

SOLANO COUNTY PLANNING COMMISSION

RESOLUTION NO. XXX

RESOLUTION OF THE SOLANO COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL OF ZONE TEXT AMENDMENT NO. ZT-26-02 TO THE SOLANO COUNTY BOARD OF SUPERVISORS

WHEREAS, the Solano County Planning Commission, after proper notice, conducted a public hearing on May 7, 2026, to consider proposed zone text amendment ZT-26-02 that would amend Chapter 28 (Zoning Regulations) of the Solano County Code to revise and update sections pertaining to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) consistent with State law; and

WHEREAS, proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 because they serve to implement state ADU and JADU regulations and CEQA Guidelines Section 15061(b)(3) because the amendments present no possibility of a significant impact on the environment; and

WHEREAS, based on the staff report and recommendations, and after considering all public testimony and due deliberation, the Planning Commission determines that the proposed zone text amendment is appropriate and desirable, and is consistent with the Solano County General Plan.

RESOLVED, that the Solano County Planning Commission does hereby recommend approval of the proposed zone text amendment, attached hereto as Exhibit A, to the Solano County Board of Supervisors.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County

AYES:	Commissioners	_____

NOES:	Commissioners	_____

ABSTAIN:	Commissioners	_____

ABSENT:	Commissioners	_____

Hector De La Rosa, Chairperson
Solano County Planning Commission

Attest:

By: _____
James Bezek, Secretary

EXHIBIT A

ORDINANCE NO. 2026-____

An ordinance amending Chapter 28 (Zoning Regulations) of the Solano County Code to revise and update sections pertaining to accessory dwelling units and junior accessory dwelling units (ZT-26-02)

Whereas, on December 15, 2020, the Solano County Board of Supervisors adopted an ordinance amending Chapter 28 of the Solano County Code to comply with state regulations pertaining to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs); and

Whereas, since 2020, the California Legislature has approved, and the Governor has signed into law, a number of bills that have amended state ADU law, imposing new limits on local authority to regulate ADUs and JADUs; and

Whereas, Solano County's regulations are not in full compliance with recent changes to state ADU law and, consequently, the County has defaulted to state requirements for ADUs in certain circumstances where County Code is inconsistent with state standards; and

Whereas, the 2023-2031 Housing Element of the Solano County General Plan specifically calls for the County to amend its Zoning Regulations as necessary to be consistent with the latest state ADUs law through Housing Element Program E.3; and

Whereas, the County now desires to amend its Zoning Regulations to comply with current state law, and has prepared the proposed amendments to align the County Code with state law and clarify the standards and process by which the County reviews and permits ADUs and JADUs; and

Whereas, the proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 because they serve to implement state ADU and JADU regulations and CEQA Guidelines Section 15061(b)(3) because the amendments present no possibility of a significant impact on the environment; and

Whereas, on May 7, 2026, the Solano County Planning Commission held a noticed public hearing to consider the proposed Zone Text Amendment, and adopted a resolution recommending approval by the Board of Supervisors; and

Whereas, based on the staff report, recommendation of the Planning Commission, and all other relevant evidence presented to the Board of Supervisors, and after considering all public testimony and due deliberation, the Board of Supervisors determines that the proposed zone text amendment is appropriate and desirable, and is consistent with the Solano County General Plan and State law.

Therefore, the Solano County Board of Supervisors ordains as follows:

SECTION I

Consistent with Government Code Section 66310 et seq. and Housing Element Program E.3, Section 28.72.10(B)(2) of the Solano County Code, related to accessory dwelling units and junior accessory dwelling units, is rescinded and replaced as follows:

28.72 RESIDENTIAL USES

28.72.10 DWELLINGS

B. Specific Requirements

2. Accessory Dwelling Unit or Junior Accessory Dwelling Unit

The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Government Code section 66310 et seq., as it may be amended. Pursuant to Government Code section 66314(c), an ADU permitted consistent with this section does not exceed the allowable density for the lot upon which the ADU is located. An ADU is further a residential use that shall be deemed consistent with the existing general plan and zoning designation for the lot. If any provision of this section or the underlying zoning district standards conflicts with current state law, state law shall govern.

a. Zoning and Required Uses.

