RESOLUTION - ACTION REQUESTED 2019-161

MEETING: March 26, 2019

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Zoning and Subdivision Ordinances Update

RECOMMENDATION AND JUSTIFICATION:

Approve an Agreement with Mintier Harnish Planning Consultants to prepare an update of Mariposa County’s Zoning and Subdivision Ordinances to implement the County’s adopted General Plan; and authorize the Board of Supervisors Chair to sign the Agreement.

The Mariposa County General Plan was adopted in December of 2006. The General Plan provides the long-range (20 year) vision and policy direction defining what the County is and wants to become. The General Plan’s implementation is described as the “foundation for the future” guiding the County’s growth and development. According to the General Plan, and pursuant to state law, the Board of Supervisors implements the General Plan through development and adoption of ordinances and standards.

Staff has made some progress to implement General Plan policies, but significant progress has been limited by competing priorities, unexpected new issues, emergency events, and limited staff resources. The Board of Supervisors has repeatedly expressed their interest in completing these code amendments, to be consistent with the General Plan; this agreement will result in a comprehensive review and update of these development codes.

On February 6, 2019, a solicitation for proposals was distributed by email to professional organizations and networks, and a number of individual consulting firms. The deadline for submittal of proposals was February 28, 2019. Planning’s Director, Deputy Director and Senior Planner reviewed the proposals received, and selected the top proposal.

The recommended contract period for this project will be from March 26, 2019 until December 31, 2020. The project’s funded amount for the current FY is $75,000. Additional funding for the agreement for continued work in FY 19/20 will have to be identified and approved, in order to continue progress on the project. The total project
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cost is $263,076 (with a 10% recommended contingency for unanticipated costs),
which means an additional $188,076 will need to be identified and budgeted. As part
of the proposal, the consultant will assist the county in submitting an application for
SB-2 funding (the Building Homes and Jobs Act) to offset the majority of the
remaining costs of the update. The maximum award for SB-2 funding for small
localities (less than 60,000 in population) is $125,000. If the maximum SB-2 funding
is received, the additional monies needed in FY 19/20 to complete the contract would
be $63,076.

The Agreement anticipates additional funding to complete the work on the updated
development codes. The additional funding will be memorialized in amendments to
the agreement.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

2018 (June): Board of Supervisors assigned high priority to updating the Zoning and
Subdivision Ordinances to implement the General Plan; the Board approved funding
in Planning's Professional Services budget for FY 18/19, to commence the process to
update these two chapters of county code

2018 (February): Board of Supervisors approved the Mariposa County General Plan
Strategic Implementation Work Plan, to prioritize and guide the implementation of the
County’s General Plan

2006: Board of Supervisors adopted the Mariposa County General Plan

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve the agreement or modify the content or terms of the agreement.

Negative action would mean no consultants are used to complete General Plan
Implementation.

ATTACHMENTS:

1 190228 FINAL Agreement_Mariposa County Zoning Subdivision Ordinances
Update (DOCX)
2 190228 Exhibit A_Mariposa ZCU and SU Proposal (PDF)
3 190228 Exhibit B_Mariposa ZCU and SU_Project Cost Estimate (PDF)
4 181031 SB-2 Monies (PDF)
5 190318 SB-2 Monies Last Quarter 2018 (PDF)

RESULT: ADOPTED [UNANIMOUS]
MOVED: Merlin Jones, District II Supervisor
SECONDER: Marshall Long, District III Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey
AGREEMENT FOR COUNTY OF MARIPOSA

ZONING AND SUBDIVISION ORDINANCES UPDATE

THIS AGREEMENT ("Agreement") is made and entered into this 26th day of March, 2019, by and between the County of Mariposa, a political subdivision of the State of California, ("County"), and Mintier Harnish Planning Consultants ("Contractor"), pursuant to the following terms and conditions.

WITNESSETH:

1. TERM

The term of this Agreement shall commence on the date first hereinabove written, and shall continue until all authorized work is approved by the County or December 31, 2020, whichever is earlier.

2. SERVICES

Contractor shall prepare Mariposa County Zoning Ordinance and Subdivision Ordinance Updates, as described in Exhibit A, "Mariposa County Zoning and Subdivision Ordinances Update Proposal for Services", dated February 28, 2019, which is attached hereto and incorporated herein by reference. Contractor shall provide all staffing and materials necessary to perform funded phases, tasks and subtasks as described in the Scope of Work, specifically identified and described in Exhibit A, subject to available funding as provided in Section 3 of this Agreement.

3. COMPENSATION

Contractor shall be compensated for services performed in an amount not to exceed the current funded amount of $75,000.00 (hereinafter referred to as "ZO/SO Update Funding One"). Pursuant to the Scope of Work (as contained in Exhibit A), ZO/SO Update Funding One covers the Phase(s), Task(s), and level of effort as described in Exhibit B for FY 18/19.

It is anticipated that additional funding amounts to cover the project’s full Scope of Work will be available in the future. These additional amounts, to cover specifically identified phases, tasks and subtasks, will be addressed via amendment(s) to this Agreement.

The Contractor’s 2019 hourly rates are listed in Exhibit B, "Project Cost Estimate". The County shall pay Contractor within thirty (30) days of receipt of an approved invoice. In the event payments equal the “not to exceed” amount for funded phases, tasks or subtasks, Contractor shall complete all services required under this Agreement without further compensation or cost reimbursement.

4. INSURANCE
Contractor shall procure and maintain, for the duration of the Agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, its agents, representatives, or employees.

A. MINIMUM SCOPE AND LIMIT OF INSURANCE

Coverage shall be at least as broad as:

1. Commercial General Liability (CGL): Insurance Services Office (ISO) Form CG 00 01 covering CGL on an “occurrence” basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than $2,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

2. Automobile Liability: ISO Form Number CA 00 01 covering any auto, (Code 1), or if Contractor has no owned autos, hired (Code 8) and non-owned autos (Code 9), with limits no less than $1,000,000 per accident for bodily injury and property damage.

3. Workers’ Compensation insurance as required by the State of California, with Statutory Limits, and Employer’s Liability Insurance with limit of no less than $1,000,000 per accident for bodily injury or disease.

4. Professional Liability (Errors and Omissions): Insurance appropriate to the Contractor’s profession, with limit no less than $2,000,000 per occurrence or claim, $2,000,000 aggregate.

If the Contractor maintains broader coverage and/or higher limits than the minimums shown above, the County requires and shall be entitled to the broader coverage and/or higher limits maintained by the Contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

B. OTHER INSURANCE PROVISIONS

The insurance policies are to contain, or be endorsed to contain, the following provision:

1. Additional Insured Status: The County, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Contractor’s insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of both CG 20 10 and CG 20 37 forms if a later edition is used).

2. Primary Coverage: For any claims related to this Agreement, the Contractor’s insurance coverage shall be primary insurance as respects the County, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the County, its officers,
officials, employees, or volunteers shall be excess of the Contractor’s insurance and shall not contribute with it.

(3) Notice of Cancellation: Each insurance policy required above shall state that coverage shall not be canceled, except with notice to the County.

(4) Waiver of Subrogation: Contractor hereby grants to County a waiver of any right to subrogation which any insurer of said Contractor may acquire against the County by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the County has received a waiver of subrogation endorsement from the insurer.

(5) Deductibles and Self-Insured Retentions: Any deductibles or self-insured retentions must be declared to and approved by the County. The County may require the Contractor to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

(6) Acceptability of Insurers: Insurance is to be placed with insurers with a current A.M. Best’s rating of no less than A: VII, unless otherwise acceptable to the County.

(7) Verification of Coverage: Contractor shall furnish the County with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the County before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor’s obligation to provide them. The County reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

(8) Subcontractors: Contractor shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that County is an additional insured on insurance required from subcontractors.

(9) Special Risks or Circumstances: County reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

5. HOLD HARMLESS/INDEMNIFICATION

Contractor shall hold harmless, defend and indemnify County and its officers, employees, agents, and volunteers, from and against any and all liability, loss, damage, expense, costs (including without limitation costs and fees of litigation) of every nature arising out of or in connection with Contractor’s performance of work hereunder or its failure to comply with any of its obligations contained in this Agreement, except such loss or damage which was caused by the sole negligence or willful misconduct of County.

