

Before the Board of Supervisors  
County of Placer, State of California

**In the matter of:** An Ordinance  
to repeal and replace Placer County  
Code, Chapter 15, Article 15.65  
(Affordable Housing)

Ordinance No.: 6050-B

Introduced: October 06, 2020

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held on October 27, 2020, by the following vote:

Ayes: WEYGANDT, HOLMES, UHLER, GUSTAFSON, GORE

Noes: NONE

Absent: NONE

Signed and approved by me after its passage.

  
Chair, Board of Supervisors

Attest:

  
Clerk of said Board

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**WHEREAS**, the County has experienced rapidly increasing market rents and market housing prices that perpetuate and exacerbate the shortage of affordable and workforce housing; and

**WHEREAS**, the intent and overall policy of the County is to achieve a balanced community with housing available for households of all income levels, however there exists a shortage of housing that is affordable to the County's existing residents and workforce, including within the North Tahoe-Sierra region, which serves both year-round and seasonal employees; and

**WHEREAS**, the legislature of the State of California has found that the lack of affordable housing is a critical problem which threatens the economic, environmental, and social quality of life in California; and

**WHEREAS**, the County finds it necessary to require new development to provide a fair share of affordable housing; and

**WHEREAS**, to implement the Placer County General Plan, to carry out the mandates of State housing element law, to include an additional method to help meet the regional fair share housing requirements, to assign in making affordable housing available in the County for all income levels, to achieve the benefits of economic diversity of the residents of the County, and to provide adequate housing for the residents and workforce in the County, it is essential that new development provide a fair share of housing opportunities for all income levels; and

**WHEREAS**, this ordinance supports public purposes to (1) to increase the amount of affordable housing in Placer County so that Placer County can meet its responsibility of providing an adequate supply of housing for individuals, families, and the workforce at all income levels and, at the same time, (2) to assure that new affordable housing is distributed throughout the County in economically diverse developments, avoiding the problems and detrimental effects that municipalities have experienced in the past when low income housing is relegated to separate, isolated locations within the community; and

**WHEREAS**, the County finds it necessary to provide a regulatory and incentive framework which ensures development of an adequate supply and mix of new housing to meet the future housing needs of all income segments and the workforce of the community. It is the intent of this Ordinance to seek the construction of the housing units on-site whenever it is feasible to do so; and

**WHEREAS**, the Board of Supervisors finds and determines that, based upon the above purposes and findings, there is a reasonable relationship between the need for affordable housing and the type of development projects that may meet their affordable housing obligation pursuant to this article by payment of fees;

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1:** That Placer County Code Chapter 15, Article 15.65, is hereby repealed and replaced to be entitled "Affordable Housing" and to read as set forth in Exhibit "1" attached to this Ordinance, which is hereby incorporated herein by reference as if set forth in full.

**SECTION 2:** This ordinance shall take effect on January 1, 2021. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with government code section 25124.

Attached: Exhibit "1"

## Exhibit 1

### ARTICLE 15.65 AFFORDABLE HOUSING

**15.65.010** This section is intentionally left blank.

**15.65.020** Purpose and intent.

This Article is intended to

- A. Require new residential projects to contribute to the inclusion of affordable housing and to promote and implement Placer County's housing element goals and policies for the development of affordable housing for households with incomes of one hundred twenty (120) percent or below the median income in Placer County.
- B. Require all new non-residential development projects, regardless of zoning designation of the project site to contribute to employee accommodation housing. This article requires the payment of employee accommodation fees for certain types of development to mitigate the impact of nonresidential development on the need for affordable housing in Placer County.

**15.65.030** Definitions.

Unless the context clearly requires otherwise, the definitions in this section shall govern the provisions of this article.

"Accessory dwelling unit" means the term as it is defined in Section 17.56.200 of the Placer County Code.

"Affordable rent" means monthly rent, including utilities and all fees for housing services, affordable to households earning less than fifty (50) percent of the median income, less than eighty (80) percent of the median income or less than one hundred twenty (120) percent of median income, as defined herein. Affordable rent shall be based on presumed occupancy levels of one person in a studio unit, two persons in a one-bedroom unit, three persons in a two-bedroom unit, and one additional person for each additional bedroom thereafter.

