this Code, if written findings are made establishing that an error was made by a Sacramento County employee that caused the need for the application to be filed. If such findings cannot be made, the request for a fee waiver shall be forwarded to the Board of Supervisors for consideration. The Board of Supervisors should consider whether there was a staff error or other special circumstance that justifies the waiver.

6.1.4.E. Determination of Land Use Type Table for Fees

1. The land use zoning districts listed in Table 6.1 shall be included within the corresponding land use type listed in the Table and such land use types shall be used for all purposes, specified pursuant to Chapter 16.87 of the Sacramento County Code, including establishing, paying, and collecting roadway fees and transit fees.

Special Planning Area Land Use Zone (SPA) and Combining Land Use Zoning Districts shall be included within the land use types in this Section as designated by the Planning Director, who shall determine which land use zoning district or zoning districts authorize the uses and densities which correspond most directly to the uses and densities allowed in the areas within the SPA or Combining Zoning Districts.

TABLE 6.1: LAND USE TYPES CORRESPONDING TO ZONING DISTRICTS	
Land Use Type	Zoning Districts
Single-family Residential	AR-10 through RD-7 and RM-2
Multiple Family Residential	RD-10 through RD-40
Commercial and Mixed-Use	GC-General Commercial; LC-Limited Commercial; AC-Auto Commercial; TC-Highway Travel Commercial; SC-Shopping Center; CO-Commercial Recreation; NMC-Neighborhood Mixed-Use Center; CMC-Community-Regional Mixed-Use Center; CMZ-Corridor Mixed-Use Zone
Business and Professional Office	BP-Business and Professional
Industrial	M-1-Light Industrial; M-2-Heavy Industrial
Industrial/Office Park	MP-Industrial-Office Park

Uses allowed by Conditional Use Permit in any of the zoning districts described in this subdivision shall be included within the land use types in Table 6.1 as designated by the Planning Director, instead of being included on the basis of the underlying land use zoning district in effect on the parcel of property. The Planning Director shall determine which land use zoning district or zoning districts authorize the uses and densities which correspond most directly to the uses and densities allowed by the Conditional Use Permit.

2. In any land use zoning district specified in subdivision (a), no building permit shall be issued (and no improvement plans for a mobile home park shall be approved) until the roadway fees and transit fees are paid as required by Chapter 16.87 of the Sacramento County Code.

6.1.5. Lapse of Permits Generally [AMENDED 06-07-2018]

- 6.1.5.A. Notwithstanding any other provision of this Code, an entitlement, permit, approval, or non-discretionary Design Review determination issued pursuant to this Chapter if not used for the purpose for which it was granted shall lapse and become void three years following the date on which the permit became effective, unless by conditions of the approval, a greater time is allowed, or upon the expiration date of a valid building permit application made after granting of the entitlement, permit, approval, or non-discretionary Design Review determination, provided the Planning Director has authorized issuance of that building permit; whichever date is last to occur.
- 6.1.5.B. Notwithstanding any other provision of this Code, any entitlement or other approval which would expire pursuant to this Code shall be extended as follows:
 1. Any entitlement or other approval which was approved concurrently with and pertains to any approved tentative subdivision or parcel map the expiration date of which was automatically extended by the provisions of the Government Code Sections 66452.21-66452.24, or by the provisions of any other similar Section that may from time to time be added to the Government Code, shall be extended automatically for the same period as that provided by said Section for the approved tentative subdivision or parcel map to which it pertains.

- 6.1.5.C.** Any entitlement or other approval which would otherwise expire between March 9, 2011 and December 30, 2015, shall automatically be extended to December 31, 2015.

6.2. ZONING AMENDMENTS

6.2.1. Zoning Amendments

This Section addresses Zoning Code text amendments and rezoning of the Comprehensive Land Use Plan.

6.2.1.A. Purpose and Applicability

- 1. Code Text Amendment.** The Board of Supervisors may amend the text of this Code, including the adoption, modification, or replacement of appendices to the Code such as Community Zoning Plans, pursuant to this Section. The purpose of text amendments is to address changed conditions or changes in public policy, and to advance the general welfare of the County.
- 2. Rezoning.** The boundaries of any zoning district may be changed, or the zoning classification of any parcel of land may be changed, pursuant to this Section. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments to the Official Zoning Map that are necessary in light of changed conditions or changes in public policy, or that are necessary to advance the general welfare of the County.

6.2.1.B. Initiation [AMENDED 06-07-2018]

Zoning Code Amendments and Rezones—may be initiated by any of the following processes:

- 1.** The petition of one or more owners, or their authorized agents, of property which is the subject of the proposed amendment;
- 2.** Resolution of Intention by the Board of Supervisors or by the Planning Commission;
 - a.** A resolution of intention from the Planning Commission is required for minor amendments to the Zoning Code (including Design Guidelines, SPAs and NPAs) to address needed clarifications, streamlining or to be consistent with state or federal law.
 - b.** A resolution of intention from the Board of Supervisors is required for amendments that are substantive, may be controversial, require substantial outreach, or require a substantial amount of time or funding.
- 3.** The petition of any person, group, or agency, when authorized by the Planning Commission to file the petition. Authorization to file shall be considered in a public hearing. Authorization shall not be deemed to be an approval, favorable recommendation, or predisposition of the proposed amendment. Upon approval of authorization to file, the secretary may accept the petition, provided that it is complete according to the required form and content as stated in the User's Guide and that it complies with the requirements of this Chapter.

6.2.1.C. Application Procedures

Detailed procedures for the application, review, and decisions on Code Text Amendments and Rezones of the Comprehensive Land Use Plan, including public hearing and noticing requirements are addressed in the User Guide.

6.2.1.D. Decision Authority and Approval Criteria for Code Text Amendments

The Planning Commission shall hold a public hearing on any proposed amendment or rezoning and make a recommendation for approval, approval with conditions, or denial of an application. The Board of Supervisors shall hold a public hearing to approve, approve with conditions, or deny applications for a Code Text Amendment. Recommendations and decisions on Code Text Amendments shall be based on whether the proposed amendment meets all of the following criteria:

1. The proposed amendment will promote the public health, safety, and general welfare;
2. The proposed amendment is consistent with the General Plan and the stated purposes of this Code; and
3. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

6.2.1.E. Decision Authority and Approval Criteria for Rezones

If the Planning Commission recommends denial of the application, the Rezoning application shall be denied without further hearing. If the Planning Commission recommends approval, with or without conditions or modifications, then the Board of Supervisor shall hear and decide the application for Rezoning, according to the procedures in the User Guide and the criteria that follows.

Recommendations and decisions on Rezones shall be based on whether the proposed rezoning meets all of the following criteria:

1. The proposed zoning designation is consistent with the intent of land use designations and policy statements in the General Plan;
2. Uses allowed under the proposed zoning designation are compatible with adjacent uses;
3. The rezoning is consistent with the stated purpose of the proposed zoning district;
4. Facilities and service (including roads and transportation, water, gas, electricity, sheriff and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;
5. The rezoning is not likely to result in significant adverse impacts upon the natural environment, or such impacts will be substantially mitigated; and
6. The rezoning is not likely to result in significant adverse impacts upon the other property in the vicinity of the subject tract.

6.2.1.F. Effective Date of Decision

Action by the Board of Supervisor on a Rezoning shall become effective 30 days from the date that the Chair of the Board of Supervisors signs the approval document, unless a court review is commenced with the 30-day period.

6.2.1.G. Conditions for Rezoning

Conditions imposed shall run with the land and shall not be removed by a change in ownership nor automatically removed by a subsequent rezoning of the property.

Conditions may be removed only by the Board of Supervisors after recommendation by the Planning Commission.

6.2.1.H. Abandonment of Proceeding

The Planning Commission may decide to abandon any proceeding which the Commission has initiated.

6.2.1.I. Withdrawal of Petition

The Planning Commission or the Board of Supervisors may prior to action by the Planning Commission or Board of Supervisors permit the withdrawal of any petition or part thereof, filed pursuant to this Code.

6.2.1.J. Renewal of Petition for Rezone

If a rezoning application is denied, another petition for the same zoning district classification shall not be accepted by the Planning Director within one (1) year of the denial, unless specific approval for such filing is given by the Planning Commission or the Board of Supervisors.

6.2.2. Development Agreement

6.2.2.A. Applicability

The Board of Supervisors may enter into a Development Agreement, pursuant to the authority of Government Code Sections 65864 through 65869.5 and this Section. The provisions of this Section govern the rules relating to Development Agreements.

6.2.2.B. Initiation

A Development Agreement may be initiated by any of the following processes:

1. An application by one or more qualified applicants;
 - a. A qualified applicant is a person who has legal or equitable interest in the real property, including authorized agent, which is the subject of the Development Agreement. The Secretary of the Planning Commission or the Planning Director may require an applicant to submit proof of interest in the real property and of the authority of the agent to act for the applicant. The Planning Director or the Secretary may obtain the opinion of the County Counsel as to the sufficiency of the applicant's interest in the real property to enter into the agreement. The County Counsel may require an applicant or agent to submit a title report or other evidence to verify the applicant's legal or equitable interest in the subject property.
2. Resolution of Intention by the Board of Supervisors;
3. Resolution of Intention by the Planning Commission when adopted contemporaneously with a Resolution of Intention to adopt or amend a General Plan or Community Plan as provided in Title 21 of the Sacramento County Code.

6.2.2.C. Form of Agreement

1. An applicant may submit a proposed form of agreement.
2. The County Counsel shall approve the proposed form of Development Agreement which may be adopted by resolution of the Board of Supervisors. The proposed

agreement shall contain all of the elements required by Government Code Section 65865.2, and may include any other provisions permitted by law.

6.2.2.D. Application Procedures [AMENDED 12-01-2017]

Detailed procedures for the application, review, and approval of Development Agreements, including public hearing and noticing requirements are outlined in *Requirements for the preparation of Public Facilities Financing Plans, Fiscal Impact Analysis, Urban Services Plans, and Development Agreements* prepared by the Sacramento County Planning and Environmental Review.

6.2.2.E. Review of Application

1. The Planning Director shall review the application and shall accept it for filing if it is complete and accurate.
2. The Planning Director shall forward a copy of an agreement form proposed by an applicant to the County Counsel for review.
3. A Development Agreement, if it qualifies as a project under the California Environmental Quality Act and implementing regulations, shall be subject to environmental review.
4. The Director shall transmit the application for a public hearing when all of the necessary reports and recommendations are complete.

6.2.2.F. Decision Authority and Approval Criteria for Development Agreements

If the Board approves the Development Agreement, it shall adopt an amendment to the Zoning Code and direct the Chair of the Board to execute the Agreement after the effective date of the amendment. The Development Agreement shall be identified as a separate Section of this Code and included with the list of such Sections in Appendix A of this Code.

Recommendations and decisions on a Development Agreement shall be based on whether the proposed amendment meets all of the following criteria:

1. Is consistent with the objectives, policies, general land use, and programs specified in the General Plan and any applicable Specific Plan;
2. Is consistent with the goals and objectives of general land uses specified in any applicable community plan;
3. In conformity with public convenience, general welfare, and good land use practices;
4. Will not be detrimental to the health, safety, and general welfare of persons residing in the immediate area nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of residents of the County as a whole;
5. Will not adversely affect the orderly development of property or the preservation of property values; and
6. Is consistent with the provision of Government Code Sections 65864 through 65869.5.

6.2.2.G. Conditions

In addition to any generally applicable conditions, the Development Agreement shall provide that the rules, regulations, and official policies governing the permitted uses of land, density, design, improvement, construction standards and specifications, improvement and construction standards, or any one of these, shall be those rules, regulations and official policies in force at the date of execution of the agreement.

6.2.2.H. Amendment or Cancellation

1. Either party may propose an amendment to or cancelation in whole or in part of any Development Agreement. Any amendment or cancellation shall be by mutual consent of the parties.
2. Except as otherwise provided in this Section, the procedure proposing and adopting an amendment to or the canceling in whole or in part of the Development Agreement shall be the same as the procedure for entering into an agreement in the first instance. However, if the County initiates a proposed amendment to or a cancellation in whole or in part of the agreement, County shall first give written notice to the party executing the agreement of its intention to initiate such proceedings not less than 30 days in advance of the giving of public notice of the hearing to consider an amendment or cancellation.
3. Any amendment to the Development Agreement which does not relate to the duration of the agreement, permitted uses of the property, density or intensity of use, height or size of proposed buildings, provisions for reservation or dedication of land, or to any conditions, terms, restrictions and requirements relating to subsequent discretionary actions related to design, improvement, construction standards and specifications, improvement and construction standards or any other condition or covenant relating to the use of the property shall not require a noticed public hearing before the parties may execute an amendment to the agreement.

6.2.2.I. Recordation and Filing

Within 10 days after the effective date of a Development Agreement, or any modification or the cancellation thereof, the Clerk of the Board shall have the agreement, the modification, or cancellation notice recorded with the County Recorder. The Clerk of the Board shall be the official custodian of the agreement file. The file shall include an executed copy of the agreement and the originals of all exhibits, reports of periodic review, amendments, and cancellations to the agreement.

6.2.2.J. Periodic Review

The Clerk of the Board of Supervisors shall schedule a periodic review of the Development Agreement in accordance with the term of the agreement. This review shall occur at least once every 12 months from the effective date the agreement. Alternatively, the Board may refer the matter of the periodic review to the Planning Commission.

1. The Board, or person charged in the agreement, shall conduct a public review hearing at which time the property owner must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the property owner.

2. The Board, or any person charged with review, shall determine, upon the basis of substantial evidence, whether or not the property owner has, for the period under review, complied in good faith with the terms and conditions of the agreement.
3. If the Board, or person charged with review, finds and determines, on the basis of substantial evidence, that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, no further action is required.
4. If the Board, or person charged with the review, determines, on the basis of substantial evidence, that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the Board, on its own motion, or upon the application of the party charged with the review, may initiate proceedings to modify or terminate the agreement.
5. The procedure herein for periodic review is an administrative hearing and shall be conducted according to the procedures in the User Guide.

6.2.2.K. Modification or Termination

1. If, upon a finding pursuant to Section 6.2.2.J.4, the Board of Supervisors determines that modification of the agreement is appropriate or that the agreement should be terminated, the Board shall give notice to the other party of its intention to do so. Such notice shall provide:
 - a. The time and place of the public hearing;
 - b. A statement as to whether the Board proposes to terminate or to modify the agreement;
 - c. Such other information which the Board considers appropriate to inform the other party of the nature of the proceeding.
2. A public hearing for termination or for modification shall be conducted on the proposed modification or termination. At the conclusion of the hearing, the Board may refer the matter to the Planning Commission which heard the application for further proceedings or for a report and recommendation. Upon receipt of any such report or recommendation, the Board will take final action on the modification or termination. As part of that final determination, the Board may impose conditions which it considers necessary and appropriate to protect the interest of the County. The decision of the Board shall be final and any court action or proceeding to attack, review, set aside, void or annul any decision of the determination by the Board shall be commenced within 30 days as set forth in Section 6.1.3.F.

6.3. DESIGN AND SITE PLAN REVIEW**6.3.1. Development Plan Review****6.3.1.A. General**

Where a Development Plan Review is required by provisions of this Code or by the action of the Board of Supervisors, Planning Commission, Zoning Administrator, Planning Director, or Board of Zoning Appeals, the procedures in this Section shall apply. The review shall not be used to change existing Code regulations or conditions of approval by granting authorities, nor may the reviewing authority impose conditions of approval unrelated to elements reviewed pursuant to this Section.

