

ORDINANCE NO. 1800

**ORDINANCE REPEALING CHAPTER 7.16 REGARDING HOUSE COURTS AND CAMP SPACES, REPEALING SECTION 19.48.070 REGARDING GUEST HOUSES, REPEALING SECTION 19.48.120 REGARDING SECOND FAMILY DWELLINGS IN SINGLE FAMILY ZONE DISTRICTS, AMENDING SECTION 14.06.055 REGARDING PRODUCTION REQUIREMENTS FOR WATER SUPPLY WELLS, AMENDING SECTION 19.08.310 REGARDING THE GUEST HOUSE DEFINITION, AMENDING SECTION 19.24.045 REGARDING R1-A DISTRICT, AMENDING SECTION 19.48.110 REGARDING YARDS AND SETBACKS, AND ADDING CHAPTER 19.72 REGARDING ACCESSORY DWELLING UNITS**

The Board of Supervisors of the County of Amador ordains as follows:

**SECTION I.** Legislative findings.

1. The California State Legislature adopted Government Code section 65852.2, which establishes permitting rules for Accessory Dwelling Units. The State law requires ministerial review of permit applications for compliant Accessory Dwelling Units. The law prohibits cities and counties from creating permitting requirements that are inconsistent with Government Code section 65852.2, and provides that any local law in conflict with these rules is now void.
2. This ordinance is intended to address the State law by adding Chapter 19.72, which creates a process for permitting Accessory Dwelling Units that is consistent with Government Code section 65852.2. The ordinance repeals Sections 19.48.070 and 19.48.120 regarding guest houses and second family dwellings. These repealed Sections are inconsistent with the new State law, and are otherwise irrelevant in light of the new permitting requirements.
3. The ordinance also amends section 14.06.055 to add well production requirements for Accessory Dwelling Units. The ordinance also amends Sections 19.08.310 (Guest House definition), 19.24.045 (R1-A zoning regulation), and 19.48.110 (setback regulations) to make appropriate references to the new law and to remove references to the repealed laws.
4. The ordinance also repeals Chapter 7.16 (House Courts—Camp Spaces). This Chapter has numerous provisions that may be construed as inconsistent with Government Code section 65852.2. Chapter 7.16, adopted in 1947, was intended to address issues no longer relevant within the County. The Chapter has been out of use for decades.

**SECTION II.** Chapter 7.16 (House Courts—Camp Spaces) including Municipal Code Sections 7.16.010 – 7.16.380, Section 19.48.070 (Guest houses), and Section 19.48.120 (Second family dwellings in single family zone districts) are hereby repealed in their entirety.

*Chapter 7.16*  
***HOUSE COURTS—CAMP SPACES***

Sections:

- ~~7.16.010—Definitions.~~
- ~~7.16.020—Enforcement—Right of entry.~~
- ~~7.16.030—Compliance with chapter provisions—Burden of proof.~~
- ~~7.16.040—Applicability of chapter.~~
- ~~7.16.050—Effect of state regulations.~~
- ~~7.16.060—Caretaker required during owner absence.~~
- ~~7.16.070—Separate cooking facilities.~~
- ~~7.16.080—Air space in sleeping rooms.~~
- ~~7.16.090—Garbage and rubbish receptacles.~~
- ~~7.16.100—Location of tent or trailer in camp space.~~
- ~~7.16.110—Facilities to be kept in sanitary condition.~~
- ~~7.16.120—Buildings, equipment to be kept in good repair.~~
- ~~7.16.130—Certain building materials prohibited—When trailer deemed building.~~
- ~~7.16.140—Water supply.~~
- ~~7.16.150—Fires.~~
- ~~7.16.160—Dogs at large.~~
- ~~7.16.170—Toilet facilities.~~
- ~~7.16.180—Bathtubs or showers.~~
- ~~7.16.190—Toilet and bath facilities—For open camp space.~~
- ~~7.16.200—Toilet and bath facilities—Maximum distance from living facilities.~~
- ~~7.16.210—Toilet and bath facilities—Construction requirements.~~
- ~~7.16.220—Toilet and bath facilities—Exemption.~~
- ~~7.16.230—Sinks.~~
- ~~7.16.240—Connection of plumbing fixtures to sewer or septic tank.~~
- ~~7.16.250—Building requirements—Generally.~~
- ~~7.16.260—Air space under building.~~
- ~~7.16.270—Building materials—Quality and condition.~~
- ~~7.16.280—Floor area—Ceiling height.~~
- ~~7.16.290—Windows—Living, sleeping and kitchen facilities.~~
- ~~7.16.300—Windows—Toilet and bath compartment.~~
- ~~7.16.310—Windows—Space requirements.~~
- ~~7.16.320—Water closet not to open into kitchen.~~
- ~~7.16.330—Subdivision of rooms—When prohibited.~~
- ~~7.16.340—Special exemption permits.~~

~~7.16.350 Nuisance—Abatement.~~

~~7.16.360 Duty of owner or operator.~~

~~7.16.370 Violation—Penalty.~~

~~7.16.380 Continuing violation.~~

#### **7.16.010 Definitions.**

For the purpose of this chapter certain words and phrases are defined and certain provisions shall be construed as herein set out unless it is apparent from their context that they have a different meaning.

A. —"Apartment" is a room or suite of rooms which is occupied or intended or designed to be occupied by a family for living and/or sleeping purposes in a house court.

B. —"Camp car and/or trailer" is any unit used for living and/or sleeping purposes and which is equipped with wheels or similar devices used for the purpose of transporting it from place to place, whether by motive power or other means, and said unit, so equipped, shall be capable of being safely and lawfully operated as a vehicle over the public thoroughfares of the state at a speed limit of forty-five miles per hour.

