



**MEMORANDUM**  
**COMMUNITY DEVELOPMENT RESOURCE AGENCY**  
**COMMUNITY DEVELOPMENT SERVICES DIVISION**  
County of Placer

**TO:** Honorable Board of Supervisors **DATE:** July 12, 2022  
**FROM:** David Kwong, Agency Director  
**BY:** Devin McNally, Associate Planner  
**SUBJECT:** Amendment to Placer County Code, Chapter 16 resulting from Senate Bill 9

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**ACTIONS REQUESTED**

1. Introduce and waive oral reading of an ordinance to amend Chapter 16 of the Placer County Code, Article 16.20 pertaining to Senate Bill 9.
2. Find the proposed amendments to be exempt from the California Environmental Quality Act in accordance with California Environmental Quality Act Guidelines sections 15061(b)(3) and 15268.

**BACKGROUND**

May 24, 2022 Board Meeting

Amendments to Placer County Code, Article 16.20 were heard at the May 24, 2022 Board of Supervisors (Board) meeting at which time the Board requested revisions on two components of the ordinance. First it was requested that language be added to provide public notice to nearby properties when there is an SB 9 application. Second, the Board asked for clarification on the penalties for violating the affidavit. To address this, staff made the following changes:

- **Public Noticing** - Staff added noticing language to this section which uses the standard noticing language for other planning projects, notifying properties owners within 300 feet, extending to reach 30 properties if necessary.
- **Affidavit Violation Penalties** - Additional language was added to clarify that a violation of the affidavit would be a misdemeanor under Chapter 16 and subject to the penalties under the Placer County Code. These include notices of violation, citations, and fines.

The rest of the ordinance remains unchanged and there were no changes to the affidavit. After the introduction of the ordinance, staff will return for adoption on July 26, 2022.

Senate Bill 9 Legislation

Staff requests an amendment to Placer County Code, Chapter 16, Article 16.20 pertaining to Senate Bill 9 (SB 9). The proposed ordinance will provide the process and link to objective standards existing in County Code related to lot splits allowed under California Government Code Section 66411.7.

On September 16, 2021, Governor Newsom signed SB 9 into legislation, which requires public agencies to grant ministerial, or by-right, approval of urban lot splits and two-unit developments

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to expand housing production in California (Sections 6585.21 and 66411.7 of the California Government Code). SB 9 went into effect January 1, 2022.

SB 9 provides guidance for the approval of lot splits under the bill. Lot splits may be approved ministerially if they meet the following criteria:

- The parcel is zoned to allow Single Family Residential (RS)
- The property is wholly within the boundaries of an urbanized area or urban cluster
- New lots must be approximately equal (minimum of 40/60 split)
- Each lot is at least 1,200 square feet
- The lot has not been split through SB 9 before
- The lot split cannot act “in concert” with adjacent parcels
- The lot split may only be for residential use
- The applicant signs an affidavit stating that they intend to live in one of the units for three years, unless the applicant is a qualified non-profit or community land trust

To streamline housing production, lot splits approved under SB 9 will be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15268.

County Staff have coordinated amongst various departments associated with land divisions in the County to develop an ordinance which implements existing objective County health and safety standards for new parcel creation. The new ordinance conforms with state law while retaining the County’s ability to ensure that newly created parcels are evaluated to ensure they have proper access, sewage disposal, and clean water.

#### **OVERVIEW OF PROPOSED CHANGES**

The proposed amendments will create a new section (16.20.370 SB 9 land division) which sets forth the standards and requirements for lot split applications under SB 9. The section points back to the section of California Government Code for eligibility and parcel requirements. Sections related to water, sewage, and right-of-way access reference existing County Code and state law to set forth the objective standards for review by County Staff. The applicant will also be required to sign an affidavit stating that the applicant intends to owner occupy one of the units on the resulting parcel for a period not less than three (3) years from the date of the recordation of the final parcel map.

To meet the ministerial requirement of SB 9, the proposed amendments lay out a process for the review of lot split applications. The review will be done by County Staff with a letter finding conformance with or lack of conformance with the objective standards. This will then be approved by the Planning Director which will result in an approved Tentative Parcel Map. The applicant will then have to submit a final parcel map to the Engineering and Surveying Division for approval and recordation.