6. INDEPENDENT CONTRACTOR
It is the expressed intention of the parties that Contractor is an independent contractor and not an employee, agent, joint venturer or partner of County. Nothing in this Agreement shall be interpreted or construed as creating or establishing the relationship of employer and employee between County and Contractor or any employee or agent of Contractor. Both parties acknowledge that Contractor is not an employee for state or federal tax purposes. Contractor shall retain the right to perform services for others during the term of this Agreement.

7. PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS)

In the event that Contractor or any employee, agent, or subcontractor of Contractor providing services under this Agreement is determined by a court of competent jurisdiction or the Public Employees Retirement System (CalPERS) to be eligible for enrollment in CalPERS as an employee of the County, Contractor shall indemnify, defend, and hold harmless County for the payment of any employee and/or employer contributions for CalPERS benefits on behalf of Contractor or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of County.

8. STATE AND FEDERAL TAXES

As Contractor is not County’s employee, Contractor is responsible for paying all required state and federal taxes. In particular:

   a. County will not withhold FICA (Social Security) from Contractor’s payments;
   b. County will not make state or federal unemployment insurance contributions on behalf of Contractor;
   c. County will not withhold state or federal income tax from payment to Contractor;
   d. County will not make disability insurance contributions on behalf of Contractor;
   e. County will not obtain workers’ compensation insurance on behalf of Contractor.

9. ASSIGNMENT

It is understood and agreed that this Agreement contemplates personal performance by the Contractor and is based upon a determination of its unique personal competence and experience and upon its specialized personal knowledge. Assignments of any or all rights, duties or obligations of the Contractor under this Agreement will be permitted only with the express written consent of the County.

10. NOTICE

Any and all notices, reports or other communications to be given to County or Contractor shall be given to the persons representing the respective parties at the following addresses:

**CONTRACTOR:**
Mintier Harnish
Planning Consultants
1415 20th Street
Sacramento, CA 95811
P: (916) 446-0522

**COUNTY:**
County of Mariposa Planning Department
Sarah Williams, Planning Director
P.O. Box 2039 / 5100 Bullion Street
Mariposa CA 95338
P: (209) 966-5151
11. COMPLIANCE

Contractor shall comply with all federal, state and local laws, codes, ordinance and regulations applicable to Contractor’s performance under this Agreement, including, but not limited to, laws related to prevailing wages. Specifically, Contractor shall not engage in unlawful employment discrimination, including, but not limited to, discrimination based upon a person’s race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, gender, citizenship or sexual orientation, as prohibited by state or federal law.

12. PUBLIC RECORDS ACT

Contractor is aware that this Agreement and any documents provided to the County may be subject to the California Public Records Act and may be disclosed to members of the public upon request. It is the responsibility of the Contractor to clearly identify information in those documents that it considers to be confidential under the California Public Records Act. To the extent that the County agrees with that designation, such information will be held in confidence whenever possible. All other information will be considered public.

13. ENTIRE AGREEMENT AND MODIFICATION

This Agreement contains the entire agreement of the parties relating to the subject matter of this Agreement and supersedes all prior agreements and representations with respect to the subject matter hereof. This Agreement may only be modified by a written amendment hereto, executed by both parties; however, matters concerning the scope of services which do not affect the agreed price may be modified by mutual written consent of the Contractor and the Planning Director. If there are exhibits attached hereto, and a conflict exists between the terms of this Agreement and any exhibit, the terms of this Agreement shall control.

14. ENFORCEABILITY AND SEVERABILITY

The invalidity or enforceability of any term or provisions of this Agreement shall not, unless otherwise specified, affect the validity or enforceability of any other term or provision, which shall remain in full force and effect.

15. TERMINATION AND RIGHTS UPON TERMINATION

A. This Agreement may be terminated upon mutual written consent of the parties, or as a remedy available at law or in equity. In the event of the termination of this Agreement, Contractor shall immediately be paid all fees earned as of the effective date of termination.

B. Either party may terminate this Agreement for convenience upon thirty (30) calendar days’ written notice to the other party. Upon termination for convenience, Contractor shall be entitled to compensation for services performed acceptably up to the effective date of termination, as set forth in Exhibit A.
C. Should Contractor default in the performance of this Agreement or materially breach any of its provisions, County, at its option, may terminate this Agreement by giving written notification to Contractor. The termination date shall be the effective date of the notice. For the purposes of this subsection, default or material breach of this Agreement shall include, but not be limited to, any of the following: failure to perform required services in a timely manner, willful destruction of County property, dishonesty, or theft.

D. If County terminates this Agreement for default or material breach, then Contractor shall be liable for any reasonable costs in excess of the Agreement amount incurred by County in order to complete Exhibit A, “Mariposa County Zoning and Subdivision Ordinances Update Proposal for Services”, dated February 28, 2019.” In addition, Contractor understands and agrees that County may, in County’s sole discretion, refuse to pay Contractor for that portion of Contractor’s services which were performed by Contractor prior to the termination date and which remain unacceptable to County as of the termination date.

16. NO WAIVER

The failure to exercise any right to enforce any remedy contained in this Agreement shall not operate as to be construed to be a waiver or relinquishment of the exercise of such right or remedy, or of any other right or remedy herein contained.

17. DISPUTES

Should it become necessary for a party to this Agreement to bring an action in connection with this Agreement, the prevailing party in any claim or action shall be entitled to reimbursement for all expenses so incurred, including reasonable attorney’s fees.

It is agreed by the parties hereto that unless otherwise expressly waived by them, any action brought to enforce any of the provisions hereof or for declaratory relief hereunder shall be filed and remain in a court of competent jurisdiction in the County of Mariposa, State of California.

18. CAPTIONS

The captions of this Agreement are for convenience in reference only and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Agreement.

19. NUMBER AND GENDER

In this Agreement, the neutral gender includes the feminine and masculine, the singular includes the plural, and the word “person” includes corporations, partnerships, firms or associations, wherever the context so requires.

20. MANDATORY AND PERMISSIVE

“Shall” is mandatory. “May” is permissive.

21. SUCCESSORS AND ASSIGNS
22. COUNTERPARTS

This Agreement may be executed simultaneously and in several counterparts, each of which shall be deemed an original, but which together shall constitute one and the same instrument.

23. OTHER DOCUMENTS

The parties agree that they shall cooperate in good faith to accomplish the object of this Agreement and, to that end, agree to execute and deliver such other and further instruments and documents as may be necessary and convenient to the fulfillment of these purposes.

24. CONTROLLING LAW

The validity, interpretation and performance of this Agreement shall be controlled by and construed under the laws of the State of California.

25. AUTHORITY

Each party and each party’s signatory warrant and represent that each has full authority and capacity to enter into this Agreement in accordance with all requirements of law. The parties also warrant that any signed amendment or modification to the agreement shall comply with all requirements of law, including capacity and authority to amend or modify the Agreement.

26. NEGOTIATED AGREEMENT

This Agreement has been arrived at through negotiation between the parties. Neither party is to be deemed the party which prepared this Agreement within the meaning of California Civil Code section 1654. Each party represents and warrants that in executing this Agreement it does so with full knowledge of the rights and duties it may have with respect to the other party. Each party also warrants and represents that it has received independent legal advice from its attorney with respect to the matters set forth in this Agreement and the rights and duties arising out of this Agreement, or that such party willingly foregoes any such consultation.

27. NO RELIANCE ON REPRESENTATIONS

Each party warrants and represents that it is not relying and has not relied upon any representation or statement made by the other party with respect to the facts involved or its rights or duties. Each party understands and agrees that the facts relevant, or believed to be relevant to this Agreement, have been independently verified. Each party further understands that it is responsible for verifying the representations of law or fact provided by the other party.

28. WARRANTY

County has relied upon the professional ability and training of Contractor as a material inducement to enter into this Agreement. Contractor hereby warrants that all work shall be performed in
accordance with generally accepted professional practices and standards as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Contractor’s work by County shall not operate as a waiver or release.

29. FUNDING AVAILABILITY

It is mutually agreed that if the County budget of the current fiscal year and/or any subsequent fiscal years covered under this Agreement does not appropriate sufficient funds for this Agreement, this Agreement shall terminate and be of no further force and effect upon the day notice is provided by County to Contractor of such event. Upon termination of this Agreement, the County shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement except for services rendered prior to such termination and Contractor shall not be obligated to perform any provisions of this Agreement. Contractor’s assumption of risk of possible non-appropriation is part of the consideration for this Agreement. County budget decisions are subject to the discretion of the Board of Supervisors.