C. —"Camp space" is any place where one or more tents are erected or maintained for hire for living and/or sleeping quarters for one or more families, or where one or more tents or camp cars and/or trailers are established for living and/or sleeping purposes, or where one or more families are camping with the expressed consent of the owner or person legally in charge of the land upon which such camp space is located.

D. —"County health department" is defined as the health department of Amador County, and includes the county health officer and the duly authorized representatives and deputies of said department.

E. —"Family" is one person living alone or a group of two or more persons living together in an apartment whether related to each other or not.

F. —"House court" is any building or structure containing two or more apartments or any group of two or more separate buildings or structures containing one or more apartments each located on a parcel of land or contiguous parcel or parcels of land under the ownership or operation of one person, which building or structure or any portion thereof is, with the expressed consent of the owner or person legally in charge of the land upon which such house court is located, built, rented or hired out to be occupied, or which is occupied, as the home or residence or living quarters of two or more families or persons living independently of each other.

G. —"Squatter" is one who settles or locates on land enclosed or unenclosed with no bona fide claim or color of title or without the express consent of the owner or person legally in charge of the land.

H. —"Squatter camp" is an area of land occupied by a squatter.

#### **7.16.020 Enforcement—Right of entry.**

The county health department is authorized and empowered to enforce all of the provisions of this chapter and for the purpose of securing enforcement thereof is given the right to enter upon any public or private property, including any building or habitation, in the unincorporated area of Amador County to inspect such accommodations or installations thereon or therein that may be covered by the provisions of this chapter.

#### **7.16.030 Compliance with chapter provisions—Burden of proof.**

It is unlawful to construct, reconstruct or maintain or to begin the operation of or to operate a house court or camp space upon any public or private property in the unincorporated area of Amador County except as herein otherwise specified; and it is unlawful to occupy for living and/or sleeping purposes or to reside in any established house court or camp space without permission to do so from the owner or person legally in charge of such house court or camp space or the land upon which they are located; and in any prosecution for the violation of this chapter the burden of proving such permission shall rest upon the person or persons so occupying such house court or camp space and in the absence of such permission such house court or camp space shall be declared to be a squatter camp, as defined in this chapter, and shall be vacated when so ordered by the county health department, it being the expressed intention of this chapter that no squatter camp shall be permitted to exist in the unincorporated area of Amador County.

#### **7.16.040 Applicability of chapter.**

The provisions of this chapter shall be applicable to every house court, camp space and squatter camp in the unincorporated area of Amador County, and it is unlawful for any person, firm or corporation maintaining, operating, conducting or carrying on, or for any person residing in any house court, camp space or squatter camp, or any other person, to violate or to contribute in any way to the violation of any of the provisions of this chapter.

#### **7.16.050 Effect of state regulations.**

The provisions of this chapter shall not be construed to apply to any premises, buildings, structures or equipment referred to in an act entitled "The State Housing Act," Division XIII, Part I, Health and Safety Code; nor in an act regulating auto courts and resorts, auto and trailer camps in unincorporated areas, Division XIII, Part II of said Code; nor in an act regulating camps where five or more persons are employed, Division II, Part IX, Chapter I, Article 4 of the Labor Code; nor shall this chapter be construed to apply to any supervised public park or public camp or picnic ground owned, operated and/or maintained by the federal government, the state, or any agency of the state, nor by any political subdivision or municipality.

#### **7.16.060 Caretaker required during owner absence.**

It is unlawful for any person, firm or corporation to maintain, conduct or carry on, or cause or permit to be maintained, conducted or carried on any house court or camp space in which four or more families reside unless, in the absence therefrom of the owner, lessee or operator, such premises are provided with a caretaker.

#### **7.16.070 Separate cooking facilities.**

A.—It is unlawful to use any sleeping room or compartment for the cooking or preparation of food in any house court.

B.—Partition walls between cooking and sleeping rooms or compartments in any building or structure in any house court shall extend from the floor to the ceiling, or to the roof if there is no ceiling.

C.—Doors between cooking and sleeping rooms or compartments in any building or structure in any house court must be solid and full length.

D.—Every room used or intended or designed to be used for cooking purposes in any building or structure in any house court must be equipped with running water, if available, and provided with a kitchen sink.

#### **7.16.080 Air space in sleeping rooms.**

It is unlawful to use or permit to be used for sleeping purposes any room in any building or structure in any house court that does not contain at least six hundred forty cubic feet of air space, and if any such room is occupied by more than two persons, the cubic air space of such room shall be increased by not less than five hundred cubic feet for each additional person the room is designed, built or intended to accommodate, or that such room does not accommodate for sleeping purposes.

#### **7.16.090 Garbage and rubbish receptacles.**

An adequate number of covered water-tight and fly-tight metal receptacles for garbage and rubbish shall be provided and shall be conspicuously and conveniently located in every house court and camp space. The contents of such receptacles shall be disposed of at frequent intervals in a sanitary manner.

#### **7.16.100 Location of tent or trailer in camp space.**

No tent, camp car and/or trailer in any camp space now existing, or that may hereafter be established shall be located within eight feet of any lot line. Tents, camp cars and/or trailers shall be arranged in rows abutting or facing on a driveway or clear unoccupied space of not less than thirty feet in width, which space shall have unobstructed access to a public thoroughfare.

**7.16.110 Facilities to be kept in sanitary condition.**

Every building, structure, camp car and/or trailer, tent or other habitation in a house court or camp space and all of the premises thereof shall be kept clean and sanitary in every part and free from accumulation of debris, refuse, filth, rubbish, garbage or other offensive matter. No material that would create a fire hazard shall be kept or stored upon the premises of any house court or camp space. Mattresses and bedding furnished by any owner, lessee, operator or caretaker of any such house court or camp space shall be maintained in a clean and sanitary condition.