6.3.1.B. Department Regulations

The Planning Director is authorized to issue regulations to implement the requirements of this Section. Copies of the regulations shall be made available to the public for a reasonable charge. Copies shall also be available at the Planning Department Office and the Office of the Secretary of the Planning Commission.

6.3.1.C. Waiver [AMENDED 12-01-2017]

The Planning Director may waive the requirement for Development Plan Review, and instead require Design Review, as provided in Section 6.3.2 of this Code, subject to approval by the same hearing authority required by other provisions of this Code or by the action of the Board of Supervisors, County Planning Commission, Zoning Administrator, Planning Director, or Board of Zoning Appeals.

6.3.1.D. Revisions

A revision to an approved development plan shall be accomplished in the same manner as the initial approval thereof.

6.3.2. Design Review [AMENDED 06-07-2018]**6.3.2.A. General [AMENDED 04-07-2016][AMENDED 12-01-2017][AMENDED 06-07-2018]**

The Design Review Program is a program in which discretionary and non-discretionary projects are reviewed to determine a project's compliance with the Countywide Design Guidelines.

1. **Discretionary Projects:** Any commercial, industrial, residential, mixed-use, institutional, or public works project, regardless of zoning district, requiring discretionary entitlement(s) or approval(s) is subject to Design Review. *Please see exceptions in Section 6.3.2.A.3.*
2. **Non-Discretionary Projects:** Non-discretionary projects are those projects not requiring discretionary entitlements or approvals including Building Permits and Sign Permits, staff level Development Plan Approvals and other non-discretionary projects reviewed by the Planning Commission and Board of Supervisors, and Improvement Plans involving the construction or reconstruction of parking lots and new use of land for commercial and industrial purposes.

Any commercial, industrial, residential, mixed-use, institutional, or public works projects regardless of zoning district, requiring non-discretionary approval(s) is subject to Design Review. *Please see exceptions in Section 6.3.2.A.3.*

3. **Exceptions:** The following projects do not require Design Review.

- a. New single-family residential and lot division requests as described in Table 6.2.
- b. Projects requiring only a Minor Use Permit, Rezone, Community Plan Amendment, or General Plan Amendment.
- c. Wall Signs and modifications to existing signs provided that the sign conforms to current standards for the zoning district in which it is located.
- d. Non-discretionary projects proposing only interior improvements.
- e. Non-discretionary projects proposing only mechanical equipment replacement where mechanical equipment is appropriately screened and no other site or landscape improvements are required pursuant the Code.
- f. Non-discretionary projects involving improvements required to be in compliance with the American Disabilities Act except where such improvements will have a significant impact on the site and landscape configuration and/or the building facades.

Design Review is required for Single-family residential projects and lot division requests as described in Table 6.2.

TABLE 6.2: DESIGN REVIEW FOR SINGLE-FAMILY RESIDENTIAL PROJECTS OR LOT DIVISION REQUESTS		
KEY:		
<u>B: Design Review required prior to building permit submittal.</u>	<u>COA: Design Review required only if condition of approval. Review is triggered prior to building permit submittal.</u>	
<u>M: Design Review required with map approval</u>	<u>NR: Design Review is not required</u>	
Residential Development and Lot Division Scenarios [1]	Site Design and/or Plot Plan	Building and Landscape Design
Residential subdivisions 20 lots or more, zoned RD-10 or greater.	M	M
Residential subdivisions 20 lots or more, zoned RD-7 or less.	M	B
Residential subdivisions less than 20 lots, custom lot subdivisions, and all other lot divisions not within a single-family residential zoning district.	M	COA [2]
New homes on existing lots, remodels, additions, or Accessory Dwelling Units (ADU)	NR	COA
<p>[1] If proposed residential development or other lot division request is in coordination with a rezone, the requirements for Design Review will be determined based on the proposed zoning designation.</p> <p>[2] Building and landscape design proposed after a lot division within a non-single-family residential zoning district is approved, pursuant to Section 6.3.2.A, requires a Design Review regardless of Conditions of Approval.</p>		

6.3.2.B. Level of Review [ADDED 06-07-2018]

1. Discretionary Design Review. The level of review for discretionary design review is as listed below. If a project does not match criteria as listed below see Section 6.3.2.B.3.
 - a. Tentative Parcel/ Subdivision Maps (*when only entitlement*)
 - (i) Incidental: residential tentative parcel map (site only)
 - (ii) Minor: subdivision maps (site only)
 - (iii) Major: maps which require or request review of site, buildings, and landscape according to Table 6.2 and all tentative parcel maps not within a residential zoning district.
 - b. All other entitlements and discretionary approvals including a Conditional Use Permit, Variance, Development Plan Review, Special Development Permit, County facility or public works project not already subject to the Pedestrian Master Plan, or a Tentative Parcel/ Subdivision Map requiring additional entitlements.
 - (i) Incidental: awnings decks, sheds, freestanding signs
 - (ii) Minor: façade improvements, minor additions to existing buildings, one (1) single family home, and parking lots
 - (iii) Major: new construction of commercial, industrial, institutional, mixed-use, single-family homes two (2) units or more and multi-family residential development OR projects involving more than one improvement outlined under 'minor' above.
 - (iv) For cases where no physical site improvements are proposed, see Section 6.3.2.C.1
2. Non-discretionary Design Review. The level of review for non-discretionary design review is as listed below. If a project does not match criteria as listed below see Section 6.3.2.B.3.
 - a. Incidental: awnings, decks, sheds, freestanding signs.
 - b. Minor: Façade improvements, minor additions to existing buildings, one (1) single-family home, and parking lots.
 - c. Major: New construction of commercial, industrial, institutional, mixed-use, single-family homes two (2) units or more and multi-family residential development. OR projects involving more than one improvement outlined under 'minor' above.
 - (i) Major + PRC. The Project Review Committee (PRC) shall conduct an initial review for all nondiscretionary projects, permitted by right in the zoning district, that meet the below thresholds. PRC shall serve in an advisory and technical guidance capacity to the approving authority.
 1. Nondiscretionary commercial projects greater than 10,000 square feet.
 2. Nondiscretionary industrial projects greater than 10,000 square feet.
 3. Nondiscretionary mixed-use projects greater than 10,000 square feet.
 4. Nondiscretionary multiple-family projects over four dwelling units.

3. When the required level of review is unclear based on the criteria of this code, the Planning Director or designee may determine the appropriate level of review (either incidental, minor, or major) based on the scope of the project and the anticipated time and resources required to complete the review.

6.3.2.C. Waiver [ADDED 06-07-2018]

1. The Planning Director or designee may waive the requirement for a Design Review for discretionary and non-discretionary projects. In order to make this determination, one of the following findings must be made:
 - a. The existing structure and project site are consistent with applicable use standards and development standards and the code does not require additional site improvements and none are proposed.
 - b. The proposed improvements do not include exterior improvements. Interior improvements do not require a Design Review and the existing structure and project site are consistent with applicable use standards and development standards and the code does not require additional site improvements and none are proposed.
 - c. The proposed project is out of public view and does not conflict with applicable use standards, development standards.
2. For discretionary projects where the Design Review is at an incidental or minor level of review, the Planning Director or designee may determine that the appropriate authority to conduct design review is the Design Review Administrator (DRA).

6.3.2.D. Purpose

The purpose of Design Review is to:

1. Create a sense of place in Sacramento County's new growth areas, mixed-use, commercial, business, multifamily, and single-family residential districts;
2. Create a mix of uses and activities that create a healthy, social, livable, sustainable and economic environment for the diverse communities and commercial corridors in Sacramento County;
3. Create mixed-use, commercial, business, multifamily, and single-family residential districts that are designed to promote the health, safety and convenience of the pedestrian and provide active design and transportation choices that include multiple modes (walking, bicycling and transit);
4. Support the goals of the General Plan;
5. Preserve and enhance environmental quality;
6. Promote high quality design and active communities; and
7. Promote compatibility and increased connectivity between new development and surrounding development.

6.3.2.E. Appropriate Authority to Conduct Design Review [AMENDED 04-07-2016][AMENDED 06-07-2018]**1. Design Review Administrator**

For nondiscretionary projects where the Planning Director is the approving authority, the DRA shall conduct Design Review and make a determination regarding compliance with the County-wide Design Guidelines under the direction of the Planning Director. The DRA may request review by the Design Review Advisory Committee (DRAC) for their review and recommendation prior to making a determination of compliance at his or her discretion.

2. Design Review Advisory Committee

For discretionary projects, the Design Review Advisory Committee (DRAC) shall conduct design review and make findings and recommendations to the approving authority regarding compliance with the County-wide Design Guidelines. The DRAC shall not have any final authority over projects and shall serve in an advisory and technical guidance capacity to the approving authority. The Planning Director shall adopt administrative procedures for conduct of meetings of the DRAC and the referral and review process. The DRAC shall consist of the following three members: three individuals with a professional background in architecture, landscape architecture, or urban design, appointed by the Planning Director. At least one of the design professionals shall have significant and demonstrated experience in the design of retail commercial development. Each member of the DRAC shall be appointed to serve a three-year term.

3. County Planning Commission and the Board of Supervisors

The Board of Supervisors, County Planning Commission, Zoning Administrator, and Subdivision Review Committee shall conduct design review and make a determination of compliance with the County-wide Design Guidelines for projects where the Board of Supervisors, County Planning Commission, Zoning Administrator, or the Subdivision Review Committee is the designated approving authority, either for discretionary or non-discretionary projects.

6.3.2.F. Findings and Recommendations [AMENDED 04-07-2016]

The appropriate-approving authority shall find that the project:

1. Substantially complies with the County-wide Design Guidelines;
2. Would substantially comply with the County-wide Design Guidelines if modified with recommended modifications; or
3. Does not comply with the County-wide Design Guidelines and should, as consequence, not be approved.

6.3.2.G. Conflicts with Other Provisions of the Zoning Code or County Code [AMENDED 04-07-2016]

To the extent that any other provision of the Zoning Code or Sacramento County Code conflicts with any provision of this Section or the County-wide Design Guidelines, the provisions of this Section or the County-wide Design Guidelines shall prevail. No separate entitlement shall be required for any aspect of the project which is not consistent with the Zoning Code or Sacramento County Code but is

consistent with this Section, or the County-wide Design Guidelines. In the case of a single-family project that is consistent with provisions of this Section or the County-wide Design Guidelines, a Special Development Permit may be requested to provide greater flexibility from and alternatives to other provisions of the Zoning Code or Sacramento County Code.

6.3.2.H. Appeals

- 1. Nondiscretionary Projects.** Any appeal of the Planning Director for which design review was conducted pursuant to this Section shall be heard by the Board of Zoning Appeals, notwithstanding Section 6.1.3 of this Code.
- 2. Discretionary Projects.** Appeals shall be pursuant to Section 6.1.3 of this Code.

6.4. SPECIAL PERMITS**6.4.1. Special Permits Generally****6.4.1.A. Application and Procedures [AMENDED 12-01-2017]**

Application for special permits such as a Conditional Use Permit or Special Development Permit shall be made by the property owner or his agent or lessee to Planning and Environmental Review on a form prescribed by the Planning Director or his/her agent. The application shall follow the requirements and procedures set forth in the User Guide.

6.4.1.B. Hearing and Notice

1. Public hearing and noticing requirements before the Zoning Administrator, County Planning Commission, Board of Zoning Appeals, and Board of Supervisors shall follow the procedures outlined in the User Guide for the following types of requests:
 - a. Conditional Use Permits.
 - b. Special Development Permits.
 - c. Appeals of actions on any special permit filed, pursuant to this Section.
 - d. Revocation of any special permit filed, pursuant to this Section.
2. When an application is for a Conditional Use Permit for a condominium conversion and the subject property is occupied by residential units, the occupants or tenants of such units shall be included in the list of property owners furnished by the applicant.
3. Noticing requirements for minor use permits shall follow the procedures outlined in the User Guide.

6.4.1.C. Board of Supervisors and Planning Commission Hearing Authority

Whenever there is an application that will be heard by the Board of Supervisors or the Planning Commission, that hearing authority shall have the ability to consider all aspects of the application, including, but not limited to, the granting of Variances, Conditional Use Permits, tentative maps, setback reductions, or other types of administrative hearing matters.

6.4.1.D. Notice of Grant

Upon the grant of a Variance, Conditional Use Permit, or Special Development Permit the Secretary of the Planning Commission shall prepare and deliver to the applicant a written statement thereof stating the fact of the grant and any conditions attached thereto. A copy shall be delivered also to the Chief Building Inspector and the other concerned County officials. No decision of the appropriate authority shall become final upon such grant, nor shall a permit or license of any kind be issued by any County office, until the time in which an appeal may be filed has elapsed without an appeal having been filed.

6.4.1.E. Withdrawal of Application

The appropriate authority may permit the withdrawal of an application for a special permit filed pursuant to this Section.

6.4.1.F. New Applications

The Planning Director, except upon the approval of the County Planning Commission or the Board of Supervisors, shall not accept any application for a Variance, Conditional Use Permit, or Special Development Permit for a period of one year following the denial or revocation of any such permit for the same premises.

6.4.1.G. Revocation and Modification

- 1. Proceedings.** Upon referral by the Planning Director, or if directed by the Board of Supervisors, the Planning Commission shall hold a public hearing for modifying or revoking any Variance, Special Development Permit, certificate of nonconforming use, Minor Use Permit, Conditional Use Permit, or any other special permit which has been granted pursuant to the provisions of this Section or any ordinance superseded by this Section.
- 2. Decision of Commission.** After a public hearing, the Commission may revoke or modify a Variance, Special Development Permit, Certificate of Nonconforming Use, Conditional Use Permit, or any other special permit which has been granted pursuant to the provisions of this Section or any ordinance superseded by this Section on one or more of the following grounds:
 - a.** That such approval was obtained by fraud or misrepresentation; or
 - b.** That any person making use of or relying upon the special permit is violating or has violated any conditions thereof, or that the use for which the special permit was granted is being, or has been exercised contrary to the terms or conditions of such approval, or that the use for which the approval was granted is so exercised as to be detrimental to the public health, safety, or general welfare so as to be a nuisance.

6.4.1.H. Issuance of Building Permits in Emergencies [AMENDED 12-01-2017]

Notwithstanding any provision to the contrary in this Code, the Sacramento County Building Permits Inspection Division may issue a building permit, an electrical permit, or other form of construction permit, prior to the grant of a Conditional Use Permit, Variance, or Special Development Permit, subject to all of the following conditions and criteria:

- 1.** The applicant for the building permit, electrical permit, or other form of construction permit shall have completed an application for a Conditional Use Permit, Variance, or Special Development Permit.
- 2.** The application for the Conditional Use Permit, Variance, or Special Development Permit is to replace, rebuild, or reconstruct a structure or facility destroyed or made inoperable or unusable due to a natural disaster such as a flood, earthquake, or other soil or geologic movement; fire; or the occurrence of a riot, accident, or sabotage.
- 3.** There is a demonstrated urgency to replace, rebuild, or reconstruct the structure or facility involving one or more of the following:
 - a.** A clear and imminent danger demanding immediate action to prevent or mitigate loss or damage to life, health, or property; or
 - b.** The threat of loss of services for which there is an overriding public concern.

