

NEVADA COUNTY PLANNING COMMISSION
STAFF REPORT

APPLICANT: County of Nevada

HEARING DATE: August 9, 2018

OWNER: N/A

FILE NO: PLN18-0070; ORD18-1

PROJECT: Recommendation to the Board of Supervisors regarding proposed text amendments to the Nevada County Zoning Ordinance Section L-II 3.19.1 to promote the development of long-term rental housing by providing incentives for the development of Accessory Dwelling Units (ADUs), including allowing for an exception to the existing owner occupancy requirement for either the primary dwelling or ADU, establishing a mitigation fee deferral for ADUs under certain circumstances, and prohibiting the use of ADUs as short-term rentals (less than 30-days). The draft also provides additional clarification regarding septic and water requirements for ADUs.

LOCATION: Unincorporated area of Nevada County

PROJECT PLANNER: Tyler Barrington, Principal Planner

ATTACHMENT:

1. ~~Draft Ordinance shown in track changes (ORD18-1)~~
2. Public Comment received as of drafting of this Staff Report

RECOMMENDATION:

- I. Environmental Action: Recommend the Board of Supervisors find the project is statutorily exempt from the California Environmental Quality Act pursuant to Public Resources Code 21080.17 and Sections 15061(b)(3), 15268, and 15282(h) of the California Environmental Quality Act (CEQA) Guidelines.
 - II. Project Action: Recommend the Board of Supervisors adopt the attached Ordinance (ORD18-1) amending Chapter II of the Nevada Land Use and Development Code Section L-II 3.19.1 (*Attachment 1*).
-

PROJECT DESCRIPTION:

The proposed project is a Zoning Text Amendment proposed to amend the County's Accessory Dwelling Unit Ordinance (Land Use and Development Code Section L-II 3.19.1) to encourage the development of accessory dwelling units as one of County's strategies towards addressing the statewide affordable housing crisis. The draft ordinance proposes to achieve the following:

1. Prohibit use of accessory dwelling units as vacation or short-term rentals (less than 30-days).
2. Provide an exception to the requirement that one of the units needs to be owner occupied by using a professional property manager to maintain the property.

3. Allow for the deferral of permit and road/sewer mitigation fees if the accessory dwelling unit is deed restricted for very-low or low income individuals or under 800-square feet in size.
4. Remove the requirement that accessory second dwelling units must be attached units on properties under 1-acre in size, consistent with recent state legislation.
5. Further clarify the water and sewage disposal (septic) requirements for ADUs

STAFF COMMENT:

Accessory Dwelling Units (ADUs) are a source of affordable housing that may count towards the County's Regional Housing Needs Allocation (RHNA), as well as generate additional income for homeowners. ADUs provide a diversified form of affordable housing to many groups, including the local workforce, seniors, caregivers, college students and multi-generational households (e.g., parents, adult children, grandchildren). Second units are a valuable component of the County's housing stock and are generally well-integrated into existing neighborhoods. They may be considered as an ideal form of sustainable affordable housing because they are compact in size and situated on existing developed lots. Accessory units require no additional land or government funding as a source of affordable housing because they use existing structures or new small structures and most components and infrastructure (e.g., water, sewer, roads) are in place. Second units add flexibility, affordability, and diversity.

In 2017, the Board of Supervisors adopted Ordinance No. 2441, which amended the County's Accessory Dwelling Unit Ordinance to bring the County's Zoning Regulations regarding Accessory Dwelling Unit into compliance with State Law (SB1069 and AB2299). During that process, individuals and/or groups requested additional changes to the ordinance to help promote ADUs as a means to assist with addressing affordable housing needs in Nevada County. The Planning Commission had recommended to the Board of Supervisors that for the Board consider further amending the Ordinance to codify the requests of the public. At that time, the additional changes had not been noticed, analyzed or included as a part of the project. Therefore, staff requested that to implement those changes, the Board provide direction to staff to do so and staff would return on a later date with these changes. Subsequently, the Board of Supervisors on Sept. 12, 2017 in adopting Ordinance 2441, directed staff to return to the Board with further amendments to the County's ADU ordinance which is provided to the Planning Commission herein for a recommendation to the Board of Supervisors.

PUBLIC COMMENT:

Public comments have been provided in response to the Planning Department's initial distribution of ORD18-1. Those comments are provided in Attachment 2 for the Planning Commission's consideration and to be included as a part of the public record. Comments have been provided from both individuals and public agencies. Some of the comments expressing support for the for the draft ordinance (Ferrari, Taylor and Greater Grass Valley Chamber). Others express concerns over the potential for more ADUs in the County (Wilkerson, Hurley, Thornton, Nevada County Consolidated and Penn Valley Fire Districts, and Harmony Ridge Road Gang). Some have requested additional changes to the draft ordinance (Lake of the Pines HOA, Zaller, Heck, and the Agricultural Advisory Commission) or asked questions about the specifics and potential implementation of the draft ordinance (Heck). The remaining have expressed concerns over the ordinances perceived potential to infringe on property rights (Philipsborn and Nelson). Any additional comments received after the completion of the project staff report will be provided to the Planning Commission under a separate memo. No changes to the draft ordinance have been

made as a result of the comments received, as of the drafting of this staff report, because the comments represent a variety of interests and it was never purpose of this project to rewrite the entire existing ADU Ordinance. Staff has made a good faith effort to implement the direction of the Board of Supervisors provided in 2017 and the 2018 January Board Workshop. The draft ordinance does not change where ADUs are allowed, the types of permit requirements for an ADU, nor does it change the required public health and safety requirements (building safety, water, sewer, access, fire, etc.) that currently apply to ADUs. As a part of the Planning Commission's recommendation to the Board of Supervisors, it is within the purview of the Planning Commission to add, omit or delete any standard of the proposed ordinance that they determine does not reflect the original direction of the Planning Commission or Board of Supervisors.