"Affordable sales price" means the maximum purchase price that will be affordable to households earning less than fifty (50) percent of the median income, less than eighty (80) percent of the median income or less than one hundred twenty (120) percent of the median income as defined herein. In setting the affordable sales price, realistic assumptions regarding down payment, mortgage interest rate and term will be required, and those assumptions must demonstrate that targeted income families can reasonably qualify. If evidence is presented that shows to the satisfaction of the county that targeted income buyers can qualify for financing even though the percentage of their income allocated to housing is higher than thirty (30) percent, then a corresponding increase may be approved in the affordable sales price. Affordable sales price shall be based upon presumed occupancy levels of one person in a studio unit, two persons in a one-bedroom unit, three persons in a two-bedroom unit, and one additional person for each additional bedroom thereafter.

"Affordable housing unit" means and is limited to dwelling units which are required to be rented at affordable rents or purchased at an affordable sales price to specified households as described in Sections 15.65.070 and 15.65.080 of this article. An affordable housing unit must be permanent in design and does not include a temporary or transient type unit such as a recreational vehicle, travel trailer, or tiny home on wheels.

“Annual household income” means the combined gross income for all adult persons living in a dwelling unit as calculated for the purpose of the Section 8 program under the United States Housing Act of 1937, as amended, or its successor.

“Affordable housing fee” means a fee paid as an alternative to providing an allocated unit or a fraction of an allocated unit.

“Board” means the Placer County board of supervisors.

“Building permit” means a permit issued pursuant to Chapter 15 of the Placer County Code.

“Commercial development” shall mean any land use listed by Section 17.06.050 (Land use permit tables) as part of the retail trade or service use groups within the Placer County zoning ordinance.

“Community care / health facility” means a community care facility as defined in Health and Safety Code section 1502, or a health facility as defined in Health and Safety Code section 1250.

“Construction costs” means the estimated cost per square foot of construction, as established by the building department for use in the setting of regulatory fees, multiplied by the total square footage to be constructed.

“Conversion” means the renovating of a vacant commercial or other nonresidential structure to a residential use, and is also known as adaptive reuse, referring to the process of reusing an existing building for a purpose other than which it was originally built or designed. Conversion or adaptive reuse from a nonresidential to residential use is an effective strategy for achieving new housing in otherwise vacant or underutilized commercial or industrial areas.

“Deed restricted accessory dwelling unit” means an accessory dwelling unit that is restricted for affordability in accordance with current State Department of Housing and Community Development requirements.

“Deed restricted affordable housing” means a residential unit that has a regulatory agreement or other instrument recorded against the property which limits the sales price or rent of that unit for a minimum of thirty (30) years affordable to households earning less than one hundred twenty (120) percent of the area median income.

“Developer” means the qualified applicant for a development project. One who has a legal or equitable interest in the real property which is the subject of a development project application. An authorized agent of the applicant or principal developer as defined in Section 17.04.030 of the Placer County Code.

“Development” means any construction activity or alteration of the landscape, its terrain contour or vegetation, including the erection or alteration of a building or structure. New development is any construction, or alteration of an existing structure or land use, or establishment of a land use after the effective date of the ordinance codified in Chapter 17 of the Placer County Code or as otherwise amended.

“Development agreement” means an agreement entered into between the county and a developer pursuant to the California Government Code Section 65864 *et seq.*

“Discretionary approval” for purposes of this article means a discretionary permit, as the term is defined in Section 17.04.030 of the Placer County Code, and the approval of a tentative, final or parcel map pursuant to Chapter 16 of the Placer County Code.

"Development project" means a proposed project requiring the approval of Placer County to proceed to completion or as otherwise defined in Section 17.04.030 of the Placer County Code.

"Dwelling unit" shall have the meaning set forth in Section 17.04.030 of the Placer County Code.

"Emergency shelter" shall have the meaning set forth in section 17.04.030 of the Placer County Code.

"Employee accommodation fee" means the fee charged to new non-residential development as set forth in Section 15.65.140.

"Fee study" means a study adopted by resolution of the board, that analyzes the connection between project residential and/or non-residential development and the cost of addressing the need for affordable and employee housing for lower income households created by new development.

"Full time occupancy" means the primary owner or renter shall occupy the unit on site as their primary resident for more than ten (10) months per year.