If funding for any fiscal year is reduced or deleted by the County budget for purposes of this Agreement, the County shall have the option to either cancel this Agreement with no liability occurring to the County, except County must reimburse Contractor for services rendered prior to such reduction or modification of the County budget, or offer an Agreement amendment to Contractor to reflect the reduced amount.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

COUNTY OF MARIPOSA

Miles Menetrey, Chair
Board of Supervisors

CONTRACTOR

Jim Harnish, JD/ Principal/Owner
Mintier Harnish Planning Consultants

ATTEST:

René LaRoche
Clerk of the Board

APPROVED AS TO FORM:

Steven W. Dahlem
County Counsel

Exhibit A

“Mariposa County Zoning and Subdivision Ordinances Update Proposal for Services”,
dated February 28, 2019

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Proposal for Preparation of the Mariposa County Zoning Ordinance and Subdivision Ordinance Update

February 28, 2019

Submitted to Mariposa County by:

Mintier Harnish
Jacobson & Wack
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PROJECT UNDERSTANDING

Our understanding of the Mariposa County Zoning (Title 17) and Subdivision Ordinance (Title 16) update project is based on both our review of the County's Request for Proposals and review of the General Plan Strategic Implementation Work Plan. We understand the County expects us to prepare Zoning and Subdivision Ordinance Updates that include all the changes specified in the General Plan Strategic Implementation Work Plan, while ensuring that the updated Ordinances are in compliance with recent changes in State law and adhere to existing policies in the 2006 General Plan, 2014-2019 Housing Element, and other community and Town Plans.

We recognize the County's desire for a transparent update process involving the Board of Supervisors, Planning Commission, and numerous other County commissions and committees, stakeholders, and members of the community. The County expects the selected Consultants to prepare and facilitate a robust and extensive community engagement program, including community meetings and workshops, and Board and Commission study sessions, to facilitate discussion and feedback on the updated Ordinances. The County also expects the updated Zoning and Subdivision Ordinances to be responsive to recent planning and development trends and reflect current best management practices. The updated Ordinance provisions should be intuitively organized, user-friendly, clearly written, extensively illustrated, and efficient to administer, enforce, and amend.

We anticipate working closely with County staff throughout the process of document preparation, review, and adoption, and being highly responsive to any evolving County expectations that may emerge as the updated Zoning and Subdivision Ordinances are drafted, reviewed, and adopted.
THEMES OF OUR APPROACH

Based on our understanding of the County’s expectations for the Zoning and Subdivision Ordinances Update, we identified six themes for our approach to the project. These themes serve as the organizing principles for our proposed work program.

1. Closely Collaborate with Staff. Close collaboration with County staff throughout the project is an essential part of our approach. While our team has unparalleled experience with updating zoning and subdivision ordinances and unified development codes for over 120 cities and counties in the state, County staff possesses the detailed working knowledge of Mariposa County’s existing regulatory structure and policy initiatives. We will establish a close working relationship and regular communications with County staff throughout the project. We will work with County staff early on to establish communication protocols and the document review process. We will form an integrated and seamless staff/consultant project team. We will also provide assistance with reviewing the updated Zoning and Subdivision Ordinances with select County staff to ensure that staff is ready to begin implementation of the updated Ordinances on the effective date.

2. Clearly Define Issues and Opportunities. Key to the success of the Zoning and Subdivision Ordinances Update is clearly identifying and defining the issues to be addressed and opportunities for improvement. We will facilitate a series of meetings and stakeholder interviews and study sessions to confirm or refine the work program; thoroughly define and explore issues and opportunities; and prioritize the tasks.

3. Implement Adopted Laws, Regulations, and Policies. A basic purpose of this Zoning and Subdivision Ordinances Update is to assure that the County complies with all adopted Federal, State, and County laws, regulations, and policies. We will assure this purpose is fulfilled. The updated Ordinances will address new Federal telecommunication regulations that limit local review and allow small cell/and co-location, as well as the content neutrality requirements for sign regulations. The Ordinances will address State law related to water efficient landscaping, affordable housing, accessory dwelling units, and several other topics. We will implement the 2006 General Plan. 2014-2019 Housing Element, existing Community and Town Plans, and the General Plan Strategic Implementation Work Plan.

4. Explore Creative, New Ideas. We will present for County staff consideration of new and innovative approaches to addressing key issues and capitalizing on opportunities to improve the Zoning and Subdivision Ordinances. We will base these approaches and choices on our understanding of best practices in zoning and subdivision regulations and our extensive experience working with a wide array of cities and counties throughout California.
Streamline the Regulatory Process. The updated Zoning and Subdivision Ordinances will establish a more comprehensive streamlined process for development review. This could include providing for more by-right uses with revised development standards and more efficient administrative provisions, including increased use of administrative permits. Where discretionary permits are required, the Ordinances will establish an updated review process that is clear, efficient, appropriate to the requested entitlement, and easily accessible for public input.

Deliver User-Friendly Zoning and Subdivision Ordinances. While technical and regulatory by definition, there is no need for the Ordinances to be difficult to use and understand. The updated Ordinances will be user-friendly and presented in a modern format that is easily read and understood by residents, permit applicants, County staff, the Planning Commission, and Board of Supervisors. The content, format, and presentation of the Zoning and Subdivision Ordinances will provide all users with a clear understanding of the land use regulations, development standards, and permitting and administrative processes. We will provide graphic illustrations and consolidated tables where useful and appropriate. We will eliminate all internal inconsistencies and the use of overly technical language.
Optional Project Approach: Unified Development Code

An optional approach to the Zoning and Subdivision Ordinances update for the County’s consideration is the preparation of a Unified Development Code. A Unified Development Code combines the Zoning and Subdivision Ordinances into one document that is fully integrated, rather than two stand-alone ordinances. As with the separate update of both Ordinances identified in the RFP, a Unified Development Code will be:

- User friendly;
- Written in clear, concise, easy-to-understand language;
- Internally consistent;
- Visually enhanced using quality graphics, tables, and matrices;
- Responsive to current development trends; and
- Easy to administer, enforce, and update.

We believe this approach is a viable and achievable option that our team has extensive experience with, and we would be glad to discuss this approach with you further, if interested. Please refer to our references section on pages 25-27 for a list of and links to Unified Development Codes we have prepared for jurisdictions across California.
WORK PROGRAM

The following work program is based on our understanding of the County’s needs and our experience with many other similar projects. **We are prepared to revise the work program as necessary to better satisfy the County’s expectations for the project and its available budget.**

Phase 1 – Project Initiation

The Consultants will develop an in-depth understanding of County’s expectations, needs, and objectives, as expressed by County staff, for the updated Zoning and Subdivision Ordinances before beginning our work on the updated document.

Tasks:

1.1 **Kick-Off Meeting, Scoping Meeting, and County Tour.** The Consultants will facilitate a project kick-off meeting with County staff. The meeting should include the County Project Manager, and at various times throughout the meeting, front line counter staff, County Counsel, and representatives from other County departments customarily involved in permit processing, review, and proposing conditions of approval. Topics to be addressed at the meeting include the following:

- Review/clarify the County’s expectations and needs for the Zoning and Subdivision Ordinances update
- Discuss the deficiencies of the existing Ordinances; review the Planning staff “fix-it” lists as well as lists from other County departments (i.e., County Counsel and Engineering)
- Refine the project work program, community engagement, budget, and schedule as necessary
- Review and discuss the updated Zoning and Subdivision Ordinances format, style, and organization
- Discuss documents relevant to the Project including the 2006 General Plan, 2014-2019 Housing Element, existing Zoning and Subdivision Ordinances, and development standards from other community plans (i.e., Cathey’s Valley) and Town plans (i.e., Fish Camp, Wawona) within the county
- Review and discuss the Mariposa County General Plan Implementation Work Plan and related themes that can be interwoven into the Zoning and Subdivision Ordinances Update process (i.e., tree mortality, drought, wildland fire hazards and wildland urban interface, event venues in rural areas, workforce and employee housing, and economic vitality).