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**ENVIRONMENTAL IMPACT**

Since this action affects ministerial projects, the action is exempt from CEQA under Section 15268 of the CEQA Guidelines. Additionally, the project is an implementation of existing state law and is therefore exempt under CEQA Guidelines section 15061(b)(3).

**FISCAL IMPACT**

There is no new net County cost associated with this action.

**ATTACHMENTS**

Attachment A: Ordinance amending Chapter 16 of the Placer County Code, Article 16.20  
pertaining to Senate Bill 9

Attachment B: Draft Affidavit

# ATTACHMENT A

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

**In the matter of:** AN ORDINANCE AMENDING  
PLACER COUNTY CODE, CHAPTER 16,  
ARTICLE 16.20

Ordinance No.: \_\_\_\_\_

Introduced: \_\_\_\_\_

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

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

\_\_\_\_\_  
Chair, Board of Supervisors

Attest:

\_\_\_\_\_  
Clerk of said Board

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WHEREAS, Senate Bill 9 adds section 66411.7 to the California Government Code allowing urban lot splits in single family zone districts through a ministerial process; and

WHEREAS, the standards and requirements of section 66411.7 must be met, and pursuant to subsection (n), a local agency may adopt an ordinance to implement the provisions of the section; and

WHEREAS, an ordinance to implement Government Code section 66411.7 is not considered a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) since there is no possibility that the adoption of the ordinance will have a significant effect on the environment; and

WHEREAS, the purpose of these amendments is to conform with State law while allowing for developments that meet the objective standards, health, and safety provisions of the County; and

WHEREAS, the public hearing to consider adoption of this ordinance was noticed in compliance with State law and County Code.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER ORDAINS AS FOLLOWS:

**SECTION 1.** Placer County Code Chapter 16, Article 16.20 – Minor Subdivisions, is hereby amended to add Section 16.20.370, as follows:

**16.20.370 SB 9 land division.**

**California Government Code Section 66411.7 allows ministerial approvals of urban lot splits. The purpose of this section is to conform with the above section and to define the standards under which an SB9 lot split would be approved.**

**A. Eligible Parcel. A parcel must meet the eligibility criteria set forth in Section 66411.7(a)(3) of the California Government Code.**

**B. Resulting Parcels. The land division cannot result in more than two (2) parcels and the resulting parcels must conform with California Government Code Section 66411.7, subdivisions (a)(1) and (2).**

**C. Sewage. The resulting parcels must provide evidence the parcels meet the requirements set forth in Sections 8.24.050 (On-Site Sewage Manual) and 8.24.070 (Sewage system requirements) for an on-site sewage system, or must have access to a public sewer/sewerage system as evidenced by a will-serve letter from the sewer provider.**

**1. Parcels must connect to a sewer system prior to building permit issuance if the system meets the requirements of Section A, Chapter 2 of the On-Site Sewage Manual.**

**D. Water. The resulting parcels must provide evidence the parcels meet the requirements set forth in Section 16.20.180 (Water supply).**

**E. Fire Protection. The resulting parcels must meet the requirements set forth in Section 16.20.170 (Fire protection) and the California Code of Regulations, Title 14, SRA Fire Safe Regulations.**

**G. Right-of-way Access.** The resulting parcels must meet the requirement that the parcels have access to, provide access to, or adjoin public right-of-way, as set forth in Section 16.20.160 (Right-of-way access), Section 16.20.200 (Improvements), and Section 4.05(1)(f) Driveways of the Land Development Manual.

**H. Affidavit.** The applicant must sign an affidavit provided by the County that the applicant intends to owner occupy one of the units on the resulting parcel for a period not less than three (3) years from the date of the recordation of the final map.

**1. Waivers.** An applicant will have the requirement for an affidavit waived by the planning director if they submit proof that they meet the requirements of Government Code Section 66411.7(g)(2).

**2. Violations.** Violations of the affidavit are a misdemeanor under Section 16.04.070 (Violations) and are subject to the penalties and enforcement actions in the Placer County Code.

**I. Application Submission.** Applications shall be filed with the planning division on forms supplied by that division.