"Live/work unit" or "live/work space" means a building or spaces within a building (e.g. studio, loft, or one bedroom) used for commercial and residential purposes where the residential use of the space is accessory to the primary use as a place of work. A live/work unit: (a) combines a commercial activity allowed in the zone with a residential living space for the owner of the commercial business, or the owner's employee, and that person's household; (b) where the resident owner or employee of the business is responsible for the commercial activity performed; and (c) where the commercial activity conducted takes place subject to a valid business license associated with the premises.

"Low income households" are those households with incomes of up to eighty (80) percent of median income, or as set out in Health and Safety Code Sections 50079.5 and 50093.

"Market rate units," means dwelling units in a residential project which are not restricted to an affordable housing price or rent.

"Median income" means the median income, adjusted for family size, applicable to Placer County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the United States Department of Housing and Urban Development.

"Mobile home park" shall have the meaning set forth in Section 17.04.030 of the Placer County Code.

"Moderate income households" are those households with incomes of up to one hundred twenty (120) percent of median income, or as set out in Health and Safety Code Section 50093.

"Monthly for sale owner-occupied housing payment" shall be that sum equal to the principal, interest, property taxes, utilities, homeowner's insurance, and homeowner's association dues paid on an annual basis for the unit, divided by twelve.

"Net building area" means the aggregate floor area of the building, excluding common areas such as lobbies, common hallways, stairways, elevators, and equipment spaces.

"Owner/builder" means an individual who obtains a building permit to construct a single dwelling unit on a single lot that is his or her primary residence and who may not be issued another residential building permit until completion of construction of the dwelling unit authorized thereunder.

"Planning commission" shall mean the Placer County planning commission.

"Director" means the director of the Placer County community development resource agency or the designee of said director.

“Residential project or development” means a project containing at least one residential unit, including mixed-use developments. For the purpose of this article, “residential development” also includes housing development projects as defined in California Government Code Section 65915(i), such as a subdivision or common interest development, as defined in Section 4100 of the California Civil Code, approved by the county and consisting of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of California Government Code Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units.

“Section” unless otherwise indicated, means a section of the Placer County Code.

“Sierra Nevada and Lake Tahoe area” means the unincorporated area of Placer County within the Tahoe Truckee Unified School District geographical boundary.

“Single room occupancy units” means any buildings containing five or more units intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied, for sleeping purposes by residents which is their primary residence. The individual units may lack either cooking facilities, or individual sanitary facilities, or both and shall meet currently adopted California Building Code R-2 occupancy classification requirements as defined in Placer County Code Section 17.04.030.

“Substantial rehabilitation” means rehabilitation of existing dwelling units, the value of which constitutes twenty-five (25) percent of the after-rehabilitation value of the dwelling, and which results in rent restrictions for those existing dwelling units to ensure that they will remain available at affordable housing cost to persons of moderate, low and very low income for the longest feasible time, but for not less than 30 years.

“Targeted income families” means those households that meet the classification as moderate, low, and very low-income households as defined in this section.

“Very low-income households” are those households with incomes of up to fifty (50) percent of median income or as set out in Health and Safety Code Sections 50079.5 and 50093.

#### **15.65.040 Applicability.**

The inclusionary requirements of this article apply to all new development within Placer County, including the residential component of mixed-use projects, unless otherwise exempt. Development projects that are subject to a development agreement in effect at the time of adoption of this ordinance, as authorized through the authority in California Government Code Section 65864 through 65869.5, are not subject to this article unless otherwise amended.

#### **15.65.050 Exempted development.**

A. The following development commercial projects shall be exempt from payment of employee accommodation fees required by this article:

1. The commercial component of a mixed-use project consisting of two stories or more of residential over commercial space
2. Any commercial development project being constructed by or on behalf of a government or public institution such as a school, museum, homeless shelter, or other such community use project
3. Public and private childcare facilities
4. Homeless shelters, community care / health care facilities
5. Churches