Following the meeting, the Consultants will tour key county locations selected by County staff that highlight examples of key zoning and subdivision related issues and to gain further understanding of development issues. The Consultants will prepare a meeting agenda for delivery to the County’s Project Manager at least a week before the scheduled
kick-off meeting. Following the meeting, the Consultants will prepare meeting notes for use by County staff and the Consultants.

1.2 **Community Engagement Strategy.** The Consultants will work with the County’s Project Manager to design an effective community engagement program for obtaining informed public input for the updated Zoning and Subdivision Ordinances before initiating the formal preparation, public hearing, and adoption process. This task may involve meetings with County staff, County Counsel, decision-makers, commissions, committees, and the public, as a conclusion to the initial work on the updated Zoning and Subdivision Ordinances. We will work with the County’s Project Manager to define the complete scope of the public outreach but suggest that the following components be the starting point for public input:

1.2.1 **Stakeholder Interviews.** We will facilitate up to 16 meetings or interviews over a two-day period with individuals and groups (e.g., builders, developers, real estate brokers, civil engineers, architects, business and property owners, elected and appointed officials, and residents), as well as key County staff, identified by the County’s Project Manager as key stakeholders who can identify issues relative to the County’s development regulation and review process. Upon completion of the Stakeholder Interviews, the Consultants will prepare a Stakeholder Summary Report highlighting the results of the interviews and next steps of the Project.

1.2.2 **Community Workshops.** The Consultants will facilitate up to two community workshops with stakeholders, special interest groups, and community members. The community workshops will provide a platform for community members to evaluate, review, and discuss the updated Draft Zoning and Subdivision Ordinances. Consultants will assist County staff in facilitating the workshops.

1.2.3 **County Commissions and Committees.** The Consultants will facilitate a joint study session with interested County Commissions and Committees (i.e., Agricultural Advisory Committee. Community Planning Advisory Committees. Historic Sites and Records Preservation Commission. Surface Mining Technical Advisory Committee). Consultations with commission and committee members are considered key components in the development review process, since their roles consist of providing regulatory recommendations on development proposals. The purpose of this task is for the commission and committee members to evaluate, review, and discuss the updated Draft Zoning and Subdivision Ordinances. Consultants will assist County staff in facilitating the Commission and Committee study session.

1.2.4 **Planning Commission and Board of Supervisors Study Sessions.** The Consultants will facilitate two joint Planning Commission/Board of Supervisors study sessions.

The first joint study session for the Commission and Board would be scheduled at the kick-off of the project prior to Task 1.4 (Summary Matrix of Zoning and Subdivision Ordinance Issues), allowing Commission and Board members an opportunity to comment on the areas of the Zoning and Subdivision Ordinances that they feel should be updated as part of this process. The Consultants will make a detailed presentation, including preparation of a PowerPoint highlighting update goals, schedule, community engagement activities, and project milestones.
The second joint study session is for the Commission and Board to review in
detail the updated Draft Zoning and Subdivision Ordinances. The Consultants will
make a detailed presentation, including preparation of a PowerPoint Presentation,
of the major changes to the Ordinances, the reason for the changes, and how the
updated Ordinances will be administered. This study session is intended to be a
"roll-up-the-sleeves" work session designed to prepare the Commission and Board
for public hearings.

Any, or all, of the above listed workshops, study sessions, meetings, or interviews
are available to the County; the final choices are up to the County's Project
Manager. The Consultants will attend additional meetings on a time-and-materials basis.
Any of these interviews and meetings could take place in the evenings or on the weekend
if that would provide a more relaxed working session for the participants.

1.3 Diagnostic Document Review. The Consultants will thoroughly review all County
documents relevant to the updated Zoning and Subdivision Ordinance project, including
the 2006 General Plan. 2014-2019 Housing Element. and other community plans (i.e.,
Cathey's Valley) and Town plans (i.e., Fish Camp. Wawona) within the County.

1.4 Summary Matrix of Zoning and Subdivision Ordinance Issues. The Consultants will
prepare an initial Summary Matrix of Zoning and Subdivision Ordinance Issues. The Matrix
will identify General Plan. Housing Element. and County Town Plans driven changes. the
likely solutions and revisions. and where the solutions/revisions will be addressed in the
Ordinance preparation process. The Consultants will use the Matrix to track revisions to
the Zoning and Subdivision Ordinances and assist in the preparation of a staff report when
adopting the Ordinances.

1.5 Draft Zoning and Subdivision Ordinance Format, Outline, and Style Guide. Based on
direction from County staff in Task 1.1. as well as feedback received from the Stakeholder
Interviews (Task 1.2). the Consultants will finalize an annotated Zoning and Subdivision
Ordinances outline/table of contents. style sheet. list of common terms to use and not to
use. and sample chapter format to illustrate the recommended format and style of the
Ordinances. which we will design to maximize document organization and readability.
resulting in truly "user-friendly" updated documents. (See an example table of contents
and style sheet in with a list of common terms in the Appendix.) We will also prepare a
Style Guide that will establish uniform use of words and phrases in the Ordinances (e.g.,
Board instead of Board of Supervisors. avoiding use of "should").

PRODUCTS:

- Refined scope of work (including a refined budget and project schedule) and expanded "fix-it" list
- Community Engagement Strategy (digital version, Word/PDF)
- Stakeholder Summary Report (digital version, Word/PDF)
- Summary Matrix of Zoning and Subdivision Ordinances Issues (digital version, Excel/PDF)
- Zoning and Subdivision Ordinances Format, Outline, and Style Guide
Phase 2 – Zoning Ordinance

The Consultants will prepare the updated Zoning Ordinance, including Subtitle 17.300 (Town of Mariposa) in three components: 1) Zoning District Provisions. 2) General Development and Specific Use Standards. 3) Administrative Provisions. This will make it easier for County staff to review the Draft Zoning Ordinance and give timely feedback when presented in phases. The Consultants recommend preparation and delivery of an Administrative Draft Zoning Ordinance in several segments, rather than in a single deliverable. Our experience indicates that it is easier for County staff to give timely feedback and review of the Draft Zoning Ordinance when presented in segments. The order and content of the segments can be modified as desired by County staff. As an alternative, if County staff prefers, we can prepare a complete Administrative Draft Zoning Ordinance prior to County review.

Tasks:

2.1 Zoning District Provisions. The Consultants will draft the Chapters of the updated Zoning Ordinance containing regulations applicable to specific residential, commercial, industrial, mixed-use and miscellaneous/combining zoning districts, and any new districts (i.e., dam inundation overlay district). As part of this task, the Consultants will review the land use designations to ensure consistency with the 2006 General Plan, 2014-2019 Housing Element, and implementation of community plans and Town Plan policies.

- A description of each zoning district, including a General Plan driven “purpose” statement and an overview of the land uses allowed within each district.

- A land use classification system that clearly identifies uses allowed in each zoning district with an emphasis on allowing as many by-right uses as is reasonably appropriate. The classification system organized in tables will employ up-to-date terminology and an appropriate combination of specific and generic land use types.

- Development standards for each zoning district (e.g., building envelope standards, height limitations, setback requirements, floor area and site coverage requirements) organized in tables and graphically illustrated.

The Consultants will submit the Administrative Draft to County staff for review and comment. County staff will provide comments in a single set of consolidated comments in Microsoft Word “track-changes.” The Consultants will facilitate a series of meetings or conference calls to review and discuss staff comments on the Administrative Draft. Following these discussions, we will prepare the Preliminary Draft.

2.1 General Development and Specific Use Standards. The Consultants will draft the chapters of the updated Zoning Ordinance that contain regulations that apply in multiple zoning districts and overlay/combining districts, and regulations for specific land uses. At a minimum, these chapters will address the following topics:
- **General site planning and development standards** that could apply to a variety of land uses regardless of the applicable zoning district. Additionally, these standards will address, as appropriate, site access requirements, fences, hedges, walls, and screening; noise regulations; outdoor lighting standards in compliance with recommendations from the International Dark Sky Association; performance standards; solid waste and recyclable storage standards; and undergrounding utilities.

- **Affordable housing requirements in compliance with state-mandated standards**, including supportive housing, transitional housing, and employee housing; inclusionary housing; density bonus provisions; single-room occupancy (SRO) provisions; standards for large residential care facilities, and related incentives.