ENVIRONMENTAL REVIEW:

The proposed Zoning Ordinance amendments are statutorily exempt pursuant to Sections 15061(b)(3), 15268, and 15282(h) of the California Environmental Quality Act (CEQA) Guidelines. The text changes are covered by the general rule (15061(b)(3)) that CEQA applies only to projects, and exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. The proposed ADU ordinance would not allow any new uses and would not change the amount of potential development that is allowed under current regulations.

Additionally, CEQA Guidelines Section 15268 exempts ministerial projects, which is appropriate because ADUs in residentially zoned districts are non-discretionary and allowed "by right", subject to zoning compliance. Also, Section 15282(h) is an appropriate exemption from CEQA review for the adoption of an ordinance regarding accessory dwelling units to implement the provisions of Section 65852.2, which is the primary purpose of this project.

In summary, the proposed amendments do not change where ADUs may be permitted or increase the number allowed on a given property. Subsequently the proposed amendments would not create any public health or safety hazards and would not have a significant impact on the resources or services within this area, such as water, fire, sanitary services, surrounding roadways and intersections, schools, and existing agricultural uses, therefore there is no possibility the project may have a significant effect on the environment.

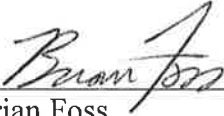
SUMMARY:

The proposed project is an amendment to the County's Accessory Dwelling Unit Ordinance to promote and incentivize the development of ADUs as a way to provide long term rental housing in Nevada County. The draft ordinances proposes to achieve this by providing incentives for the development of Accessory Dwelling Units (ADUs), including allowing for an exception to the existing owner occupancy requirement for either the primary dwelling or ADU, establishing a mitigation fee deferral for ADUs under certain circumstances, and prohibiting the use of ADUs as short-term rentals (less than 30-days). In addition the draft ordinance further brings the County's ADU into compliance with state law by allowing detached ADUs on parcels under 1-acre assuming all public health and safety standards are met and provides additional clarification regarding septic and water requirements for ADUs.

RECOMMENDATION:

- I. Environmental Action: Recommend the Board of Supervisors find the project is statutorily exempt from the California Environmental Quality Act pursuant to Public Resources Code 21080.17 and Sections 15061(b)(3), 15268, and 15282(h) of the California Environmental Quality Act (CEQA) Guidelines.
- II. Project Action: Recommend the Board of Supervisors adopt the attached Ordinance (ORD18-1) amending Chapter II of the Nevada Land Use and Development Code Section L-II 3.19.1 (*Attachment I*).

Respectfully submitted,



Brian Foss
Director of Planning

Tyler Barrington

From: Craig Ferrari <ferrarifarms@yahoo.com>
Sent: Tuesday, July 17, 2018 11:12 AM
To: Tyler Barrington
Subject: Accessory dwelling units



Tyler,
Wanted to comment on the draft written for the accessory dwelling units sent out this week.
I want to say it was great to see the County take this issue on and was even better to read the draft as see the County is trying to get a solution to the housing in the County.
I have nothing but great words to say on the draft as you did a great job on it and am glad to see that we are trying to make things alittle easier to get things done.
Keep up the good work and thanks for getting this done.
Craig Ferrari
530-268-1661
A south county resident

Tyler Barrington

From: Susan Wilkinson <suzanberger@yahoo.com>
Sent: Sunday, July 22, 2018 6:45 AM
To: Tyler Barrington
Subject: Proposal Second Dwellings

Follow Up Flag: Follow up
Flag Status: Flagged



Dear Tyler,

We purchased our property on Selby Lane in 2011. We have a narrow dirt road. 3 years later the end of the lane property was purchased and made into a commercial farm. Our road at times has upwards of 20 cars going back and forth at any given time during the busy growing season. Now we have had a parcel next to us sold. Rumor has it that this person also wants to put in a farm. So, we have gone from quiet country road to busy country road. More and more water is being sucked up, more dust and less peace. We purchased our property never intending to be in this kind of situation. Now, after reading this second unit proposal, I adamantly vote NO! We are already suffering from the traffic and water use and this would make Selby Lane intolerable for living purposes.

Thank you.

Susan Wilkinson
16877 Selby Lane
Nevada City, CA 95959

Tyler Barrington

From: James Hurley <jhurley0305@sbcglobal.net>
Sent: Sunday, July 22, 2018 10:33 AM
To: Tyler Barrington
Subject: Second units again



Follow Up Flag: Follow up
Flag Status: Flagged

Hi Tyler,

Here we go again. Thank you for sending us a copy of "Draft Accessor Dwelling Unit Ordinance".

I also got a copy from the Selby Road Home Owners Association. They are pretty worked up over it.

Some time back, 2008 as I recall, Consolidated said that Lake Vera Road had a dangerous evacuation issue and should be exempt from the proposed new ordinance regarding 2nd units. Ours was not the only neighborhood exempted by Consolidated. The other four were Brooks Road, Cement Hill Road, Greenhorn Road, and the Red Dog/Cascade Shores area.