6. Reconstruction of any non-residential building that was destroyed by fire, flood, earthquake, or other act of nature, so long as the square footage does not exceed the square footage before the loss
  7. Replacement for commercial use gross floor area previously on the site but demolished within five years prior to the filing of a complete application for the new construction
  8. Non-residential warehouse new construction
  9. Non-residential development or redevelopment located within the industrial infill district in the Sunset area plan boundary
  10. Modification to any plans or permits approved by December 31, 2020, to the extent that the modification does not increase the floor area from the amount previously approved
- B. The following residential development projects are exempt from this article and do not have an affordable housing obligation pursuant to Section 15.65.060 below:
1. A residential full-time occupancy project of seven units or less
  2. Residential development of an infill site as defined by Public Resources Code section 21061.3
  3. A residential project located within a "transit priority area" as defined in Public Resources Code Section 21099(a)
  4. A residential mixed-use project where a minimum of at least seventy (70) percent of the total project floor area is constructed for residential use
  5. Accessory dwelling units
  6. Deed restricted affordable housing
  7. Emergency shelters
  8. Community care / health facilities
  9. Single room occupancy units
  10. A single dwelling unit constructed by an owner/ builder
  11. Mobile home parks
  12. Rehabilitation of an existing building that does not increase the number of dwelling units
  13. Rehabilitation of an existing residential single-family dwelling unit
  14. Any residential project for development of single family residential units on subdivision lots created pursuant to a final map recorded on or before December 31, 2020, unless otherwise required by the condition of approval, so long as the only remaining discretionary entitlements required to develop the project are non-legislative entitlements: variance, plan review or design review.
  15. An additions or replacement unit, where the total number of units are not increased
  16. A residential project with a majority (fifty-one (51) percent or greater) of the primary units for full-time occupancy that have habitable square footage of less than one thousand, six hundred (1,600) square feet. A deed restriction for occupancy and resale requirement will be required to meet the exemption allowance
  17. Dormitories, fraternity and sorority houses, boarding houses, residential hotels, or live/ work units, which are not considered a permanent dwelling unit.

**15.65.060 Affordable residential development—basic requirement.**

- A. If a residential project exceeds one hundred (100) units, at least ten (10) percent of all dwelling units in a new residential project shall be affordable as prescribed in Section 15.65.070 or 15.65.080, as applicable, and shall be constructed in a timely manner with, and the related market rate units, unless one of the alternative actions set forth in Section 15.65.120 is performed. Such dwelling units shall include a regulatory agreement recorded on title, requiring that each dwelling unit shall be affordable for at least fifty-five (55) years. For fractions of affordable units, the owner of the property must construct the next higher whole number of affordable units or perform an alternative action pursuant to Section 15.65.120.
- B. Residential projects of eight units to one hundred (100) units, the owner shall pay an affordable housing fee on all newly constructed market rate dwelling units pursuant to Section 15.65.100.

- C. Affordable units shall be comparable in number of bedrooms, exterior appearance, and overall quality of construction to first-class quality affordable housing found elsewhere in Placer County. Subject to the approval of the director, square footage of affordable units and interior features in affordable units need not be the same as or equivalent to those in market rate units in the same residential project, so long as they are of good quality and are consistent with contemporary standards for new housing. Affordable units shall be dispersed throughout the residential project, or subject to the approval of the director, may be clustered within the residential project when this furthers affordable housing opportunities.

**15.65.070 Requirements of residential rental affordable units.**

- A. For specific plans or master plan projects with 100 or more units, the property owner / developer shall construct ten (10) percent of its total units as affordable (four (4) percent very-low, four (4) percent low, and two (2) percent moderate – income) within the plan area. In addition, the property owner / developer will be required to enter into a Development Agreement or Affordable Housing Agreement, as determined at the sole discretion of the County, to detail the way and timing for construction of the affordable units.
- B. For all other projects, pursuant to Section 15.65.060, at least ten (10) percent of all rental units shall be affordable. Forty (40) percent of the affordable rental units required to be constructed in connection with the project shall be available at affordable rents to very low income households and sixty (60) percent of the affordable rental units shall be available at affordable rents to low income households.

**15.65.080 Requirements of residential for-sale affordable units.**

- A. For specific plans or master plan projects with 100 or more units, the property owner / developer shall construct ten (10) percent of its total units as affordable (four (4) percent very-low, four (4) percent low, and two (2) percent moderate – income) within the plan area. In addition, the property owner / developer will be required to enter into a Development Agreement or Affordable Housing Agreement, as determined at the sole discretion of the County, to detail the way and timing for construction of the affordable units.
- B. For all other projects, pursuant to Section 15.65.060, at least ten (10) percent of all for-sale units shall be affordable. Any affordable units required to be constructed in connection with the project that are for sale units shall be available at affordable sales prices to moderate income households

**15.65.090 Relationship to density bonus provision.**

A residential applicant that proposes allocated units consistent with Section 15.65.060, but that also applies for a density bonus consistent with Section 17.54.120, may count units affordable to low or moderate income households toward both requirements. Additional units allowed by the density bonus shall not be included in the total project units when determining the proportion of required affordable units in a residential development.