- **Landscape standards**, including water efficient standards, specific requirements for preliminary and final landscape plan submittal and review, tree preservation and protection, and the inclusion of flood and drainage channels into landscape plans.

- **Airport Overlay Zone**, including development standards, uses, airspace protection, and airport noise from the Mariposa Airport. Specific revisions for review and approval of projects within the Mariposa Airport Land Use Planning Area will be part of Administrative Draft Provisions.

- **Off-street parking, loading, and bicycle standards**, including contemporary parking and loading numbers, space, and design requirements; pedestrian circulation requirements; blended parking requirements; and bicycle and motorcycle parking.

- **Sign regulations** that provide clear standards for signs by zoning district and by sign type. We will consider all types of allowable/desired signs for inclusion in the sign provisions, including temporary signs. We will review and update procedures for sign review to make the process more understandable and easily administered, including provisions for dealing with nonconforming signs. We will provide extensive, illustrative graphics to clarify sign requirements. We will ensure that the sign provisions comply with content neutrality requirements. Consultation with County Counsel is desirable.

- **Standards for specific uses** will include and address specific land uses as deemed appropriate by the County, including among other topics, accessory dwelling units; accessory retail uses; adult-oriented businesses; alcohol-related uses (i.e., liquor sales, breweries, taprooms, wineries); small-scale alternative energy; childcare facilities; cottage food facilities; emergency shelters; entertainment and recreation uses, including wedding venues; home occupations; mixed-use developments; mobile food vendors; mobile homes; multifamily housing; outdoor and personal storage; recycling facilities; residential accessory uses and structures; recreation and resort uses; temporary uses; vehicle-oriented uses; and wireless telecommunications, including small-cell.

- **Environmental performance-based standards** as determined by County staff to be appropriate.

The Consultants will submit the Administrative Draft to County staff for review and comment. County staff will provide comments in a single set of consolidated comments in
2.3 **Administrative Provisions.** The Consultants will draft the chapters of the updated Zoning Ordinance that contain administrative and development application filing and processing procedures. At a minimum, these chapters will address the following topics:

- **Purpose and adoption of the Zoning Ordinance**, applicability, responsibility and administrative authority, interpretation procedures, and provisions, addressing applications deemed complete, not yet decided, that may be affected by the adoption of and future amendments to the Zoning Ordinance.

- **Definition of roles** of each project review authority, including the Planning Director, the Zoning Administrator, the Planning Commission, the Board of Supervisors, and all other applicable entities.

- **Procedures for discretionary permits**, conditional and administrative use permits, design review/historic review, home-based occupations, reasonable accommodations, site plan review, temporary uses, transportation demand management plans, variances, and other project review procedures, appeals, public hearings, nonconforming use and structure provisions, and amendments, development agreements, and specific plans.

- **Enforcement provisions**, including, but not limited to, legal remedies, procedural requirements, cost recovery related to enforcement actions, and property owner/violator rights and appeal procedures.

- **Definitions** of technical terms and phrases, including abbreviations, and land uses.

The Consultants will submit the Administrative Draft to County staff for review and comment. County staff will provide comments in a single set of consolidated comments in Microsoft Word “track-changes.” The Consultants will facilitate a series of meetings or conference calls to review and discuss staff comments on the Administrative Draft. Following these discussions, we will prepare the Preliminary Draft.
2.4 Preliminary Draft Zoning Ordinance. The Consultants will revise the Administrative Draft Zoning Ordinance based on County staff direction and prepare the remaining parts of the Preliminary Draft Zoning Ordinance, including a detailed table of contents, graphics, and illustrations. Graphics will be incorporated throughout the Ordinance where they may assist users in visualizing the meaning and applicability of development standards. There will be no limit on the number of graphics provided.

2.5 Public Review Draft Zoning Ordinance. The Consultants will prepare the Public Review Draft Zoning Ordinance based on County staff direction.

PRODUCTS: Administrative Draft Zoning Ordinance, submitted in individual articles (digital version, Word)
Preliminary Draft Zoning Ordinance (complete) (digital version, Word)

Phase 3 – Subdivision Ordinance

The Consultants will prepare an updated Subdivision Ordinance that at a minimum will establish a mechanism/procedure for minimum density subdivisions, require adequate infrastructure prior to approval, require necessary studies related to water supply, wastewater supply, solar access, and hydrologic hazards, as well as meeting the additional requested items in Task 1.6 of the General Plan Strategic Implementation Work Plan.

Tasks:

3.1 Administrative Draft Subdivision Ordinance. The Consultants will update the County's subdivision regulations (Title 16 - Subdivisions) in full compliance with current State Subdivision Map Act requirements, case law, Attorney General opinions, and consistent and integrated with the zoning regulations. The provisions will also reflect the Work Program vision and policies of the General Plan. In addition to any other topics desired by the County, this article will provide:

- Updated procedures for the processing of tentative, parcel, and final maps, certificates of compliance, lot consolidation, lot line adjustments, mergers, and public improvements.
- All provisions required by the Subdivision Map Act and reference the Map Act wherever appropriate. The appropriate degree of referencing versus codifying applicable portions of the Map Act will be reviewed with County staff before preparation of this material.
- Effective references to related zoning and other applicable development regulations that must be considered in subdivision design.
- Street and parkway design standards for small-lot single-family development.
- Standards for condominium, townhouse, and other types of subdivided residential and nonresidential projects and conversions, as determined appropriate by the County.
The Consultants will submit the Administrative Draft to County staff for review and comment. County staff will provide comments in a single set of consolidated comments in Microsoft Word “track-changes.” The Consultants will facilitate a series of meetings or conference calls to review and discuss staff comments on the Administrative Draft. Following these discussions, we will prepare the Preliminary Draft.

3.2 Preliminary Draft Subdivision Ordinance. The Consultants will revise the Administrative Draft Subdivision Ordinance based on County staff direction and prepare Preliminary Draft Subdivision Ordinance.

3.3 Public Review Draft Subdivision Ordinance. The Consultants will prepare the Public Review Draft Subdivision Ordinance based on County staff direction.

**PRODUCTS:**
- Administrative Draft Subdivision Ordinance (complete) (digital version, Word)
- Preliminary Draft Subdivision Ordinance (complete) (digital version, Word)

Phase 4 – Revised Public Review Draft Zoning and Subdivision Ordinances and Zoning Map

Tasks:

4.1 Revised Public Review Draft Zoning and Subdivision Ordinances. The Consultants will prepare a complete Revised Public Review Draft Zoning and Subdivision Ordinances and forward an electronic copy to County staff for distribution and use during the public hearing and adoption phase.

4.2 Updated Zoning Map. The Consultants assume County staff will be responsible for updating the County Zoning Map. We will assist County staff as necessary with interpreting the necessary changes to the map.

**PRODUCT:** Revised Public Review Draft Zoning and Subdivision Ordinances (digital version, Word)

Phase 5 – CEQA Compliance

The Consultants will conduct an environmental review of the Revised Public Review Draft Zoning and Subdivision Ordinances and updated Zoning Map consistent with the requirements of CEQA. The Consultants will prepare a technical memorandum supporting a finding of consistency of the updated Zoning and Subdivision Ordinances and Zoning Map with the 2006 General Plan Program EIR. If the County determines an Addendum to the EIR is required, we will discuss the additional cost for this work.
Task 6– Public Review and Adoption

Tasks:

6.1 **Planning Commission Public Hearing.** The Consultants will attend and participate in one public hearing with the Planning Commission to review the Revised Public Review Draft Zoning and Subdivision Ordinances. If desired by the County, the Consultants will attend additional meetings on a time-and-materials basis. Based on the Planning Commission recommendation, the Consultant will prepare an errata sheet describing Planning Commission-recommended changes for consideration by the Board of Supervisors.

6.2 **Board of Supervisors Public Hearing.** The Consultants will attend and participate in one public hearing with the Board of Supervisors to consider the Planning Commission recommendations and adoption of the Revised Public Review Draft Zoning and Subdivision Ordinances. If desired by the County, the Consultants will attend additional meetings on a time-and-materials basis.