Cal Fire (Batalian Chief Matt Wallen) is sympathetic to our evacuation issue and had said would be willing to do an Evacuation Drill, similar to those done recently in South County. Would it be possible to delay the implementation of the current proposed ordinance until we have been cleared by Cal Fire?

Jim Hurley



Nevada County Consolidated Fire District Department of Fire Prevention

640 Coyote Street, Nevada City, CA 95959

(530) 265-4431 FAX (530) 265-4438

nccfire@nccfire.com • www.nccfire.com



July 19, 2018

Tyler Barrington, Principal Planner
950 Maidu Ave, Suite 170
Nevada City, CA 95959



Re: Request for comments on proposed zoning ordinance amendments to further incentivize the development of Accessory Dwellings Units.

Tyler,

Accessory Dwellings offer a unique challenge for the fire service such as added impacts on ingress/egress on narrow roadways by increasing the number of vehicles on the road. While we understand the State and County's desire to address the statewide affordable housing crisis most accessory dwellings do increase the impact on response of the fire service. Such things as not requiring detached accessory dwellings to install residential fire sprinkler systems, a safety feature for the protection of life is not easily understood.

This in mind the Nevada County Consolidated Fire District (NCC) will respond individually to each item listed in the request for comments letter dated July 12, 2018.

1. NCC supports prohibiting the use of accessory dwellings for vacation or short-term rentals. I don't believe that it was the intent to ever allow accessory dwellings to be used in this way and in fact may actually change the occupancy class of these buildings.
2. NCC does not support the exception to the requirement that using a Professional Property Manager to maintain the property replacing the owner-occupied requirement. With the current county staff there is no way to properly inspect and enforce this exception. Far too many times I have seen rental properties under a "Professional Property Manager" and the poor condition that the property is in is surprising.
3. NCC cannot comment on the deferral of permit fees and road/sewer mitigation fees, however the NCC is not in a position to defer fire mitigation fees so our fees would still apply at the time the Permit is issued.

4. Once again, accessory dwelling units have an impact on neighborhoods, roadway ingress and egress, dead end roads and on emergency response both medical and fire whether they are attached or detached. There is currently no mitigation for this.

5. NCC does not have a comment on the water and sewage disposal requirements.

Feel free to contact me should you have any questions, or I can be of further assistance.

A handwritten signature in dark ink, appearing to read "Terry McMahan", with a stylized flourish at the end.

Terry McMahan
Fire Marshal

Tyler Barrington

From: John Bowman <GM@lop.org>
Sent: Wednesday, July 25, 2018 4:21 PM
To: Tyler Barrington
Subject: Comments on Ordinance Amendment - Accessory Dwelling Units
Attachments: Accessory Dwelling Units.pdf

Tyler,

Please consider our attached comments on this proposed ordinance.

Thank you.

John C. Bowman, PCAM, CCAM-LS, MCM
General Manager
Lake of the Pines Association
11665 Lakeshore North
Auburn, CA 95602
(530) 268-1141, ext. 2001



"Preserve and enhance the quality of life and sense of community for those who call LOP their home."



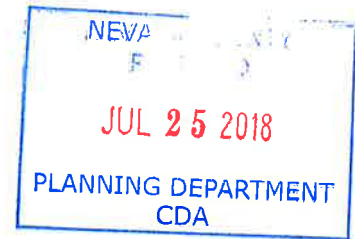
Lake of the Pines Association

An Incorporated Membership Community Since 1967



July 25, 2018

Tyler Barrington, Principal Planner
950 Maidu Ave., Suite 170
Nevada City, CA 95959



Re: Ordinance Amendment - Accessory Dwelling Units

Dear Tyler:

Thank you for the opportunity to comment on this proposed ordinance change.

Our standards in Lake of the Pines limits owners to one dwelling unit per parcel. Our concern is that owners may receive a permit from the county for an accessory dwelling unit and start construction without first applying for approval from our Environmental Control Committee. In order to protect against this occurring, we ask that the county require evidence of our approval prior to issuing a permit. You have a similar condition for the applicant with respect to proving the existence of a contract with a property management company, so the proposed condition regarding recorded deed restrictions should be acceptable.

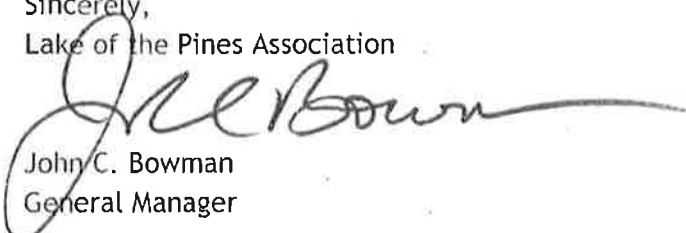
Proposed addition to the end of Sec. L-II 3.19.1, B 6:

“, provided the following criteria is met:

- a. The owner submits a certified letter to the Planning Department prior to building permit issuance, providing written documentation from the architectural committee or homeowner association responsible for enforcing said deed restrictions, confirming that the proposed improvements comply with applicable Covenants, Conditions and Restrictions (CC&Rs).”

We believe this condition will benefit the applicant, the Association and the County. Thank you for your consideration.