**15.65.100 Affordable housing fee (residential).**

- A. An affordable housing fee is established and imposed on real property for which a residential project is proposed pursuant to the provisions of this article and as further described in the fee study.
- B. The Placer County board of supervisors, by resolution, shall establish the specific amount of the affordable housing fee as identified in the fee study and as determined appropriate by the board of supervisors, and shall make the findings required by this section in establishing the amount of the fees.



- C. Unless exempt from payment under Section 15.65.050, no building permit or building permit extension for a project described in Section 15.65.060 shall be issued or granted unless and until the affordable housing obligation has been met in accordance with the provisions of this article.
- D. Amount of Affordable Housing Fee; Annual Adjustment; and Updates.
1. Amount. The amount of the affordable housing fee shall be set by resolution adopted by the board following a public hearing and consistent with the fee study.
  2. Administration component. The affordable housing fee contains a three percent administration component to be used by the county for staff and consultant costs associated with the collection and administration of the fee program.
  3. Adjustment. The amount of the affordable housing fee shall be adjusted annually on or about July 1st using the Building Cost Index – 20 City Average published by the Engineers News Record / McGraw Hill (CCI).
  4. Updates. The affordable housing fee program may be subject to periodic updates if the county determines it necessary to reflect changes in costs difference from the CCI inflation factor.
  5. Five year review. The fifth fiscal year following the first deposit into the fee account or fund and every five years thereafter, the county will review the account or fund.
  6. Calculation and timing of payment. The affordable housing fee shall be calculated at the time of complete building permit application submittal and shall be paid in full prior to issuance of a building permit.

**15.65.110 Affordable housing incentives.**

- A. In the case of new residential and nonresidential projects which meet the affordability requirements specified in Section 15.65.060 through the actual construction of affordable and employee units, up to one hundred (100) percent of development-related application and processing fees shall be waived for affordable units constructed in connection with such residential project. This waiver does not include impact fees unless an alternative funding source has been identified. In addition, the project hearing body, may consider, on a case-by-case basis, the provision of additional incentives as provided by law or in the housing element of the Placer County general plan.
- B. Deed Restricted Accessory Dwelling Units. In the case where a property owner or developer voluntarily opts to deed-restrict an accessory dwelling unit that is seven hundred fifty (750) square feet or greater in size for affordability, said unit shall be exempt from payment of building permit fees and those fees identified in Placer County Code Chapter 15, Articles 15.28 (County Road Network) and 15.34 (Parks and Recreational Facilities Fees). Verification that the unit is a deed restricted accessory dwelling unit must be rendered in writing to the county prior to exemption from fees.
- C. Modification of Planning and Public Works Development Standards. The county may modify, to the extent feasible and in light of the proposed uses, those standards which include, but are not limited to parking, lot coverage, road widths, curb and gutter, and sidewalks. No modification will be considered that may compromise standards relating to public health and safety, drainage considerations or standards resulting from state and federal requirements.

**15.65.120 Equivalency proposals permitted.**

Projects requiring a discretionary approval proposing to meet the minimum requirement for affordability through equivalency shall submit an equivalency proposal to the project hearing body required for approval. Projects requiring ministerial approval shall submit an equivalency proposal to the agency director, or designee, for approval. Such proposals shall show why compliance with this ordinance is not financially feasible and how the alternative proposal will further affordably housing opportunities in the county to an equal or greater extent than compliance with the express requirements of Section 15.65.060. A proposal for an alternative equivalent action may include, but is not limited to, dedication of vacant land, the construction of affordable units on another site, or the acquisition, or rehabilitation, and enforcement of required rental/sales price restrictions on existing standard dwelling units,

development of accessory dwelling units, the conversion of nonresidential to residential units or payment of a fee in-lieu of construction (only for residential project of one hundred (100) units or less) if a fee is approved by resolution of the board for this purpose.

**15.65.130 Continued affordability.**

Prior to the issuance of either temporary or permanent certificates of occupancy for the development project that is subject to this article, all regulatory agreements and, if the affordable units are for sale, resale restrictions, deeds of trust and/or other documents, all of which must be acceptable to the county and consistent with the requirements of this article, shall be recorded against parcels having such affordable units and shall be effective for at least the period of time of fifty-five (55) years or as required by an accepted source of funding for the project.