6.3 **Screen Check Final Zoning and Subdivision Ordinances.** After adoption of the Revised Public Review Draft Zoning and Subdivision Ordinances and before its effective date, the Consultant will prepare a final version, incorporating all changes made by the Board of Supervisors. The Consultants will provide a screen check version so that County staff can verify that the document accurately incorporates all changes approved by the Board during their adoption process.

6.4 **Final Zoning and Subdivision Ordinances.** The Consultants will prepare the final Zoning and Subdivision Ordinances for delivery to the County for codification and publication. The Consultants will provide a reproducible camera-ready copy of the adopted document and an electronic copy in Microsoft Word software. Graphics will be provided in both reproducible hard copy form and in electronic form.

**PRODUCTS:**

- Screencheck Final Zoning and Subdivision Ordinances (complete) (digital version, Word)
- Final Zoning and Subdivision Ordinances (complete) (digital version, Word/PDF)
PROJECT BUDGET

Zoning and Subdivision Ordinance Updates can vary widely in requirements for County staff and Consultant time and costs. The level of effort reflected in our time and cost estimates what is required for a Comprehensive Update to both the Zoning and Subdivision Ordinances. Based on reviewing the Request of Proposals, we understand that the County currently has $75,000 allocated for this fiscal year through June 2019, with the possibility of additional funding in the next fiscal cycle.

Our cost estimate reflects our recent experience with projects of similar scope and complexity. If appropriate, we will meet with staff to discuss our assumptions for each task and subtask, and make sure staff is comfortable with our budget estimates. We also suggest the budget include a 10 percent contingency for unanticipated costs.

SB-2 Funding

To fully provide the County with the requested Scope of Work listed in Task 1.5 and 1.6 of the General Plan Strategic Implementation Work Plan, we propose assisting the County in submitting an application for SB-2 Funding to offset a majority of the remaining cost of the update. SB-2 funding has a maximum reward of $125,000 for small localities with less than 60,000 in population. The combined potential funds from SB-2, in conjunction with the already allocated $75,000 and potential additional County funding in the next fiscal cycle will be adequate to complete a comprehensive update of both ordinances.
Placeholder for Budget
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PROJECT SCHEDULE

Based on the scope of work outlined above, we propose to complete an Administrative Draft of the Zoning District Provisions (Task 2.1) by June 30, 2019, (end of FY 2018-2019). We anticipate with additional funding and the potential of SB-2 funds to complete the Public Review Draft of the updated Zoning and Subdivision Ordinances (Task 2.2-6.4) within approximately 9-12 months starting FY-2019-2020. Our experience with other similar projects suggests that the critical path in meeting this schedule is the time required by County staff to review the Administrative and Preliminary Draft Zoning and Subdivision Ordinances in order to provide direction to the Consultants for any desired changes.

Adoption of the updated regulations and the preparation of final documents are dependent upon the scheduling and completion of community workshops and Planning Commission and Board of Supervisors study sessions and hearings. We can discuss the County expectations and more specific milestones and related delivery dates during project initiation and completion of Task 1.1 (Kick-Off Meeting, Scoping Meeting, and County Tour).
PERSONNEL AND QUALIFICATIONS

Description of Consultant Team

We propose to assist Mariposa County in preparing the updated Zoning and Subdivision Ordinances with the team of Mintier Harnish and Jacobson & Wack. The two firms have collaborated on several zoning code projects over the last decade and are currently working together on zoning code updates for the cities of Gilroy. Folsom. and Santa Clara and counties of Merced. Sierra. and Fresno.

Mintier Harnish
1415 20th Street
Sacramento, CA 95814
916-446-0522 (office) 446-7520 (fax)
jim@mintierharnish.com

Mintier Harnish is a Sacramento-based planning consulting firm specializing in development. land use. regulatory. and environmental issues. The firm’s clients include public agencies. development companies. and law firms. Mintier Harnish has been involved in approximately 50 comprehensive general plan updates. over 70 housing element updates. and a dozen comprehensive zoning ordinance updates.

Jacobson & Wack
9530 Hageman Road. Suite B 205
Bakersfield. CA 93312
661-213-4100 (office) 213-4111 (fax)
jwplans@bak.rr.com

The partnership of Jacobson & Wack is a specialized firm providing planning consulting services exclusively to California cities and counties since 1980. Mr. Jacobson and Mr. Wack represent approximately 60 years of collective local planning experience in the public sector and in private consulting practice. Jacobson & Wack specializes in the implementation of community planning programs through the preparation of development codes. zoning codes. subdivision ordinances. local coastal programs. and rezoning studies and related programs. Jacobson & Wack has worked on over 120 development codes. zoning ordinances. subdivision ordinances. and design guidelines.
Advantages of Our Team

We believe that our team offers Mariposa County an ideal combination of background and expertise for preparing all components of the updated Zoning and Subdivision Ordinances. Our extensive knowledge and experience will ensure that all documents produced will not only be of high technical quality, but are also designed to be "user-friendly," clear, practical, understandable, and easily administered and updated. All team members have strong reputations for producing timely, high-quality work. We believe that our team offers the following advantages:

Zoning and Subdivision Ordinance Experience and Innovation. Significant experience with the drafting and adoption of zoning and subdivision ordinances, development codes, and other types of development regulations and associated public participation efforts. The City of San Bernardino Development Code, completed by Jacobson & Wack, received a national award from the American Planning Association (APA), and team members have also received numerous awards from the California Chapter of the APA. These demonstrate our ability to create solutions to zoning and planning problems that are both innovative and practical.

Unparalleled Understanding of Planning Processes. Extensive "hands on" experience with all levels of zoning and subdivision ordinance administration, ranging from answering zoning inquiries at the "front counter," to the processing of land use permit applications and preparation of staff reports. to division and department management. We have personally drafted zoning, subdivision, grading, and building ordinances, and then been responsible for the administration and enforcement of those regulations. We understand the wide array of day-to-day issues County staff must address in ordinance administration, and the needs of the public for timely, accurate responses to their questions.

Besides our past experience, our work in zoning and subdivision ordinance administration is ongoing for several public agency clients. Therefore, our ordinance drafting reflects hands-on experience and understanding of current needs and trends within planning and community development departments and is not simply an academic or theoretical exercise based on working with ordinances at some point in the past.

Leaders in Public Outreach. We have decades of experience with successful public participation and outreach programs, including public workshops, focus group meetings, one-on-one interviews, and use of publicity and noticing materials of all types. Our team has conducted hundreds of highly productive stakeholder interviews, facilitated countless community workshops, and worked with staff, planning commission, and boards of supervisors throughout California. We understand the many needs and purposes of an effective outreach program, including open communication, education, input, and validation.
Effective Working Relationships. Our established effective working relationships as a consultant team, developed from numerous projects, enable us to provide efficient and cost-effective services. We have been working as a team on zoning and subdivision ordinances for over 15 years. We also value our working relationships with our municipal clients and have a long list of very satisfied clients.

Principal Involvement. Our Principals are actively involved in every project. We believe that to provide our clients with the highest-quality service, the most experienced people in our firms cannot just be figureheads, but must play key roles in carrying out the work. This includes involvement in every aspect of the zoning and subdivision ordinances update, including closely reviewing sections of the ordinances, participating in regular check-in calls with staff, and attending meetings. Our emphasis on Principals ensures that our products reflect the most extensive experience and informed analyses.
Consultant Team Member Profiles

Jim Harnish, JD, Principal

Jim Harnish has been a planner since 1970. He is also an attorney with extensive experience in regulatory and environmental compliance. He has managed large organizations for both public agencies and private consulting firms. He is familiar with every aspect of the local government planning process and regulatory environment. Jim has been the Planning Director for the cities of Galt, Folsom, and South San Francisco.

Jim has a wide range of professional skills. He is very effective interacting with staff, elected officials, and large groups of people. He has extensive experience in public outreach and consensus building. He relates well to a broad spectrum of people and has an understanding of competing community interests. Making him an effective problem solver.

Jim has prepared zoning ordinance revisions or updates for the cities of Folsom, Gilroy, Roseville, Santa Clara, Santa Rosa; the counties of Fresno, Merced, Kern, Sierra; and the Mountain House New Town in San Joaquin County.

Jim’s most recent planning projects include general plan updates for the cities of Gilroy, Merced, Millbrae, Hayward, Sacramento, and Windsor; the counties of Merced and San Joaquin. Mr. Harnish holds a Juris Doctor from McGeorge School of Law (University of the Pacific) and a BA in History from UC Davis.