Sincerely,
Lake of the Pines Association


John C. Bowman
General Manager



PENN VALLEY FIRE PROTECTION DISTRICT

Donald Wagner, Fire Chief

P.O. Box 180
Penn Valley, CA 95946
(530) 432-2630
www.pennvalleyfire.com



July 19, 2018

Tyler Barrington, Principal Planner
950 Maidu Ave, Suite 170
Nevada City, CA 95959

Re: Request for comments on proposed zoning ordinance amendments to further incentivize the development of Accessory Dwellings Units.

Mr. Barrington,

Accessory dwellings offer a unique challenge for the fire service such as added impacts on ingress/egress on narrow roadways by increasing the number of vehicles on the road. While I understand the State and County's desire to address the statewide affordable housing crisis, most accessory dwellings do increase the impact on response of the fire service. Such things as not requiring detached accessory dwellings to install residential fire sprinkler systems, a safety feature for the protection of life, is not easily mitigated and is incomprehensible for those tasked with the life safety of the public.

Keeping in mind the above overall concerns, the Penn Valley Fire Protection District (PVFPD) will respond individually to each item listed in the request for comments letter dated July 12, 2018.

1. PVFPD supports prohibiting the use of accessory dwellings for vacation or short-term rentals. I don't believe that it was the intent to ever allow accessory dwellings to be used in this way and in fact may actually change the occupancy class of these buildings.
2. PVFPD does not support the exception to the requirement that the property be owner occupied by use of a professional property manager. With the current county staff there is no way to properly inspect and enforce this exception. Far too many times I have seen rental properties under a "professional property manager" that are in very poor condition and not maintained appropriately.
3. PVFPD cannot comment on the deferral of permit fees and road/sewer mitigation fees, however the PVFPD will not defer fire mitigation fees. To do so, especially for what is usually a commercial pursuit, would be a gift of public funds and is not appropriate. Our fees would still apply at the time the permit is issued.

4. Once again, accessory dwelling units have an impact on neighborhoods, roadway ingress and egress, dead end roads and on emergency response to both medical and fire incidents, whether they are attached or detached. There is currently no mitigation for this.
5. PVFPD does not have a comment on the water and sewage disposal requirements.

Feel free to contact me should you have any questions, or I can be of further assistance.

A handwritten signature in black ink, appearing to read 'Clayton Thomas', with a long horizontal line extending to the right.

Clayton Thomas
Fire Captain



CoLiving Network

-Supportive Housing for the Homeless-

NEVADA COUNTY
RECEIVED

JUL 27 2018

PLANNING DEPARTMENT
CDA

Please accept my comments to the proposed zoning ordinance change to incentivize the development of accessory dwelling units (ADU). I have a building permit on hold and am waiting to build a highly affordable 432 sqft ADUs on property I do not occupy in Nevada County. I am deeply involved in the housing shortage and homelessness, and want to make this ordinance as effective as possible. My intention is to build highly affordable ADUs as part of a real estate nonprofit I started called Community Real Estate Network, which is a license contractor and real estate brokerage. There are a few areas that I believe could be improved to simplify and clarify the ordinance.

Comments:

3 a.

It would be more effective if one complete deed restriction be required, rather than a certified letter, to insure that future owners of a property are duly notified. More on this to follow, but this deed restriction should reflect the requirements in this ordinance in one document that present and future owner could be held accountable to.

8.

- Strike "ADU constructed with kitchens" because it could not be an ADU without a kitchen.
- Insert after "flow from the ADU." An alternate proposal, signed by a licensed septic engineer, may be submitted and approved that conservatively addresses the capacity of the existing system to indefinitely perform successfully. Leave the door open for responsible and conservative solutions to safely address septic system performance and longevity.
- Insert after "a new, separate septic system" or a new expansion of the existing system

10 a. Also place this requirement in an all inclusive prewritten deed restriction as well as define very low or low income.

10 c. Insert the Notification to Property Owner in the all inclusive deed restriction as qualified by the definition of the dead end road. i.e. Properties with

115 c. The minimum CBC hall width is already 36" and handicap access through doors is 32" clear. An easy understanding of residential access would be that a rectangle measuring 30x48" should be able to access essential areas of the building. I believe that potential builders would be more likely to use this as a design parameter than consulting complicated access codes.

Thank you for considering my remarks. Let's make affordable housing a reality in Nevada County.

Greg Zaller, President gregzaller@gmail.com

Coliving Network is a program of Creative Learning Adventures 501C3 20-3261311

Tyler Barrington

From: Louise Taylor <let@berkeley.edu>
Sent: Thursday, July 26, 2018 6:05 PM
To: Tyler Barrington
Cc: Sterling Bailey; Kim & Chris Pierson; Dianne Fenton; Teri Heauser
Subject: Accessory Dwelling Units Amendment

Hi Tyler,

Thank you for the opportunity to comment on this proposed amendment (Land Use and Development Code Section L-II,3.19.1) on the County's Accessory Dwelling Unit Ordinance. The Wawona Madrono Board has reviewed the draft. As long as Section ...3.19.1 B 6 allowing compliance and consistency with recorded CC&R provisions remains, we have no problems with the proposal.

Sincerely,

Louise Taylor, President
Wawona Madrono Homeowners Association



Tyler Barrington

From: Geoff Thornton <geoffreythornton@gmail.com>
Sent: Thursday, July 26, 2018 5:13 PM
To: Tyler Barrington
Subject: Accessory Dwelling Unit Ordinance



Hi Tyler,

I have received a copy of the proposed changes to the Accessory Dwelling Unit Ordinance. I am concerned about how this proposed ordinance may result in an increase in the future population of my neighborhood. I live in the Lake Vera neighborhood.