**15.65.140 Employee accommodation fee (commercial) – basic requirement**

All new non-residential development in the Sierra Nevada and Lake Tahoe area is subject to payment of an employee accommodation fee prior to building permit issuance, unless otherwise exempted pursuant to Section 15.65.050.

**15.65.150 Calculation of employee accommodation fee**

- A. The employee accommodation fee shall be imposed on a per square foot basis according to the net building area. The formula below shall be used in calculating the amount of the employee accommodation fee:

*(Gross square feet non-residential net building area) minus (existing square feet floor area) multiplied by (per square foot fee in effect at the time of building permit issuance) equals total employee accommodation fee*

- B. The per square foot employee accommodation fee shall be set through a fee resolution adopted by the board, and consistent with the applicable fee study. The fee amount shall be adjusted annually based on the Building Cost Index 20-City Average as published by the Engineer New Record / McGraw Hill. Such fee shall not exceed the cost of mitigating the impact of developments on the need for housing for employees in the county. The employee accommodation fee contains a three percent administration component to be used by the county for staff and consultant costs associated with the collection and administration of the employee accommodation fee.
- C. Calculation and Timing of Payment. The employee accommodation fee shall be calculated at the time of complete building permit application submittal and shall be paid prior to issuance of the first building permit for the project. A developer may pay all or a portion of the fee owed at any time prior to issuance of the building permit, at the rate in effect at the time payment is made. For phased projects, the amount due shall be paid on a pro rata basis across the entire square footage of the approved development, and each portion shall be paid prior to the issuance of any building permit for each phase.

**15.65.160 Alternative payment to employee accommodation fee**

As an alternative to payment of the employee accommodation fee, a developer may request to the Board an alternative to mitigate employee housing impacts through construction of affordable residential units on an appropriate housing site, or through other means as may be approved by the county, as long as the alternative furthers affordable housing opportunities in the county equal to payment of the employee accommodation fee.

### **15.65.170 Housing trust fund**

All fees collected pursuant to this article shall be placed in the Placer County Housing Trust Fund, or may be placed in a private trust fund established to accept and administer in-lieu fees pursuant to an agreement with the county, and shall be administered and used for the purposes of providing affordable and employee housing pursuant to the Housing Trust Fund guidelines adopted by the board and as may be amended from time to time. Upon election by the developer to place fees collected in a private trust fund, the developer shall provide the county with satisfactory evidence of such payment.

### **15.65.180 Time performance required.**

No temporary or permanent certificate of occupancy for any new dwelling unit located in a residential project shall be issued until the permittee has met the affordable housing requirement of Section 15.65.060 or has satisfactorily performed an equivalent actions as set forth in Section 15.65.120, and has provided any applicable recorded documents pursuant to Section 15.65.130. No building permit will be issued for non-residential development until the permittee has provided satisfactory evidence of payment of the employee accommodation fee pursuant to this article.

### **15.65.190 Waiver**

Notwithstanding any other provisions of this article, the requirements as set forth in this article may be waived, adjusted or reduced by the Placer County board of supervisors if an applicant shows, based on substantial evidence, that there is no reasonable relation between the impact of the proposed development and the requirement, or that applying the requirement of this article would take property in violation of the United States Constitution, the California Constitution or would result in any other unconstitutional result. Any request for a waiver or modification shall be reviewed and considered at the same time as the project application. The waiver or modification may be approved only to the extent necessary to avoid an unconstitutional result, upon review by the county counsel and upon adoption of written findings in support of the requirements in this section.

### **15.65.200 Enforcement**

The provisions of this article shall apply to all agents, successors and assigns of an applicant proposing or constructing a development governed by this article. The county may institute any appropriate legal actions or proceedings necessary to ensure compliance herewith, including but not limited to, actions to revoke, deny or suspend any permit, including a development approval, building permit, or certificate of occupancy. The county shall be entitled to costs and expenses for enforcement of the provisions of this article, or any agreement pursuant thereto, as awarded by the court, including reasonable attorney's fees.

### **15.65.210 Severability**

The board of supervisors declares that should any section, paragraph, sentence or word of this article be declared for any reason to be invalid, it is the intent of the board of supervisors that it would have passed all other portions of this article, independent of the provision declared invalid.

