



The Business Guide

A GUIDE TO STARTING AND OPERATING
A SUCCESSFUL SMALL BUSINESS

This guide is made possible through the partnership of

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TUOLUMNE COUNTY
Economic Development Authority

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Tuolumne County
SCORE ™

FOR THE LIFE OF YOUR BUSINESS

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Table of Contents

| | |
|--|-------|
| Introduction | 1 |
| 1: Getting Started: Licenses, Permits and Regulations | 2-6 |
| Overview | 2 |
| Business Licenses and Permits | 2 |
| Fictitious Name Statement | 2-3 |
| Seller's Permits | 3 |
| Other Permits | 3 |
| Health and Food Permit | 3 |
| Construction Zoning | 3 |
| Zoning and Home Business Requirements | 3 |
| Sign Ordinance | 4 |
| Federal Identification Number | 4 |
| State Employer Tax Identification Number | 4 |
| Self-Employment Tax | 5 |
| Regulations | 5 |
| Health and Safety Requirements | 5 |
| Worker's Compensation Insurance | 5 |
| Wage, Hour and Child Labor Laws | 5 |
| Insurance | 5 |
| Summary of Agencies | 6 |
| Checklist for New Business | 6 |
| 2: Writing Your Business Plan | 7-8 |
| Preparing Your Business Plan | |
| Blueprint or Road Map | 7 |
| Tool for Raising Capital | 7 |
| Format | 7 |
| Market | 7 |
| Cash | 8 |
| Financial Documents | 8 |
| Break-even Point | 8 |
| Business Plan Outline (Example) | 9 |
| 3: Legal Structures for Your Business | 10-11 |
| Sole Proprietorship | 10 |
| General Partnership | 10 |
| Limited Partnership | 10 |
| Corporation | 11 |
| Limited Liability Company (LLC) | 11 |
| 4: Outside Services and Important Contacts | 12 |
| Small Business Development Centers (SBDC) & SCORE | 12 |
| Accountant, Attorney, Banker, Insurance Agent/Broker | 12 |

Table of Contents (continued)

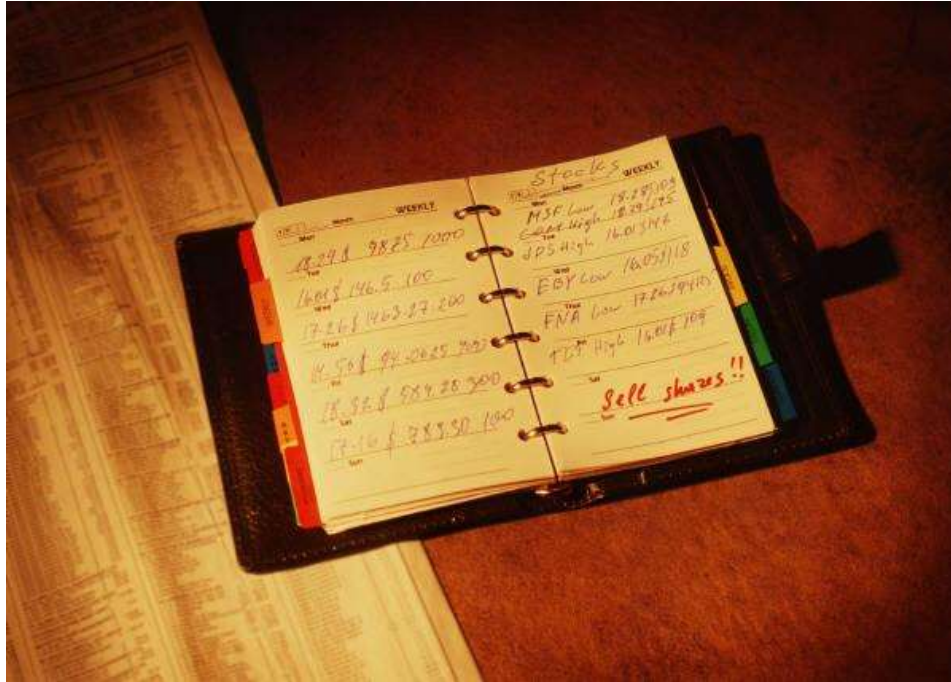
| | |
|---|-------|
| 5: Additional Business Resources: County of Tuolumne and City of Sonora | 13 |
| Professional Business Counseling Services | 13 |
| Tuolumne County Economic Development Authority (TCEDA) | 13 |
| Tuolumne County SCORE Mother Lode Chapter 596 | 13 |
| Small Business Development Center (Alliance SBDC) | 13 |
| Tuolumne County Chamber of Commerce | 13 |
| Microenterprise Program – City of Sonora | 13 |
| Business Training and Entrepreneur Programs | 14 |
| Innovation Lab of Tuolumne County..... | 14 |
| Columbia College Entrepreneur Program | 14 |
| Columbia College – Career Technical Education & Economic Development | 14 |
| Office of Education – Computer Skills Classes..... | 14 |
| Financing: Small Business Loans | 14-15 |
| Revolving Loan Fund/Microenterprise Loans – County of Tuolumne | 14 |
| Microenterprise Program – City of Sonora | 14 |
| Banks..... | 14-15 |
| Chambers of Commerce & Visitor’s Bureau | 16 |
| County of Tuolumne | 17 |
| City of Sonora | 18-19 |
| State of California Tax & Employer Information | 20-22 |
| Federal Tax & Employer Information | 23 |
| | |
| 6: Additional Tips to Success | 24 |

APPENDICES

Appendix A: Small Business Self-Assessment

Appendix B: Tuolumne County’s Home Business Summary of Planning Regulations

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Introduction

STARTING and OPERATING a SUCCESSFUL SMALL BUSINESS

Many people, at one time or another, have had visions of owning or operating a small business. Entrepreneurs often long for the independence of being their own boss and making a success in the market place by utilizing their special skills. Yet, it is well documented that upwards of 50% of all new businesses discontinue operations within the first two years and only 20% survive beyond five years. If you are considering launching a new business and this statistic does not cause you concern then consider how you would respond in the following scenario.

A friend comes up to you and asks to borrow \$25,000. He says he promises to pay you \$50,000 in two years, but there is a 50% chance he will never pay you anything. Would you lend him the money?

Now consider that you are asking yourself for the loan in order to go into business...would you give yourself the money if there was a 50% chance that the business would fail and you will never get any of your money back?

This guidebook is aimed at educating prospective business owners and budding entrepreneurs with the intention of increasing their chances for success. However, many factors ultimately determine the success or failure of any business venture. This guidebook or any material, regardless of the source, cannot guarantee business success. It is offered as information only and as such does not constitute any actual or implied assurance of business success.

1. GETTING STARTED: Licenses, Permits and Regulations

Overview – This guidebook is directed specifically at persons operating or planning to operate a business within Tuolumne County in the State of California. Most of the information is general in nature and applicable to most types of businesses within California and even the U.S.

