

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

651 Bannon Street, Suite 400
Sacramento, CA 95811
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



April 28, 2026

Chuck Beatty, Community Development Director
Planning Department
Amador County
810 Court St
Jackson, CA 95642

Dear Chuck Beatty:

**RE: Review of Amador County's Accessory Dwelling Unit (ADU) Ordinance under
State ADU Law (Gov. Code, §§ 66310 - 66342)**

Thank you for submitting the County of Amador (County) ADU Ordinance, adopted February 10, 2026, to the California Department of Housing and Community Development (HCD). HCD has reviewed the Ordinance and submits these written findings pursuant to Government Code section 66326, subdivision (a). HCD finds that the Ordinance fails to comply with State ADU Laws in the manner noted below. Pursuant to Government Code section 66326, subdivision (b)(1), the County has up to 30 days to respond to these findings. Accordingly, the County must provide a written response to these findings no later than May 27, 2026 with a plan to either amend the current ordinance or adopt a resolution with findings.¹ Responses should be submitted formally on agency letterhead.

The Ordinance addresses many statutory requirements; however, HCD finds that the Ordinance does not comply with State ADU Law as follows:

1. Section 19.72.050 A.2. and C.2.b. – *Height* – The Ordinance provides for ADUs up to “sixteen feet in height”. However, Government Code section 66321, subdivision (b) requires height allowances of up to 18, 20 or 25 feet in height based on specified criteria. The County must amend the Ordinance to provide for all state mandated height allowances contained within section 66321.
2. Section 19.72.050 A.5. – *Sprinklers* – The Ordinance states, “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 and junior accessory dwelling units if they are not required for the primary residence.” Government Code section 66314, subdivision (d)(12) expands on this to state

¹ Gov. Code, § 66326, subd. (b)(2)(B).

“The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.” The County must amend the Ordinance to add that the construction of an accessory dwelling unit shall not trigger this requirement.

3. Section 19.72.050 B.1. and C.2. – *Unit Allowances* – The Ordinance states, “Only one accessory dwelling unit is permitted on a parcel on which a residential dwelling exists or is proposed to exist.” It later allows combinations of units only in the case of a detached ADU and one junior accessory dwelling unit (JADU) in section C.2. However, Government Code section 66323 states, “Notwithstanding Sections 66314 to 66322, inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following units, or any combination of the following units...” before introducing the four categories of units required to be considered ministerially without reference to local development standards in section 66323. Those are, for single family primaries, “One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling... [and] one detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks.”²

Existing multifamily primaries may have “at least one accessory dwelling unit... and up to 25 percent of the existing multifamily dwelling units” to be created in existing nonhabitable space per Government Code section 66323, subdivision (a)(3) and the lesser of eight or the number of multifamily primary units to be created as detached ADUs per section 66323, subdivision (a)(4). Proposed primary dwellings may have up to two detached ADUs per section 66323, subdivision (a)(4)(iii).

Section 66323 units must also be combined, in any order, with at least one unit created subject to local development standards per section 66314. Section 66317 states that a permitting agency “...shall either approve or deny the application to create or serve” an application subject to section 66314, which subdivision (d)(3) states may be “either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages.” Since the statute mandates that a local agency “shall approve or deny” an application under section 66314, while also requiring that “...a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following” under section 66323, the County must amend its Ordinance to allow the full allotment of both 66314 and 66323 units.

² Gov. Code, § 66323, subds. (a)(1) and (a)(2)

4. Section 19.72.050 B.3.c. – *Parking* – The Ordinance states, “The parking requirement in subsection (B)(3)(a) of this section 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.”

This list mirrors required parking exceptions from State ADU Law but misses one condition, described in Government Code section 66322, subdivision (a)(6): “When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this subdivision.” The County must add language to add the parking provision listed in section 66322, subdivision (a)(6).

5. Section 19.72.050 D.1 – *Unpermitted Units* – The Ordinance states, “Unpermitted accessory dwelling units and junior accessory dwelling units constructed prior to January 1, 2020, may be brought into compliance with applicable building codes.” However, Government Code section 66311.7, subdivision (a)(1) states that a local jurisdiction may not deny a permit for such a unit if “The accessory dwelling unit or junior accessory dwelling unit is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.” The County must amend the Ordinance to clarify that local building codes may not preclude a unit built before January 1, 2020.

The County has two options in response to this letter.³ The County can either amend the Ordinance to comply with State ADU Law⁴ or adopt the Ordinance without changes and include findings in its resolution accompanying the Ordinance that explain the reasons the County believes that the Ordinance complies with State ADU Law despite HCD’s findings.⁵ If the City fails to take either course of action and bring the Ordinance into compliance with State ADU Law, HCD must notify the County and may notify the California Office of the Attorney General that the County is in violation of State ADU Law.⁶

³ Gov. Code, § 66326, subd. (c)(1).

⁴ Gov. Code, § 66326, subd. (b)(2)(A).

⁵ Gov. Code, § 66326, subd. (b)(2)(B).

⁶ Gov. Code, § 66326, subd. (c)(1).

HCD appreciates the County's efforts in the preparation and adoption of the Ordinance and welcomes the opportunity to assist the County in fully complying with State ADU Law. Please feel free to contact Mike Van Gorder at mike.vangorder@hcd.ca.gov if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Jamie Candelaria". The script is cursive and fluid.

Jamie Candelaria
Section Chief, ADU Policy
Housing Policy Development Division