4. The completed application filed for the Conditional Use Permit, the Variance, or Special Development Permit qualifies as an emergency or categorical exemption as defined and regulated pursuant to the State Guidelines promulgated in Title 14, California Administrative Code, Section 15000 et seq., implementing the provisions of the California Environmental Quality Act.
5. The applicant files with Planning and Environmental Review a letter, executed before a notary public, indicating that the applicant understands that:
 - a. The structure or facility shall be removed by the applicant in the event the Conditional Use Permit, Variance, or Special Development Permit, is not granted;
 - b. The issuance of a building permit, electrical permit, or other construction permit in advance of the grant of the Conditional Use Permit, Variance, or Special Development Permit does not vest in the applicant or successor to the applicant, any right to continue construction or use of the structure or facility, if the Conditional Use Permit, Variance, or Special Development Permit, is not granted by the appropriate authority;
 - c. If the County is required to remove the structure or facility due to the applicant's refusal or inability to do so, the applicant shall pay reasonable attorneys' fees and administrative expenses incurred by the County in removing or contracting to remove the structure or facility; and
 - d. A cash deposit or bond shall be required, in an amount to be determined by the Deputy County Executive of Public Works and Infrastructure, sufficient to pay the costs of the removal of the structure or facility, including reasonable attorneys' fees and administrative expenses; such deposit or bond to be held, or to remain in force, until released by the Deputy County Executive of Public Works and Infrastructure.

6.4.2. Minor Use Permits

6.4.2.A. Purpose and Applicability

This Section provides a discretionary approval process for uses listed in this Code that are deemed to possess location, use, building, or traffic characteristics of such unique and special form as to make impractical or undesirable their inclusion as permitted uses; and therefore, requiring a Minor Use Permit. Minor Use Permits are subject to CEQA review.

6.4.2.B. Application Procedures [AMENDED 12-01-2017]

The applicant shall submit an application and fees to Planning and Environmental Review on a form prescribed by the Planning Director or his/her agent. Detailed procedures for the application, review, and approval of Minor Use Permits are outlined in the User Guide.

6.4.2.C. Decision Authority and Approval Criteria [AMENDED 02-24-2017] [AMENDED 12-01-2017][AMENDED 06-07-2018]

1. Minor Use Permits do not require a public hearing or review by CPAC for the area in which the use will be located.
2. **General Findings.** The following findings shall be made by the Planning Director in

order to approve a Minor Use Permit:

- a. The use is not detrimental to the public health, safety, convenience and general welfare of persons residing or working in the neighborhood of such use, and the purposes of this Code shall be maintained with respect to location, use, building traffic or other impacts of the proposed use and its relationship to surrounding properties;
 - b. The proposed use is consistent with the General Plan and all applicable provisions of this Code and applicable state and federal regulations;
 - c. The proposed use is consistent with the purpose and intent of the zoning district in which it is located;
 - d. The proposed use is consistent with any applicable use-specific standards, set forth in Chapter 3, "Use Regulations;"
 - e. The proposed use is consistent with any applicable development standards, set forth in Chapter 5, "Development Standards;"
 - f. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
 - g. Adequate measures are taken to reduce any negative impacts on neighboring residents or sensitive uses;
 - h. Facilities and services (including sewage and waste disposal, water, gas, electricity, sheriff and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development;
 - i. Adequate assurances of continued maintenance have been provided; and
 - j. Any significant adverse impacts on the natural environment will be mitigated pursuant to CEQA unless overridden.
3. In granting a Minor Use Permit, the Planning Director may impose certain conditions in order to make the findings in Section 6.4.2.C.2.a through c. The conditions may relate to use, building height, yard area, open space, setbacks, parking, signs, hours of operation, time limit, and other conditions necessary to comply with the findings of this Section, and all applicable site location, operation and development standards.
 4. Decisions of the Planning Director may be appealed to the County Board of Zoning Appeals.

6.4.3. Conditional Use Permits

6.4.3.A. Purpose

This Section provides a discretionary approval process for conditional uses, which have unique or widely varying operating characteristics or unusual site development features. The procedure encourages public review and evaluation of proposed conditional uses and is intended to ensure that such uses will not have a significant adverse impact on surrounding uses or on the community at large.

6.4.3.B. Applicability

Uses allowed by Conditional Use Permit in each zoning district are indicated in Chapter 3, "Use Regulations."

6.4.3.C. Application and Procedures [AMENDED 12-01-2017]

The applicant shall submit an application to Planning and Environmental Review on a form prescribed by the Planning Director or his/her agent. The application shall follow the requirements and procedures described in the User Guide.

6.4.3.D. Decision Authority

Approval authority for review and decisions on Conditional Use Permits are as indicated in the Use Tables, Table 3.1 and are as summarized in Section 6.4.3.D.1 through 6.4.3.D.4.

- 1. Zoning Administrator.** The Zoning Administrator shall decide an application for a Conditional Use Permit, pursuant to the procedures described in the User Guide, except as otherwise specified in this Section.
- 2. County Planning Commission.** The County Planning Commission shall be the appropriate authority to hear and decide an application for a Conditional Use Permit whenever the application is filed contemporaneously with an application to change property from one zoning district to another, or any other permit where such application would be heard by the Planning Commission pursuant to the provisions of this Code, or for a tentative subdivision map pursuant to the provisions of Title 22 of the Sacramento County Code.
- 3. Board of Supervisors.** The Board of Supervisors shall be the appropriate authority to hear and decide an application for a Conditional Use Permit when so indicated on the Use Tables, Table 3-1 of this Code; or when an application has been filed contemporaneously with an application for any other zoning matter for which a hearing is to be held by the Board of Supervisors; or, after a recommendation by the Planning Commission, when an application is located within the area regulated by any Airport Land Use Compatibility Plan (ALUCP) and does not comply strictly with policies of the ALUCP, upon making the findings by a 4/5 vote.
- 4. CPAC Action.** In those cases where the CPAC recommends denial on a project involving Conditional Use Permits for residential and nonresidential uses, except for Minor Use Permits, the Zoning Administrator shall refer the application directly to the County Planning Commission, with appeal to the Board of Supervisors.

6.4.3.E. Approval Criteria [AMENDED 06-07-2018]

- 1.** To grant a Conditional Use Permit, the appropriate authority shall find and record in writing that the establishment, maintenance, or operation of the use, building, or structure applied for will not under the circumstances of the project be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. Recommendations and decisions on a Conditional Use Permit application shall be based on consideration of whether:

-
- a. The proposed use is consistent with the General Plan and all applicable provisions of this Code and applicable state and federal regulations;
 - b. The proposed use is consistent with the purpose and intent of the zoning district in which it is located;
 - c. The proposed use is consistent with any applicable use-specific standards, set forth in Chapter 3, "Use Regulations;"
 - d. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
 - e. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable;
 - f. Facilities and services (including sewage and waste disposal, water, gas, electricity, sheriff and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development;
 - g. Adequate assurances of continued maintenance have been provided; and
 - h. Any significant adverse impacts on the natural environment will be mitigated pursuant to CEQA unless overridden;
 - i. The proposed use is consistent with the findings listed in Section 3.6.0.;
 - j. The proposed use is consistent with any applicable development standards set forth in Chapter 5, "Development Standards."
- 2. Findings for Nonresidential Uses.** In addition to the findings in Section 6.4.3.E.1, the following findings shall be considered in order to approve a Conditional Use Permit for the indicated use:
- a. Office uses permitted pursuant to Chapter 2, subject to findings that the proposed use will be:
 - (i) Compatible in design and size with the surrounding residential area; and
 - (ii) Complies with the use and development standard requirements in Chapters 2 and 3 of this Code.
 - b. Convenience stores permitted pursuant to Chapter 2, subject to findings that the proposed use:
 - (i) Serve only the needs of the surrounding residents in terms of area, design, and location of the project;
 - (ii) Will be compatible in design and size with the surrounding residential area; and
 - (iii) Complies with the use and development standard requirements in Chapters 2 and 3 of this Code.
 - c. Agricultural supplies and services, subject to findings that the proposed use:
 - (i) Serve only the needs of the surrounding agricultural uses in terms of the area, design, and location of the project; and

(ii) Will be compatible in design and size with the surrounding residential area.

3. Conditions of Approval.

The appropriate authority may designate such conditions in connection with Conditional Use Permits as it deems necessary to protect the purposes of this Code. Such conditions may include, but are not limited to:

- a. Dedications of rights-of-way.
 - b. Improvements of vehicle access to the subject property to County standards.
 - c. Regulation of the placement of the use or building on the subject property.
 - d. Regulation of height, number of stories.
 - e. Regulation of the nature, hours of operation, extent of use.
 - f. Regulation of landscaping for the protection of adjoining and nearby properties.
4. The appropriate authority may require guarantees in the form of bonds, cash deposits or other evidence of good faith so as to secure compliance with imposed conditions.

6.4.4. Conditional Use Permits for Condominium Conversions

6.4.4.A. Application

The provisions of this Section shall apply to the development of all residential condominiums and stock cooperatives including the conversion of existing dwelling units to condominiums, row houses, town houses, and stock cooperatives.

6.4.4.B. Application Content [AMENDED 12-01-2017]

Recognizing that the conversion of existing structures which have been previously occupied and constructed as rental units presents unique problems to present tenants and future buyers, the application for a Conditional Use Permit for a condominium conversion project shall include the following information:

1. The proposed organizational documents, including the Covenants, Conditions and Restrictions to be recorded pursuant to Section 1350 et seq. of the Civil Code. The organizational documents shall provide for the following:
 - a. Transfer of title to each unit;
 - b. Assignment of parking for each owner, and provisions for parking of recreational vehicles;
 - c. The management of common areas within the project, and the complex generally;
 - d. The anti-discrimination provisions set forth in this Section.
 - e. Maintenance program and proposed budget.
2. A property report prepared by an engineer shall describe the condition and estimate the remaining useful life of each of the following elements of each structure situated within the project proposed for conversion: roofs, foundations, exterior paint, insulation, paved surfaces, mechanical systems, electrical systems,

plumbing systems, sewage systems, sprinkler systems for landscaping, utility delivery systems, central or community heating and air conditioning systems, fire protection systems including any automatic sprinkler systems, alarm systems, or standpipe systems, structural elements, and drainage systems.

The property report shall state what the Sound Transmission Class and Sound Impact Class of the existing floor-to-ceiling and wall-to-wall assemblies of sample units are. The report shall also explain, in nontechnical terms, what the class ratings mean and state what measure, if any, the applicant will take to improve sound attenuation between units. Projects constructed after July 1, 1978, which were in total compliance with the Building Code at the time of construction, shall be exempt from the property report requirement.

The property report shall list each fixed appliance to be contained in each or any unit offered for sale and shall state whether the appliance is or will be new or used when the unit is first offered for sale. The report shall also state the terms and nature of the warranty offered by the applicant on each such appliance.

3. A structural pest control report.
4. A building history report identifying the date of construction of all elements of the project.
5. A report identifying all characteristics of the building not in compliance with this ordinance or applicable building or housing codes.
6. A rental history report detailing the size, in square footage, of the building or buildings and each unit; the current or last rental rate; the name and address of each present tenant; the monthly rental rate for the preceding three years for each unit; the average monthly vacancy over the preceding three years; the number of evictions over the preceding three years. In addition, evidence shall be submitted that tenants have been notified and have acknowledged the applicants intent to file a request for conversion for a period of at least 90 days prior to the initial filing of an application for a conversion use permit or tentative subdivision map.

Failure to provide any information required in this Section, shall be accompanied by an affidavit or declaration given under penalty of perjury, setting forth in detail all efforts undertaken to discover the information and all reasons why the information could not be obtained.

7. A detailed report describing the relocation and moving assistance information to be given to each tenant, and the steps the applicant will take to ensure the successful relocation of each tenant. The report should state in detail what assistance will be provided for special category tenants, including a discussion of long-term or life-term leases and provisions to allow such tenants to continue renting after conversion until comparable housing, as defined by Section 6.4.4.N.3, is located and the move can be completed.
8. A survey of all the tenants in the conversion project indicating how long each tenant had been a resident of the project, how long each tenant had planned to live in the project, whether or not each tenant would be interested in purchasing a unit, to which community area would each tenant choose to relocate if the conversion took place and the tenant did not purchase a unit, and the extent of

tenant approval in principle of the conversion. Included in this survey is an estimate of the sales price for each unit, not including inflation and adjustments that would take place during conversion.

To comply with this provision, the applicant shall provide a tenant rights handout and a questionnaire, in a form approved by the County, to each tenant with an envelope, postage prepaid, addressed to Sacramento County Planning and Environmental Review. The questionnaire shall direct the tenant to return the completed form directly to Planning and Environmental Review.

9. The Planning Director may require additional information necessary to assist in evaluating said conversion project in order to make proper findings in accordance with the purposes and objectives set forth in the adopted County General Plan, or any specific or community plan or element thereof in effect at the time of such application. Such information may include, but shall not be limited to:
 - a. A report comparing the units in the conversion project, as both rentals and ownership units, with housing available within the community plan areas affected by the project.
 - b. A report on availability of comparable rental units at similar rental rates remaining within the affected community plan areas, including vacancy rate information.
 - c. A report outlining the available low and moderate income housing units (rental and sales housing) within the affected community plan areas.

6.4.4.C. Ownership Association

The developer shall submit to the Planning Commission a copy of the maintenance program and proposed budget by a homeowner's association or other enforceable means to ensure maintenance of common areas, landscaping, private streets, parking areas, and recreational facilities.

6.4.4.D. Building Code Requirements

1. A building proposed for conversion, and each unit within the building, shall comply at a minimum with all applicable Building Code standards in effect at the time of the last alteration, repair, relocation, or reconstruction of the building, necessitating compliance with the Building Code, or, if none, at the time of first construction.

2. No building shall be permitted to be converted to condominium ownership unless the building was constructed and subject to a building permit issued under the provisions of the 1952 Uniform Building Code, or subsequently adopted Uniform Building Code, unless it is found by the Appropriate Authority that the building constructed prior to 1952 is decent, safe, and sanitary based upon property report review by building inspector.
3. No building constructed after May 10, 1980 shall be permitted to be converted to condominium ownership unless the building was constructed in full compliance with all applicable building codes and the development standards applicable to new condominium construction, in effect at the time of the last alteration, repair, relocation, or reconstruction of the building, or, if none, at the time of first construction.

6.4.4.E. Building Inspection

After reviewing the property report required pursuant to Section, and after inspecting the structures within the project when deemed necessary, the Chief of the Sacramento County Divisions of Building Permits and Inspections shall identify and make available to the Planning Commission all items evidenced by such reports or inspection to be in noncompliance with applicable building and housing codes or to be hazardous to the life, health or safety of any occupant of the units within the project or the general public. All such items shall be corrected to the satisfaction of the Chief of the Sacramento County Divisions of Building Permits. An appropriate fee to cover the cost of the Division's review and inspection may be collected.

6.4.4.F. Performance Bond

If the proposed project does not comply with the provisions relating to utilities, personal safety and Building Code compliance, or if the Chief of the Sacramento County Divisions of Building Permits identifies any items to be corrected, any Conditional Use Permit issued pursuant to this part shall require the developer to furnish a performance bond or other means of security approved by the County Counsel in an amount to be determined by the Chief of the Sacramento County Division of Building Permits to be the reasonable estimated cost to bring the project into compliance with said codes and to make all necessary repairs. The bond shall run in favor of individual purchasers and the Association, and the bond shall provide for reasonable attorney's fees in the event of default by the principal.

6.4.4.G. Consumer Protection Provisions

In addition to the tenant protection provisions set forth in the Subdivision Map Act, the applicant shall comply with all relocation assistance and other provisions of this Section, as conditions of any Conditional Use Permit for a condominium conversion project approved pursuant to this Code.