Most cities and counties have planning and business licensing departments. If you are in an unincorporated area, the county controls most of your business requirements. Typically, the county continues to control health and food permits, hazardous waste regulations and pollution control issues. Check for details on requirements that apply whether you are remodeling an existing location or starting up a new business. If your business is located inside the city limits you need to check with your city's business and community development departments before you begin operating your business. Respective contacts are below:

City of Sonora - Community Development Office
94 North Washington Street
Sonora, CA 95370
(209) 532-3508
www.sonoraca.com

County of Tuolumne - Community Resources Agency
Mailing Address: *Physical Address:*
2 South Green Street A.N. Francisco Bldg, Fl 3 & 4
Sonora, CA 95370 48 W. Yaney Ave., Sonora, CA 95370

(209) 533-5633
www.tuolumnecounty.ca.gov



Business Licenses and Permits - All regular business permits are controlled at the county or city levels. Remember, if your business is located within the city limits, contact the business permit and licensing section of the City of Sonora. If you are locating your business in an unincorporated area of a county, check with Tuolumne County's Community Resources Agency. **In Tuolumne County, only businesses located within the City limits of Sonora require a business license at this time.**

Many professional occupations, such as accountants, cosmeticians, optometrists, realtors, contractors, and businesses such as automotive sales and repair, beer, wine, and liquor sales, pest control, real estate appraisers, to name a few, require additional state licensing. Contact the [State of California Department of Consumer Affairs](http://www.sos.ca.gov) or the [Contractor's State Licensing Board](http://www.cslb.ca.gov) (www.cslb.ca.gov) to find out what licensing board governs your profession. For California businesses most of this information is now available at the state's web-site www.ca.gov. A great location to help guide you through the permitting and licensing process is www.calgold.ca.gov

Fictitious Name Statement - If you operate a business under any name other than your own, you must file a fictitious name statement. This is also referred to as a DBA (doing business as...). This statement must be filed with the Tuolumne County Clerk's office. There is a small application fee, and it must be paid when the statement is filed.

Within 30 days of filing for the fictitious business name, you must run a "Fictitious Business Name Statement" in a local newspaper with a general circulation in your market area. The statement must run "weekly" for 4 consecutive weeks. At the end of the 4 weeks, the newspaper will issue a "Proof of Publication" certificate that must be returned to the Tuolumne County Clerk within 30 days.

Seller's Permits - All businesses involved in the sale or rental of tangible personal property must register with the California State Board of Equalization for a seller's permit, resale license or "wholesalers" license. A security deposit may be required and can be done by; 1) Non-interest bearing cash deposit, 2) Bond, or 3) Bank or savings and loan certificate of deposit. This permit will provide you with a registered resale number that you are required to use when conducting business. Permits must be posted where they are clearly visible. To obtain more information on the seller's permit, resale license or wholesale license, contact the California State Board of Equalization or visit their web-site www.boe.ca.gov where you can register for a permit/license on line. To date there is no cost for these permits.

Other Permits - The City and County are responsible for public safety, and some permits may be required for your new business. Before you begin to remodel a building or even rearrange attached signs, etc., be sure to contact the Building Department and find out what permits are needed and the cost and proper procedures for the work. Check with appropriate local government agencies to learn about other permit requirements. *(See Section 1. Getting Started: Licenses, Permits and Regulations)*

Health and Food Permit - If you sell or handle food, a permit from [Environmental Health Services](#) (aka your local Health Department) is necessary. These regulations are extensive and precise. Make sure you talk to all agencies regarding your requirements. Ask a health inspector to do a "walk through" with you and advise you of potential code violations in the facility. California health and safety laws prohibit you from selling ANY food prepared in your home.

Construction Zoning - Your business must meet local zoning requirements and any construction must conform to local building codes. Building permits are required for new construction as well as structural building improvements. If you are seeking a location for your business, thoroughly investigate zoning ordinances to be sure your choice is zoned for your business activity. Don't just rely on the landlord or a Realtor; also contact the City or County Planning Department for advice.



Zoning and Home Business Requirements - Before signing a lease or beginning business you should verify that the location complies with all zoning regulations. Building and Planning Departments monitor compliance. Request a copy of the restrictions and allowances for that location. You may have to apply for a zoning permit known as a "conditional use" permit to allow for special uses. Ask the Planning Department what information they need; approximate costs, estimate time and the likelihood your special use will be approved. Ask if you are required to attend City Council/Board of Supervisors or Planning Committee meetings. You may need an occupancy permit before opening your business location to the public.

Sign Ordinance – Most cities and counties have two concerns with signs: general appearance and public safety. Most government entities require sign permits and building permits whenever you install, move or remove signs. In most case, you must pay a sign permit and a building permit fee. Business signs must be approved by the Building or Planning Departments. Number and size of each sign often depend on your store frontage and the particular location of your business. Find out the requirements before you spend any money to purchase a sign. Home-based businesses are usually not allowed to have any business signage.

Basic information the Planning Department needs:

Number of signs Size of each sign Placement of signs Design and color choices

Get a copy of the sign permit application so you know what documentation to provide. Applications require the building owner's approval, plans & specifications, color and material description. This is needed before you make the sign and submit the application. When the permit is approved, ask the Building or Permits Department if you must have a building permit to install the sign.

Federal Identification Number - All businesses with employees are required to obtain a Federal Identification Number from the IRS. Usually, a sole proprietorship without employees can use a social security number as identification until employees are hired. Partnerships must also obtain an identification number. If the partnership has no employees, it should be indicated on the form that the number is for identification purposes only, not to meet quarterly and yearly payroll reporting requirements. If you receive a Federal Employee Identification Number, the IRS may send you quarterly and year-end tax forms. These must be filled out and returned, even if you have no employees. In accordance with IRS regulations you are liable for federal withholding taxes, F.U.T.A (Federal Unemployment Tax Act.), and F.I.C.A (Federal Insurance Contribution Act) if you have any employees. The IRS will provide kits for small businesses, information on how to estimate tax payments and complete tax forms, in addition to the Federal Identification Number form (#55-4). *IRS Hotline 1.800.829.1040*



State Employer Tax Identification Number - If you have employees, or plan to have employees, contact the Employment Development Department and file an application for a state employer tax ID number. This number will identify your business in all future tax dealings related to employees. Contact your local office of the Employment Development Department for more information. The EDD has an excellent “New Employers Startup Guide” available from its website, www.edd.ca.gov

Self-Employment Tax - This federal tax is designed to provide you with social security coverage if you are self-employed. Self-Employment Tax is substituted for the social security tax and is approximately twice the amount that is normally withheld from an employee's pay check. For more information contact your personal tax preparer or the IRS.

Regulations - There are numerous local, state and federal regulations governing business activities. Many businesses have regulatory requirements other businesses do not have. It is important you know the local city, county, and state regulatory requirements for your business

Health and Safety Requirements - You must operate your business in compliance with OSHA (Occupational Safety & Health Act) job safety regulations. All businesses with employees must develop and maintain a safety manual. Contact Cal-OSHA Consulting Services for information on compliance with OSHA safety requirements for employers.