I am concerned about emergency evacuations in the area, primarily in the event of a wildfire. The ordinance could result in adding more dwelling units to the area, increasing the population, and exacerbating an existing emergency evacuation problem. I did not see that the revised text addressed the improvement of emergency evacuation as a part of the ordinance. If the improvement of emergency evacuation is not stipulated through the ordinance, how will the County address this issue?

I have a secondary concern of increased use of groundwater that would come as a result of additional dwelling units. Our fractured granite aquifer is complex. It is difficult to characterize and understand. During the recent drought many wells in fractured granite in Nevada County went dry. This problem could be exacerbated through additional draw of the aquifer as a result of additional dwelling units.

What is the CEQA compliance approach for the proposed ordinance change? I saw that the changes to this ordinance made in 2017 were approved under a CEQA exemption. It seems that there is a reasonable possibility that the proposed change to the ordinance will have a significant effect on the environment, pursuant to CEQA, at least in terms of unusual circumstances related to hazards and hazardous materials, hydrology and water quality, and public services.

Thank you
Geoff Thornton



July 30, 2018

Mr. Tyler Barrington, Master Planner
Nevada County Planning Department
950 Maidu Ave., Suite 170
Nevada City, CA 95959



Dear Mr. Barrington,

On behalf of the Community Affairs Committee led by the Greater Grass Valley Chamber of Commerce, it is my pleasure to write a letter on behalf of the Community Affairs Committee in support of the County of Nevada's Planning Department's proposed zoning ordinance amendments to County File No. PLN18-0070; ORD18-1.

The housing crisis facing our Western Nevada County community, and, Accessory Dwelling Units as a partial solution to mitigate the crisis has been an ongoing focus of the Community Affairs Committee.

The CAC realizes that the County of Nevada is restricted in some areas by state mandates but by creating deferments and exceptions that will encourage the creation of Accessory Dwelling Units, we feel that the County of Nevada is making a dedicated effort to offer a solution to the housing crisis.

Your presentations to our meetings have been valuable as an educational experience for our members as well as imparting an understanding of the direction of your department and that the County of Nevada is consistently working for the wellbeing of the community.

Those in attendance at the July 25th meeting in agreement to support the efforts of the County of Nevada's Planning Department as they seek to incentivize the development of accessory dwelling units:

Jon Katis, KNCO, Board Director GGVCC, Chair, Community Affairs Committee

Kristin Glauner, Atria Senior Living, Board Director GGVCC

Julia Stidham, The Union Newspaper, Board Director GGVCC

Susan Walker, C21 Davis Realty, In-Coming Chair Nevada County Association of Realtors

Keoni Allen, CEO, Sierra Foothills Construction Company, Board Director, Nevada County Contractors' Assoc.

Michael Anderson, CEO Clientworks, Advocacy Chair, Nevada County Tech Connection

Kathleen Schaffer, Community Member

Robin Galvan-Davies, CEO Greater Grass Valley Chamber of Commerce

Government Representatives in attendance:

Dan Miller, Nevada County Supervisor, District 3

Clayton Markin, Representative, Senator Ted Gaines, District 1

Sincerely,

Robin Galvan-Davies

Robin Galvan-Davies,
CEO, Greater Grass Valley Chamber of Commerce

RICKI HECK
13641 GREENHORN ROAD
GRASS VALLEY, CA 95945

July 26, 2018

Tyler Barrington, Principal Planner
County of Nevada



Thank you for the opportunity to review and comment on the proposed changes to the ADU ordinance. I have several thoughts and will enumerate them here:

Regarding the requirement for a professional property manager when a property owner does not live on site:

- Generally a professional property managers' role is limited to collection rents, dealing with delinquent rents and tenant evictions.
- A property manager can do very little to enforce a standard of care or behavior by a tenant.
- Will the County place additional rules/scope of work/expectations on a property manager specific to the ADU's?
- I would recommend you contact several property managers, if you have not already and get their comments.
- Will property managers be taking on additional liability for the County's ordinance requirements?
- If so, will the property managers need additional types of insurance?
- What are the costs to the homeowner to have the property managers perform this service?
- If the County limits ADU's to only those who are owner occupants, what happens in the event of a sale of the property? Is the sale limited to only a buyer who promises to keep it owner occupied? Will there be a County staff person assigned to 'police' the property transfers when there is a new owner? Nevada County has many current ordinances that govern blight, code compliance, noise, fire defensible space, etc. A complaint driven process is sufficient to address the problems that may arise for a non-owner occupied unit.

Regarding the Proposed Fee Deferral for deed restrictions for low income occupancy:

- Incentives or not, I do not believe it is proper for the County to be dictating to a property owner the amount of rent they can and cannot charge for any unit. This is a private property rights issue, and borders on rent control.
- I believe a better solution to keep ADU's for affordable housing is to limit the size of the units and allow the market to dictate the amount of rents based on supply and demand.
- I have concerns that the permit/road/sewer mitigation fee deferral may not be enough money for anyone to incentivize them to build.
- A property owner may invest \$100,000 - \$200,000 or more to build a new ADU structure. The proposed deferrals may not significantly impact the building costs enough to make limiting the potential renters to low income financially attractive for the homeowner.
- I'd like to see the County make a greater effort to find bigger incentives, perhaps through grant funding?

I hope the Board will give thought to my comments.