6.4.4.H. Sales and Lease Termination

The tenants of the project on the date of application shall be offered the first right of refusal to purchase units. The offer shall run for 90 days from the date of issuance of subdivision public report by the State Department of Real Estate unless the tenant gives prior written notice of intention not to exercise the right. A tenant of any project proposed for conversion on the date of application for each conversion may terminate any lease after giving 30 days notice. The required relocation assistance shall be

applicable to all units from the date of final approval of the use permit to the closing of escrow for the final unit in the project.

6.4.4.1. Relocation Assistance [AMENDED 12-01-2017]

The applicant shall offer to each eligible tenant a plan for relocation to comparable housing, as approved by the Board. The relocation plan shall provide, at a minimum, for conditions 6.4.4.1.1 through 5.

1. Assistance to each eligible tenant in locating comparable housing, including but not limited to providing availability reports and transportation, where necessary.
2. Payment of a relocation fee to each tenant who does not choose to stay. The payment shall be a cash payment of at least \$300 if the tenant is relocating from an unfurnished apartment, or \$200 if the tenant is relocating from a furnished apartment. A tenant is not entitled to a relocation fee pursuant to this Section if the tenant has been evicted for just cause. Cash payment minimums will be adjusted annually. In addition, up to \$50 cash payment shall be made for utility deposits and hook-up costs.
3. In the case of eligible tenants who have disabilities or are elderly, low-income, or single heads of households living with one or more minor children, the following additional provisions must be made:
 - a. Payment of the first month's rent in the new residence, if required upon moving in; and the transfer to the new complex of all key, utility, and pet deposits to which the tenant is entitled upon vacating the unit. Cleaning and security deposits, minus damages, shall be refunded to the tenant upon vacating the unit.
 - b. In lieu of the transfer of deposits to the new complex, the tenant may, at his or her option, elect to be refunded all deposits to which he or she is entitled.
 - c. If the amount of deposits and other fees required upon moving into the new complex exceed the amounts refunded to the tenant and transferred to the new complex, plus damages, the applicant shall pay the difference.
 - d. If amount of damage to any unit exceeds the deposit, the excess may be subtracted from the relocation assistance payment.
4. In the case of eligible special category tenants, the following additional provisions must be made:
 - a. **Subsidy.** Where the rent for the comparable unit into which the tenant moves is higher than the rent for the unit the tenant occupied in the conversion project the applicant shall pay the difference for a period of one year from the date of relocation.
 - b. **Evictions.** Until each tenant is successfully relocated, the tenant shall not be unjustly evicted from the unit presently occupied in the conversion project.
 - c. **Reports.** The applicant shall provide each tenant with a copy of the reports required by this Section detailing all relocation and moving assistance information to be provided by the applicant.
 - d. **Life-Term and Long-Term Leases.** The applicant shall offer eligible tenants leases for a term of:

- (i) Fifty-nine (59) years when the tenant is elderly or has disabilities, and who also qualifies as low income. Such leases shall provide that annual rent increase shall not exceed the percent of change in HUD'S defined fair market rent.
 - (ii) Fifty-nine (59) years when the tenant is elderly or has disabilities, with a moderate income or greater. Rents may be increased at the prevailing market rate.
 - (iii) An annually renewable lease for a term not to exceed five (5) years for low-income households when The appropriate authority finds that comparable units are not available for the relocation of low income persons. Such agreements shall be certified for tenant eligibility each calendar year. Qualification for the Federal Section 8 program or its successor shall constitute certification.
5. The offer to each eligible tenant of a plan for relocation shall be free of any coercion, intimidation, inducement or promise not herein specified and shall not cause the tenant to vacate in advance of, or prior to, a timetable or schedule for relocation as approved in its application for approval of conversion.

6.4.4.J. Anti-discrimination

The applicant or owner of any condominium unit within a project shall not discriminate in the sale, or in the terms and conditions of sale, of any dwelling unit against any person who is or was a lessee or tenant of any such dwelling unit because such person opposed, in any manner, the conversion of such building into a condominium. In a like manner, the applicant or owner shall not discriminate in the sale, or in the terms and conditions of sale, of any dwelling unit against any person or family based upon age or family size, when family size does not exceed HUD's standard for overcrowding of 1.25 persons per room. This anti-discrimination Section shall be included in the conditions, covenants, and restrictions for the project.

6.4.4.K. Preconversion Protection

From the date of application for a permit to convert, or until relocation takes place or the application is denied or withdrawn, but in no event for more than two (2) years, no tenant shall be unjustly evicted and no tenant's rent shall be increased: 1) more frequently than once every six (6) months; nor 2) in an amount greater than the annual increase in utility costs and insurance costs, plus increased operating costs not to exceed two (2) percent per year. This limitation shall not apply if rent increases are expressly provided for in leases or contracts in existence prior to the filing date of the Conditional Use Permit.

6.4.4.L. Appliance Warranties

The applicant shall provide free of charge to the first individual purchaser of each unit a one-year warranty on each fixed appliance contained in the unit, whether new or used.

6.4.4.M. Utilities

1. **Gas.** Each condominium unit shall have a separate gas service where gas is a necessary utility. If this provision places unreasonable economic burden on the applicant, the appropriate authority may approve an alternative.

2. **Electricity.** Each condominium unit shall have a separate electrical service, with separate meters and disconnects, and ground fault interrupters where ground fault interrupters are required by present building codes.
3. **Telephone Company Access.** The Telephone Company serving the location under conversion shall have the right to construct and maintain (place, operate, inspect, repair, replace and remove) communication facilities as it may from time-to-time require (including access) in or upon any portion of the common area, including the interior and exterior of the buildings as necessary to maintain communication service within the project. This provision may not be amended or terminated without the consent of the serving Telephone Company.

6.4.4.N. Findings Required for Approval [AMENDED 12-01-2017]

The Planning Commission shall not approve a Conditional Use Permit for a condominium conversion, unless it finds:

1. That the proposed conversion is consistent with the General Plan and applicable community and specific plans in effect at the time of the Conditional Use Permit application, especially with the objectives, policies, and programs of the Housing Element of the General Plan designed to provide affordable housing to all economic segments of the population.
2. That the average rental vacancy rate in multiple family units of similar size in the community plan areas and adjacent community plan areas affected by the proposed conversion during the 12 months preceding the filing of the application is greater than five percent; provided, that a Conditional Use Permit may be approved where the vacancy rate is equal to or less than five percent if the applicant has proposed measures which the Commission finds would effectively mitigate the displacement of tenants and any adverse effects upon the housing stock in the affected community plan areas which would be caused by the proposed conversion.

In evaluating the average rental vacancy rate in the affected community plan areas and in the building proposed for conversion, the Planning Commission shall consider the rental history of the building, including the number of evictions and increases in rent over the preceding three (3) years. In addition, the following sources of vacancy rates statistics may be used: 1) Department of Finance (State of California), 2) Postal Service, and 3) HUD vacancy rates. Notwithstanding any other provision of this Section, the Planning Commission may deny a Conditional Use Permit if it finds that vacancies in the building have been created by unjust evictions and unreasonable rent increases in order to qualify a project for conversion under this Section.

3. That the applicant unconditionally offered to each eligible tenant an adequate plan for relocation to comparable housing. In determining whether the housing to which the applicant proposes relocation is "comparable" the Planning Commission must find that the housing is decent, safe, and sanitary, and in compliance with all local and state housing codes; and, that the housing is open to all persons regardless of race, creed, national origin, ancestry, religion, marital status, or gender. In addition, the Planning Commission shall consider the following factors in determining whether the relocation housing is comparable:

- a. Whether the housing is provided with facilities equivalent to that provided by the landlord in the dwelling unit in which the tenant then resides in regard to each of the following: a) apartment size including number of rooms; b) rent range; c) major kitchen and bathroom facilities; d) special facilities for people with mental or physical disabilities or senior citizens; e) willingness to accept families with children;
- b. Whether the housing is located in an area not less desirable than the area in which the tenant then resides in regard to a) accessibility to the tenant's place of employment; b) accessibility to community and commercial facilities; c) accessibility to schools; and d) accessibility to public transportation. A unit is not comparable if it is located in a building for which a notice of intent to convert has been given, except where the rental units of the building will not be offered for sale as condominium units within two years.

6.4.4.O. Lapse of Conditional Use Permit for Condominium Conversions [AMENDED 12-01-2017]

Pursuant to this Code, an approved Conditional Use Permit, if not used for the purpose for which it was granted, shall lapse three years following the date on which the permit became effective. However, since the regulations related to condominium conversions are unique in that measures come into place with the filing of the application for the Conditional Use Permit in terms of the financial obligations related to eligible tenants and rental limitations, a Conditional Use Permit shall be deemed to be still in effect if, within three years from the date of approval, one of the following occurs:

1. A final subdivision map is recorded for all or a portion of the property involved in the Conditional Use Permit, or
2. Pursuant to the approved Relocation Assistance Plan, written evidence has been filed with Planning and Environmental Review that more than 10 percent of eligible tenants have been relocated.

Notwithstanding the provisions in this Section, a Conditional Use Permit that would otherwise expire pursuant to this Code may be subject to an automatic extension as described in Section 6.4.1.l.

6.4.4.P. Right to Terminate Conversion

Within three (3) years of the approval of a Conditional Use Permit for a condominium conversion or pursuant to Section 6.4.4.O, after the Conditional Use Permit is in effect, the applicant may elect not to pursue the completion of all or part of the approved conversion. Upon the acceptance of a notice of termination by the approving authority, along with evidence that all remaining eligible tenants have been notified in writing, the Conditional Use Permit shall be deemed lapsed and void. Acceptance of the notice of termination shall be an administrative authority of the Planning Director. Such acceptance shall be by a written notice of acceptance which may be withheld to such time as the Director is assured that any required tenant obligations incurred during the preconversion process have been satisfied.

6.4.5. Conditional Use Permits for Uses Not Otherwise Provided in the Code**6.4.5.A. Finding For Uses Not Listed**

It is recognized that from time to time persons in possession of property desire to use property for purposes which are not specifically provided for in this Code. In order to carry out the intent of this ordinance and to promote the general welfare of the community, the Board of Supervisors authorizes the Planning Director to determine the appropriate requirements for uses which are not provided for in the Zoning Code, subject to the following:

1. Determination by the Planning Director that the use is substantially similar in characteristics, intensity, and compatibility to a use or uses within the zoning classification applicable to the property.
2. Determination by the Planning Director that the use would be appropriate in the zoning classification applicable to the property as a permitted or conditional use. Each such use shall conform to all the regulations and conditions of approval applicable to similar described use specified in the provisions of the applicable zoning district as well as the standards and provisions applicable to the similar described use in Chapter 3 of this Code.
3. If the Planning Director determines that the use would be appropriate in the zoning classification applicable to the property as a conditional use, a Conditional Use Permit shall be heard by the appropriate hearing body for the similar use.
4. The use shall then be processed in a similar manner, as determined by the Planning Director, until the Zoning Code can be amended to add the use to the tables.

6.4.6. Special Development Permits**6.4.6.A. General**

A Special Development Permit may be granted by the appropriate authority to provide greater flexibility from and alternatives to development standards, minimum lot area and lot width, and minimum public street frontage in any zoning district, when necessary to carry out the purposes of this Section. In addition, a Special Development Permit may also be granted to provide greater flexibility from and alternatives to the road improvement standards of this Code to permit a single-family dwelling or mobile home and accessory buildings to be erected and used in the specified zoning districts.

6.4.6.B. Purpose

The purpose of a Special Development Permit is to encourage a creative and more efficient approach to the use of the land; to maximize the choice in the type of environment available to the people in the unincorporated area of Sacramento County; to encourage more efficient allocation and maintenance of privately controlled common open space through the redistribution of overall density where such arrangement is desirable and feasible; to provide economy in housing opportunities; and to provide a means of greater creativity and flexibility in design than is provided under the strict application of the zoning district development standards while at the same time providing adequate protection of the environment and of the health, safety, and comfort of the residents of the development and the County.

6.4.6.C. Application Procedures

Detailed procedures for the application, review, and approval of Special Development Permits, including public hearing and noticing requirements are outlined in the User Guide.

6.4.6.D. Decision Authority and Approval Criteria

1. The appropriate authority may issue a Special Development Permit to allow deviations from any development standard in this Title. To grant a Special Development Permit, the appropriate authority shall find and record in writing that the establishment, maintenance, or operation of the use, building, or structure applied for will not under the circumstances of the project be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. Approval authority for review and decisions on Special Development Permits is as summarized in Sections 6.4.6.D.1.a through 6.4.6.D.1.d.

- a. **Zoning Administrator.** The Zoning Administrator shall be the appropriate authority to hear and decide applications for a Special Development Permit, except as otherwise specified in this Code.
- b. **County Planning Commission.** The County Planning Commission shall be the appropriate authority to hear and decide all applications for a Special Development Permit whenever said application has been filed contemporaneously with an application for any other zoning matter for which a hearing is to be held by the Planning Commission; or for a tentative subdivision map, pursuant to the provisions of Title 22 of the Sacramento County Code.

In addition to the above contemporaneous applications, Special Development Permits shall be heard by the Planning Commission for the requests enumerated in subsections 6.4.6.D.b.(i) through (iv).

- (i) Deviations from multifamily development standards
 - (ii) Deviations from height standards for commercial and industrial buildings
 - (iii) Deviations from the 100-foot setback for multistory commercial and industrial buildings adjacent to single-family residential
 - (iv) Density bonuses unless permitted per Sections 6.5.4 and 6.5.5.
- c. **Board of Supervisors.** The Board of Supervisors shall be the appropriate authority to hear and decide an application for a Special Development Permit when so indicated on the Use Tables, Table 3-1 of this Code; or when an application has been filed contemporaneously with an application for any other zoning matter for which a hearing is to be held by the Board of Supervisors; or, after a recommendation by the Planning Commission, when an application is located within the area regulated by any Airport Comprehensive Land Use Plan (CLUP) and does not comply strictly with policies of the CLUP, upon making the findings by a 4/5 vote.
 - d. **CPAC Action.** In those cases where the CPAC recommends denial on projects involving Special Development Permits for nonresidential uses, the Zoning

Administrator shall refer applications directly to the County Planning Commission, with appeal to the Board of Supervisors.

6.4.6.E. Effect of Permit

Upon the issuance of the Special Development Permit, the property may be developed either pursuant to the development standards set forth in Chapter 3 of this Code or in the alternative, pursuant to the development standards set forth in the Special Development Permit and the requirements set forth in this Section; provided, however, that upon the issuance of any building permit for the construction of buildings, or the commencement of construction of streets, utilities, and other facilities, pursuant to the development standards set forth in the Special Development Permit, the standards set forth in the Special Development Permit shall regulate the property, and the Special Development Permit shall remain in full force and effect until revoked pursuant to the provisions of this Code. A condition of rezone may require that property be developed only if in compliance with an approved Special Development Permit.

6.4.6.F. Clustering to Provide Open Space Resource Protection

In those cases where environmentally sensitive or significant physical features exist on the proposed site that are worthy of preservation (e.g., woodlands, wetlands, steep slopes or urban stream corridors), or where an open space buffer would help protect intensive farming or ranching activities, the County Planning Commission may permit residential lots to be clustered and minimum lot area and lot width requirements to be reduced in order to provide appropriate open space resource protection. Development rights for areas designated for open space protection shall be permanently dedicated via conservation easements and appropriate long-term management provided for by either a public agency or other appropriate entity.

