

**STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION
FOR MEETING OF: JUNE 14, 2022**

ITEM 2: Zoning Ordinance Amendment ZOA-22;5-1. Discussion and possible recommendation to the Board of Supervisors regarding a proposed amendments to the County Code to extend the initial terms of permits for temporary mobile homes and recreational vehicles used for disaster relief or used during the construction of a dwelling, and to decrease the minimum size of a single family dwelling from 800 square feet to 360 square feet.

Applicant: County of Amador

Supervisory Districts: All

Location: The ordinance amendments would be applicable to all residentially-zoned and agriculturally-zoned parcels within in the unincorporated area of Amador County.

A. BACKGROUND: The Board of Supervisors recently adopted a Resolution of Intention directing staff and the Planning Commission to begin proceedings necessary to amend three sections of the County Code in order to remove barriers to temporary and permanent housing. The amendments are intended to improve the accessibility and lengths of time that hardship permits are valid and to increase the availability of permanent housing by reducing the required size of new dwellings. The amendments are briefly described below, and with specific proposed text changes attached to the Resolution.

1. Disaster hardship (fire, flood, snow, etc.): ~~two~~ three-year term, issued by staff, ~~10-day notice to owners within 300 feet,~~ renewable by the Planning Commission [County Code Section 19.48.055(B.2) and (D)]; and
2. Trailer-While-Building: Runs coterminous with the active building permit for a dwelling one-year term, issued by staff upon verification of active building permit, no public notice, ~~renewable by staff for an additional six months if framing, rough electrical, and rough plumbing have passed inspection~~ [County Code Section 19.48.080(C)].
3. Development standards for one family dwellings: the minimum size for a single family dwelling is ~~800~~ 360 square feet, ~~with a minimum overall width of 20 feet.~~ [County Code 19.26.010 and 19.26.020].

B. PRIOR COMMITTEE ACTION: The proposal was reviewed by the Technical Advisory Committee and the Board of Supervisors' Land Use Committee. Both Committees recommended approval of the proposed ordinance to the Board of Supervisors.

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

D. RECOMMENDED FINDING(S):

1. The adoption of amended Chapters 19.48.055, 19.48.080, 19.26.010, and 19.26-020 060, are Categorically Exempt from the California Environmental Quality Act per Section 15305 (Class 5) of the State CEQA Guidelines. Class 5 exemptions consist of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density;
2. Following Board of Supervisors adoption of the proposed ordinance amendments, a Notice of Exemption will filed with the County Recorder.

BEFORE THE BOARD OF SUPERVISORS OF THE
COUNTY OF AMADOR, STATE OF CALIFORNIA

IN THE MATTER OF:

RESOLUTION OF INTENTION TO AMEND TITLE 19)
(ZONING) OF THE AMADOR COUNTY CODE TO)
CONSIDER EXTENDING THE INITIAL TERMS OF)
USE PERMITS FOR TEMPORARY MOBILE HOMES)
AND RECREATIONAL VEHICLES OCCUPIED FOR)
DISASTER RELIEF AND DURING CONSTRUCTION)
OF A SINGLE FAMILY DWELLING, AND)
DECREASING THE MINIMUM SIZE OF A SINGLE)
FAMILY DWELLING FROM 800 SQUARE FEET TO)
360 SQUARE FEET)

RESOLUTION NO. 22-051

WHEREAS, pursuant to Government Code 65852.150, the California Legislature found and declared that California faces a severe housing crisis and is falling short of meeting current and future housing demand; and

WHEREAS, destruction of housing units by recent wildfires has increased the housing shortage and demonstrate the need for flexibility in the County's policies for temporary housing units for displaced families; and

WHEREAS, the Board of Supervisors discussed the issue of temporary housing during their January 4, 2022 and February 16, 2022 meetings and referred the matter to the Board's Land Use Committee; and

WHEREAS, the Land Use Committee reviewed existing County policies for temporary mobile homes and recreational vehicles which include medical hardships, disaster relief, and during home construction, as well as economic impacts of the County's minimum single family home size of 800 square feet; and

WHEREAS, the Land Use Committee finds that amendments to the County's zoning ordinance are necessary to reduce barriers to the placement and occupancy temporary mobile homes and recreational vehicles for certain situations and to reduce barriers to the construction of single-family homes; and

WHEREAS, County Code Section 19.68.020 requires amendments to Title 19 (Zoning) to be initiated by citizen petition or a Resolution of Intention adopted by the Planning Commission or Board of Supervisors.

RESOLUTION NO. 22-051

(4/12/22)

NOW, THEREFORE, BE IT HEREBY RESOLVED the Board of Supervisors of the County of Amador, State of California, does hereby adopt a Resolution of Intention to direct staff and the Planning Commission to begin proceedings necessary to amend:

- 1) County Code Chapter 19.48.055(D) to extend the initial term of a temporary disaster relief hardship use permit for mobile homes and recreational vehicles from two years to three years;
- 2) County Code Chapter 19.48.055(C) to require that use permits for temporary mobile homes and recreational vehicles occupied during the construction of a single dwelling home be valid coterminous with the building permit for the single family dwelling; and
- 3) County Code Chapter 19.26.010(A) and (B) and 19.26.020(A) and (B) to reduce the minimum habitable floor area of a detached single family dwelling from 800 square feet to 360 square feet.

The foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 12th day of April 2022, by the following vote:

AYES: Richard M. Forster, Jeff Brown, Brian Oneto, Patrick Crew, Frank U. Axe
NOES: None
ABSENT: None


Richard M. Forster, Chairman, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the
Board of Supervisors, Amador County,
California


Deputy

Proposed amendments to County Code Chapter 19.48.055 Temporary uses--Hardship situations.

A. The planning commission (or, in medical hardship cases under subsection (B) (1) of this section, the planning director) may permit temporary uses for mobile homes or recreational vehicles as defined in this title for hardship situations, as defined below in this section, for periods as prescribed below in this section.

B. For the purposes of this section, a "hardship situation" means:

1. A person or family with an existing dwelling on a parcel wants to:

a. Have a temporary mobile home or recreational vehicle to provide accommodations for an immediate family member in need of medical or other constant care for a long-term duration; or

b. Have a temporary mobile home or recreational vehicle to provide accommodations to a caregiver who provides care and assistance for a resident of the existing dwelling on the parcel; or

2. Fire, flood, or other disaster has destroyed or damages a dwelling to the point where it is no longer habitable and the property owner needs a temporary mobile home or recreational vehicle in which to reside for a period which may be longer than allowed under Section 19.48.080 C of this code.

C. Temporary medical hardship uses described in subsections (B) (1) (a) and (b) of this section for mobile homes or recreational vehicles may be granted by the planning director without public hearing for two-year periods and renewed from time to time for two-year periods provided that in all such cases proof of a medical need satisfactory to the county is submitted and reestablished with each renewal application. Each such initial or renewal application shall be made and public notice of such application shall be given in the manner described in Chapter 19.56, use permits. Such notice shall indicate the intent of the planning director to grant or renew the temporary use permit without a hearing unless sufficient reasons are provided not to renew the use permit. A description of the appeals process (Chapter 19.64) shall be contained within the notice. The planning director shall decide upon the use permit renewal application within ten days after the notice is mailed. Approved use permits shall become valid following the ten-day appeal period if no appeals are filed.

D. Initial temporary disaster relief hardship use permits described in subsection (B)(2) of this section for mobile homes or recreational vehicles may be granted by the planning director for a ~~two~~ **three**-year period without public hearing if the planning director finds sufficient cause to approve the application; ~~provided, however, that the application shall be made and public notice of such application shall be given in the manner described in Chapter 19.56, use permits. Such notice shall indicate the intent of the planning director to grant the temporary use permit without a hearing unless sufficient reasons are provided not to grant the use permit. A description of the appeals process (Chapter 19.64) shall be contained within the notice. The planning director shall decide upon the use permit application within ten days after the notice is mailed. Approved use permits shall become valid following the ten-day appeal period if no appeals are filed.~~ Requests for renewal of such use permits shall be made to the planning commission, which may renew the permit for an additional one-year period upon a showing of good cause. ~~No more than one renewal shall be allowed.~~

Proposed amendments to County Code Chapter 9.48.080(C) Recreational vehicles, mobile homes recreational vehicle parks and mobile home parks.

1. On issuance of a use permit by the planning department, one occupied recreational vehicle may be allowed on any lot or parcel in any A, AG, R1A, R1, R2, R2A, R3, RE or X district; provided, that no use permit shall be granted or issued until the applicant has first secured a permit to construct a permanent residence on the same premises.

2. Such use permit shall be valid coterminous with the building permit. ~~for a period of one year except that the use permit may be extended by planning staff for up to an additional six months, provided the permanent structure has reached the stage where the framing, rough electric and rough plumbing have passed inspection.~~

~~3. If occupancy of the permanent residence takes place prior to the specified expiration date of the use permit, said use permit shall become null and void and the recreational vehicle shall be vacated.~~

~~4. There shall be a window period during which use permits to allow the occupancy of a single mobile home shall continue to be issued. This window period is available to those land owners whose building permit applications have been accepted by the building department prior to the ordinance codified in this chapter becoming effective; and, as long as the mobile home permit is issued prior to November 1, 1991.~~

Proposed amendments to County Code Chapter 19.26.010 Development standards for one family dwellings.

One family dwellings shall be subject to the following development standards:

~~A. Except as specifically provided herein, every one family dwelling shall have a smallest projected building width of not less than twenty feet. For purposes of this section "smallest projected building width" means the smallest dimension attained by the parallel projection of the outside, insulated, enclosing walls of the building when projected from every direction. Subsequent additions to existing one family dwellings are not restricted as to width.~~

B. Every one family dwelling shall have a habitable floor area of not less than eight hundred three hundred sixty square feet, exclusive of any appurtenant structures. "Appurtenant structures" shall include items such as garages (attached or unattached), breeze-ways, decks, porches, or any other items that are not part of the living space of the dwelling.

C. Foundation systems for manufactured homes shall comply in all respects with State Building Code standards and the provisions of the California Health and Safety Code, as verified by the building official. A building permit from the building department shall be required prior to installation.

19.26.020 Development standards for two family and multiple family dwellings.

~~A. Buildings in which two family and multiple family dwelling units are located shall have a smallest projected building width of not less than twenty feet. For purposes of this section "smallest projected building width" means the smallest dimension attained by the parallel projection of the outside, insulated, enclosing walls of the building when projected from every direction. Subsequent additions to existing two family dwellings are not restricted as to width.~~

~~B. Buildings in which two family and multiple family dwellings are located shall have a habitable floor area for the entire building structure of not less than eight hundred square feet, exclusive of any appurtenant structures.~~ Individual dwelling units within two family and multiple family dwellings shall contain not less than the minimum area required by the Uniform Building Code.