Bruce Jacobson, AICP, Principal

Principal with Jacobson & Wack. Bruce Jacobson is a land use planner and administrator with over 30 years of planning experience. With Jacobson & Wack he has worked on over 120 zoning ordinances, subdivision ordinances, development codes, and design guidelines. Earlier planning positions include Deputy Planning Director for San Luis Obispo County, Principal Planner/Deputy Planning Director for Ventura County, and Planning Director for the City of Santa Paula.

Bruce offers a wide range of professional skills. He is very effective interacting with staff, appointed and elected officials, and large groups of people. He has extensive experience in public outreach and consensus building.

His work on the City of San Bernardino Development Code was recognized with a national award for outstanding planning from the American Planning Association. The APA award selection jury cited the Code’s easy to use format, graphics, and straightforward (non-legalese) language as major attributes contributing to the “user-friendly” nature of the Code. The San Bernardino Development Code combined zoning, subdivision, design guidelines, and hillside preservation standards into one comprehensive, internally integrated document. Additionally, his work on the City of Livermore Development Code was recognized with the 2011 Driehaus Form-Based Code Award for outstanding form-based codes from the Form-Based Code Institute. The Driehaus award selection jury cited the Code for the following attributes: this is a valuable model of how to code a medium sized town with existing walkable and sprawl neighborhoods; the
code is focused on providing a complete form-based regulation for higher density residential areas that are, or have the potential to be, walkable and will provide a successful model for other areas within the City; and the document is organized to incorporate a form-based code into a larger development code overhaul so that the sprawl areas of the City remain under Euclidian zoning while the form-based code is designed for walkable areas of the City and designed to expand to all walkable areas. as the City is ready. Bruce holds a Bachelor’s Degree in City and Regional Planning from California Polytechnic State University (Cal Poly), San Luis Obispo.

Brent Gibbons, AICP, Project Manager

Brent Gibbons will be the day-to-day Project Manager for the updated Zoning and Subdivision Ordinances. Brent has been a planner in both the public and private sectors. He specializes in zoning code interpretation and preparation, urban design, site design, community engagement, land use planning, public policy, and geographic information systems. Prior to working with Mintier Harnish, Brent served as a Planner for both Madera County and the City of Turlock. His experience includes permit processing, formation of community/area plans, and project management, as well as zoning ordinance development. Brent also had the opportunity to serve on several committees pertaining to the drought and well water demand in the Central Valley, as well as community park planning and design in conjunction with public health agencies.

Brent is currently the Project Manager for five comprehensive zoning code updates for the counties of Merced and Sierra, and the cities of Gilroy, Santa Clara, and Folsom. Brent has extensive experience in zoning, having been tasked with drafting ordinances and interpreting the code during his service in the public sector. Brent’s comprehensive understanding of zoning codes from both sides of the planning spectrum has proven beneficial during the formation of zoning code updates for counties and communities. Brent holds a Bachelor’s Degree in City and Regional Planning from California Polytechnic State University (Cal Poly), San Luis Obispo.

Amy Yang, Associate

Amy Yang is an Associate Planner who specializes in community development, scenario planning, community engagement, community health planning and health care accessibility, as well as geographic information systems. Amy performs GIS analysis for a variety of projects, specifically to ensure compliance with SB 375. Amy has been integral to analysis of land use alternatives and development of the Policy Document for the Union City General Plan Update. Amy has also carried out disadvantaged communities analyses for projects in compliance with SB 1000. Prior to working at Mintier Harnish, Amy was based in New York City, working on health care access, waterfront access, public space activation, and community engagement. Amy holds a Master’s Degree in Urban Planning and a Master’s Degree in Public Health from Columbia University in the City of New York. Amy was received ha Bachelor’s Degree in Music with a Minor in Medical Anthropology from the University of Michigan-Ann Arbor.
Ryan Lester, Planner

Ryan Lester is a planner with an eye for design. A skilled user of industry-standard graphic design software. Ryan specializes in preparing accessible, user-friendly materials that present planning concepts to the public in concise, easy-to-understand, and engaging ways. Beyond research and writing, he designs branding, builds project websites, creates informative zoning and ordinance code graphics, produces digestible engagement materials and infographics. In five years with Mintier Harnish. Ryan has worked on a variety of projects including General Plans for the cities of Folsom, Kerman, Millbrae, Rohnert Park, Sacramento, and Union City, the Towns of Los Gatos, Truckee, and Windsor, and Fresno and Ventura Counties. Ryan has also worked on zoning codes for the City of Santa Clara and Merced County.
Relevant Experience

Members of our consulting team have individually, and together, prepared over 130 zoning and development codes, subdivision ordinances, design guidelines documents, and related regulations, both as consultants and as prior city and county staff. This extensive body of work includes the following projects, some of which are works in progress:

- Coastal Zoning Code. City of Arcata
- Coastal Zoning Code. City of Fort Bragg
- Coastal Zoning Code. City of Malibu
- Coastal Zoning Code. City of Pismo Beach
- Coastal Zoning Code. Marin County
- Design Guidelines. City of Brea
- Design Guidelines. City of Pismo Beach
- Design Guidelines. City of South Pasadena
- Design Guidelines. City of Stockton
- Design Guidelines as part of the following Development Codes, where noted:
  - Development Code (zoning/subdivision). City of Arcadia
  - Development Code (zoning/subdivision). City of Arcata
  - Development Code (zoning/subdivision). Calaveras County
  - Development Code (zoning/subdivision/design). City of Chico
  - Development Code (zoning/subdivision/design). City of Clovis
  - Development Code (zoning/subdivision/design). City of Diamond Bar
  - Development Code (zoning/subdivision/design). City of Duarte
  - Development Code (zoning/subdivision/design). City of East Palo Alto
  - Development Code (zoning/subdivision/design/grading/NPDES). City of Fort Bragg
  - Development Code (zoning/subdivision). City of Hollister
  - Development Code (zoning/subdivision/design). City of La Puente
  - Development Code (zoning/subdivision/design). City of Livermore
  - Development Code (zoning/subdivision/design). City of Lodi
  - Development Code (zoning/subdivision/coastal). Marin County
  - Development Code (zoning/subdivision/design). City of Murrieta
  - Development Code (zoning/subdivision). City of Norwalk
  - Development Code (zoning/subdivision/design). City of Pomona
  - Development Code (zoning). City of San Jacinto
  - Development Code (zoning/subdivision/design). City of Simi Valley
  - Development Code (zoning/subdivision/design). City of Sonoma
  - Development Code (zoning/subdivision). City of Stockton
  - Development Code (zoning/subdivision/design). City of San Bernardino
  - Development Code (zoning/subdivision). San Bernardino County
  - Development Code (zoning/subdivision/coastal). Sonoma County
  - Development Code (zoning/subdivision/design). Town of Truckee
  - Grading Code. City of Fort Bragg
  - Land Use Code. City of Cotati
  - Sign Code. City of Pasadena
  - Sign ordinances with all the above development codes, and the zoning ordinances below:
    - Subdivision Code. Calaveras County
    - Subdivision Code. City of Cotati
    - Subdivision Code. City of Gustine
    - Subdivision Code. City of Malibu
Subdivision Code. City of South Pasadena
Subdivision ordinances as part of all of the above development codes"
Zoning Map. City of Culver City
Zoning Map. City of South Pasadena
Zoning Map. Town of Loomis
Zoning Map. Town of Windsor
Zoning Code. City of Brea
Zoning Code. City of Brentwood
Zoning Code. City of Campbell
Zoning Code. City of Carpinteria
Zoning Code. City of Culver City
Zoning Code. City of Desert Hot Springs
Zoning Code. City of Fillmore
Zoning Code. City of Folsom
Zoning Code. City of Gentry
Zoning Code. City of Gustine
Zoning Code. City of Huntington Park
Zoning Code. City of Lodi
Zoning Code. City of Lompoc
Zoning Code. City of Malibu
Zoning Code. City of Mountain View
Zoning Code. City of Novato
Zoning Code. City of Ojai
Zoning Code. City of Oxnard
Zoning Code. City of Pasadena
Zoning Code. City of Pismo Beach
Zoning Code. City of Rancho Mirage
Zoning Code. City of San Ramon
Zoning Code. City of Santa Clara
Zoning Code. City of Santa Rosa
Zoning Code. City of Seaside
Zoning Code. City of South Pasadena
Zoning Code. City of Tustin
Zoning Code. City of West Hollywood
Zoning Code. Lake Havasu City, Arizona
Zoning Code. Fresno County
Zoning Code. Merced County
Zoning Code. Los Angeles County
Zoning Code. Santa Barbara County
Zoning Code. Sierra County
Zoning Code. Solano County
Zoning Code. Town of Loomis
Zoning Code. Town of Windsor
Selected References

The following are references from a small number of our many projects. We strongly encourage contacting our past and current clients regarding our ability to complete our projects and tasks in a timely manner with high quality and accuracy, and within the approved budget. We have never required a budget adjustment for a zoning project unless additional work products, clearly beyond the scope of the original work plan, were requested by the client. The following are relevant examples of our zoning projects.

**City of Arcadia Development Code** – Prepared a comprehensive Development Code to implement the City's new General Plan.

Contact: Lisa L. Flores. Planning Services Manager  
City of Arcadia  
(626) 574-5445

**City of Clovis Development Code** – Prepared a comprehensive Development Code to implement the City’s new General Plan.

Contact: Dwight Kroll. Director  
City of Clovis  
(559) 324-2343

**City of Gilroy Zoning Ordinance Update** – Our team is currently preparing a comprehensive update of the City’s Zoning Ordinance.

Contact: Stan Ketchum. Senior Planner  
City of Gilroy  
(408) 846-0566

**City of Santa Clara Zoning Code Update** – Our team is currently preparing a comprehensive update of the City’s Zoning Code.

Contact: John Davidson. Principal Planner  
City of Santa Clara  
(408) 615-2478

**City of San Bernardino Development Code** – Prepared a comprehensive Development Code, incorporating zoning, subdivision, and citywide design guidelines into an integrated, easy-to-use document. Hillside development and ridgeline protection were among the many issues addressed. Recipient of National APA Outstanding Planning Award for Plan Implementation, 1992.

Contact: Valerie Ross. Planning Director (Retired)  
City San Bernardino  
(909) 384-5057
County of Merced Zoning Code – Preparing a comprehensive update to the Zoning Code in conjunction with the update of the General Plan with a Spring 2019 completion date.

Contact: Steve Maxey. Deputy Director of Planning
Planning Division
Planning and Community Development Department
(209) 385-7654

County of Sierra Zoning Code – Preparing a comprehensive update to the Zoning Code in conjunction with update of General Plan.

Contact: Tim Beals. Director of Planning and Transportation
Sierra County
(530) 289-3251

We invite you to visit codes and related planning regulations we have prepared at the following links:

City of Fort Bragg – Development Code
http://ci.fort-bragg.ca.us/cityclerk/Title%2018.html

City of Grass Valley – Development Code

City of Livermore – Development Code
http://www.codepublishing.com/CA/Livermore.html

Newport Beach – Zoning Code
http://www.codepublishing.com/CA/NewportBeach/?NewportBeach20/NewportBeach20.html

City of Pasadena – Zoning Code
http://ww2.cityofpasadena.net/zoning/index.html

City of San Bernardino – Development Code
http://www.ci.san-bernardino.ca.us/cityhall/community_development/development_code.asp

County of San Bernardino – Development Code

County of Santa Barbara – Land Use Development Code
City of Santa Rosa – Zoning Code
http://qcode.us/codes/santarosa/

City of Seaside – Zoning Ordinance
http://www.ci.seaside.ca.us/Modules/ShowDocument.aspx?documentid=2566

City of Simi Valley – Development Code
http://library.municode.com/HTML/16629/level1/TIT9DECOSIVAMUCO.html

City of Sonoma – Development Code

City of Stockton – Development Code
http://qcode.us/codes/stockton/view.php?topic=16&frames=on

Town of Truckee – Development Code
APPENDIX A - DETAILED PERSONNEL RESUMES
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Exhibit B

“Project Cost Estimate”,
dated February 28, 2019
### EXHIBIT B

**Mariposa County Zoning and Subdivision Ordinance Update**

<table>
<thead>
<tr>
<th>PHASES</th>
<th>Fy 18/19</th>
<th>Fy 19/20</th>
<th>Fy 20/21</th>
</tr>
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<tbody>
<tr>
<td><strong>Phase 1: Project Initiation</strong></td>
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<tr>
<td>Task 1.1: Kick-Off Meeting, Scoping Meeting, and County Tour</td>
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<td>Task 1.2: Community Engagement Strategy</td>
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<td>Subtask 1.2.1: Stakeholder Interviews</td>
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<td>Subtask 1.2.2: Community Workshops</td>
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<td>Subtask 1.2.3: County Commissions and Committees</td>
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<td>Subtask 1.2.4: Planning Commission and Board of Supervisors Study Session</td>
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<tr>
<td>Task 1.3: Diagnostic Document Review</td>
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<tr>
<td>Task 1.4: Summary Matrix of Zoning and Subdivision Ordinance Issues</td>
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<td>Task 1.5: Draft Zoning and Subdivision Ordinance Format, Outline, and Style Guide</td>
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<td><strong>Phase 2: Zoning Ordinance</strong></td>
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<td>Task 2.1: Zoning District Provisions*</td>
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<td>Task 2.2: General Development and Specific Use Standards</td>
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<td>Task 2.3: Administrative Provisions</td>
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<td>Task 2.4: Preliminary Draft Zoning Ordinance</td>
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<td>Task 2.5: Public Review Draft Zoning Ordinance</td>
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<td><strong>Phase 3: Subdivision Ordinance</strong></td>
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<td>Task 3.1: Administrative Draft Subdivision Ordinance</td>
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<td>Task 3.2: Preliminary Draft Subdivision Ordinance</td>
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<td>Task 3.3: Public Review Draft Subdivision Ordinance</td>
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<td><strong>Phase 4: Revised Public Review Draft Zoning and Subdivision Ordinance and Zoning Map</strong></td>
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<td>Task 5.1: CEQA Addendum</td>
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<td><strong>Phase 6: Public Review and Adoption</strong></td>
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<td>Task 6.1: Planning Commission Public Hearing</td>
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<td>Task 6.2: Board of Supervisors Public Hearing</td>
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<td>Task 6.3: Screencheck Final Zoning and Subdivision Ordinance</td>
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<td>Task 6.4: Final Zoning and Subdivision Ordinance</td>
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<td><strong>$3,900</strong></td>
<td><strong>$3,900</strong></td>
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<td><strong>Total Project Costs</strong></td>
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<td><strong>CONTINGENCY</strong></td>
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*For FY 18/19, the Consultants will prepare an Administrative Draft of Article 2 (Task 2.1), Preliminary and Public Review Draft of Article 2 will be part of FY 19/20.*

### COST BREAKDOWN FOR CONSULTANT TEAM

<table>
<thead>
<tr>
<th>Consultant</th>
<th>FY 18/19</th>
<th>FY 19/20</th>
<th>FY 20/21</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mihler Harmish</td>
<td>$52,120</td>
<td>$69,990</td>
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<td>Jacobson &amp; Wack</td>
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<tr>
<td><strong>TOTAL COST</strong></td>
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<td><strong>$133,490</strong></td>
<td><strong>$31,050</strong></td>
</tr>
</tbody>
</table>
Request for Taxpayer Identification Number and Certification

1. Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

Minitar Harnish, LP

2. Business name/disregarded entity name, if different from above

3. Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

- Individual/sole proprietor or single-member LLC
- C Corporation
- S Corporation
- Partnership
- Trust/estate
- Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership).

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

4. Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

- Exempt payee code (if any)
- Exemption from FATCA reporting code (if any)

5. Address (number, street, and apt. or suite no.) See instructions.

1415 200th Street
Mariposa County
Sacramento, CA 95811

6. City, state, and ZIP code

Mariposa County
P O Box 2039 / 5100 Bullion Street
Mariposa, CA 95338

7. List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see How to get a TIN, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see What Name and Number To Give the Requester for guidelines on whose number to enter.

Social security number

Employer identification number

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here

Signature of U.S. person

Date

3/21/19

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.