Worker's Compensation Insurance - Workers' compensation provides benefits to employees who are injured or become ill during the course of or due to employment. In California, **every employer** is required to carry insurance to cover the cost of occupational injuries and illnesses. This insurance requirement is mandatory even if you have only one part-time employee. Companies based out-of-state with employees hired in California must also have California approved workers' compensation insurance. Worker's compensation insurance can be obtained through any number of national underwriters doing business in California or through State Compensation Insurance Fund. "State Fund" is a self-supporting, non-profit enterprise that provides workers' compensation insurance to many California employers. Contact a local insurance broker specializing in Worker's Comp policies to determine the most appropriate options for your business.



Wage, Hour and Child Labor Laws - If you hire employees, you will mostly likely have to meet the requirements of Federal [Fair Labor Standards Act](#) and the CA [Fair Employment and Housing Act](#) otherwise known as the "Labor Codes". Contact the California Department of Industrial Relations for information about compliance to laws prohibiting discrimination in employment based on sex, age, color, national origin, religion or physical and mental disabilities. When you have even one employee you must display in a prominent place all mandated employment postings/notices required under both Federal and State law.

Insurance - There are numerous types of insurance coverage your business may need depending on the nature of your business. A few types of insurance are:

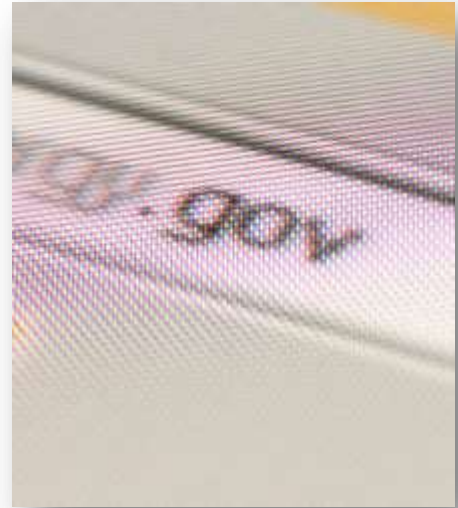
- | | |
|-----------------------|--|
| Liability | Basic Fire insurance |
| Extended Coverage | Vandalism & Malicious Mischief Coverage |
| Theft Coverage | Automotive Insurance |
| Product Liability | Business Interruption Insurance |
| Worker's Compensation | Professional Liability or "Errors and Omissions" |

Contact a local insurance broker who is knowledgeable about business insurance to determine your specific needs.

Summary of Agencies - You may need approval from:

- City/County Building or Permit Department for building, electrical and plumbing modifications
- Local Sanitary Sewer District, especially if your food operation will discard large amounts of grease and other materials
- Police/Sheriff Department
- County Fire Marshall or City Fire Department
- Health Department
- Regional Air Quality Board
- State Regulatory Department(s) (when appropriate)

One excellent source listing potential regulatory agencies for your specific type of business is the Calgold web-site @ www.calgold.ca.gov



Checklist for New Business:

Using a checklist helps to assure that each facet of your business start-up is completed. The order of completion for each checklist item varies by business. Follow the order that is required by law or works best for you. Do not spend money on any item until you need too.

- _____ Determine the business activity most suitable for your skills and location.
- _____ Develop a Business Plan. *(See Section 2)*
- _____ Check local zoning laws and land use ordinances that might apply to your business.
- _____ Choose the legal structure your business will take. *(See Section 3)*
- _____ Determine whether your business requires a state or federal permit or license to operate.
- _____ Contact your local insurance broker to discuss and obtain the type of commercial insurance you will need.
- _____ Locate the services of an accountant, banker, insurance broker and lawyer (as appropriate).
- _____ Apply for a Federal Identification Number.
- _____ Employers: make sure that you have Worker's Comp coverage and complete all employer requirements before employees perform any work.
- _____ Obtain a local business license.
- _____ File and publish a fictitious business name statement with the County Clerk and local newspaper.
- _____ Opening a business checking account separate from your personal account.
- _____ Apply for a sales and use sellers permit if you plan to sell or rent tangible personal property.
- _____ Apply for a State Employer Tax I.D. Number (if you plan to have employees). *(See section 4)*
- _____ Obtain forms from the IRS and California State Franchise Tax Board for income tax reporting.



2. Writing Your Business Plan

“The Merchant who fails to plan...plans to fail” -- Benjamin Franklin --

The first step you should take once you decided to go forward with your business idea is to write a business plan. Your plan should outline who you are, who your customers are or will be, your product/service line, marketing strategy, resources needed to start and operate the business, and financial outcome projections.

This business plan is a necessary tool when communicating your concepts to financial institutions if you are requesting to borrow money. It supplies the lender with a brief business history, insight into your business practices and goals, as well as a look at your strategy for the future financial success of your business. Perhaps most importantly, it should explain the business skills and management experience of the owners. Banks today are very reluctant to lend to persons without business management experience.

Preparing Your Business Plan - Developing a business plan is the most important thing you do before going into business. For a startup, the business plan is an assessment tool. As you work your way through all the points of the plan, you will have to continually reaffirm the viability of your business idea. As you grow, it will help you keep track of details you can no longer keep in your head.



- **Blueprint or Road Map** - A thoroughly researched and well thought-out business plan will clarify your goals, focus your energy and resources, give direction to your work and gauge your progress.
- **Tool for Raising Capital** - A good business plan is essential if you plan to seek financing. To get a loan or attract investors, you will need to present a cohesive picture of your business, the management team, why the business will succeed and how you intend to repay the bank or other investors.
- **Format** - There is no magic formula for a business plan. It's important to understand the concept of business planning; writing an outline may help you avoid overlooking important points. Free advice is available from your local SBDC (www.alliancesbdc.com) or SCORE (www.tuolumnecounty.score.org) to assist you writing your plan.
- **Market** - Nothing is more important than knowing your market. The most innovative product or idea in the world won't make money if its inventor can't find customers for it. The biggest part of your planning efforts should go into a market study: Whom are you going to sell to, who is your competition, and how will your business be unique?

- **Cash** - It's important to realize that only cash is cash. There are two other keys points to remember. First, its only "cash" when it's in the bank and second, you can only spend a dollar once! Profits, accounts receivable, retained earnings and other entries on financial statements may look like cash, but they won't pay the bills. Good cash flow may not clearly show profits. But, a business that has insufficient cash to pay its expenses, could be showing profits and be in bankruptcy. Many businesses, especially those growing quickly, make the mistake of not controlling their cash position. According to the SBA the #1 reason that a young business fails is it simply runs out of cash and cannot get more. At that point "failure" is not a choice it becomes inevitable. Too often people spend earnings before they're received and when the money comes in they fail to realize it's already been spent. This is why funding your business with credit cards can be so disastrous if they're not used prudently and properly.



- **Financial Documents** - Regularly, well-prepared balance sheets and profit and loss statements are important management tools for any business owner. A good working knowledge of your financial statements will make it easier to work with your banker and accountant. Take the time to get a grasp of these important documents.