**J. Noticing of an Application.** Upon receipt of a complete application but prior to completion of staff review on the application, notice of the submitted application shall be mailed to all owners of real property as shown on the latest equalized assessment roll within three hundred feet of the property that is the subject of the application, unless fewer than thirty (30) properties are within 300 feet, then the notification radius shall be extended to include the 30 nearest properties; or where the number of property owners to whom notice would be mailed is more than one thousand, the planning director may choose to provide alternate notice.

**K. Staff Review.** A completed application shall be reviewed by staff from the community development resource agency, the planning division, the engineering and surveying division and the division of environmental health services to ensure the application conforms to the requirements of subsections A through I of this section. Staff review must include findings of conformance or lack of conformance and will be provided within forty-five (45) days of a complete application being filed with the county. Findings shall be transmitted in writing to the planning director.

**L. Approval.** The planning director or their designee shall make a determination based on staff review within fifteen (15) days of receipt of any written findings.

**N. Appeals.** An appeal of a denial by the planning director shall be appealable through the process outlined in 16.20.090 (Appeals and variances).

**O. Final Parcel Map Processing.** After an approval of the tentative parcel map by the planning director or their designee, the applicant shall prepare and submit to the Placer County engineering and surveying division, a final parcel map which is in substantial conformance to the approved tentative parcel map.

**SECTION 2.** This ordinance shall take effect and be in full force thirty (30) days after the date of its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code section 25124.

# ATTACHMENT B

Placer County  
Planning Services Division  
3091 County Center Drive  
Auburn, CA 95603

**DECLARATION OF RESTRICTIONS (DEED RESTRICTION) - NOTICE OF URBAN LOT SPLIT  
UNDER CALIFORNIA GOVERNMENT CODE SECTION 66411.7**

WHEREAS, the undersigned Property Owner(s) is/are the present owner of record of a certain parcel of land located in the unincorporated area of Placer County described as noted on the attached "Exhibit A" and being current Assessor's Parcel Number **XXX-XXX-XXX-XXX**;

WHEREAS, the term "Property Owner," shall, if applicable, include heirs named within a currently valid declaration of trust designating ownership of the subject property, and shall, if applicable, include principals of a corporation, for a corporation, the corporate officers, for a limited liability company, the members, and for a partnership, the partners; and

WHEREAS, the Property Owner and/or persons acting on behalf of the Property Owner propose to split the aforementioned land pursuant to Government Code section 66411.7 into two parcels, and the restrictions contained herein are imposed for the express benefit of the above described parcel(s) of land, and are intended to permit the subdivision of a property into two parcels by SB 9 application number PLNXX-00XXX; and

WHEREAS, this deed restriction is required pursuant to Government Code section 66411.7(g)(1), which requires an applicant for an urban lot split "to sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split."

NOW, THEREFORE, in consideration of the benefits received by the Property Owner(s) and the public purposes served by the urban lot split and because approval for the lot split was granted subject to execution and recordation of these restrictions, the undersigned Property Owner declares as follows:

1. The aforementioned recitals are true and correct.
2. Effective with the execution of this document, the undersigned declare that as owner of the parcel, they will continuously occupy a unit on one of the resulting parcels for a period of three (3) years starting from the date of approval of the lot split.
3. The restrictions contained herein shall run for the period outlined above and inure to the benefit of, and be binding upon, the heirs, assigns or successors in interest of the undersigned. The restrictions contained herein may not be modified or rescinded without the express written consent of the County of Placer.
4. The undersigned, by signing this document, agrees to pay all reasonable costs, including reasonable attorney's fees, incurred by the County in successfully enforcing these restrictions.
5. The undersigned agrees to promptly record this document within ten (10) days of approval of the lot split.

Exhibit A: Legal Description

\_\_\_\_\_  
Print Name (Owner of Record)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name (Owner of Record)

\_\_\_\_\_  
Signature



## ACKNOWLEDGMENT

State of California

County of Placer

On \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_,  
(name and title of notary public/officer)

personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_(Seal)

## ACKNOWLEDGMENT

State of California

County of Placer

On \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_,  
(name and title of notary public/officer)

personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_(Seal)

**EXHIBIT A  
LEGAL DESCRIPTION**

APN: XXX-XXX-XXX-XXX

Legal Description:

