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July 30, 2026

Todd Smith, Planning Director
County of Sacramento
Planning and Environmental Review
827 7th Street, Room 225,
Sacramento, CA 9581

Dear Todd Smith

RE: County of Sacramento – SB 9 Implementation – Letter of Technical Assistance

The California Department of Housing and Community Development (HCD) received a request for technical assistance regarding a proposed Senate Bill (SB) 9 (Chapter 162, Statutes of 2021)[1] project located in Sacramento County (County) (Assessor Parcel Number 213-0120-038). This letter provides technical assistance to the Requester and the County regarding the eligibility of the County's Agriculture-Residential (AR) zoning districts for SB 9, consistent with previous HCD technical assistance issued to Placer County[2] and the City of Bellflower[3]. Additionally, the County posed three specific questions related to this topic.

Background

SB 9 allows for the ministerial processing of applications for a parcel map for an urban lot split or a housing development project containing no more than two primary units when certain requirements are met, including that the property is located within "a single-family residential zone."[4] While some jurisdictions have zoning districts that are readily identifiable as single-family residential, others may have more than one zone that functions as a single-family residential zone. In these instances, the permitted uses, zone district descriptions in the zoning code and the land use designation descriptions in the Land Use Element of the General Plan can be used to identify zones whose primary purpose is single-family residential uses, and which are therefore subject to SB 9.

[1] Gov. Code, §§ 65852.21, 66411.7
[2] https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/placer-co-hau-1462-sb-9-04092025.pdf
[3] https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/bellflower-hau-1414-ta-052125.pdf
[4] Gov. Code, §§ 65852.21, subd. (a); 66411.7, subd. (a)(3)(A).

As HCD understands, the County has 4 Agricultural-Residential zones (AR 1, AR 2, AR 5, and AR 10). These zones have a minimum size requirement ranging from 1 to 10 acres.

Based on our discussions with the County, HCD understands that the County considers AR zones to be ineligible for SB 9 because they allow both residential and agricultural uses. The County views this zoning as distinct from the County's residential districts based on the zone's purpose and code intent. The County also indicated that it is common for AR zoned properties to utilize septic systems and/or private wells. Properties in these zones must meet minimum lot sizes of one to two acres pursuant to the County's Local Agency Management Program (LAMP), which conflict with the minimum lot sizes specified by SB 9.

Agricultural-Residential Zones

The Agricultural-Residential (AR) zoning districts qualify as single-family residential zones for the purposes of SB 9 because their primary intent is to allow single-family residential uses. According to the County's zoning code, the first listed "General Purpose" of the AR zones is, "[T]o establish living areas within the County where development is limited to low-density concentrations of single-family dwellings."[5] Additionally, the General Purpose of the AR zones does not mention agricultural activity. While the AR zones allow single-family dwellings as a primary permitted use and don't allow multifamily residential, these zones do also allow General Agricultural as a primary permitted use. General Agricultural uses include activities such as; cultivation of crops, raising of livestock and sale of locally grown crops. However, the AR zone also contains limitations on the extent of this activity in each of the zones. For example, General Agricultural activity in the AR-1 zone requires a minimum lot width of 150 feet and when hogs are raised in the AR-2 zone a maximum of three hogs are allowed. Given the stated purpose of the AR zones together with the limitations placed on agricultural activity in each zone (but no such limits on single family residential uses), the zoning regulations indicate that the primary purpose of the AR zone is single family.

In the County's General Plan, the AR zoned land typically appears to have a land use designation of Agricultural-Residential (AR). In the General Plan, the AR designation is categorized as an "Urban Designation" that is "planned for urban uses and the provision of public services and infrastructure during the time horizon of this Plan" (i.e. 2030). Additionally, the AR designation is further subcategorized as a "Residential Designation" that "provides for rural residential uses, such as animal husbandry, small-scale agriculture, and other limited agricultural activities)." [6]

[5] Sacramento County Municipal Code § 2.5.1
[6] https://landuse.saccounty.gov/gp/lu/#i--urban-designations

While the AR zones allow for limited types of agricultural uses as primary permitted uses, they clearly permit single-family residential uses and do not allow multifamily residential development. Based on both the zoning code description and the land use designation, the primary purpose of the AR zones is single-family residential use.

HCD also understands that in developing its SB 9 regulations, the County comprehensively evaluated various constraints present for AR zones such as rural census designation, unavailability of sewer lines, unavailability of potable water lines and the absence of right-of-way frontage infrastructure. HCD understands these constraints are fairly prevalent in the AR zones therefore the County determined that these zones should be excluded entirely from SB 9 eligibility. HCD advises the County that the AR zones qualify as single family under SB 9 for the reasons stated above and that these zones cannot be automatically excluded due to prevalence of the constraints identified. Instead, the AR zone must be designated as single family for purposes of SB 9 and each SB 9 application must be considered on an individual basis for compliance with applicable regulations related to the constraints (e.g., suitability for septic systems).

Analysis

The County requested technical assistance on the following three questions related to HCD's determination that the AR zones are classified as a single-family zone for purposes of SB 9.

Question #1. When a property contains an onsite wastewater treatment system (OWTS) or a well, and is subject to a minimum lot size requirement imposed by the local water district does SB 9 require the water district minimum lot sizes to be waived in order to comply with the SB 9 lot size requirements?

Answer: As HCD understands, minimum lot size requirements are contained in Local Area Management Plans (LAMP). These regulations are authorized by and implement state water law.[7] They are intended to protect water quality, ensure adequate infrastructure capacity, and manage wastewater disposal. The County requires a minimum lot size of two acres for parcels that use both an OWTS and a private well and one acre for parcels that have a public potable water source but no sewer and therefore utilize an OWTS. However, SB 9 specifies that for an urban lot split, a local agency cannot require a minimum lot size larger than 1,200 square feet.

The County must harmonize the LAMP regulations with SB 9 to the maximum extent possible. HCD also notes that SB 9 does not contain any language indicating that SB 9 standards would supersede LAMP regulations. While in some cases this may ultimately prevent the use of SB 9 on smaller lots because it would represent an unmitigatable "specific, adverse impact" (as defined), it should not impede the use of SB 9 on larger

[7] CA Water Code §§ 13290-13291.7.

lots that can meet the LAMP's objective minimum lot size standards or in circumstances where mitigation is possible.

If the County were to determine that an urban lot split's noncompliance with LAMP minimum lot size requirements would constitute a specific, adverse impact, Code section 66411.7, subdivision (d), provides that, "a local agency may deny an urban lot split… based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5… for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact." However, as part of making the required SB 9 denial findings the County should also carefully consider if there is a feasible method to satisfactorily mitigate the impact that also complies with the LAMP. For example, there may be instances where an offsite water or sewer extension could bring a project proposal into compliance with objective standards of the LAMP and mitigate the specific adverse impact. See the answer to Question 3, below.

Question #2. Are properties located within census designated "Rural Areas" eligible for SB 9?

Answer: No. Government Code section 65852.21, subdivision (a)(1), and 66411.7, subdivision (a)(3)(B), require that an eligible property be "[L]ocated within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau." Properties currently located in census designated Rural Areas do not meet the statutory eligibility criteria and therefore are not eligible for SB 9.

Question #3. Can the County impose offsite frontage (e.g. sidewalks and other improvements in the public right-of-way) or offsite utility improvements in areas where no frontage improvements currently exist or public utilities do not extend?

Answer: The answer depends on whether the application is for an urban lot split or SB 9 unit development. For an urban lot split application, the County may not require offsite improvements. Government Code section 66411.7, subd. (b)(3), states, "Notwithstanding Section 66411.1 a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section."

For residential developments processed under Government Code section 65852.21, there is no similar prohibition. Therefore, offsite improvements may be required at the time of SB 9 unit construction to the extent they do not conflict with section 65852.21, subdivision (b)(3), which provides that, "a local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone."

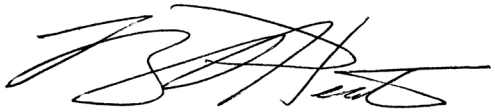
Conclusion

The County's AR zones qualify as single-family for purposes of SB 9. The County must amend its SB 9 implementing ordinance to include these zones.

HCD remains committed to supporting the County of Sacramento in facilitating housing at all income levels and hopes the County finds this clarification helpful. In addition, HCD has enforcement authority over SB 9 among other state housing laws. Accordingly, HCD may review local government actions to determine consistency with these laws. Pursuant to Government Code 65585, subdivision (j), if HCD finds that a jurisdiction's actions do not comply with state law, HCD may notify the California Office of the Attorney General.

HCD requests a written response from the County by August 28, 2026, indicating how the County plans to implement the guidance provided in this letter. If you have any questions about this letter or require additional technical assistance, please contact Troy Andres at troy.andres@hcd.ca.gov.

Sincerely,



Brian Heaton
Housing Accountability Unit
Section Chief, Land Use Policy
Housing Policy Development Division