- **Break-even Point** - The break-even point is the level of revenue that covers the fixed and variable costs of providing your product or service. You must know the actual costs of doing business. Your fixed costs (rent, utilities, insurance, etc.) remain constant regardless of your sales. Your variable costs (cost of goods, sales commissions) fluctuate with sales. It's important that you be able to accurately identify your costs, know the sales level needed to break even and be able to meet or exceed that figure.

Business Plan Outline (*Example*)

I. The Business

- A. Executive Summary
 - 1. Business Name
 - 2. Location and Plant Description
 - 3. Product and Management Expertise
 - 4. Market Opportunity and Competition
 - 5. Financial/Business Goals
- B. The Business Description
 - 1. The Company
 - 2. The Industry
- C. Products and Service Features
 - 1. Description of Product Line
 - 2. Proprietary Position: Patents, Copyrights, Legal and Technical Considerations
- D. Management Concept
 - 1. Organization
 - a. Key Management Personnel/Staffing Plans
 - b. Management Compensations and Ownership
 - c. Supporting Professional Services
 - 2. Operations Plan/Overall Schedule
 - a. Key events/Milestones
 - b. Critical Risks and Assumptions
 - c. Community Benefits

II. The Market

- A. Customers
- B. Target markets and Trends
- C. Competition
- D. Estimated Market Share and Sales
 - 1. Ongoing Market Evaluation
- E. Marketing Plan
 - 1. Overall Strategy
 - 2. Pricing Policy
 - 3. Methods of Selling, Distribution and Servicing Products
 - a. Service and Warranty Policy
 - b. Advertising and Promotion

III. The Financials

- A. Financial Projection (3 Years)
 - 1. Profit and Loss Forecast
 - 2. Pro-Forma Cash Flow Analysis
 - 3. Pro-Forma Balance Sheet
 - 4. Capital Expenditures/break-even Chart
 - 5. Historic Financial Data
- B. Proposed Financing/Cash Needs

3. Legal Structures for Your Business

You must consider a type of legal structure for your business. There are many subtleties involved in deciding the legal structure that best meets the present and future needs of your business and owners. The advice of a CPA and an attorney could be helpful in your decision. By default your business will automatically be a sole proprietorship if it is owned and operated by an individual, (in California a husband and wife can be a Sole Proprietorship), or a partnership, if two or more individuals own the business.

Sole Proprietorship - The simplest form of organization is the "sole proprietorship". One person owns the business and is responsible for all business decision-making. There are few legal restrictions, the owner receives all the profits from the business and that "business income" is taxed on his/her personal income return. The owner is also personally liable for all claims against the business (this includes business debt and legal claims and judgments). The sole-proprietorship automatically ends with the death of the owner.

- Taxed as Personal Income – Federal Tax Forms
 - ✓ Schedule C (Form 1040)
 - ✓ Estimated Tax (Form 1040)
 - ✓ Self-Employment Contribution (Schedule SE of form 1040)

General Partnership - A general partnership is the combining of resources and skills by two or more people acting as co-owners and managers of a business. It is easy to establish and requires no specific written agreement between the parties, however, an adequate written agreement is recommended to minimize or hopefully eliminate any future disputes. This partnership ends with the death or withdrawal of one of the partners or addition of a new partner. There should always be a written addendum to any original agreements when changes occur. Each partner is personally liable for **ANY** and **ALL** business debts and assets. Any business profit is taxed as personal income at the same proportion that it is distributed to each partner. Partnerships must file all state and federal tax returns.

- Partnerships – Federal Tax Forms
 - ✓ Income Tax as Personal Income of each Partner (Form K-1 1065)
 - ✓ Information Return (Schedule K. Form 1065)
 - ✓ Estimated Tax Payment (Form 1040)
 - ✓ SECA (Form SE)

Limited Partnership - No limit on the number of partners, but there must be at least one general partner. Limited Partnerships are required by law to register with the State Secretary's Office in Sacramento (there is a fee). A limited partnership allows an investor to become a partner without assuming unlimited liability. These investors usually risk only the amount of their initial investment and must avoid any operational control over the business. Income is reported as personal income. The IRS has special income tax rules for limited partnerships.



Corporation - A corporation is the most complex form of organization. It is an artificial legal entity that exists separately from its owners. It can enter into contracts, pay taxes and be held liable for claims against it. Since it is a separate legal entity, the death of a stockholder or sale of stock will not affect the corporation's ability to conduct business. Investors are not liable for any claims against the corporation's ability to conduct business or beyond the amount of their investment. Capital may be raised for the corporation by sale of stocks, bonds, debentures or going public.

The tax structure for corporations is more complicated. Articles of Incorporation must be filed with the Secretary of State. Corporations must prepay their annual minimum franchise tax to the State for the "right" of doing business in CA. A statement of Domestic Incorporation must be filed with the Secretary of State each year updating officers and addresses, if the business is incorporated in California.

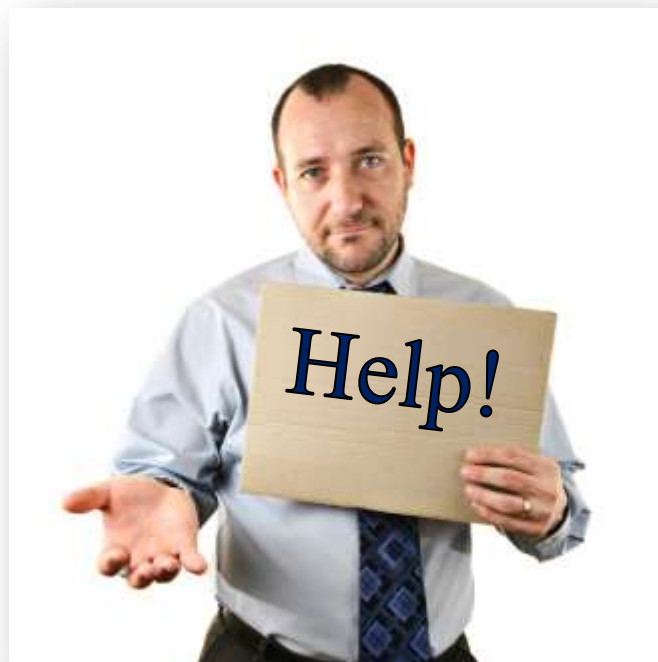


- **Corporations**
 - ✓ Taxed as a separate entity (Use Form 1120). They also must make estimated tax payments. Form 1120W provides instructions on making estimated payments.
- **Subchapter "S" Corporations**
 - ✓ Taxed as a partnership (Use Form 1120S for information) Subchapter "S" Corporations must also make estimated tax payments.
 - ✓ Contact the IRS for a free copy of publication #589, "Tax Information on 'S' Corporation."

Limited Liability Company ("LLC") - An LLC is a relatively new form of business entity that allows for the liability protection of a corporation, but operates like a partnership. It can be owned by one person ("member") or multiple people, and it can either be managed by all of the members, or if only one person is going to be running the business, that person can be designated as the "manager" of the LLC. Either way, all of the members will have limited liability for the debts incurred by the LLC. However members, in most cases, are still fully liable for debts or liabilities they "personally" take-on or cause.

4. Outside Services and Important Contacts

Here are a number of outside professionals with whom a new business person should establish a relationship.



Small Business Development Centers (SBDC) & SCORE – Both offer free guidance, research and counseling. SBDC's also offer a variety of business management workshops throughout the year at their location and in conjunction with colleges, chambers of commerce and local cities. For the location of your local SBDC or SCORE chapter visit the U.S. SBA web-site www.sba.gov and scroll over “Local Resources” on the home page.

Accountant - An accountant should be consulted to set up a good bookkeeping system for your business. Inadequate record keeping is a leading contributor to the failure of small businesses.

Attorney - An attorney's services are not only essential in the planning stages of your business, but throughout the life of your business. They can assist in choosing your legal structure, reviewing lease agreements, drawing up partnership agreements or incorporation papers, structuring contracts, as well as providing information on your legal rights and obligations.

Banker - Capital requirements of a small business make it essential that a good working relationship be established with a local banker. They are a good source of financial information and for obtaining financing.

Insurance Agent/Broker - An insurance agent/broker can advise you about the type of coverage necessary for your business. They may be able to tailor a package to meet your specific needs.

5. Additional Business Resources:
County of Tuolumne & City of Sonora

Professional Business Counseling Services

Tuolumne County Economic Development Authority (TCEDA)

Larry Cope, Director of Economic Development

(209) 989-4058

larry.cope@tceda.net

www.tceda.net

Tuolumne County SCORE Mother Lode Chapter 596

Chapter Chair

(209) 532-4316

score@mlode.com

www.tuolumnecounty.score.org

Small Business Development Center (Alliance SBDC)

Center Director

(209) 567-4910

www.alliancesbdc.com

Tuolumne County Chamber of Commerce

Executive Director

(209) 532-4212

info@tcchamber.com

www.tcchamber.com

The City of Sonora has established a Microenterprise Assistance Program. The Program is targeted for small businesses and is designed to stimulate growth and create new private enterprise jobs that will improve the economic conditions of residents in the community. The Program provides technical assistance and Micro Loans to eligible persons starting a business or expanding an existing business within the City of Sonora.

Microenterprise Program – City of Sonora

Community Development Director

(209) 532-3508

www.sonoramicroenterprise.com

Business Training and Entrepreneur Programs

Innovation Lab & Maker Space

Valerie Davidson
(209) 965-7924
myinnovationlab@outlook.com
www.myinnovationlab.org

Columbia College Entrepreneur Program

Ida Ponder, Director
(209) 588-5304
ponderi@yosemite.edu
www.gocolumbia.edu

Columbia College – Career Technical Education & Economic Development

Klaus Tenbergen, Dean
(209) 588-5142
tenbergenk@yosemite.edu
www.gocolumbia.edu

Office of Education – Computer Skills Classes

Educational Services, County Superintendent of Schools Office
(209) 536-2031
dadamiak@tcsos.us
www.tcsos.us

Financing: Small Business Loans

Revolving Loan Fund/Microenterprise Loans – County of Tuolumne

Maureen Frank, Deputy County Administrator
(209) 533-5511
mfrank@co.tuolumne.ca.us
www.tuolumnecounty.ca.gov

Microenterprise Program – City of Sonora

Kim Campbell, Community Development Department
(209) 532-3508
kcampbell@sonoraca.com
www.sonoramicroenterprise.com

Bank of America

(209) 533-6100
www.bankofamerica.com

Bank of Stockton

(209) 532-3631
www.bankofstockton.com

BBVA Compass Bank

(209) 536-1080

www.bbvacompass.com

Clearinghouse CDFI

(530) 923-4148

(530) 635-4423

www.clearinghousecdfi.com

Fresno CDFI

(559) 263-1277

www.fresnoec.org

Oak Valley Community Bank

(209) 532-7100

Small business loans (loans under \$250K)

(209) 396-1581

Commercial Loan Officer (loans over \$250,000)

(209) 396-7723

www.ovcb.com

Rabobank

(209) 436-1800

www.rabobankamerica.com

Success Capital EDC (Small Business Administration Loans)

(209) 521-9372

www.successcapitalsba.com

Umpqua Bank

(209) 588-8800

(209) 588-2649

www.umpquabank.com

Wells Fargo Bank

(209) 532-3106

(209) 533-2103

www.wellsfargo.com

Westamerica

(209) 536-1000

www.westamerica.com

Valley Small Business Development Corporation

(559) 476-3970

(559) 438-9680

www.vsbdc.com

Chambers of Commerce and Visitor's Bureau

Tuolumne County Chamber of Commerce

(209) 532-4212

info@tcchamber.com

www.tcchamber.com

Columbia Chamber of Commerce

(209) 536-1672

info@columbiacalifornia.com

www.visitcolumbiacalifornia.com

Sonora Chamber of Commerce

(209) 964-4405

info@sonorachamber.org

www.sonorachamber.org

Twain Harte Chamber of Commerce

(209) 586-4482

info@twainhartecc.com

www.twainhartecc.com

Yosemite Chamber of Commerce

(209) 962-0429

info@groveland.org

www.groveland.org

Promotion Club of Jamestown

(209) 984-3370

www.jamestownca.org

Tuolumne County Visitor's Bureau

(209) 533-4420, (800) 466-1333

tcvbinfo@mlode.com

www.tcvb.com

County of Tuolumne

Fictitious Business Name and Zoning Affidavit

County Clerk
County of Tuolumne Administration Offices
2 South Green Street, Sonora, CA 95370
(209) 533-5573
clerk@tuolumnecounty.ca.gov
www.tuolumnecounty.ca.gov

Unless your own name appears in the name of your business, you will need to file a [Fictitious Business Name Statement](#) at the County. If checks will be made out under your business name, you will want to open a business checking account to be able to cash checks. Appear in person to fill out forms, including an [Information Questionnaire](#) and a [Zoning Affidavit](#), and then walk this paperwork over to the Community Resources Agency's Planning Department located at 48 West Yaney Avenue, Sonora. There is a small application fee, and it must be paid when the statement is filed.

Business License

The County of Tuolumne does not require business license if your business is or will be located in an unincorporated area of the County; however, if you are conducting business within the Sonora city limits, a business license is required regardless of your business location and can be obtained at City Hall (*see City of Sonora*).

Building/Planning/Zoning/Code Compliance

Community Resources Agency
48 West Yaney Ave. (Francisco Building)
(209) 533-5633
www.tuolumnecounty.ca.gov

If your business will be or is located in the unincorporated area of the County, it is prudent to be certain that your type of business qualifies as a permitted use and complies with current County zoning before purchasing property or signing a lease. Apply for the required permits before you "open for business."

Home Occupation Permit – *See Appendix B*

City of Sonora

Business License

City Hall, City of Sonora Administration at (209) 532-4541
94 North Washington Street, Sonora, CA 95370
Community Development (209) 532-3508
www.sonoraca.com

A business license is required by the City of Sonora if your business is either located within the City Limits or you are conducting business within City limits whether working as a contractor, performing cleaning or yard services, a taxi cab, or other professional services. Start with City Hall, and ask for a business license packet, which includes a [Business License](#) application and fee structure, an [Occupancy Permit Application](#), [Occupancy Permit Requirements](#) checklist, and an [Emergency Response Information](#) form for fire and police safety. [Zoning Affidavit](#) is also required with each business license which is available from the Community Development Department located upstairs at City Hall. There is a business license fee which varies in cost according to your location, and a separate fee for the inspections. Once approved, your business license will be mailed to you or you can pick it up at City Hall.

Occupancy Permit

For all new businesses located within the city limits, the City of Sonora requires an approved [Occupancy Permit Application](#) and inspection to assure that basic minimum building and fire safety standards are met. Contact the Community Development Department for more information on [Occupancy Permit Requirements](#).

Home Occupation Permit

Some businesses which have few or no impacts may be allowed to be operated out of an existing residence. Such businesses must obtain a [Home Occupation Permit](#). Contact the Community Development Department for more information regarding [Home Occupation](#).

Sign Permit

Sign Permits and Design Review are required for most signs within the City Limits.

[Sign Information – City of Sonora](#)

[Sign Guidelines – City of Sonora](#)

[Sign Application – City of Sonora](#)

Planning and Zoning/New Construction/Use Permit

Before selecting a particular location, zoning requirements should be reviewed for the proposed business type. If there will be new construction or additions/renovations to an existing building, a [Construction Permit Application](#) is required, and plans will have to be reviewed and required permits obtained. Some commercial businesses must also obtain a [Use Permit](#) to operate in the City of Sonora.

Health Permit

Tuolumne County Environmental Health Division (*see County of Tuolumne*)

(Division of Tuolumne County Community Resources Agency)

(209) 533-5633

www.tuolumnecounty.ca.gov

If the business will involve the handling of foods, you must consult the County of Tuolumne's Environmental Health Office and obtain a permit.

Fictitious Business Name Statement

Tuolumne County Clerk (*see County of Tuolumne*)

2 South Green Street

Sonora, CA 95370

(209) 533-5573

www.tuolumnecounty.ca.gov

Every person who regularly transacts business in the State of California for profit under a fictitious business name must file a [Fictitious Business Name Statement](#). The form is filed with the County Clerk of the County of the principal place of business.

City of Sonora Police Department

Chief of Police

100 S. Green Street, Sonora, CA 95370

(209) 532-8143

www.sonorapd.com

Sonora Fire Department

Fire Chief

201 S. Shepherd Street, Sonora, CA 95370

(209) 532-7432

www.sonorafire.com

State of California Tax & Employer Information

California Seller's Permit

California State Board of Equalization

(800) 400-7115

www.boe.ca.gov/sutax/faqresale.htm

A *seller's permit* allows an individual or a business to buy products at wholesale prices and sell at retail prices, which favors profitability. You must obtain a seller's permit if you are engaged in business in California and intend to sell or lease tangible personal property that would ordinarily be subject to sales tax if sold at retail. Both wholesalers and retailers must apply for a permit, and the requirement applies to individuals, corporations, partnerships and limited liability companies. A *seller's permit* allows you to collect sales tax from customers and report those amounts to the State of California on a regular reporting period (either monthly, quarterly, or annually).

There is no charge for a seller's permit, but security deposits are sometimes required. If you have purchased an existing business, you must provide the previous permit information. If you plan to make sales for less than 90 days (e.g., Christmas tree stands or craft fairs), you may apply for a temporary seller's permit. You can apply online using electronic registration ([eReg](#)) or you may apply at a [nearby BOE office](#).

Your permit is valid only as long as you are actively engaged in business as a seller. If you are no longer conducting business, you should return your permit to the BOE for cancellation. For more information please see [Buying, Selling, or Discontinuing a Business](#). Likewise, the BOE may cancel your permit if it finds that you are no longer engaged in business as a seller.

<http://www.boe.ca.gov/sutax/faqseller.htm#1>

http://www.taxes.ca.gov/Sales_and_Use_Tax/SellersPermit.shtml

California Resale Certificate

A "resale certificate" is required by the State of California as proof that you have a seller's permit to purchase a product from a wholesaler distributor or supplier in order to *resell* it at a retail price. Your supplier will ask you to provide a resale certificate as proof that the product was purchased for resale. The certificate may be as simple as a note, letter or memorandum; however the certificate must contain specific information. For a sample resale certificate, here is a link: <http://www.boe.ca.gov/pdf/boe230.pdf>.

State Taxes – Withholding

Employers must register with the State Employment Development Department.

www.edd.ca.gov

Fair Employment

Employers are required to provide information to employees regarding employment rights and to display certain posters where employees may readily see them.

www.dfeh.ca.gov

Workers Compensation

Under California Law Worker's Compensation Insurance is mandatory for all employers. Contact the State Compensation Fund regarding the requirements of Workers Compensation Insurance.

www.statefundca.com

Alcoholic Beverage Control

If the business will sell alcoholic beverages, you must contact the State Department of Alcoholic Beverage Control.

www.abc.ca.gov

Contractor's State License Board

If the business is in the construction industry, contact the State Contractor's License Board to determine what special permits/licenses may be required.

www.cslb.ca.gov

State Licenses

The State of California imposes license requirements and fees on more than 100 businesses and professions. The Department of Consumer Affairs grants most licenses.

www.dca.ca.gov

Business Filing

If forming a corporation, a limited liability company, or a partnership, you must file with the California Secretary of State.

www.ss.ca.gov

CAL-OSHA

If the business will have employees, there are laws that govern safety standards designed to prevent injuries arising out of unsafe or unhealthy working conditions.

www.dir.ca.gov

Small Business Administration (Sacramento District) - (916) 735-1700

www.sba.gov/offices/district/ca/citrus-heights

California Business Portal

www.business.ca.gov

California Business Guide

www.business.ca.gov/StartaBusiness.aspx

California Chamber of Commerce

www.calchamber.com

Franchise Tax Board

www.ftb.ca.gov

Information relating to employer withholding and tax payment requirements

State Board of Equalization

www.boe.ca.gov

Information relating to sales or use tax liability, special taxes and fees, property tax administration, and franchise and income tax appeals.

Employment Development Department

www.edd.ca.gov

Information relating to unemployment insurance, disability insurance and employment tax

Department of Consumer Affairs

www.dca.ca.gov

Information relating to licensing requirements at the state level for specific business entities

Department of Insurance

www.insurance.ca.gov

Information relating to requirements for insurance companies, agents and brokers

State Bar of California Office of Certification

www.calbar.ca.gov

Information relating to registration of law corporations and limited liability partnerships

Department of Industrial Relations

www.dir.ca.gov

Information relating to worker's compensation requirements

Tax Information Center

www.taxes.ca.gov

Information relating to income, payroll, sales and use tax for California businesses

CalGOLD

www.calgold.ca.gov

Excellent website that provides detailed information on the business permit, license and registration requirements from all levels of government.

Small Business Fairs

www.boe.ca.gov/sutax/tpsched.htm

Free seminars for small business owners sponsored by several California tax agencies to assist with the tax aspects of a business.

Division of Corporations – (866) 275-2677

www.dbo.ca.gov/About_DBO/organization/doc.asp

Responsible for the regulation of securities, franchises, off-exchange commodities, investment and financial services, independent escrows, consumer and commercial finance lending, and residential mortgage lending.

Department of Financial Institutions

www.dbo.ca.gov/About_DBO/organization/dfi.asp

Information relating to credit unions, industrial loan companies, banks, savings and loan.

Federal Tax & Employer Information

Internal Revenue Service (IRS) - www.irs.gov

Businesses will be required to file various tax forms (income, self-employment, property, sales and use, payroll, excise, etc...) using a tax identification number, social security number for sole proprietors or an [Employer Identification Number](#) for businesses with employees. The IRS offers workshops to assist businesses in the completion of federal forms and requirements for businesses and employers. For more information call the IRS hotline 1 (800) 829-1040.

- Investment tax credit for purchase of certain types of equipment: up to 10% of qualified investments for new items and 10% of first \$125,000 for used equipment.
- Collection and/or payment of:
 - ✓ F.U.T.A.-Federal Unemployment Tax Form 940
 - ✓ FICA-Social Security (Employee and Employer)
 - ✓ Form 941-Employees should get Circular & Employers Tax Guide, IRS publication 15.
- Federal Income Tax Withholding:
 - ✓ W-4 Employee Withholding Certificate
 - ✓ W-2 Employee Wage and Tax Statement
 - ✓ W-3 Transmittal of Income and Tax Statements to Social Security Administration.

Federal Tax ID Number/Employer Identification Number (EIN)

- *Apply online:* [https://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Apply-for-an-Employer-Identification-Number-\(EIN\)-Online](https://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Apply-for-an-Employer-Identification-Number-(EIN)-Online)
- *Apply by phone:* Business & Specialty Tax Line at (800) 829-4933 to obtain EIN immediately. An assistant takes the information, assigns the EIN; provides the number to an authorized individual.
- *Apply by fax:* Complete Form SS-4. See “Where to File – Business Forms and Filing Addresses.” The EIN will be faxed back within 4 business days from receipt
- *Apply by mail:* Processing time is 4 weeks

U. S. Business Advisor

www.business.usa.gov

Information and services provided by the government for the business community

Small Business Administration

www.sba.gov

Information regarding starting and managing small businesses

U.S. Customs

www.cbp.gov

Information regarding importing and exporting issues related to the U.S. Customs Service

U. S. Department of Commerce

www.commerce.gov

Promotes American businesses, keeps a vast array of economic statistics, conducts the census, issues patents and trademarks, sets industrial standards

U.S. Department of Labor

www.dol.gov

Resources for Federal Labor Laws and regulations associations or savings banks.

6. Additional Tips to Success

Planning

- ❖ Have a realistic Business Plan and *follow it!*
- ❖ See a Bookkeeper/Tax Consultant for payroll and other financial systems before opening your doors for business.
- ❖ Prepare realistic cash flow budgets prior to starting the business. Evaluate what a break-even revenue point is and whether or not you can reach it before your funds expire.
- ❖ Don't increase overhead prematurely. Don't grow faster than your finances and time will allow.
- ❖ Establish documented internal controls. Make sure employees understand how to implement them. Then, establish follow-up procedures. Separate cash handling and bill paying duties. Have adequate checks and balances.
- ❖ Be sure you are adequately financed to stay the course.
- ❖ Use the [Self-assessment \(Appendix A\)](#) included in this guide as a checklist.

General

- ❖ Take advice from experts, not friends!
- ❖ Cover all the bases. You may know your field, BUT, don't assume-get the facts, especially on major decisions!
- ❖ **Good** professional help is worth every penny you pay for it.

Employer Rules and Health Care

- ❖ If you have, or plan to have, over 20 employees, State and Federal laws are much more extensive. Also, for 20+ employers, providing health insurance is very complex. Spend time considering what health insurance benefits you can afford and wish to offer your employees. Get professional advice!
- ❖ Make yourself aware of the Wage & Hour laws, state & federal Discrimination Laws and the concept of "At Will" employment.
- ❖ Don't forget to provide for your own health insurance and medical expenses.
- ❖ Take time off when you can, this is VERY important to prevent personal illness and emotional stress.

And Finally.....

Ownership of a business is a challenge and requires a lot of hard work. However, when done properly, it can give you the financial and personal independence you want and great satisfaction. We wish you much success and hope the information presented in this document will assist you and provide guidance along the way in starting and operating your own profitable business in California.

APPENDIX A
Small Business
Self-Assessment

SMALL BUSINESS SELF ASSESSMENT

Date: _____

Name: _____ Email: _____

Business Name: _____

Developing a Business & Marketing Plan

Check the boxes that apply: item completed, check "YES" or check "NO" if you need to do it.

YES NO

 Executive Summary (write this last – 2 pages or less)

General Company Description

 Describe your business/service in general terms

 Mission Statement

 Company Goals and Objectives

 Business Philosophy: what is important to you in business?

 Target Market: To whom will you market your products? Niche: in a short paragraph, define your niche or unique corner of the market

 Describe your industry. What changes do you foresee in short and long-term? How will your company be poised to take advantage of them?

 Describe your most important company strengths and core competencies. What factors will make the company succeed? What background experience, skills and strengths do you personally bring?

 Legal form of ownership: sole proprietor, partnership, corporation, Limited Liability Corporation? Why?

APPENDIX A

Operational Plan

YES NO

Production: how and where are your products produced? Explain your methods

- Production techniques and costs
- Quality control
- Customer Service
- Inventory Control
- Product Development

Location: describe what you need

- Physical requirements: amount of space, type of building, zoning, power/utilities
- Access: parking, dock, easy walk-in access, convenient to suppliers or transportation
- Cost: rent, maintenance, utilities, insurance, initial remodeling
- Business Hours?

Legal Environment: do you know what you need or are required to have?

- Licensing and bonding requirements
- Permits
- Health, workplace, or environmental regulations
- Special regulations covering your industry or profession
- Zoning or building code requirements
- Insurance coverage
- Trademarks, copyrights, or patents (pending, existing or purchased)

Personnel and Human Resources

- Number of employees: full-time; part-time, contract?
- Type of labor (skilled, unskilled and professional)
- Where and how will you find the right employees?
- What is the quality of existing staff?
- Do you have a pay structure?
- Training methods and requirements
- Who does what tasks?

APPENDIX A

Operational Plan (cont.)

YES NO

- Do you have schedules and written procedures prepared?
- Job Descriptions?
- Employee Manual?

Inventory

- What kind of inventory will you keep: raw materials, supplies, finished goods)
- Average value of stock (what is your inventory investment?)
- Rate of turnover of inventory?
- Seasonal buildups?
- Lead time for ordering?

Suppliers: Identify key suppliers

- List of suppliers: names and contact information
- Type of inventory and amount from each supplier
- Credit, payment and delivery policies
- History and reliability

Credit Policies

- Will you extend credit to your clientele? Is it customary in your industry?
- If so, what policies will you have about who gets credit and how much?
- How will you check creditworthiness of new applicants?
- What terms will you offer: how much credit and when is payment due?
- Will you offer prompt payment discounts? Do this only if it is customary.
- What will it cost you to extend credit? Is this cost built into your prices?
- Accounts Receivable/Payable: policy for slow paying customers?

APPENDIX A

Management and Organization

YES NO

- Who will manage the business day-to-day?** What experience does this person have? Is there a plan for continuation of the business if this person is lost or incapacitated?
- More than 5 employees:** create an organizational chart showing management hierarchy. Who is responsible for key functions? Include position descriptions.
Professional and Advisory Support: who is your support system?
- Board of Directors, Management Advisory Board
- Attorney
- Accountant
- Insurance Agent
- Banker
- Consultant(s)
- Mentors and key advisors

Financial Plan

- Do you have a personal financial statement?** Show assets and liabilities held outside the business and personal net worth.
- Startup Expenses and Capitalization**
- Do you have an itemized budget for startup expenses?
- Twelve month Profit and Loss Projection**
- Sales projections** (sales forecast, cost of goods sold, expenses)
- Profit projections** (month-by-month profit for one year)
Narrative explaining the major assumptions used to estimate income and expenses
- Three year Profit and Loss Projection**
- Cash-flow Projection** (preliminary expenses, operating expenses, reserves)
- Projected Balance Sheet** (liabilities or debts subtracted from assets = equity)
- Break-even Calculation:** predicts sales volume at a given price required to recover total costs

APPENDIX A

Marketing Plan

YES NO

 Primary Market Research: gathering your own data (e.g. traffic study, identify competition)

 Secondary Market Research: use published information (e.g. industry studies, demographics, trade journals)

Economics: How much do you know about your industry?

 Total market size?

 Your percentage of market share?

 Is there a consumer demand in your target market? What are the trends?

 What barriers do you face? (e.g. high capital costs, production costs, marketing costs, training, skills, shipping costs, patents)

Product Features and Benefits: from your customer's point of view

 List all your major products or services in detail

 Describe the most important features: what is special or unique?

 Describe the benefits: what will the product do for the customer?

 What after-sales services will you give? (e.g. delivery, warranty, service contract, refunds)

 Pricing: What are the pricing, fee or leasing structures of your products or services?

Explain method of setting your prices without diminishing your profit margin. Are your prices higher, lower or the same as than your competition?

 Location: what do you need and how will it affect your customers? Is location important? Is it convenient? Parking? Image?

 Distribution Channels: how do you sell your products or services (e.g. retail, direct, wholesale, your own sales force, agents, independent reps, contract bids)

 Sales Forecast: use a sales forecast spreadsheet to prepare a month-by-month projection

 Customers: identify your customers' characteristics, psychographics, demographics (e.g. age, gender, location, income, social class, occupation, education)

 Competition: what products/companies compete with you? How will your products or services compare with the competition? List your major competitors (direct/ indirect)

APPENDIX A

Advertising and Promotions

YES NO

- What is your promotional budget? Before startup and ongoing expenses.
- Advertising: what media, how often and why? Why this mix?
- What low-cost methods can you identify in your advertising and promotions budget?
- Other methods: trade shows, catalogs, dealer incentives, social networks, website, referrals
- What image do you want to project? How do you want your customers to see you?
- Logo, business cards, letterhead, brochures, signage, interior design of place of business
- How will you identify repeat customers and contact them?

Business Materials

Check the items you need or would like to have

- Logo
- Signage
- Business Cards
- Brochures
- Website
- Facebook Page for Business
- Twitter account
- Other advertising materials _____
- Industry studies
- Blueprints and plans
- Maps and photos of location
- Detailed list of equipment owned or to be purchased

APPENDIX A

Business Materials (Cont.)

- Copies of leases and contracts
 - Letters of support or testimonials from customers
 - Market Research Studies
 - List of assets available as collateral
 - Financial Documents
 - Other _____
-

Small Business/Entrepreneur Self Planning

Today's date: _____

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

APPENDIX B
T. C. Home Business
Summary of Planning
Regulations



Community Development Department
48 W. Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
209 533-5633
(209) 533-5616 (fax)
www.tuolumnecounty.ca.gov

Home Business Summary of Planning Regulations

Home businesses are defined by Section 17.04.430 of the County zoning ordinance and the authority to regulate them is provided by Chapter 10: Implementation Program 10.E.c of the General Plan. First check with the Community Development Department on whether your business fits the following description of a HOME OCCUPATION:

1. The business or occupation is conducted entirely within the dwelling or private garage. Storage of business materials or equipment outdoors is prohibited.
2. The business or occupation is conducted exclusively by the inhabitants of the residence and is entirely incidental to the residential use of the parcel.
3. Only one name sign (two square feet or less in area, showing the owner's or occupant's name, address or home occupation) is permitted.
4. There are adequate (as determined by the Community Development Director) off-street parking spaces in addition to the two required for a single-family residence.
5. The business shall not change the residential character of the dwelling or private garage. (Noise, visual, odor and traffic)

The purpose of these rules is to preserve the quality of residential neighborhoods from uses which are noisy, unattractive, and generate traffic. Examples which meet the guidelines above include: door to door sales, clerical service, home accounting, drafting service and telemarketing. Examples of home businesses which met the rules at the onset, but expanded to the point of violating these rules are: auto or truck repair, logging truck storage, landscaping service, electronics sales, mail-order business, contracting service and storage, TV repair, and portable toilet rentals. Each business will be evaluated against the standards listed above.

If your business will not fit the "home occupation" criteria, then you must ensure that you have the correct zoning district for the proposed use. To find out the zoning district on a property, contact the Community Development Department and give them the Assessor's Parcel Number or the owner's name. You can apply to change the zoning, or even the General Plan designation if necessary. The application must be finally approved by the Board of Supervisors. Instructions on zone change, use permit and other applications are available at the Community Development Department. You can also obtain more detailed handouts on Family Day Care Homes, Bed and Breakfasts, Kennels and Signs.

HOME OCCUPATION RECORD

DATE: _____ ASSESSOR'S PARCEL NO.: _____

PROPERTY OWNER: _____

BUSINESS OWNER: _____

MAILING ADDRESS: _____

PHONE NUMBER: _____

SITE'S ADDRESS: _____

ZONING: _____

PROPOSED USE: _____

OTHER INFORMATION: _____

I have read and understand the regulations for Home Occupations as reproduced on the reverse side of this form and hereby state that my home occupation will conform to said regulations.

Signature: _____

Date: _____

The "Home Business Summary of Planning Regulations" was provided to the property/business owner.

Planner

Date: _____

Tuolumne County Economic Development

99 North Washington
Sonora, CA 95370
(209) 989-4058

larry.cope@tceda.net
www.tceda.net

Tuolumne County SCORE

222 South Shepherd Street
Sonora, CA 95370
(209) 532-4316

score@mlode.com
www.tuolumnecounty.score.org