**7.16.120 Buildings, equipment to be kept in good repair.**

It shall be the duty of the owner or person legally in charge of the land upon which any house court or camp space is located, or of the operator or person in charge of such house court or camp space, to see that all of the buildings, structures, tents and equipment in connection therewith are maintained in good repair and that the habitations are in such condition as to afford protection to the occupants against the elements and so as to exclude dampness in inclement weather. The roofs shall be kept waterproof and all storm or casual water properly drained and conveyed from the premises.

**7.16.130 Certain building materials prohibited—When trailer deemed building.**

A.—No habitations or shelters constructed of sacks, rags, bush, cans, weeds or refuse material or any combination of the foregoing shall be permitted in any house court or camp space and it shall be the duty of the owner or person legally in charge of the land upon which any house court or camp space is located, or of the operator or person in charge of such house court or camp space where any such construction exists, to have it removed from the premises or demolished.

B.—Any camp car and/or trailer from which the wheels or other transporting devices have been removed or which vehicle has otherwise been rendered ineffective for transportation test as set forth in Section 7.16.010 hereof, except in the case of temporary repairs, shall be defined as a building or structure within the definition of a house court, and it shall be subject to all of the requirements therefor.

**7.16.140 Water supply.**

A supply of water safe for human consumption shall be provided for domestic purposes in sufficient quantity to meet the requirements of the maximum number of persons living in a house court or camp space at any one time. Said water supply shall be easily obtainable from its source, or through a pipe distribution system in which faucets shall in no event be located more than fifty feet from any house court habitation or from any tent, camp car and/or trailer or camping party within a camp space. If the water source is a spring or well, said source must be properly protected against contamination.

#### **7.16.150 Fires.**

No fires shall at any time be so located as to endanger property in any house court or camp space, and all campfires shall be completely extinguished before camping party leaves.

#### **7.16.160 Dogs at large.**

Dogs shall at no time be permitted to run at large in any house court or camp space.

#### **7.16.170 Toilet facilities.**

At least one water flush toilet must be provided in every apartment equipped with a kitchen and in every other apartment in a house court hereto fore or hereafter erected; provided however, where there are apartments without kitchens and such apartments are structurally joined so as to constitute one building, then there shall be provided not less than two public water flush toilets for every such five apartments or fractional part thereof. At least one water flush toilet must be provided at every camp space for each sex for every ten tents, camp cars and/or trailers or fractional part thereof.

#### **7.16.180 Bathtubs or showers.**

There shall be provided in every house court or camp space heretofore or hereafter erected or established a stationary bathtub or shower bath for each sex, equipped with hot and cold running water. Such bathtub or shower bath shall be installed in a separate compartment from any watercloset unit and there shall be provided an additional bathtub or shower bath for each sex for every ten apartments, tents, camp cars and/or trailers or fractional part thereof in excess of ten apartments, tents, camp cars and/or trailers in house court or camp space. The computation as to required number of bathtubs or shower baths shall not include any apartment in a house court equipped with a private bathtub or shower bath nor shall anything herein be construed to prohibit any such private bathtub or shower bath from being located in the same compartment with a water closet unit.

#### **7.16.190 Toilet and bath facilities--For open camp space.**

In the event that persons are camping in the open in a camp space, there shall be installed for their use one water flush toilet and one stationary bathtub or shower bath equipped with hot and cold running water for each sex for every twenty such persons or fractional part thereof.

#### **7.16.200 Toilet and bath facilities--Maximum distance from living facilities.**

No apartment in a house court, nor any tent, camp car and/or trailer or camping party in a camp space shall be a greater distance than two hundred feet from both men's and women's public toilets or bathing facilities. The locations of all public waterclosets, bathtub and shower compartments shall be

plainly indicated by proper signs, and all such compartments shall be properly lighted from sunset to sunrise.

**7.16.210 Toilet and bath facilities—Construction requirements.**

The floor of every watercloset, bathtub or shower bath compartment hereafter installed shall be constructed of cement or some other nonabsorbent material; the walls shall be smooth waterproof materials and the interiors of all waterclosets, bathtub or shower compartments shall be maintained in a clean and sanitary condition at all times.

**7.16.220 Toilet and bath facilities—Exemption.**

The county health department may exempt any house court or camp space existing at the time of the passage of the ordinance codified herein from fully complying with the provisions of Sections 7.16.190, 7.16.200 and 7.16.210, when, in its discretion, such deviation will not be detrimental to the health of persons occupying said house court or camp space or to the proper sanitation of the premises.

**7.16.230 Sinks.**

There shall be provided in every house court or camp space heretofore or hereafter established a sufficient number of public sinks for the disposal of wash water and similar wastes. Such sinks shall be conveniently located at no greater distance than one hundred feet from any apartment, camp car and/or trailer, tent or camping party.

**7.16.240 Connection of plumbing fixtures to sewer or septic tank.**

It is unlawful to deposit any waste water, drainage or material from plumbing fixtures, including any such fixtures within any camp car and/or trailer, on the surface of the premises of any house court or camp space. All such fixtures must be connected to a sewer system; or, in lieu thereof, they may be connected to a cesspool or septic tank constructed in a manner satisfactory to the county health department. Each and every plumbing fixture in a house court or camp space, except fixtures in camp cars and/or trailers, must be separately and effectively trapped and vented.

**7.16.250 Building requirements—Generally.**

In addition to the other requirements set forth in this chapter, all buildings, structures or tents used or intended or designed to be used for human habitation hereafter erected or converted in any house court or camp space, shall meet the following minimum requirements, and it shall be the duty of the owner or lessee of the land upon which said house court or camp space is located, or of the operator of such house court or camp space, to see that the following requirements, as set out in Sections 7.16.260 through 7.16.340, are complied with.

#### **7.16.260 Air space under building.**

A clear air space of at least eighteen inches shall be maintained between the ground and the lower edge of the floor joists of any building in a house court and the entire space under the building from the level of the floor to the ground must be enclosed, except that a sufficient number of ventilating screens or lattices must be provided to properly ventilate underneath the building. The provisions of this section shall not apply to masonry floors laid directly on the ground.

#### **7.16.270 Building materials—Quality and condition.**

All floors, exterior and interior walls, partitions, ceilings and roofs of house court buildings shall be constructed of a good grade of lumber or other material of comparable strength and rigidity and shall be kept clean at all times. Where the floors are constructed of lumber it shall be of tongue and groove material and tight fitting.

#### **7.16.280 Floor area—Ceiling height.**

Every house court sleeping room must have a superficial floor area of at least eighty square feet and be not less than seven feet in width at any point within that portion of the room counted for computing the minimum area of eighty square feet. Every kitchen in every house court shall have a superficial floor area of at least fifty square feet; and every living room, sleeping room or kitchen in a house court building shall have a ceiling height in all portions thereof of at least eight feet in one half of such sleeping portion but in no event shall it be less than five feet.

#### **7.16.290 Windows—Living, sleeping and kitchen facilities.**

Every living room, sleeping room or kitchen in every house court building shall be provided with windows, the area of which shall be equal to at least one eighth of the floor area, except that in no event shall the aggregate window area of any living room, sleeping room or kitchen be less than twelve square feet.

#### **7.16.300 Windows—Toilet and bath compartment.**

Every room or compartment containing a watercloset, bathtub or shower bath in any house court or camp space shall be provided with a window having an area of at least six square feet, and if there is more than one watercloset, bathtub or shower bath in any one room or compartment, the window area shall be increased three square feet for each additional watercloset, bathtub or shower bath, but in no event shall it be required to exceed one fourth of the superficial floor area of said room or compartment.

**~~7.16.310 Windows—Space requirements.~~**

~~All windows in house courts must abut spaces located on the same lot as the windows they are designed to serve and such spaces shall be unobstructed and open to the sky, shall be not less than four feet in their least dimension and not less than forty square feet in area, except that any open and unobstructed spaces serving toilet or bathroom windows need be only three feet in their least dimension and not less than nine square feet in area. All windows referred to in this section must be arranged so that at least one-half of their required aggregate area can be opened for ventilation, and no space for windows, as required herein, shall be permitted to serve more than one building or structure.~~

**~~7.16.320 Watercloset not to open into kitchen.~~**

~~No watercloset compartment shall open directly into a kitchen or other room in which food is prepared or stored.~~

**~~7.16.330 Subdivision of rooms—When prohibited.~~**

~~No part of any room or compartment in a house court shall be enclosed or subdivided wholly or in part, by a curtain or fixed or movable partition or other contrivance or device for any purpose contrary to any of the provisions of this chapter.~~

**~~7.16.340 Special exemption permits.~~**

~~Anything in this chapter to the contrary notwithstanding, the county health officer may grant special exemption permits in isolated localities where the application of this chapter or any of the provisions thereof would, in his discretion, be impracticable or unnecessary and where the granting of such exemption would in no way jeopardize the health and safety of the community.~~

**~~7.16.350 Nuisance—Abatement.~~**

~~Any house court or camp space which does not conform to this chapter is a public nuisance if not made to conform within five days or such longer period of time allowed by the county health officer after written notice given by him to the owner or operator of such house court or camp space and shall be abated by proper action brought in the Superior Court of Amador County.~~

**~~7.16.360 Duty of owner or operator.~~**

~~It shall be the duty of the owner or lessee of every house court or camp space, or the operator thereof, to see that all of the provisions of this chapter are complied with.~~

#### **7.16.370 Violation—Penalty.**

Any person, firm or corporation violating, or contributing in any way to the violation of any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

#### **7.16.380 Continuing violation.**

Every violation of any of the provisions of this chapter is construed as a separate offense for each day during which such violation continues and is punishable as herein provided.

#### **19.48.070 Guest houses.**

No guest house as defined in Section 19.08.310 of this code shall be erected or enlarged and no existing accessory building shall be converted into a guest house without first obtaining a use permit.

A. — Use permits may be issued by the planning department for guest houses which comply with all of the following criteria 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 does not meet the criteria listed below, the permit may be denied. The applicant or any interested person may appeal the planning department's decision pursuant to Chapter 19.64 of this title within ten calendar days after said decision. Approved use permits shall become valid following the ten-day appeal period if no appeals are filed.

1. — There shall be but one guest house on any one parcel.
2. — Use of a guest house shall be clearly subordinate and incidental to the main building on the same parcel and shall not be used as a permanent dwelling. The guest house shall not be separately rented, let or leased, whether compensation is direct or indirect.
3. — A plot plan and a floor plan of the proposed guest house shall be submitted for review at the time of the guest house use permit application. The guest house shall be a maximum of seven hundred ninety-nine square feet.
4. — A guest house shall not have a kitchen or other cooking facilities and is restricted to one bathroom. Water supply shall only be connected to the bathroom and exterior faucets of the guest house.
5. — Electrical service to a guest house shall be connected to the meter of the main building.

6.— Guest houses shall be connected to the same water supply and sewage disposal system as the main building.

7.— No new driveway encroachment shall be issued for a guest house.

B.— A use permit which includes modifications only to the criteria set forth in subsections (5), (6) or (7) of this section may be granted by the planning commission upon appeal of the use permit denial by the planning department pursuant to Chapter 19.64 of this title. Such appeal may be granted if the planning commission finds that it is physically infeasible to comply with these criteria and the modification is not detrimental to the public interest or surrounding residents or properties.

#### **19.48.120 Second family dwellings in single-family zone districts.**

Second family dwelling units shall be permitted on lots or parcels in any R1, R1A, X, A, AG, RE, or R2A zone district, provided a use permit is obtained from the planning department and the following regulations are met:

A.— One of the dwelling units is owner-occupied; and

B.— Payment of all impact fees and compliance with all ordinances applicable to the construction of a single-family dwelling.

C.— Attached second family dwelling units shall:

1.— Not exceed one thousand square feet in area;

2.— Be attached to the main dwelling by a common roof line or some structural feature which does not exceed a distance of thirty feet from the main dwelling;

3.— Be designed to be architecturally consistent with the existing unit, with architectural consistency to be determined by the land use agency staff, or by the planning commission in the event the matter is heard by the commission.

D.— Detached second family dwelling units may be allowed, provided said detached second dwelling unit meets the following requirements:

1.— Compliance with either (a) the property's general plan land use designation family density; or (b) Policy 26 of the county general plan land use element (which provides in part that on a parcel of land twenty acres or more in size and located in a general plan designation which has a family population density of twenty acres or less, second units are not considered in the calculation of the family population density of the general plan land use classification);

2.— Not exceed one thousand two hundred square feet in area if located on a parcel less than twenty acres in size;

3. ~~Not exceed two thousand square feet in area if located on a parcel twenty to forty acres in size;~~
4. ~~Separate utility connections from the existing unit may be allowed for detached units;~~
5. ~~Use permit conditions of approval shall be:
 
  - a. ~~Detached second units shall meet the county's land division requirements for on-site sewage disposal; and~~
  - b. ~~In the event subject property is divided in the future, all requirements for divisions of land at the time said land division application is made shall be met as though the second unit did not exist; and furthermore said second unit shall be increased in size, if necessary, to meet the minimum square footage and dimensions for a dwelling unit as set forth in county code Sections 19.26.010(A) and 19.26.010(B).~~~~
6. ~~Any person desiring to construct a new structure or convert an existing structure to a second family dwelling shall meet all other provisions of the Amador County Code related to construction including, but not limited to, sewer, water, building permit.~~
7. ~~A use permit application which does not comply with subsections C., D.2., or D.3. of this section may be granted by the planning commission on appeal of the use permit denial by the planning department pursuant to Chapter 19.64 of this title. Such appeal may be granted if the planning commission finds that it is infeasible to comply with these criteria and the modification is not detrimental to the public interest or surrounding residents or properties.~~

**SECTION III.** Section 14.06.055 (Production requirements for water supply wells), Section 19.08.310 (Guest house definition), Section 19.24.045 (R1-A District-Single-family residential-agricultural district), and Section 19.48.110 (Yards and setbacks) are hereby amended as follows:

**14.06.055 Production requirements for water supply wells.**

A. Where the well is a water supply to serve a new single-family dwelling, no storage shall be required if and when rated well yield, based on a minimum thirty-minute air lift test, is five gallons per minute (gpm) or greater. If the rated yield is from one-half to less than five gpm gallons per minute, a minimum of 2000~~two thousand~~ gallons storage shall be provided in addition to any storage required by applicable fire regulation requirements. If the rated yield is less than one-half gpm gallon per minute, the well shall not be considered adequate to support a single-family dwelling unless a proposal by a licensed well drilling contractor, licensed pump contractor, or registered professional engineer has been submitted for review and approved by the department proposing storage or other design features that must be implemented as a condition of well permit final approval.

B. Where the well is a water supply to serve two dwellings on the same parcel, no storage shall be required if the rated well yield is ten gpm. If the rated yield is from one gpm to less than ten gpm, a minimum of 2500 gallons storage shall be provided. Where the well is a water supply to serve three dwellings on the same parcel, no storage shall be required if the rated well yield is fifteen gpm. If the rated yield is from one and a half to less than fifteen gpm, a minimum of 3000 gallons storage shall be provided. Where the well is a water supply to serve four dwellings on the same parcel, no storage shall be required if the rated well is twenty gpm. If the rated yield is from two to less than twenty gpm, a minimum of 3500 gallons storage shall be provided.

The storage requirements in this section are in addition to any storage required by applicable fire regulations. If the rated yield is less than the minimum required for storage, the well shall not be considered adequate to support the dwelling units unless a proposal by a licensed well drilling contractor, licensed pump contractor, or registered professional engineer has been submitted for review and approved by the department proposing storage or other design features that must be implemented as a condition of well permit final approval.

C. Where the well is a water supply to serve two, three, or four dwellings located on at least two separate parcels, the minimum required yield shall be ten, fifteen, or twenty gpm, respectively. If the rated yield does not meet these standards, a proposal by a registered professional engineer shall be submitted for review and approval by the department proposing storage or other design features that must be implemented as a condition of well permit final approval.

D. Where the well is a water supply to serve five or more dwellings, the County shall determine whether the applicant meets the State regulations for small water systems.

E. Where the well is a water supply to serve nonresidential or mixed uses, the applicant shall retain a registered professional engineer to submit a proposal for review and approval by the department describing water demand and proposing storage or other design features that must be implemented as a condition of well permit final approval.

F. This section shall not apply to wells intended solely for nondomestic use.

#### **19.08.310 Guest house.**

“Guest house” means detached living quarters of a permanent type of construction to be used temporarily or intermittently by a person or persons visiting the occupants of the main building. ~~Construction and use of a guest house are regulated in Section 19.48.070.~~

#### **19.24.045 R1-A District--Single-family residential-agricultural district.**

A. Intent--Applicability. This district classification is intended to be applied to areas presently zoned as U, unclassified district, and suited to residential and agricultural land uses, subject to such

regulations as necessary to protect the public health, safety, convenience, and general welfare within the district and adjacent districts.

B. Limitations--Conditions. All activities allowed in the R1-A district shall be subject to the following limitations of their external effects and such limitations shall be a condition of all uses permitted in the district: water supply, sewage disposal, drainage, encroachments, and structures shall conform to the applicable codes and standards of Amador County.

C. Uses Permitted.

1. Single-family dwelling;
2. Home occupations as defined by Section 19.28.010;
3. Crop and tree farming;
4. General farming, including but not limited to, the raising, growing, and harvesting of vegetable, field orchard, bush, and berry crops; vineyards; silviculture;
5. Wholesale operation of nurseries; greenhouses; mushroom rooms; floriculture; and uses of a similar nature;
6. Pasture for grazing (including supplemental feeding), raising, maintaining, breeding, and training of horses, cattle, sheep, and goats, hogs, and similar livestock, provided there is no feeding of garbage, sewage, refuse, or offal, and subject to any limitations in number of animals in Chapter 19.48, General Provisions and Exceptions of the Amador County Code;
7. Feed lots, feed yards, provided there is no feeding of refuse, garbage, sewage, or offal;
8. Poultry farms;
9. Dairies;
10. The raising, feeding, maintaining, breeding, and slaughtering of livestock, chickens, turkeys, rabbits, pigeons, ducks, geese, fish, frogs, and small animals or fowl;
11. Processing, packing, selling, shipping of agricultural products not done on an on-site retail sales basis; wells, water storage and reservoirs, including on site excavation or removal of materials for construction thereof;
12. Storage of petroleum products for use by the occupants of the premises;
13. Any structure, building, equipment, or use incidental and necessary to any of the foregoing uses.

D. Uses Permitted Subject to First Securing an Approved Use Permit.

1. ~~Guest house;~~
- 2.—Farm and forestry labor camps;
- ~~2.3.~~ Recreation uses;
- ~~3.4.~~ a. Processing, packing, selling, shipping of agricultural products for on-site retail purposes. This includes but is not limited to tasting rooms in conjunction with an on-site winery as defined in Section 19.08.687.
  - b. Wine tasting rooms operated subject to a duplicate 02 license from the California Department of Alcohol Beverage Control may also be permitted subject to at least meeting the standards outlined in Section 19.24.040, District regulations--Generally, subsections 27(a) through (f) of the "A" agricultural zone district.
- ~~4.5.~~ Veterinary clinics, animal hospitals, kennels, commercial stabling of horses for public recreation purposes;
- ~~5.6.~~ Auction and sales yards;
- ~~6.7.~~ Turkey farms, provided there is a cover crop or other dust control;
- ~~7.8.~~ Any garbage, sewage, refuse, or offal feeding;
- ~~8.9.~~ Commercial slaughterhouses and stockyards for livestock, small animals, poultry, and fowl;
- ~~9.10.~~ Rendering plants, fertilizer plants and yards;
- ~~10.11.~~ Oil and gas wells, drilling, mining, and excavation of natural minerals;
- ~~11.12.~~ Any structure, building, use, or equipment incidental and necessary to any of the above uses, located on the same site, and included in the use permit.

E. Front, Rear, and Side Yard Setbacks. Minimum structural setback from public roads are required to be twenty-five feet from the front property line, unless a greater setback is shown on any sectional map as a building line established as set forth in Chapter 19.44 of this code.

But, in no case shall the front yard setback be less than fifty feet from the centerline of any street, highway, or road. The rear setback for structures shall be fifteen feet and the side lot line setbacks for structures shall be five feet for interior lot lines and ten feet for corner lot lines.

All yard setbacks are subject to the regulations contained in Chapter 19.48 of this code, General Provisions and Exceptions.

F. **Building Height Limit.** The building height limit shall be thirty-five feet, except as otherwise indicated in an approved use permit and Chapter 19.48 of this code, General Provisions and Exceptions.

G. **Minimum Parcel Size Required.** In conjunction with the population density maximums allowed in the various general plan, land use element classifications, all future divisions of land in the R1-A zone district shall have the below listed parcel size minimums based upon the general plan classification in which the R1-A district is located. Notwithstanding these parcel size minimums, the number of parcels created by the division of land shall not exceed the population density maximum specified in the general plan classification:

General Plan Classification	Minimum Parcel Size
R-S, Residential-Suburban	One acre with public water and five acres with well and septic tank
R-L, Residential-Low Density	Six thousand square feet
R-M, Residential-Medium Density	Six thousand square feet
U-A, Urban Area	Six thousand square feet
L-S, Local Service Center	Six thousand square feet
S-P, Special Planning	Six thousand square feet
SP-I, Special Planning-Interim	Six thousand square feet
A-T, Agricultural-Transition	Five acres
A-E, Agricultural-Estates	As specified on the land use element map of the general plan
A-I, Agricultural-Intensive	Twenty acres
A-G, Agricultural-General	Forty acres
A-U, Agricultural-Upland	Forty acres
A-M, Agricultural-Marginal	Forty acres
O-WS, Open-Watershed	Forty acres
G-F, General Forest	Forty acres
W-P, Water Project	Forty acres

H. **Building Site Depth and Width Required.** The building site depth minimum shall be ninety feet and the building site width minimum shall be sixty feet at the front yard setback building line. In no case shall the average depth of the building site exceed three times the average width of the building site unless a variance is first obtained.

I. **Building Site Percent Coverage Required.** No more than thirty-five percent of the lot may be covered by permanent structures except as otherwise indicated in an approved use permit.