6.4.6.G. Density Bonuses and Intensity Increases

1. [DELETED]

2. **Land Use Density Limitations.** Development shall not exceed a land use density, which conforms to the requirements of the land use zoning district in which the project is located, except that the Planning Commission may permit increased densities over the maximum permitted by the land use zoning district, as listed in subsections 6.5.6.G.a through c.

a. **Density Increase for Preservation of Environmentally Sensitive or Significant Physical Features.** Density increase up to 50 percent of permitted density if the appropriate authority finds:

- (i) That certain environmentally sensitive or significant physical features exist on the proposed site worthy of preservation; and in order to preserve and protect these features, careful planning in the design of the development and in measures of treating the land is necessary.
- (ii) The aforementioned features are not otherwise required to be preserved through the normal land use entitlement and CEQA evaluation process.
- (iii) Preservation of the aforementioned features cannot be reasonably accomplished through development clustering.

- (iv) A rezone to enable development under the desired density is not feasible under the circumstances.
 - (v) That the design of the project, including the proposed grading, construction techniques and practices will preserve the aforementioned features.
 - (vi) Development rights for areas designated for open space protection will be permanently dedicated via conservation easements and appropriate long-term management provided for by either a public agency or other appropriate entity.
- b. Density Increase for Energy Conservation Design. Density increases up to 25 percent of permitted density if the appropriate authority finds:
- (i) That the project will result in energy savings beyond those obtained with conventional design and construction techniques; or
 - (ii) The project provides on-site Accessory I or II solar energy or small wind turbine-generated energy, consistent with Section 3.6.6.C, "Solar Energy Facilities" and Section 3.6.6.D, "Wind Turbine Facilities;" and
 - (iii) That the amount of the increase density is proportionate to the amount of increased energy conservation achieved which exceeds adopted regulations.
- c. Density or Intensity Increase for Proximity to Transit or in Housing Category III projects. Additional density increases may be permitted beyond the district allowances in all multifamily residential developments, regardless of the zoning district; in the LC and GC zoning districts; and in all mixed-use zoning districts for projects located within a one-quarter mile of a transit station or stop along a light rail line, bus rapid transit line, or other trunk line providing high frequency bus service with 20 minute or better headways, which is either in existing service, under construction, or planned for service as identified in Regional Transit's *Short-Range Transit Plan Ten Year Capital Program of Projects*, or in Housing Category III projects as defined by the Multi-Family Design Guidelines. Density bonuses are automatic when State Density and Housing Incentive Programs (HIP) are used.
- d. In addition to subsections 6.4.6.G.a, b, or c the appropriate authority must find that the project will not constitute a nuisance or hazard to the community; or establish a use or development inconsistent with the goals, objectives, and policies of the General Plan; and will not result in significant damage to environmentally sensitive or significant physical features that may exist on the site.

6.4.6.H. Types of Findings [AMENDED 12-01-2016][AMENDED 05-11-2018]

1. **General Findings for All Special Development Permits.** The appropriate authority shall not issue the Special Development Permit, unless it makes the following general findings:
- a. That the proposed development will carry out the intent of the General Plan and any applicable community plan;

-
- b. That the proposed development is of sufficient size and is designed so as to provide a desirable environment within its own boundaries;
 - c. That the proposed development is compatible with existing and proposed land uses in the surrounding area;
 - d. The proposed development is justified by the project design or by the substantial energy savings proposed pursuant to this Section. In the case of a residential area, the rearrangement of dwellings and the mixing of dwelling types shall be justified by larger and more usable open spaces;
 - e. That there is adequate assurance that all necessary infrastructure will be installed at the scheduled times;
 - f. That the existing or proposed utility services are adequate for the uses and population densities proposed; and
 - g. That the proposed development will not be materially detrimental to the environment or to the health, safety, or general welfare of the residents of the development and the County.
- 2. Reduction in the Minimum Lot Area or Width Standards.** The appropriate authority shall not issue a Special Development Permit to provide greater flexibility from and alternatives to the minimum lot area or minimum lot width requirements of this Code for residential, agricultural and agricultural-residential zoning districts, unless it makes the general findings of Section 6.4.6.H.1., as well as one or more of the following findings:
- a. Dedication for public streets or other facilities is required that is in excess of dedication normally required, pursuant to the adopted County Transportation Plan or otherwise required by a public agency.
 - b. The location of natural features or existing site improvements will cause odd or irregular lot shapes if strict adherence to lot area and/or width standards is required. This finding only applies if the total number of resulting lots does not exceed the number allowed by zoning.
 - c. An existing nonresidential use, or a nonresidential use proposed concurrently with another entitlement, does not require the minimum parcel size required by the zoning district. Such nonresidential uses may include institutional uses such as day care centers, places of worship, private schools, hospitals, fraternal lodges, and public buildings. Conveyance of residential development rights may be required as a condition of the lot size reduction.
 - d. **[DELETED]**
 - e. Two-thirds or more of the legally created lots existing within 500 feet of the proposed parcel map are of similar size or shape in the same zoning district.
 - f. The project consists of a remainder lot created prior to May 1983 as a result of a gift deed conveyance to a nonprofit charitable organization or to a college or university level education facility.
 - g. The project is located within a Neighborhood Preservation Area (NPA) and maintenance of the existing zoning is an integral part of the NPA. The proposed lot exception would be consistent with the intent of the NPA, policies

area and width of the proposed lot, provided that the lot shall not have an area of less than two (2) acres, nor a width of less than 150 feet.

- b. That the owner or owners of the property convey to the County the right to develop or construct additional principal residences on a sufficient portion of the remainder of the property to guarantee that the reduction in the lot area will not result in an increase in the density of residential uses than otherwise permitted in the zoning district in which the property is located. Such conveyance may be terminated upon the rezoning of the property or upon the merger of the parcels into lots of sufficient area and width to comply with the lot requirements of the zoning district.
 - c. That the lot for which the lot reduction permit is requested will be used only for residential purposes.
- 2. Regulation of Common Open Space.** The appropriate authority may, by provisions of the Special Development Permit, regulate the amount, use, and location of open space on the proposed site. The appropriate authority may require the dedication of development rights or scenic easements to assure that open space will be maintained or may require that instruments of conveyance or covenants or deed restrictions provide adequate means to assure the commonly owned open space is maintained in a condition consistent with the approved development plan.

6.4.6.J. Issuance of Permit

The Special Development Permit, when approved by the appropriate authority, shall incorporate the approved plans and detailed regulations setting forth the requirements for development of the site. The permit may, in addition, specify the authority to review and approve details of the development plan, provided that standards for such review are set forth in the permit. The appropriate authority may also designate conditions of approval for a Special Development Permit to satisfy the requirements of this Section. Such conditions may include, but are not limited to, right-of-way dedication and regulations on building height, landscaping and fencing, and shall be related to the nature of the Special Development Permit.

6.5. OTHER APPLICATIONS

6.5.1. Variance

6.5.1.A. Purpose

The Variance process is intended to provide limited relief from the requirements of this Code in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship, prohibiting the use of land in a manner otherwise allowed under this Code.

It is not intended that a Variance be granted to 1) allow a use in a zoning district where it is not permitted by this Code; or 2) merely remove an inconvenience or financial burden that the requirements of this Code may impose on property owners in general. Rather, a Variance approval is intended to provide limited relief where the requirements of this Code render the land difficult or impossible to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the Variance is requested. State and/or federal laws or requirements may not be varied by the County.

6.5.1.B. Applicability

Variances may be granted as authorized in Planned Developments, Special Planning Areas, and Neighborhood Planning Areas when the appropriate authority, as provided by this Section, finds that:

1. The applicant has shown that because of special circumstances peculiar to the subject property, including size, shape, topography, location, or surroundings; or because of the location of Heritage or Landmark Trees as defined and regulated by Chapter 19.4 of the Sacramento County Code, the strict application of the requirements of this Code would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning district classifications.
2. The grant of the Variance would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district in which the subject property is situated.
3. The requirements of this Section shall be strictly interpreted and enforced for all open space zoning district to protect the interest of the public in the orderly growth and development of cities and counties and in the preservation and conservation of open space lands.

In all other cases, a Special Development Permit may be granted by the appropriate authority to provide greater flexibility from and alternatives to development standards, minimum lot area and lot width, and minimum public street frontage in any zoning district, subject to the provisions of Section 6.4.6. The provisions of this Section shall not be applicable to a planned development processed and approved pursuant to the provisions of this Code unless authorized in the ordinance adopting the planned development.

6.5.1.C. Application Procedures

Detailed procedures for the application, review, and approval of Variances, including public hearing and noticing requirements are outlined in the User Guide.

6.5.1.D. Decision Authority and Approval Criteria

1. Approval authority for review and decisions on Variances is as indicated in the Use Tables, Table 3.1 and are as summarized in Sections 6.5.1.D.1.a through 6.5.1.D.1.c.
 - a. **Zoning Administrator.** The Zoning Administrator shall be the appropriate authority to hear and decide applications for Variances, except as otherwise specified in this Code.
 - b. **County Planning Commission.** The County Planning Commission shall be the appropriate authority to hear and decide all applications for Variances when an application has been filed contemporaneously with an application for any other zoning matter for which a hearing is to be held by the Planning Commission.
 - c. **Board of Supervisors.** The Board of Supervisors shall be the appropriate authority to hear and decide an application for a Variance when so indicated on the Use Tables, Table 3-1 of this Code; or when an application has been filed contemporaneously with an application for any other zoning matter for which a hearing is to be held by the Board of Supervisors; or, after a recommendation by the Planning Commission, when an application is located within the area regulated by any Airport Comprehensive Land Use Plan (CLUP) and does not comply strictly with policies of the CLUP, upon making the findings by a 4/5 vote.

2. Conditions

The appropriate authority may designate such conditions in connection with Variances as it deems necessary to protect the purposes of this Code. Such conditions may include, but are not limited to:

- a. Dedications of rights-of-way
- b. Improvements of vehicle access to the subject property to County standards
- c. Regulation of the placement of the use or building on the subject property
- d. Regulation of height, number of stories
- e. Regulation of the nature, hours of operation, extent of use
- f. Regulation of landscaping for the protection of adjoining and nearby properties
- g. Term of the Variance

The appropriate authority may require guarantees in the form of bonds, cash deposits or other evidence of good faith so as to secure compliance with imposed conditions.

6.5.2. Certificate of Nonconforming Use**6.5.2.A. Purpose and Applicability**

A Certificate of Nonconforming Use may be issued to allow continuation of a nonconforming use of land or buildings, described and subject to the standards in Section 1.9, "Nonconformance," beyond five years from the date the use became nonconforming. A Certificate of Nonconforming Use may be granted by the

appropriate authority in any zoning district.

6.5.2.B. Application Procedures

Detailed procedures for the application, review, and approval of a Certificate of Nonconforming Use, including public hearing and noticing requirements, are outlined in the User Guide.

6.5.2.C. Decision Authority and Approval Criteria

1. The Planning Director shall be the appropriate authority to review and decide all applications for the Certificate of Nonconforming Use.
2. For applications involving a nonconforming dwelling unit, the Planning Director shall consider reasonable accommodation for persons with disabilities consistent with federal and state fair housing laws. Such housing shall be used by individuals protected under federal and state fair housing laws and the accommodation is necessary to make specific housing available to protected individuals.

6.5.2.D. Terms and Conditions

A Certificate may be issued subject to conditions reasonably related to making the current use conform to reasonable standards in the current zoning district. Conditions may include:

1. A term of expiration where deemed appropriate by the granting authority.
2. The use permitted by the certificate is subject to restrictions on expansion, extension, change, and discontinuance in accordance with the procedures of the User Guide.
3. A certificate may be revoked in the same manner and for the same reasons as provided in Section 6.4.1.G.

6.5.2.E. Appeal

Any person may appeal the approval or denial of the certificate within 15 days of the date on the notice of action. Said appeal shall be heard by the Board of Zoning Appeal in accordance with the procedures of the User Guide.

6.5.2.F. Termination of Approval

If a nonconforming use is discontinued for 90 days, the Certificate of Nonconforming Use shall lapse.

6.5.3. Interpretation

6.5.3.A. Purpose

This Section establishes a procedure whereby Code users may seek an interpretation of any of this Code's provisions, including an interpretation of whether a specific proposed use is determined to be within a use classification permitted in a particular zoning district.

6.5.3.B. Application Procedures

The applicant shall submit a Request for Interpretation. Detailed procedures for the review and approval of an Interpretation are outlined in the User Guide.

6.5.3.C. Decision Authority and Approval Criteria

The County Planning Commission shall hear and decide on applications for an Interpretation, in accordance with the procedures described in the User Guide. The Commission may seek the advice of any County Department or office before deciding on any question or interpretation.

6.5.3.D. Appeal

The applicant may appeal the decision of the Planning Commission to the Board of Supervisors, in accordance with the procedures described in the User Guide.

6.5.4. Density Bonuses for Affordable Housing and Child Care Facilities**6.5.4.A. Purpose and Intent**

This Section is intended to provide incentives for the production of housing for very low, low, and moderate income, senior households, and child care facilities in accordance with Government Code Sections 65915 and 65917. In enacting this Section, it is the intent of the Board of Supervisors to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the County's Housing Element, specifically Policy HE 5.2.7 of the 2013 Housing Element. Density bonuses are automatic when State Density Programs are used.

6.5.4.B. Definitions

As used in this Section, the following words and phrases shall have the meanings set forth herein:

1. "Affordable Rent" means monthly housing expenses, including a reasonable allowance for utilities, for rental target units reserved for Very Low or Low Income Households, not exceeding the following calculations:
 - a. Very low income: 50 percent of the area median income for Sacramento County, adjusted for household size, multiplied by 30 percent and divided by 12.
 - b. Low income: 80 percent of the area median income for Sacramento County, adjusted for household size, multiplied by 30 percent and divided by 12.
2. "Affordable Sales Price" means a sales price at which Moderate, Low or Very Low Income Households can qualify for the purchase of target units, calculated on the basis of underwriting standards of mortgage financing available for the development.
3. "Child care facility" means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.
4. "Common Interest Development" is defined in Civil Code Section 1351. In order to qualify for a density bonus, all units in the development must be offered to the public for purchase.
5. "Density Bonus" means a minimum density increase of at least 20 percent over the otherwise Maximum Residential Density.
6. "Density Bonus Housing Agreement" means a legally binding agreement between a developer and the County to ensure that the requirements of this Section are

satisfied.

7. "Density Bonus Units" means those residential units granted pursuant to the provisions of this Section which exceed the otherwise Maximum Residential Density for the development site.
8. "Housing Cost" means the sum of actual or projected monthly payments for all of the following associated with for-sale target units: principal and interest on a mortgage loan, including any loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, homeowner association fees, and a reasonable allowance for utilities. Adjustments should be made as necessary for down payment assistance.
9. "Housing Development" means construction projects consisting of five or more residential units, including single-family, multifamily, and mobile homes for sale or rent, pursuant to this Section.
10. "Incentive" means such regulatory concessions as specified in subdivision (l) of Government Code Section 65915 which include, but are not limited to, the following:
 - a. Reduced minimum lot sizes and/or dimensions.
 - b. Reduced minimum lot setbacks.
 - c. Reduced minimum outdoor and/or private outdoor living area.
 - d. Increased maximum lot coverage.
 - e. Increased maximum building height and/or stories.
 - f. Reduced on-site parking standards, including the number or size of spaces and garage requirements.
 - g. Reduced minimum building separation requirements.
 - h. Reduced street standards, e.g., minimum street widths.
 - i. A reduction of site development standards or a modification of Zoning Code or architectural design requirements.
 - j. Allowing the Housing Development to include nonresidential uses and/or allowing the Housing Development within a commercial zoning district (e.g., allowing multifamily projects in excess of 150 units in the LC and SC zoning districts) as otherwise allowed by the Board.
 - k. Approval of mixed use zoning.
 - l. Other regulatory incentives or concessions which result in identifiable cost reductions or avoidance.
 - m. Other specifically requirements of multifamily development proceeding by right in this Zoning Code.
11. "Low Income Household" means households whose income does not exceed the lower income limits applicable to Sacramento County, as published and periodically updated by the State Department of Community Development pursuant to Health and Safety Code Section 50079.5.
12. "Maximum Residential Density" means the density allowed under the Zoning

Ordinance at the time of application. If the housing development is within a planned development overlay zoning district, the maximum residential density shall be determined on the basis of the general plan and the maximum density of the underlying zoning district.