Thank you,

Ricki Heck

Ricki Heck

Planning Commissioner

District 1



COUNTY OF NEVADA Agricultural Advisory Commission

Community Development Agency
Department of Agriculture, Weights and Measures
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
New.nevadacounty.com/nc/cda/agcomm



Rich Johansen, Chair – Truck Farming Industry
Brad Fowler, Vice Chair – Other Livestock Industry
Laura Barhydt – Agricultural Interests
Debbie Bierwagen- Agricultural Interests
Mark Henry – Viticulture Industry
Susan Hoek – Agricultural Interests
Terry Jochim- Cattle Industry
Ed Scofield – Board of Supervisors Representative
Pam Stone – Other Livestock Industry

DATE: July 31, 2018
TO: Tyler Barrington, Principal Planner
FROM: Rich Johansen, Chair-Agricultural Advisory Commission *RS*
SUBJECT: **Proposed Zoning Ordinance Amendments to Further Incentivize the Development of Accessory Dwelling Units**

Thank you Mr. Barrington for allowing comments on the proposed zoning ordinance amendments to further incentivize the development of Accessory Dwelling Units (ADU) here in Nevada County. At a special meeting held on July 30, 2018, the Agricultural Advisory Commission (AAC) discussed these proposed amendments. The AAC recognizes the need for additional housing in Nevada County and understand this to be one of the top priorities for the Board of Supervisors. While the AAC appreciates your efforts to address this growing concern, the AAC believes the proposed amendment to prohibit short-term stays (less than 30 days) will have a serious negative impact to the Agricultural Industry in Nevada County.

As you know Agriculture in Nevada County is a major economic contributor to Nevada County (\$20.9 million farm gate value in 2016), as well as plays a key factor in maintaining the rural and scenic lifestyle that many residents and non-residents have come to love about Nevada County. Many farms and ranches in Nevada County are unable to compete with the corporate farms found in the Sacramento/San Joaquin Valley. As such, farmers and ranchers in Nevada County are forced to find additional ways to supplement their farm income. Earlier this year (2018), the Board of Supervisors passed an ordinance allowing for Agritourism activities on specified parcels within the county. The opportunity to conduct agritourism activities that include short-term stays such as the Airbnb/VRBO model, has allowed many farmers and ranchers to succeed in the county.

The proposed amendment to prohibit short-term stays will have a significant negative impact on our farmers and ranchers who utilize short-term stays (Airbnb/VRBO) to supplement their farm income. The AAC has the following recommendation:

Parcels eligible for agritourism activities as outlined in the Land Use and Development Code, Sec. L-II 3.3-Agricultural Uses, be exempt from the prohibition of short-term stays.

Furthermore, in reviewing the current ordinance being discussed (ADU's), the AAC has the following observation:

Paragraph B.5, of Sec. L-II 3.19.1 Accessory Dwelling Unit, is unnecessarily restrictive in that ADU and employee housing appear to conflict. As such, the conflict creates a prohibition to the agricultural community.

The AAC feels that both employee housing and ADU's are essential for agricultural operations in Nevada County. The AAC is hopeful that you will consider revising the existing language to eliminate this economic restraint to the agricultural community. Please know the AAC stands ready to assist should you decide to pursue this amendment.

If you have any questions, please contact Agricultural Commissioner, Chris de Nijs at 470-2690. Thank you.

cc: Supervisor Ed Scofield, Chair of Board of Supervisors
Brain Foss, Planning Director
Sean Powers, Community Development Agency Director



HARMONY RIDGE
ROAD GANG

RECEIVED

JUL 31 2018

COMMUNITY DEV AGENCY

July 30, 2018

Tyler Barrington
Principal Planner
Nevada County Planning Department
950 Maidu Ave.
Nevada City, CA 95959

Re: Proposed Amendments to Accessory Dwelling Unit Ordinance

Dear Mr. Barrington:

Thank you for soliciting comments on this issue. I have some specific concerns related to private road maintenance impacts that I would like to share with you. My concerns involve the general substance of the current Ordinance, not specifically to this particular issue of short-term versus long-term rentals, but I believe my concerns warrant consideration and would like to have them addressed in any amendments to the Ordinance at this time.

The area covered by our association involves the east side of Harmony Ridge Road, and all of Broken Arrow Place, Lightfoot Way, and Yearling Road, situated 4 miles NE of Nevada City off of Hwy 20. The zoning is AG-10, but the area having been subdivided before the Subdivision Map Act and current zoning standards, contains 42 parcels, all of which are nonconforming in size, being between 2 and 7 acres.

In my 26-year experience at my location on Broken Arrow Place, the association has had, at best, about 1/3 participation in road maintenance fees, capital improvement donations, or work party volunteerism. The problem is that there wasn't a requirement from the beginning that all landowners belong to a recorded road maintenance association and pay dues, under a recorded Road Maintenance Agreement, hence our association is necessarily voluntary.

This has left as the only remedy a small claims action per Civil Code 845 to non-participating parties, but without going into the involved aspects and details of this Code section, let me say in brief that it is completely impractical to annually file suit against all free-riders in our circumstance. I don't believe our circumstance is any different than the many other areas in the county served by private road systems where older parcels exist, whose owners were not required to form an association with a recorded Road Maintenance Agreement.