### **19.48.110 Yards and setbacks.**

- A. In any case, where an official plan line has been established as a part of the street and highway master plan, the required setback from the street side shall be measured from such official plan lines and in no case shall the provisions of this title be construed as permitting any structure to extend beyond such official plan line.
- B. In any case where a building line has been established in accordance with Chapter 19.44, the required setback from the street shall be not less than the distance from the street specified for such building line and in no case shall the provisions of this title be construed as permitting any structures to extend beyond such building line.
- C. Cornices, eaves, canopies and similar architectural features may extend into any required setback not exceeding two and one-half feet.
- D. Uncovered porches or stairways, fire escapes or landing places may extend into any required front setback or rear setback not exceeding six feet, and into any required side setback not exceeding three feet.
- E. In any R district, where fifty percent or more of the building sites on any one block or portion thereof in the same district have been improved with buildings, the required front setback shall be of a depth equal to the average of the front yards of the improved building site, to a maximum of that specified for the district in which such building site is located.
- F. In case a building site is less than sixty feet in width, side yards equal to ten percent of the lot width but no less than three feet shall be required in lieu of side yard requirements in any zoning district.
- G. Any dwelling use to be located in any C district shall provide side and rear yards as required in the R-3 district; provided, that this shall not apply to any dwelling use to be located over a commercial or industrial establishment.
- H. In case an accessory building is attached to the main building, it shall be made structurally a part thereof and shall comply in all respects with the requirements of this title applicable to the main building.
- I. Detached accessory buildings shall not be located closer than six feet to the main building and shall not be located closer to the front property line than the required front setback. In no case shall any accessory buildings be located within six feet of the sidelines of the front half of any adjacent lot.
- J. Except as otherwise provided in this Title, detached ~~Detached~~ accessory buildings used as Accessory Dwelling Units (as defined in Chapter 19.72) ~~guest house~~ or as living or sleeping quarters of any kind, shall be at least six feet from rear or side property lines and at least six feet from the main building.

K. Detached accessory buildings shall not be located within six feet of any alley or one foot of any lot line on the rear one-half of the lot, and shall not encroach on any easement or right-of-way of record.

L. In case of a lot abutting upon two or more streets, the main building and accessory buildings shall not be erected so as to encroach upon the front setback required on any of the streets.

M. Minimum Setbacks. The distance of fifty feet measured at right angles to the centerline of the traveled roadbed of all county and state highways is established as a minimum setback for all buildings or structures erected or constructed after October 14, 1959, in any part of the unincorporated area of the county, and no part of any building or structure hereafter erected shall extend to a point closer to said line than said minimum.

**SECTION IV.** Chapter 19.72 is hereby added to the Amador County Municipal Code as follows:

“Chapter 19.72

ACCESSORY DWELLING UNITS

Sections:

**19.72.01 Title.**

**19.72.02 Purpose and findings.**

**19.72.03 Definitions.**

**19.72.04 Permitting.**

**19.72.05 Accessory Dwelling Unit regulations.**

**19.72.06 Renting and selling; subdivision; deed restriction.**

**19.72.01 Title.**

This chapter shall be referred to as the Accessory Dwelling Unit Ordinance.

**19.72.02 Purpose and findings.**

The purpose of this ordinance is to provide regulations for Accessory Dwelling Units, also known as second family dwelling units, in-law units, and guest houses.

- A. The California State Legislature adopted Government Code section 65852.2, which establishes permitting rules for Accessory Dwelling Units. The State law requires ministerial review of permit applications for compliant Accessory Dwelling Units. The law prohibits cities and counties from creating permitting requirements that are inconsistent with Government Code section 65852.2, and provides that any local law in conflict with these rules is now void.
- B. This ordinance is intended to address the State law by creating a process for permitting Accessory Dwelling Units that is consistent with Government Code section 65852.2.

- C. The stated intent of Government Code section 65852.2 includes (1) using existing housing resources to address California’s housing crisis, (2) reducing barriers to affordable housing, and (3) providing additional income to homeowners.

**19.72.03 Definitions.**

“Accessory Dwelling Unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An Accessory Dwelling Unit also includes an efficiency unit, as defined in section 17958.1 of the California Health and Safety Code, and it includes a manufactured home, as defined in section 18007 of the California Health and Safety Code.

“Public Transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

**19.72.04 Permitting.**

- A. Subject to compliance with section 19.72.05, Accessory Dwelling Units are allowed in all zoning districts that allow residential dwellings. Accessory Dwelling Units are deemed not to exceed the allowable density for the parcel, and deemed consistent with the General Plan. The applicant shall be the owner of the property or the owner’s designee.
- B. An application for an Accessory Dwelling Unit that meets the development standards of this chapter shall be processed ministerially within 60 days of the application being deemed complete. If the application is submitted with an application to create a new single-family dwelling, then the applications may be considered together under the single-family dwelling application timeline.
- C. If the applicant seeks a waiver or modification of the development standards for a ministerial permit, then the applicant may apply for a Use Permit under Chapter 19.56.

**19.72.05 Accessory Dwelling Unit regulations.**

Applicants for an Accessory Dwelling Unit must comply with all applicable local and State laws. If a conflict exists between the laws in this chapter and other laws within the County’s municipal code, the laws in this chapter shall control. All proposed Accessory Dwelling Units must comply with all the below-listed general regulations and must also comply with either the Category 1 or Category 2 regulations.

- A. General regulations.

These general regulations apply to all Accessory Dwelling Unit permit applications.