13. "Moderate Income" means households whose income does not exceed the moderate income limits applicable to Sacramento County, as published and periodically updated by the State Department of Community Development pursuant to Health and Safety Code Section 50093.
14. "Nonrestricted Unit" means all units within a Housing Development excluding the target units.
15. "Planned Development" is defined in Civil Code Section 1351(k).
16. "Qualifying Housing Development" is a Housing Development where the applicant or developer of the Housing Development agrees to provide one of the following:
 - a. At least 10 percent of the total units of the Housing Development as target units affordable to Low Income Households;
 - b. At least five (5) percent of the total units of the Housing Development as target units affordable to Very Low Income Households;
 - c. Senior Citizen Housing; or
 - d. At least 10 percent of the total units in a Common Interest Development affordable to Moderate Income Households.
17. "Qualifying Resident" means senior citizens or other persons eligible to reside in Senior Citizen Housing.
18. "Senior Citizen Housing" means a housing development as defined in Civil Code Sections 51.3 and 51.12 or mobile home park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Section 798.76 or 799.5.
19. "Target Unit" means a dwelling unit within a Housing Development which will be reserved for sale or rent to, and affordable to Very Low, Low or Moderate Income Households, or Qualifying Residents.
20. "Very Low Income Household" means households whose income does not exceed the very low income limits applicable to Sacramento County, as published and periodically updated by the State Department of Community Development pursuant to Section 50105 of the California Health and Safety Code.

6.5.4.C. Density Bonus Criteria and Number of Incentives [AMENDED 12-01-2017]

1. A developer seeking approval of a density bonus and one or more incentives shall file an application with Planning and Environmental Review which shall process such application concurrently with any other application(s) required for the Housing Development. Such application shall include such information as may be specified by the Planning Director. The Board of Supervisors may establish an application fee for such applications.
2. The amount of density bonus to which the applicant is entitled shall be calculated according to Tables 6.3 through 6.5.

TABLE 6.3:

Percentage Low-Income Units	Percentage Density Bonus
10%	20%
11%	21.5%
12%	23%
13%	24.5%
14%	26%
15%	27.5%
17%	30.5%
18%	32%
19%	33.5%
20%	35%

TABLE 6.4:

Percentage Very Low-Income Units	Percentage Density Bonus
5%	20%
6%	22.5%
7%	25%
8%	27.5%
9%	30%
10%	32.5%
11%	35%

TABLE 6.5:

Percentage Moderate-Income Units	Percentage Density Bonus
10%	5%
11%	6%
12%	7%
13%	8%
14%	9%
15%	10%
16%	11%
17%	12%
18%	13%
19%	14%

TABLE 6.5:	
Percentage Moderate-Income Units	Percentage Density Bonus
20%	15%
21%	16%
22%	17%
23%	18%
24%	19%
25%	20%
26%	21%
27%	22%
28%	23%
29%	24%
30%	25%
31%	26%
32%	27%
33%	28%
34%	29%
35%	30%
36%	31%
37%	32%
38%	33%
39%	34%
40%	35%

3. For Senior Citizen Housing Developments, the density bonus shall be 20 percent.
4. The applicant shall receive the following number of incentives:
 - a. One incentive for projects that include at least 10 percent of the total units for lower income households, at least five percent for very low income households, or at least 10 percent for moderate income households in a condominium or planned development.
 - b. Two incentives for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for moderate income households in a condominium or planned development.
 - c. Three incentives for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for moderate income households in a condominium or planned development.

5. The application shall be heard by the appropriate authority as determined by this Code. The hearing body shall approve the density bonus and requested incentive(s) for Qualified Housing Developments unless it makes a written finding of either of the following:
 - a. The incentive is not required in order to provide for affordable housing costs as defined in Health and Safety Code Section 50052.5 or for rents for Targeted Units to be set as specified in Government Code Section 65915(c); or
 - b. The incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources, and for which there is not feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.
6. When calculating the number of permitted density bonus units, any fractions of units shall be rounded up to the next whole number.
7. In determining the number of target units to be provided pursuant to this Section, the maximum residential density shall be multiplied by 0.5 where Very Low Income Households are targeted or by 0.10 where Lower Income Households are targeted. The density bonus units shall not be included when determining the total number of target units in the Housing Development. When calculating the required number of target units, any resulting decimal fraction shall be rounded to the next whole number.
8. The appropriate authority, as part of its review of an application for a density bonus and an incentive, may waive or modify applicable development and zoning standards which would otherwise inhibit the utilization of the density bonus on the site which is the subject of the application pursuant to the provisions of this Code. Applicants seeking a waiver or modification of development or zoning standards shall show that such waivers or modifications contribute significantly to making the Housing Development economically feasible.

6.5.4.D. Land Dedication

1. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county as provided for in this subdivision, the applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan for the entire development according to Table 6.6.

TABLE 6.6:	
Percentage Very Low Income Units	Percentage Density Bonus
10%	15%
11%	16%
12%	17%
13%	18%
14%	19%
15%	20%
16%	21%
17%	22%
18%	23%
19%	24%
20%	25%
21%	26%
22%	27%
23%	28%
24%	29%
25%	30%
26%	31%
27%	32%
28%	33%
29%	34%
30%	35%

2. This increase shall be in addition to any increase in density mandated by Section 6.5.4.C.2, up to a maximum combined mandated density increase of 35 percent if an applicant seeks both the increase required pursuant to this Section and Section 6.5.4.C.2. All density calculations resulting in fractional units shall be rounded up to the next whole number. An applicant shall be eligible for the increased density bonus described in this Section if all of the following conditions are met:
 - a. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
 - b. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.
 - c. The transferred land is at least one (1) acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The

land shall have appropriate zoning and development standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the County may subject the proposed development to subsequent design review to the extent authorized by Government Code Section 65583.2(i) if the design is not reviewed by the County prior to the time of transfer.

- d. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 6.5.4.F.2, which shall be recorded on the property at the time of dedication.
- e. The land is transferred to the County or the Sacramento Housing and Redevelopment Agency or to a housing developer approved by the local agency. The County may require the applicant to identify and transfer the land to the developer.

The transferred land shall be within the boundary of the proposed development or, if the County agrees, within one-quarter mile of the boundary of the proposed development.

6.5.4.E. Child Care Facilities

1. When an applicant proposes to construct a housing development that conforms to the requirements of Section 6.5.4.B.1.9 and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the applicant shall receive either of the following:
 - a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.
 - b. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
2. As a condition of approving the housing development, the following shall occur:
 - a. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable.
 - b. Of the children who attend the child care facility, the children of very low income households, low income households, or moderate income households shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, low income households, or families of moderate income pursuant to Section 6.5.4.B.1.9.
3. A density bonus or incentive is not required for a child care facility if the approving body finds, based upon substantial evidence that the community has adequate child care facilities.

6.5.4.F. Development Standards

1. Target units must be constructed concurrently with nonrestricted units unless both the County and the applicant agree within the Density Bonus Housing Agreement to an alternative schedule for development.
2. Target units shall remain restricted and affordable to the designated group for a period of not less than 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.
3. Target units must be built on-site wherever possible and, when practical, be dispersed within the Housing Development. Where feasible, the number of bedrooms of the target units should be equivalent to the bedroom mix of the nontarget units of the Housing Development; except that the Developer may include a higher proportion of target units with more bedrooms. The design and appearance of the target units shall be compatible with the design of the total standards, except those which may be modified as provided by this Section.
4. Circumstances may arise in which the public interest would be served by allowing some or all of the target units associated with one Housing Development to be produced and operated at an alternative development site. Where the developer and the County form such an agreement, the resulting linked developments shall be considered a single Housing Development for purposes of this Section. Under these circumstances, the developer shall be subject to the same requirements of this Section for the target units to be provided on the alternative site.
5. A Density Bonus Housing Agreement shall be made a condition of any density bonus, approved pursuant to this Section. The Agreement shall be recorded as a restriction on the parcel or parcels on which the target units will be constructed. The Agreement shall be consistent with Section 6.5.4.G.

6.5.4.G. Density Bonus Housing Agreement

1. As a condition of approval of any density bonus pursuant to this Section, the applicant shall agree to enter into a Density Bonus Housing Agreement with the County or the Sacramento Housing and Redevelopment Agency.
2. The executed Density Bonus Housing Agreement shall be recorded on the parcel or parcels designed for the construction of target units. The approval and recordation shall take place prior to final map approval, or, where a map is not being processed, prior to issuance of building permits for such parcels or units. The Density Bonus Housing Agreement shall be binding on all future owners and successors in interest.
3. The Density Bonus Housing Agreement shall include the following provisions:
 - a. The total number of units approved for the Housing Development, including the number of target units;
 - b. A description of the household income group to be accommodated by the Housing Development, as set forth in Section 6.5.4.C, and the standards for determining the corresponding Affordable Rent or Affordable Sales Price and Housing Cost;

-
- c. The location, unit sizes (square feet), and number of bedrooms of target units;
 - d. Tenure of use restrictions for target units as set forth in Section 6.5.4.E;
 - e. A schedule for completion and occupancy of the target units;
 - f. A description of the specific density bonus and of the additional incentives or equivalent financial incentives being provided by the County;
 - g. A description of remedies for breach of the agreement by either party, including the provision that tenants and/or qualified purchasers are third party beneficiaries under the agreement; and
 - h. Any other provisions appropriate to ensure implementation and compliance with this Section.
 4. In the case of for-sale housing developments, the agreement shall provide for the following conditions governing the initial sale and use of target units during the applicable use restriction period:
 - a. A requirement that affordable for-sale units shall, upon initial sale, be sold to eligible Moderate Income Households at an Affordable Sales Price and Affordable Housing Cost, as defined in this Section.
 - b. A requirement for initial occupancy by eligible Owner-Occupant, Moderate Income Households, as defined in this Section; and
 - c. The terms for future sales and recapture of any equity in order to insure continued affordability for the requisite time period, including the following unless in conflict with the requirements of another public funding source or law:
 - (i) Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation, which shall then be used within three (3) years for any of the purposes described in Health and Safety Code Section 33334.2(e);
 - (ii) The County's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sales price to the Moderate Income Household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of resale shall be used as the initial market value;
 - (iii) The County's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.
 5. In the case of rental housing developments, the Agreement shall provide for the following conditions governing the use of target units during the use restriction period:
 - a. The rules and procedures for qualifying tenants, establishing Affordable Rent, filling vacancies, and maintaining target units for qualified tenants;
 - b. Provisions requiring owners to verify tenants' incomes and maintain books and records to demonstrate compliance with this Section; and
 - c. Provisions requiring owners to submit an annual report to the County, which includes the address, unit number, and income of each household occupying the

target units, and which identifies the bedroom size and monthly rent or cost of each Target Unit.

6.5.4.H. Parking Standards [AMENDED 12-01-2017]

Upon the request of the applicant, the vehicular parking ratio, inclusive of parking for guests and people with disabilities, of a development meeting the criteria of Section 6.5.4.B.19., shall not exceed the following ratio:

1. Zero to one bedroom: one and one-half on-site parking space.
2. Two to three bedrooms: two on-site parking spaces.
3. Four or more bedrooms: two on-site parking spaces.

If the total number of parking spaces required is other than a whole number, the number shall be rounded up to a whole number. On-site parking may be provided through tandem parking or uncovered parking, but not through on-street parking.

An applicant may request additional parking reductions as an incentive pursuant to Section 6.5.4.B.13 and Section 6.5.4.C.4.

6.5.5. Housing Incentive Program (HIP)

6.5.5.A. Purpose of Section

This Section establishes procedures to implement the County of Sacramento Housing Incentive Program (HIP). In enacting this Section, it is the intent of the Board of Supervisors of the County of Sacramento to facilitate and encourage the development of housing for individuals with special needs, as defined in California Government Code Section 65583(a)(7), and to implement the goals, objectives, and policies of the County's Housing Element, specifically Program HE-E4 of the 2013 Housing Element.

6.5.5.B. Applicability

The provisions of this Section apply to all residential and mixed-use development projects of five units or more, proposed for properties within the unincorporated area of Sacramento County that are zoned RD-20 or greater. In addition, the provisions of this Section apply to residential and mixed-use development projects of five units or more located on properties governed by Special Planning Area (SPA) ordinances or within commercial zoning districts that allow densities of twenty units to the acre or greater.

6.5.5.C. Definitions

1. Accessible Units

Units that have the following minimum features that enhance functionality for those with restricted mobility:

- a. Accessible path of travel to dwelling
- b. Interior doors in excess of 32 inches in width
- c. Switches and outlets at 15 inches to 48 inches above the floor
- d. Hallways and routes throughout in excess of 36 inches in width
- e. At least one bathroom or powder room on the primary entry level
- f. 30 inches by 48 inches of clear space at kitchen and bathroom fixtures

- g. Accessible bathtub or roll-in shower
- h. Corresponding number of accessible parking spaces adjacent to accessible path of travel to dwelling. The necessary number of accessible parking spaces cannot be reduced under a request for development standards waiver.

Refer to the current version of the California Building Code, Chapter 11A, for accessibility design standards.

2. Planned Amenities

Amenities that are part of an approved Specific or Master Plan or in the Building Permit stage of review.

3. Special Housing Needs

As defined in California Government Code Section 65583(a)(7).

4. Specific Adverse Impact

A significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

6.5.5.D. Coordination with State Density Bonus Law

Nothing in this Section shall be construed to usurp or deny application of State Density Bonus Law as set forth in Government Code Section 65915. The density increases and development standard waivers allowed under the HIP shall work in coordination with Density Bonuses and Concessions and Incentives allowed by State Density Bonus Law and with Section 6.5.4. Units provided to obtain increases and bonuses under the HIP and the State Density Bonus Law program must be counted separately. See illustrative example in Section 6.5.5.E.

6.5.5.E. Density Increase Allowance

For residential or mixed-use projects that include five or more units, applicants may request a 15 percent density increase over the base project on properties zoned RD-20 or within a commercial zoning district, and a 10 percent density increase over the base project on properties zoned RD-25, RD-30, and RD-40 when at least 10 percent, but no less than one, of the base project units are developed to provide housing opportunities for individuals with special needs as defined in California Government Code Section 65583(a)(7). The units allowed by this Section above the standard density allowances are not required to be income restricted or designed for individuals with special needs. Density bonuses are automatic when State Density and Housing Incentive Programs (HIP) are used.

The additional units referenced in this Section (i.e., at least 10 percent of units, but not less than a single unit) shall include one or more of the following features in order to provide a full range of appropriate housing opportunities for individuals with special needs consistent with the intent of the California Government Code:

1. Three or more bedrooms.
2. Accessible units as defined in Section 6.5.5.C.1.
3. Studio for-rent apartment with a maximum size of 400 square feet.