As you know, many of the rural road systems in unincorporated areas serving residential areas were constructed in a manner with only one residence-per-parcel in mind. In some cases, as in a portion of our road system, the roads are also impacted by pass-through traffic from the general public, without any associated financial accountability mechanism. These considerations alone indicate a looming future problem of great significance to us, and considering this, I will move to

my direct concerns regarding the addition of more residential-related traffic, which would make impossible the barely-manageable situation we presently face.

Even if the proposed restriction of short-term rental construction in favor of long-term rentals were to result in fewer second units being constructed, as some may argue, the question of the lack of accountability for private road maintenance due to any new units remains. This is an issue that should have been resolved years ago when second units, then called granny units, were first proposed and the current ordinance was adopted.

My main concern is that there is no requirement that all residents in areas served by the impacted privately-maintained road system will have adequate say in the review process, nor will be assured that private road maintenance financial impacts will be mitigated.

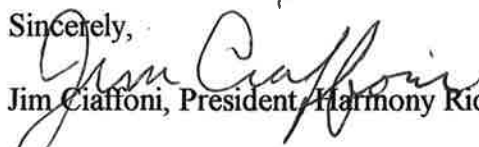
The currently proposed ADU ordinance amendments would make project approval a ministerial matter, allowing an over-the-counter permit, rather than a discretionary matter requiring public notification and a hearing. As a minimum, notification should be provided to any applicable voluntary road association and property owners living along or within some reasonable distance from a privately maintained road serving the proposed ADU, and a time period allowed for the submission of written comments before a building permit is issued.

I understand the spirit in which the amendments are proposed, i.e., to facilitate the provision of affordable, long-term rentals in the public interest by reducing regulatory burden and cost. We share that sentiment. Additionally, we recognize that more modern subdivisions have mechanisms in place to ensure accountability, and wonder to what extent other rural parcels in the county are in areas served only by voluntary road agreements. Perhaps your department could look into this and advise the Board during the upcoming hearing, as I will likely pose the question.

In summary, wouldn't it make sense to prohibit the new construction of a ADU in any area served by private road systems secured by only voluntary road maintenance agreements, especially in areas containing a preponderance of nonconforming parcels based on size with respect to zoning, or at least make the approval process a discretionary one with participation by those residents adversely affected?

Thank you for considering these comments.

Sincerely,


Jim Ciaffoni, President, Harmony Ridge Road Gang

cc: Federation of Neighborhood Associations

Tyler Barrington

From: Diana marsh <dianamarsh3@gmail.com>
Sent: Tuesday, July 31, 2018 1:56 PM
To: Tyler Barrington
Subject: Public Comment RE: ADU Ordinance



Hi Tyler,

My name is Nels Nelson and I am a property owner in District 4. I am emailing to submit comment for the ADU ordinance.

Please **do not** prohibit the use of accessory dwelling units as vacation or short-term rentals (less than 30 days). There are many people within the community who earn extra income with short term rentals. Please do not limit these people. How can the county step in and say that short term rentals are not allowed. This is a property rights issue!

In addition, I **strongly oppose** the requirement to use a professional property manager to maintain the property. Again - property rights!

I would also **strongly advocate** for the allowance of composting toilets. This will encourage development of accessory structures as it allows for decreased cost with building while creating more environmental sustainability.

Nels Nelson
Property Owner, District 4

Tyler Barrington

From: Maggie Philipsborn <mphilipsborn@gmail.com>
Sent: Tuesday, July 31, 2018 1:20 PM
To: Tyler Barrington
Subject: Public Comment: Accessory Dwelling Unit Ordinance



Dear Tyler Barrington,

As a homeowner in Nevada City I would like to provide the below public comment regarding the Proposed Zoning Ordinance Amendments to further incentivize the development of accessory dwelling units.

For Reference:

1. Prohibit use of accessory dwelling units as vacation or short-term rentals (less than 30-days).
2. Provide an exception to the requirement that one of the units needs to be owner occupied by using a professional property manager to maintain the property.
5. Further clarify the water and sewage disposal (septic) requirements for ADUs.

I am concerned that these first two items impede quite far on individual property rights. How does enforcement of this work, is tax payer dollars going towards making sure no one is using things like AirBnb, VRBO, etc? How does this effect the commerce that weekend visitors to the area bring to our local businesses?

I am unclear as to whether the second item implies forcing homeowners to use hired property management services, but this should be the right of a homeowner to do this work themselves and not hire it out, if they so deem.

Lastly, regarding number 5, I would like to encourage you to support grey water systems. There are proven and documented grey water systems that in no way harm ground water supplies, and would benefit the county greatly in its attempts to be more sustainable and water-wise.

I appreciate you taking the time to consider my comments. I will continue to follow this ordinance's development.

Kindest Regards,
Margaret Philipsborn

--

Always be kind enough to mother earth.

"Be the change you wish to see in the world"



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

950 MAIDU AVENUE, SUITE 170, NEVADA CITY, CA 95959-8617
(530) 265-1222 FAX (530) 265-9851 <http://mynevadacounty.com>

Sean Powers
Community Development Agency Director

Brian Foss
Planning Director

August 9, 2018

TO: Planning Commission
FROM: Tyler Barrington, Principal Planner TB 8-9-18
SUBJECT: Additional Comments Received

Dear Commissioners,

Attached to this memo are additional letters to be added to the public record for your review and consideration, which were received after the original staff report was distributed.