1. Located on same parcel as residential dwelling: The proposed Accessory Dwelling Unit shall either be (a) attached or located within the living area of the proposed or existing primary dwelling or (b) detached from the proposed or existing primary dwelling and located on the same parcel as the proposed or existing primary dwelling.
2. Building, fire, and life safety: Unless provided otherwise within this chapter, all applicable building and fire code requirements shall apply except that the building code shall not restrict an applicant's ability to obtain a permit for an Accessory Dwelling Unit that is up to 16 feet in height where all other code requirements are satisfied. A mobile home, recreational vehicle, park model recreational vehicles, yurts, tents, cargo containers, or other movable or temporary habitable spaces that do not comply with the California Building Standards Code shall not be used as an Accessory Dwelling Unit.
3. Water and waste water: The applicant shall comply with Section 14.06.055 (Production requirements for water supply wells). Where a private sewage disposal system is being used, the system shall require approval by the Environmental Health Department. Approval of the Accessory Dwelling Unit is subject to the Environmental Health Department's certification that sufficient water and waste water services exist for the unit.
4. Certificate of occupancy: A certificate of occupancy may not be issued for the Accessory Dwelling Unit until a certificate of occupancy is issued for the primary dwelling.
5. Fire sprinklers: Applicants shall comply with the California Building Code with respect to installation of fire sprinklers except that fire sprinklers are not required in Accessory Dwelling Units if they are not required for the primary residence.
6. Setback: A four foot setback is required from the side and rear lot lines for new structures in areas where State Responsibility Area fire and life safety regulations (Chapter 15.30) do not apply.

B. Category 1 permits.

Applicants seeking a category 1 Accessory Dwelling Unit permit must also comply with the following:

1. Number of Accessory Dwelling Units allowed: Only one Accessory Dwelling Unit is permitted on a parcel on which a residential dwelling exists or is proposed to exist.
2. Total floor area: The minimum floor area shall be the minimum required for an efficiency dwelling unit as defined in Health and Safety Code section 17958.1. The maximum floor area shall be the floor area of the primary dwelling on the parcel; however, if the primary dwelling is less than 1000 square feet, then the maximum floor area shall be 850 square feet

for an Accessory Dwelling Unit that has less than two bedrooms, and 1000 square feet for an Accessory Dwelling Unit that has two or more bedrooms.

3. Parking:

- a. One additional offstreet parking space is required for the Accessory Dwelling Unit. The space may be provided as tandem parking on a driveway. Offstreet parking is permitted in setback areas unless the County specifically finds setback parking is not feasible based on site or regional topographical or fire and life safety conditions.
- b. When a parking structure is converted to an Accessory Dwelling Unit, additional parking, or replacement of existing parking is not required.
- c. The parking requirement in subsection (a) does not apply if the Accessory Dwelling Unit is located within one-half mile walking distance of Public Transit, or is located within an architecturally and historically significant historic district, or is part of the proposed or existing primary residence or an existing accessory structure, or is located within one block of a car share vehicle.

C. Category 2 permits.

Accessory Dwelling Units permitted under this subsection shall be rented for a term longer than 30 days. Applicants are not required to provide offstreet parking for Category 2 permits. Applicants seeking a category 2 permit must meet the requirements for one of the following four application types. An applicant may apply for both a Type 1 and Type 2 permit. An applicant may also apply for both a Type 3 and a Type 4 permit.

1. Type 1: Within existing space.

A category 2, type 1 permit shall issue for one Accessory Dwelling Unit on the parcel if the following requirements are met:

- a. The proposed Accessory Dwelling Unit is within the proposed or existing space of the primary dwelling or existing accessory structure; however, the proposed unit may include an expansion of the existing accessory structure of not more than 150 square feet provided that the expansion is for the purpose of accommodating ingress and egress.
- b. The proposed unit has direct exterior access.
- c. The side and rear setbacks may be less than the general regulation requirement so long as the County finds the setbacks are sufficient for fire and safety.

- d. If the applicant seeks to permit a Junior Accessory Dwelling Unit as that term is defined in Government Code section 65852.22(h)(1), then the proposed unit must meet the requirements under Government Code section 65852.22(a).

2. Type 2: Detached, new construction.

A category 2, type 2 permit shall issue for one Accessory Dwelling Unit on the parcel if all the following conditions are met. The Accessory Dwelling Unit may be combined with a qualifying Junior Accessory Dwelling Unit.

- a. The proposed unit's total floor area does not exceed 800 square feet.
- b. The proposed unit height does not exceed 16 feet.

3. Type 3: Accessory Dwelling Units within existing multifamily dwelling structures.

A category 2, type 3 permit shall issue for Accessory Dwelling Units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if the unit complies with state building standards for dwellings. The limit of Accessory Dwelling Units allowed under this subsection shall be the total of up to 25% of the existing multifamily dwelling units on the parcel. One Accessory Dwelling Unit is allowed if there are seven or fewer existing multifamily dwelling units on the parcel.

4. Type 4: Detached, multifamily.

A category 2, type 4 permit shall issue for up to two Accessory Dwelling Units not exceeding 16 feet in height on a parcel with an existing multifamily dwelling. This permit type is for Accessory Dwelling Units that are detached from the existing multifamily dwelling.

**19.72.06 Renting and selling; subdivision; deed restriction.**

The unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence. If an owner seeks to divide the parcel, the owner must meet all subdivision requirements as though the Accessory Dwelling Unit did not exist and shall increase the size of the Accessory Dwelling Unit if necessary to meet the minimum square footage and dimensions for a dwelling unit as set forth in County Code section 19.26.10. Prior to the issuance of a certificate of occupancy for an Accessory Dwelling Unit, the County may require the applicant to file a deed restriction consistent with this provision.”

**SECTION V.** A summary of this ordinance shall be published within fifteen days after the date hereof in a newspaper of general circulation printed and published in the County of Amador, State of California, and shall become effective thirty days after the date hereof.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 22nd day of September 2020, by the following vote:

AYES: Patrick Crew, Frank U. Axe, Richard M. Forster, Jeff Brown and Brian Oneto

NOES: None

ABSENT: None

  
\_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST:

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

  
\_\_\_\_\_  
Deputy