4. Age-restricted senior housing, separate from any income restricted units provided under State Density Bonus Law as outlined in Section 6.5.5.D.
5. Income-restricted housing, separate from any income restricted units provided under State Density Bonus Law as outlined in Section 6.5.5.D.
6. Housing restricted to military veterans under a recognized program reviewed and approved by the Planning Director.
7. Transit accessibility; all project units within one-quarter mile of a transit stop on the Trunk or Feeder Line Network.
8. Amenities within walking distance; all project units located within one-half mile of at least three of the following existing or planned amenity categories:
 - a. Public elementary, middle, or high school.
 - b. Park or recreational facility.
 - c. Grocery store, drug store or commercial center.
 - d. Office or industrial employment center.
 - e. Civic use (e.g. library, post office, community garden, urban farm).
 - f. Preschool, childcare or senior care facility.
 - g. Medical offices or facilities.

Density increases shall be allowed through the review process described in Section 6.5.5.G. In no case shall an increase in density above 15 percent be allowed in an RD-20 zoning district or a commercial zoning district, or 10 percent in all other zoning districts. However, density increases obtained through this Section can be combined with density bonuses and increases allowed through Section 6.5.4, "Density Bonuses for Affordable Housing and Child Care Facilities" and Section 6.4.6.G, "Limitations," to result in a total density increase greater than 10 percent or 15 percent.

Illustrative example of project utilizing both the HIP and the State Density Bonus Law for an 80 unit RD-20 complex on four (4) acres:

Ten percent of units (eight units) developed as accessible to people with disabilities results in a 15 percent bonus (12 additional units) under the HIP. Additional 10 percent of units (eight units) restricted to Low Income Households under the State Density Bonus Law results in an additional 20 percent bonus (16 additional units). Combination of the two programs results in a total 35 percent bonus for a total of 108 units allowed for the project, eight of which are accessible, an additional eight of which are income restricted, and 28 of which are bonus above normal zoning limitations.

6.5.5.F. Waiver of Development Standards

In conjunction with the provision of units for individuals with special needs and density increase units, the applicant may also request one waiver of County multifamily housing development standards. The requested waiver shall be described within the project application materials, with the description including a discussion of how the waiver allows increased density and how the waiver will not negatively impact adjacent properties. Waivers are not allowed for required accessible parking spaces related to units developed as accessible, as defined in Section 6.5.5.C. Waivers shall

be allowed unless staff finds that the waiver would have a specific adverse impact on public health, public safety, or the physical environment, and would have an adverse impact on a property that is listed in the California Register of Historical Resources.

6.5.5.G. Administrative Procedures

An application for a density increase through the HIP shall be submitted with any other application(s) required for the proposed residential or mixed-use development. The HIP application shall describe the number and type of units providing housing opportunities for individuals with special needs as outlined in Section 6.5.5.E, the density increase proposed, and the waiver from development standards requested. Applications for density increases and/or development standard waivers that do not provide the information in this Section or that do not demonstrate that the project provides the required percentage of units providing housing opportunities for individuals with special needs will not be accepted as complete.

6.5.6. Vacation Rental Permits

6.5.6.A. Purpose

A Vacation Rental Permit is an administrative permit required to allow owners of single-family dwellings to rent their dwelling on a short term basis (30 days or less) for vacationers. The use is subject to the Transient Occupancy Tax pursuant to Sacramento County Code Chapter 3.08.

The purpose of this permit is to ensure compatibility of such uses with surrounding neighborhoods and properties, and to place conditions on the permit to avoid impacts associated with such uses (e.g., parking, open space, noise, trash disposal, and event control).

6.5.6.B. Application Procedures

The owner of a single-family dwelling shall submit a written application to the Planning Director, including the number of tenants, terms of the rental, property management details, measures to be taken to avoid nuisances, and contact information in case of emergencies or complaints.

6.5.6.C. Decision Authority

Upon receipt of a complete application, the Planning Director shall approve the application unless findings are made that the approval would otherwise adversely affect the residential character of the neighborhood, as noted in Section 6.5.6.D.1 through 6.5.6.D.10. The Planning Director's action does not require noticing, a public hearing, or review by the CPAC for the area in which the use will be located. The permit shall be valid for a period of one year from the date of issuance, and is required to be renewed on an annual basis thereafter.

6.5.6.D. Findings for Approval

The Planning Director shall not approve a Vacation Rental Permit, unless he/she finds that:

1. No owner of a vacation home rental shall rent that unit for 30 consecutive days or less without a valid Vacation Rental Permit for that unit issued pursuant to this Section, and the transient occupancy tax (TOT) shall be paid.

2. Vehicles used and traffic generated by the vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full-time resident in a residential neighborhood. For the purposes of this Section, “normal residential traffic volume” means up to 10 trips per day.
3. Occupants and/or guests of the vacation rental shall not create unreasonable noise or disturbances, engage in disorderly conduct or violate the provisions of this Code or any state law pertaining to noise, collection and disposal of refuse, the consumption of alcohol or the use of illegal drugs.
4. Overnight occupancy of vacation rentals will be limited to a specific number of occupants, and shall not exceed permitted occupancy loads. Occupancy load will depend on number of bedrooms and/or beds and applicable requirements of the Fire Code.

6.5.7. Temporary Use Permits

6.5.7.A. Purpose

This Section describes the procedures for the administrative issuance of Temporary Use Permits. Every use that is classified as a temporary use for the zoning district in which it is to be located, as identified in Section 3.10, shall be placed or established on the property only after first receiving an administrative Temporary Use Permit by the Zoning Administrator, pursuant to the provisions of this Section and in accordance with the procedures described in the User Guide.

6.5.7.B. Application Procedures

Detailed procedures for the application, review, and approval of Temporary Use Permits, including public hearing and noticing requirements are outlined in the User Guide.

6.5.7.C. Decision Authority

The Zoning Administrator shall decide an application for a Temporary Use Permit, pursuant to the procedures described in the User Guide. Upon the grant of a Temporary Use Permit, the Zoning Administrator shall prepare and deliver to the applicant a written statement describing the grant and any applicable conditions.

6.5.8. Accessory Dwelling Unit Administrative Permits [ADDED 05-11-2018]

6.5.8.A Purpose

An Accessory Dwelling Unit Administrative Permit is an administrative permit required to allow property owners to develop an Accessory Dwelling Unit (ADU) of any size.

Note; consistent with State law, ADUs contained within the existing space of a legally permitted single-family residence or accessory structure, with independent exterior access from the existing residence and sufficient side and rear setbacks for fire safety, shall not be required to obtain an Accessory Dwelling Unit Administrative Permit.

The purpose of this permit is to ensure a proposed ADU is both compatible with and subordinate to the primary dwelling. Further, the permit is a means to place conditions on approval that assist with reducing potential visual or privacy impacts to neighboring properties.

6.5.8.B Application Procedures

1. The owner of a residential property shall submit a written application and related project exhibits to the Planning Director demonstrating that the proposed ADU meets the Development Standards of Section 5.4.5.F.1 and is consistent with the Additional Development Standards of Section 5.4.5.F.2.
2. Review and approval of a Special Development Permit for an ADU may substitute for the Accessory Dwelling Unit Administrative Permit.

6.5.8.C Decision Authority

Upon receipt of a complete application, the Planning Director shall approve the application unless findings are made that the proposed ADU cannot meet the Development Standards of Section 5.4.5.F.1 or is inconsistent with the Additional Development Standards of Section 5.4.5.F.2. The Planning Director's action does not require noticing, a public hearing, or review by the CPAC for the area in which the use will be located.

6.5.8.D Findings for Approval

The Planning Director shall find that the project:

- a. Meets the Development Standards of Section 5.4.5.F.1, and is consistent with the Additional Development Standards of Section 5.4.5.F.2; or
- b. Meets the Development Standards of Section 5.4.5.F.1, and would be consistent with the Additional Development Standards of Section 5.4.5.F.2 if modified with recommended modifications.

6.5.8.E Appeals

Appeals shall be pursuant to Section 6.1.3 of this Code.

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6.6. ENFORCEMENT**6.6.1. Administrative Official [AMENDED 12-01-2017]**

This Code shall be enforced by the Director of Planning and Environmental Review and the Chief of Code Enforcement or his or her successor. The Director may be provided with the assistance of such other persons as he or she may designate. If the Director shall find that any provision of this Code is being violated, the Director shall notify in writing the person responsible for such violation indicating the nature of the violation and ordering the action necessary to enforce it.

6.6.2. Compliance Required

No person shall develop or use any land, building, or structure within the County in violation of this Code, regulations authorized under this Code, or the terms and conditions of permits issued under this Code.

6.6.3. Void Permits

Any permit or license that purports to authorize an activity in conflict with the provisions of this Code, intentionally or otherwise, shall be null and void.

6.6.4. Building Permits

All applicants for building permits or other permits shall meet the filing and processing requirements established in the Uniform Building Code, and other Uniform Codes adopted by the County, in addition to meeting the requirements of this Code.

6.6.5. Continuation of Prior Enforcement Actions

Nothing in this Code shall prohibit the continuation of previous enforcement actions undertaken by the County pursuant to previous regulations. Enforcement actions initiated prior to August 22, 2015 may be continued to completion or settlement under the terms of the regulations in effect prior to August 22, 2015.

6.6.6. [DELETED]**6.6.7. Complaint and Inspection****6.6.7.A. Complaints Regarding Violation**

Any person may file a complaint either in writing, via the County 311 system, phone call, or via another acceptable form of communication to the Director alleging a violation of this Code and stating the basis of the complaint. The Director shall record such complaint, investigate, and take such action as he or she deems appropriate and as provided by this Section.

6.6.7.B. Inspection

The Director and authorized representative may upon the presentation of credentials to the occupant or owner enter any premises, building, or structure at any reasonable time for the purpose of investigating and inspecting said premises, building, or structure to determine if the same are being used in compliance with the provisions of this Code. If admission or entry is refused, the Director may apply to the County Counsel to obtain an inspection warrant.

6.6.8. Violations

Each of the following activities shall constitute a violation of this Code:

6.6.8.A. Activity Inconsistent with Code

Any development, use or other activity of any building, structure, or sign, or development or subdivision of any land, in contravention of any provision of this Code or any regulation promulgated under this Code.

6.6.8.B. Activity Inconsistent with Permit or Approval

Any development, use, or other activity in any way inconsistent with the terms or conditions of any permit or approval required to engage in such activity, whether issued under or required by this Code.

6.6.8.C. Illustrative Examples of Violations

Examples of activities inconsistent with this Code or with permit or approval issued under this Code include, but are not limited to, the following:

1. Use of any land, structure, or improvement except in accordance with the requirements of this Code;
2. Increasing the density or intensity of any use of any land or structure except in accordance with the requirements of this Code;
3. Filing or recording of a subdivision plat in any public office without approval for recording pursuant to this Code;
4. Failure to remove a temporary use once authorization for the temporary use under this Code and all other applicable regulations has lapsed;
5. Failure to cease or remove a conditional use after a Conditional Use Permit has lapsed;
6. Storage or maintenance of goods, materials, products, or other items outside and in plain view including, but not limited to operable vehicles or equipment, or abandoned vehicles, except in compliance with this Code;
7. Reduction or diminishment of lot area, lot width, street frontage, setbacks, vegetation, or open space below the minimum requirements set forth in this Code or as otherwise approved;
8. Damage to or removal of vegetation inconsistent with this Code;
9. Creation, expansion, replacement, or change of a nonconformity inconsistent with this Code and all other applicable regulations;
10. Failure to remove any sign installed, created, erected, or maintained in violation of this Code, or for which a permit has lapsed;
11. Failure of a property owner to construct, improve, or maintain any amenity, landscaping, buffers, fencing, or other improvements required by the terms of any permit or approval; or
12. Failure to maintain required landscaping as set forth in this Code.

13. Failure to initiate, establish, and comply with all conditions of approval of any permit or approval prior to initiating or establishing the use, development, or activity such permit or approval allows.

6.6.8.D. Notice of Violation

1. Written notice stating that a violation shall be corrected within the time frame allotted in the notices shall be served upon the property owner, agent, applicant, or other person who commits, participates in, assists, or maintains such violation, or such notice may be posted in a prominent location at the place of violation.
2. Within the time frame allotted by the written notice of violation, if arrangements acceptable to the Director have not been made, the Director shall enforce the violation according to one or more of the provisions of Section 6.6.9.

6.6.9. Enforcement Actions, Remedies, and Penalties

Violation of the Code shall constitute a misdemeanor. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this Section. Each day that a violation occurs or remains uncorrected shall constitute a separate and distinct violation of this Code.

6.6.9.A. Fines and Imprisonment

Any person who violates any of the provisions of this Code, upon conviction, shall be fined not more than \$500 or imprisoned for not more than six (6) months in the County jail, or both.

6.6.9.B. No Acceptance of Public Improvements

No acceptance of public improvements shall be authorized until stated violations are in compliance and/or all fines for violations of this Code have been paid to the County.

6.6.9.C. Withholding Issuance of Permits and Approvals

No building permit or certificate of occupancy may be issued under this Code unless all structures and uses of land and structures permitted under the permit or certificate conform to this Code, the regulations promulgated under this Code, and the terms and conditions of any other permit issued under this Code that apply to the use or structure. A building permit or certificate of occupancy issued in violation of this Section is void.

6.6.9.D. Revocation of Permits and Approvals

Any permit, certificate of occupancy, or other approval issued pursuant to this Code may be revoked when the Director determines that:

1. There is a departure from the approved plans, specifications, limitations, or conditions as required under the permit or approval;
2. The permit or approval was procured by false representation;
3. The permit or approval was issued in error; or
4. There is a violation of any provision of this Code.

An appeal to the Director's determination to revoke a permit or approval shall be heard by the Planning Commission. This section does not apply to the revocation of discretionary permits pursuant to 6.4.1.G.

6.6.9.E. Stop-Work Orders

The Director has the authority to issue a stop work order in the following circumstances:

1. Whenever any building or structure or site or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, in violation of any state or municipal building law, or in a manner that endangers life or property, the Director has the authority to issue a stop-work order for the specific part of the work that is in violation or presents the hazard.
2. With or without revoking permits, the Director may issue an order to stop work on any property on which there is an uncorrected violation of either a provision of this Code, or a provision of an entitlement, or other form of authorization issued under this Code.
3. The stop-work order shall be in writing directed to the person doing the work, and shall specify the provisions of this Code or other law allegedly in violation, and the conditions for resumption of work. After any such order has been served, no work shall proceed on any building, other structure, or tract of land covered by such order, except to correct such violation or comply with the order.
4. The stop-work order shall also indicate that failure to comply with the order may subject the violator to civil and/or criminal liability as penalty for the violation(s).
5. Once conditions for resumption of the work have been met, the Director shall rescind the stop-work order.

6.6.9.F. Abatement Procedure

Any building, structure, or recreation vehicle, set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this Code or any use of land, building or premises conducted, operated or maintained contrary to the provisions of this Ordinance or contrary to a permit or variance or the terms and conditions imposed therein shall be, and the same is hereby declared to be unlawful and a public nuisance, and the Director shall commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant relief as will abate and remove such building, structure or vehicle and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining, or using any such building, structure, or vehicle or using any property contrary to the provisions of this Code.

6.6.9.G. Authority to Arrest

In the performance of his duties, the Director shall have the authority and impunities of a public officer and employee as set forth in Penal Code Section 836.5 to make arrests without a warrant whenever the Director has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence which is a violation of this Code.