TB

Enclosure: Comment letters from: California Water Boards-Central Valley Water Quality Control Board, Nevada County Department of Public Works, and Penn Valley Area Municipal Advisory Council

Central Valley Regional Water Quality Control Board

26 July 2018

Tyler Barrington
County of Nevada
Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

RECEIVED
AUG 01 2018
NEVADA COUNTY
PLANNING DEPARTMENT

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91 7199 9991 7039 6992 6410

**COMMENTS TO REQUEST FOR REVIEW FOR THE ACCESSORY DWELLING UNITS
(PLN18-0070; ORD18-1) PROJECT, NEVADA COUNTY**

Pursuant to the County of Nevada Community Development Agency's 12 July 2018 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review* for the Accessory Dwelling Units (PLN18-0070; ORD18-1) Project, located in Nevada County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases,

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:

http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements – Discharges to Waters of the State

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver)

R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/for_growers/apply_coalition_group/index.shtml or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water*

(Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml

If you have questions regarding these comments, please contact me at (916) 464-4644 or Stephanie.Tadlock@waterboards.ca.gov.



Stephanie Tadlock
Senior Environmental Scientist

Tyler Barrington

Subject:

RE: DPW Comment- ADUs ORD18-1

NEVADA COUNTY
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AUG 02 2018

PLANNING DEPARTMENT
CDA

From: Jessica Hankins

Sent: Thursday, August 02, 2018 8:47 AM

To: Tyler Barrington <Tyler.Barrington@co.nevada.ca.us>; Trisha Tillotson <Trisha.Tillotson@co.nevada.ca.us>

Cc: Brad Torres <Brad.Torres@co.nevada.ca.us>; Joshua Pack <Joshua.Pack@co.nevada.ca.us>

Subject: RE: New Agenda 08/09/2018 for www.mynevadacounty.com

Tyler,

Given that the sewer and traffic fees would just be deferred until final occupancy under very specific circumstances, Public Works does not have any comments on these amendments to the ADU ordinance. We would likely have comments if the fees were waived altogether, but as it is written we don't have any concerns with it.

Thank you for the opportunity to comment.

Jessica

Jessica Hankins

Public Works Project Manager



Public Works Department
County of Nevada
Community Development Agency

950 Maidm Ave. Suite 170
Nevada City, CA 95959

office 530.265-1254

<http://www.mynevadacounty.com/nc/cda/pw>

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COUNTY OF NEVADA

Penn Valley Area Municipal Advisory Council

<http://www.mynevadacounty.com/nc/bos/district4/Pages/Penn-valley-Area-Municipal-Advisory-Council-.aspx>

Michael Mastrodonato, Chair
Gordon Beatie, Vice-Chair
Susan Hoek, Member
Michael Sullivan, Member
Stephanie Stevens, Member
Susan George, Member
Richard Noelle, Member
Andrew Burton, Member
Nancy Peirce, Member



July 20, 2018

Tyler Barrington, Principal Planner
Nevada County Planning Department
Nevada County
950 Maidu Ave.
Nevada City, CA 95959-8617
tyler.barrington@co.nevada.ca.us

RE: Recommendations and Comments in Response to Request For Comments On proposed Zoning Ordinance Amendments To Further Incentivize The Development Of Accessory Dwelling Units (County File No. PLN18-0070; ORD18-1)

Dear Mr. Barrington,

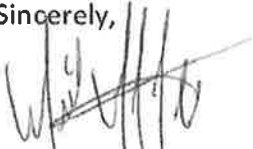
At a meeting on July 19, 2018, the Penn Valley Area Municipal Advisory Council (MAC) reviewed the Planning Department's draft proposal to amend the County's Accessory Dwelling Unit Ordinance (Land Use and Development Code Section L-II 3.19.1) to encourage the development of accessory dwelling units as one of the County's strategies toward addressing the statewide affordable housing crisis. Upon review and discussion between the Penn Valley Area MAC members, the following recommendations were made:

- (1.) The Penn Valley Area MAC unanimously agree that the restrictions under Sec. L-II 3.19.1 B(2) de-incentivize the development of accessory dwelling units and that other incentives should be considered as the spirit (intent) of the amendment is right but the strategy (unintended consequence) is off. The Penn Valley Area MAC unanimously recommends that the language "for a long-term use only (30 consecutive calendar days or more); short-term rentals are prohibited." be removed and Sec. L-II 3.19.1 B(2) reads, "There shall be no more than one accessory dwelling unit, as provided for in this Chapter, per parcel. The accessory dwelling unit is not intended for sale separate from the primary residence and may be rented."
- (2.) The Penn Valley Area MAC unanimously recommends that Sec. L-II 3.19.1 (B)(10)(a) be revised to read, "The property owner may deed-restrict the accessory dwelling unit to very low or low income occupant qualified individuals or families for a minimum of 10 years. Prior to issuance of a building permit for a second dwelling unit, the owner shall record the deed restriction. The declaration shall run with the land and be binding upon the applicant and successor property owner."
- (3.) The Penn Valley Area MAC unanimously recommends that Table L-II 2.4.D also be amended. Specifically, under Commercial C2 Zoning that any "By Right" be changed to "Use Permit" and be comparable with the other Commercial Zoning Districts, C1, C3, CH and OP. Transitional and Supportive

Housing is "by right" in Single-family, Multi-family and Rural Districts, which effectively does not hold those housing types to a higher standard than other residential uses.

Thank you for the opportunity to provide comment on this important issue to our county and the community's interests.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Mike Mastrodonato', written over a horizontal line.

Mike Mastrodonato

Chair, Penn Valley Area Municipal Advisory Council