6.6.9.H. Alternative Abatement Procedures

In addition to the procedures authorized by Section 6.6.9.F, upon a determination by the Director that a violation exists, the notice required by Section 6.6.1 may include a notice to the owner that costs of abatement, as defined by Section 6.6.9.I may be assessed against the owner if the violation is not corrected. If such notice is provided it shall include a provision that the owner may, within 15 days from the date notice was mailed, request in writing the opportunity to appear before the Board of Supervisors to contest the Director's determination. That request shall be subject to the same fee as charged for an appeal of the Director's determination, unless a different fee is established by the Board of Supervisors, but such request shall be heard by the Board of Supervisors.

6.6.9.I. Costs of Enforcement-Confirmation

- 1. Costs.** When proceedings under this Code result in the correction of a violation of this Code or in a final judgment that a violation exists subsequent to the date specified in any notice issued pursuant to the provisions of this code, all costs of such proceedings and abatement incurred by the County may be assessed against the property. Such costs may include, but not by way of limitation, those incurred in inspecting property, publication, mailing and posting of notices, conducting hearings, processing and defending challenges to decisions or actions and pursuing any judicial action. It is the purpose of this section to allow the assessment against property of costs of proceedings if a violation is corrected in any manner.
- 2. Attorneys' Fees.** Pursuant to Government Code section 25845, attorneys' fees may be recovered by the prevailing party. However, in no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the County in the action or proceeding.
- 3. Accounting of Enforcement Costs.** The Director shall keep an account of unpaid administrative and other costs of enforcement proceedings, and shall submit to the Clerk of the Board of Supervisors an itemized written report showing such unpaid costs and their proposed assessment to the respective properties. The report shall be filed with the Clerk of the Board of Supervisors not later than 15 calendar days in advance of the confirmation hearing required below.
- 4. Clerk to Schedule Public Hearing to Confirm Report of Costs.** Upon receipt of the report of costs, the Clerk of the Board of Supervisors shall schedule a public hearing before a County Hearing Officer appointed pursuant to Government Code section 27720 to receive protests and confirm the report.
- 5. Notice of Public Hearing to Confirm Report of Costs.** Notice of the time, date and place of the hearing proposed assessment, together with reference to the report on file with the Clerk, shall be given to the 1) owner or owners as shown on the last equalized assessment roll available on the date of mailing of the notice, 2) each party in interest of each parcel of property proposed to be assessed, and to 3) any party known to be in possession of the property proposed to be assessed.

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- 6. Time for Giving Notice.** Such notice shall be served not later than 15 calendar days in advance of the hearing.
- 7. Service of Notice.**
- a. Owner.** Notice to the owner or owners of each property proposed to be assessed shall be served by certified mail, postage prepaid, addressed to the owner at the address shown on the last equalized assessment roll, or any other address or addresses ascertained to be more accurate. If no address or owner is shown on the last equalized assessment roll, then notice shall be given by publication in a paper of general circulation within the County. Notice shall also be posted on the property. The notice published in a newspaper of general circulation shall show the name or names of the owner or owners if known, the assessor's parcel number, the street address of the property, if the property has an address and the address is known to the Director, the name of the street or road upon which such property abuts, if the property abuts upon a street or road, the amount of the proposed assessment and reference to the report of costs on file with the Clerk. Such publication shall be made not later than 15 calendar days in advance of the hearing.
 - b. Party in interest.** Notice to each party in interest of each property proposed to be assessed shall be served by certified mail, postage prepaid, addressed to the party in interest at the address shown on the instrument of record creating such interest in the property, or any other address or addresses ascertained to be more accurate. If no address for such party in interest is known, then notice shall be given by publication in a paper of general circulation within the County. Such publication shall be made not later than 15 calendar days in advance of the hearing.
 - c. Public.** Notice of the time, date and place of the public hearing by the County Hearing Officer shall be published once in a newspaper of general circulation published within the County. Such publication shall be made not later than 15 calendar days in advance of the hearing.
 - d. Party in possession.** Notice of anyone known to be in possession of the property proposed to be assessed shall be served by certified mail, postage prepaid, to the party known to be in possession to the property address or any other address or addresses ascertained to be more accurate.
 - e. Service Effective.** Service shall be complete and effective as of the date of mailing or publication, as may be appropriate, as herein provided. The failure of any person to receive such notice shall not affect the validity of any proceedings taken pursuant to this section.
- 8. Proof of Service.** Proof of service by mail shall be certified by written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to the copy of the notice retained by the Director. Proof of posting a copy of the notice shall be certified by written declaration under penalty of

perjury executed by the person effecting posting and declaring the time, date and location posting was effected. Proof of service by publication shall be certified by written declaration under penalty of perjury executed by the person authorized to do so by the newspaper of general circulation declaring the date the notice was published by a newspaper of general circulation within the County, and a copy of the published notice shall be affixed to such declaration.

- 9. Protests.** Protest or objection to all or part of the report of costs may be in writing or may be given orally at the hearing for confirmation of the report of costs. Written protests or objections to all or part of the report of costs shall specify the hearing date, hour and description of the subject property.

- 10. Public Hearing by County Hearing Officer; Confirmation of Costs.** Upon the day and hour fixed in the notice a County Hearing Officer shall conduct a public hearing to consider and pass upon the report of costs, together with any such protests or objections thereto. The County Hearing Officer may continue the hearing from time to time. The County Hearing Officer may make such revision, correction or modification of the report or the charge as he may deem just and shall then confirm the report by written notice to the Director.

- a. Personal Obligation.** If, after the hearing at which each owner shall have the opportunity to address the issue, the County Hearing Officer orders the charge to be a personal obligation of each owner of the property involved, then he shall direct collection of the charge by use of all appropriate legal remedies.
- b. Special Assessment.** If, after the hearing at which each owner shall have the opportunity to address the issue, the County Hearing Officer orders that the charge shall be assessed against the property, he shall confirm the assessment, cause the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien on the property.

- 11. Service of Confirmed Report of Costs.** Promptly following confirmation of the report by the County Hearing Officer, the Director shall serve upon the owner or owners, and all parties in interest, a copy of the confirmed report of costs. The confirmed report of assessment shall include the following items: 1) the amount of the confirmed costs and whether such costs are assessed as a personal obligation or special assessment, 2) demand that the same be paid in full to the County within 30 days from the date of service, 3) a statement that failure to receive payment within the time allotted shall result in the costs either becoming a personal obligation of the owner or a special assessment lien against the subject property, and 4) a statement identifying the right to appeal to the Board the confirmed report of costs. Service of the confirmed report of costs shall be effected in the same manner as service of the notice of hearing as set forth above in this section, except for the requirements of posting the property and publication in a newspaper of general circulation unless the last equalized assessment roll does not list the owner(s) or address(es) for the property to be assessed.

6.6.10. Costs – Assessments

- 6.6.10.A. Costs Liened if Not Paid within Thirty Days.** If the costs as confirmed have not been received by the County within 30 days of the date notice thereof is effective, or an appeal to the Board is final, and costs are ordered to be assessed against the property, the costs shall be assessed against the parcel of land, as authorized by Section 25845 of the Government Code. A notice of abatement lien may be recorded against the subject property and notice thereof shall be transmitted to the tax collector. Collection of the special assessment shall be in the same manner as ordinary county taxes, and shall be subject to the same penalties and the same procedures and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to the special assessment.
- 6.6.10.B. Transfer to Bona Fide Purchaser.** If, subsequent to the service of the notice and order, and prior to notice being given to the tax collector for collection as set forth in subsection a. above, the property subject to the notice and order is sold, or title otherwise transferred to a bona fide purchaser for value, said costs shall be the responsibility of the owner of record as of the date said notice and order was placed in the United States postal system or posted on the property, whichever is later.
- 6.6.10.C. Remedies Cumulative.** In addition to assessing the unpaid costs as provided in Section 6.6.10.A, the Tax Collector or his designated representative may pursue any remedy provided by law for collection of the unpaid costs.

6.6.11. Treble Costs

Pursuant to Government Code Section 25845.5, upon entry of a second or subsequent civil or criminal judgment within a two year period finding that an owner is responsible for a condition that may be abated pursuant to Government Code Section 25845, a court may order the owner to pay treble the costs of abatement.

6.6.12. Appeal

- 6.6.12.A. Manner of Appeal.** Any person entitled to service of a confirmed report of costs may appeal the County Hearing Officer's decision to the Board of Supervisors by filing at the office of the Clerk an appeal fee, established by resolution of the Board, and a written appeal. The appeal shall not be deemed filed until payment of the appeal fee is received by the Clerk; provided, however, that the appeal fee required may be waived on the basis of financial hardship.
- 6.6.12.B. Form of Appeal.** The written appeal shall state:
1. The names of all appellants participating in the appeal.
 2. A brief statement setting forth the legal interest of each of the appellants in the property described in the confirmed report of costs.
 3. A brief statement in ordinary and concise language of the material facts claimed to support the contentions of the appellant(s).
 4. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the confirmed report of costs should be reversed, modified or otherwise set aside.

5. The signature of each party named as an appellant and their official mailing address(es).
6. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

6.6.12.C. Failure to Notice Appeal. Failure of any person to properly appeal pursuant to this Section shall constitute a waiver of his or her right therein.

6.6.12.D. Processing of Appeal. Upon receipt of any appeal and appeal fee filed pursuant to this Section, the Clerk shall immediately transmit a copy of the written appeal to the Director. The Director shall thereafter provide the Clerk a copy of the confirmed report of costs for the property indicated in the appeal.

6.6.12.E. Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the copy of the written appeal transmitted by the Clerk, the following shall occur:

1. **Date.** The Clerk shall fix a date, time, and place for the Board's hearing of the appeal. Such date shall be within 15 days of the filing of the appeal and payment of the appeal fee.

Notice. The Clerk shall give written notice of the time and place of the hearing at least five (5) days prior to the date of the hearing to each appellant and the Director by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, certified postage prepaid return receipt requested, addressed to each appellant at his or her address shown on the appeal. Notice shall be effective upon personal delivery or five (5) days after mailing.

6.6.12.F. Action by Board. Following its consideration of the confirmed report of costs, the written appeal, and any objections or arguments raised at the public hearing, the Board may make such revision, correction or modification of the report as it may deem just. The report as submitted or as revised, corrected or modified shall thereafter be confirmed or rejected as set forth in this Section.

6.6.12.G. Form and Finality of Decision. The decision of the Board shall be in writing and shall contain 1) the amount of the confirmed costs and whether such costs are assessed as a personal obligation or special assessment, 2) a demand that the same be paid in full to the County within 30 days, 3) a statement that failure to receive payment within the time allotted shall result in the costs either becoming a personal obligation of the owner or a special assessment lien against the subject property, and 4) a statement that judicial review is governed by California Code of Civil Procedure Section 1094.6. A copy of the decision shall be delivered to each appellant personally or sent to him or her by certified mail, postage prepaid, return receipt requested. The decision of the Board of Supervisors on the report and on all objections or protests shall be final and conclusive when served as herein provided.

6.6.13. Time for Contest of Assessment

The validity of any cost confirmation made under the provisions of this Code shall not be contested in any action or proceeding unless the same is commenced within 30 days after the service of confirmed report of costs is effective.

6.7. FAIR OAKS BOULEVARD CORRIDOR PLAN**6.7.1. Purpose**

The Fair Oaks Boulevard Corridor Plan was adopted in 2011, to help guide the revitalization and enhancement of Fair Oaks Boulevard, between Oak Avenue and Marshall Avenue, and Manzanita Avenue between the Boulevard and Winding Way. This 3-mile stretch of Fair Oaks Boulevard and Manzanita Avenue is Carmichael's economic and social center. Since its early days as the main street for Carmichael Colony, the Boulevard has provided a wide range of community services, including discount retailing, auto repair, convenience commercial centers, and food. Over time, the street also became a regional road, and has several generations of older commercial development that cannot compete with large contemporary commercial centers.

The corridor planning area also includes a Special Planning Area (SPA) for the Main Street District. The following regulations are intended to supplement the SPA regulations, and implement the principles of the Fair Oaks Boulevard Corridor Plan at a district level. These regulations will help transform this Section of Fair Oaks Boulevard and Manzanita Avenue into a vibrant mixed-use commercial and residential district with a mix of commercial and residential uses.

6.7.2. Applicability

The boundaries of the Fair Oaks Boulevard Corridor Planning Area are shown in Figure 6-1.

6.7.3. Special Provisions

Relating to East Fair Oaks Boulevard, Manzanita and South Gateway Districts of the Fair Oaks Boulevard Corridor Planning Area.

6.7.3.A. Permitted Land Uses

Land uses permitted within the East Fair Oaks Boulevard, Manzanita and South Gateway Districts of the Fair Oaks Boulevard Corridor Planning Area shall be those uses permitted in the underlying zoning district, except as set forth in Section 6.7.3.A.1 through 6.7.3.A.10, and shall conform to the development standards as set forth in the Zoning Code. The following uses, if otherwise permitted in their respective zoning district, shall require a Conditional Use Permit from the County Planning Commission:

1. Liquor Store.
2. Check Cashing Stores.
3. Tobacco Shop.
4. Gun shop-Gunsmith.
5. Storage Building—Mini.
6. Machine Shop, Photographic Processing Plant-wholesale Facility, Building Trades Service Yard and Workshop.
7. Thrift/Second Hand Stores, excluding incidental sales of second hand items.
8. Recycling Centers.
9. Tattoo Parlors.

10. Pawn Shops.**6.7.3.B. Development Standards**

1. All development projects, including land use entitlements and building permits for new and renovation construction, proposed within the East Fair Oaks Boulevard, Manzanita, and South Gateway districts of the *Fair Oaks Boulevard Corridor Plan* shall be subject to the County's Design Review program, per Section 6.3.2 of this Zoning Code. Although not mandatory, projects outside of the Main Street District are encouraged to, and may at applicant's option, follow any or part of the development and design standards contained in the *Fair Oaks Boulevard Corridor Plan*.
2. Development projects proposed within the East Fair Oaks Boulevard, Manzanita and South Gateway districts of the *Fair Oaks Boulevard Corridor Plan* may, at the applicant's option, utilize the alternative development and design standards, as described in the *Fair Oaks Boulevard Corridor Plan* instead of the development and design standards contained in the Zoning Code. The County DRA is authorized to approve any projects pursuant to Section 6.7.3.B.1 or pursuant to the development standards and design concepts as described in the Corridor Plan. Any projects that include residential components which exceed certain intensity requirements of the Fair Oaks Boulevard shall be forwarded to the County Planning Commission or appropriate hearing body for final review and approval, as described in the Review Process for the Main Street District SPA.
3. When major new development or major redevelopment of a site occurs, improvements in the public right-of-way and/or landscape setback areas shall conform to the streetscape design concepts and principles in Section 2.6 of the *Fair Oaks Corridor Plan*.
4. General nonconforming, remodeling and demolition of nonconforming uses within the East Fair Oaks Boulevard, Manzanita and South Gateway Districts shall be dictated by the following provisions:

Nonconforming use in an existing building (use/business previously permitted by right requires Conditional Use Permit pursuant to this ordinance). The use/business may continue to operate indefinitely, or the same type of business/use may reoccupy the premises, as long as the vacancy period does not exceed 18 months for properties located in the East Fair Oaks Boulevard, Manzanita and South Gateway Districts. Extensions of the vacancy period may be approved by the Planning Commission.

Figure 6-1: Fair Oaks Boulevard Corridor Plan