- (1) **Accessory Dwelling Units.** Consistent with Section 28.72.10(B)(2), ADUs are allowed on a legal parcel that is within a residential or mixed-use zoning district and that contains an existing or proposed single family dwelling or an existing or proposed multifamily unit.
- (2) **Junior Accessory Dwelling Units.** Consistent with Section 28.72.10(B)(2), one JADU is permitted on a legal lot that is within a residential or mixed-use zoning district and that contains an existing or proposed single family dwelling.

b. Types of Accessory Dwelling Units. An ADU may be created in the following forms:

- (1) **ADU, Generally:** An attached or detached residential dwelling unit, or a unit within the existing space of a primary dwelling unit, that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following: (a) an efficiency unit, as defined in section 17958.1 of the Health and Safety Code, and (b) a manufactured home, as defined in section 18007 of the Health and Safety Code.
 - i. **Detached:** The ADU is detached from the primary residential structure.
 - ii. **Attached:** The ADU is attached to the primary residential structure. An attached ADU may include the conversion of existing partially enclosed spaces (such as a converted patio) to an ADU that is attached to the primary residential structure.
 - (a) **Conversion Space within Primary Residential Structure:** The ADU is created within the space (e.g., primary bedroom, attached garage, storage area, or similar use) of an existing or proposed primary residential structure.
 - iii. **Space within an Existing Accessory Structure:** The ADU is created within the space of an existing accessory structure that is located on the same lot as the primary residence.
- (2) **JADU:** A dwelling unit that is no more than 500 square feet of interior livable space and is contained entirely within an existing or proposed single-family residence. A JADU

may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

- c. ADUs and JADUs Allowed by Building Permit (“State ADUs”). Within a residential or mixed-use zone, a complete application for a building permit shall be ministerially approved to allow an ADU(s) and/or a JADU that meets the standards set forth in Section 28.72.10(B)(2)(d) and applicable Building Code and Fire Code requirements (also known as “66323 Units”).

State ADUs are not subject to the additional development standards set forth in this Section, including size, setback, parking and buildable lot coverage requirements, except as specifically stated. Additionally, no zoning clearance or other land use entitlement is required to permit State ADUs. However, this exemption does not relieve compliance with other applicable state or federal laws, including, but not limited to, requirements for a marsh development permit.

- (1) Within Space of Single-Family Dwellings and Accessory Structures: One ADU within the space of a single-family dwelling or accessory structure is allowed per lot if all the following standards are met:

i. Location:

- (a) The ADU is created within a portion of the existing or proposed space of a single-family dwelling and has exterior access from the proposed or existing single-family dwelling; or
- (b) The ADU is created within the existing space of an accessory structure, such as the conversion of garages and other accessory structures, either attached or detached from the primary dwelling. An existing accessory structure may include an expansion of not more than 150 square feet beyond its same physical dimensions, but such expansion shall be limited to accommodating ingress and egress to the ADU.

ii. Setbacks: The side and rear setbacks comply with applicable Building and Fire Code requirements, even if the existing side and rear setbacks are legal nonconforming.

iii. Combination: An ADU permitted pursuant to Section 28.72.10(B)(2)(c)(1) may be combined with:

- (a) One new detached ADU that meets the standards of Section 28.72.10(B)(2)(c)(2).
- (b) One JADU that complies with the requirements of Government Code Section 66333 et seq. and Section 28.72.10(B)(2)(d).
- (c) One local adu that meets the standards of 28.72.10(B)(2)(d)

- (2) New Detached ADU with an Existing or Proposed Single-Family Dwelling: One detached new construction ADU is allowed on a lot with a proposed or existing single-family dwelling if all of the following standards are met:

- i. Setbacks: The ADU’s side and rear setbacks are at least four (4) feet.
- ii. Size: The ADU does not exceed 800 square feet of livable space.

- iii. Height: The ADU's maximum building height above grade complies with the height limitations identified in Section 28.72.10(B)(2)(c)(6).
 - iv. Combination: An ADU permitted pursuant to 28.72.10(B)(2)(c)(2) may be combined with:
 - (a) One ADU that meets the standards of either Section 28.72.10(B)(2)(c)(1).
 - (b) One JADU complying with the requirements of Government Code section 66333 et seq. and Section 28.72.10(B)(2)(d).
- (3) ADUs Within Existing Multifamily Dwelling Structures: ADUs within portions of existing multifamily dwelling structures are allowed if all of the following standards are met, even if the multifamily dwelling is legal nonconforming:
- i. Location:
 - (a) The ADU is created within portions of the existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
 - ii. Maximum Number: The maximum number of ADUs that may be created pursuant to this section shall be at least one or up to 25 percent of the existing multifamily dwelling units, whichever is greater.
 - iii. Combination: ADUs permitted pursuant to 28.72.10(B)(2)(c)(3) may be combined with detached ADUs pursuant to Section 28.72.10(B)(2)(c)(4).
- (4) Detached ADUs with Existing or Proposed Multifamily Dwelling: Detached ADUs are allowed on lots with an existing or proposed multifamily dwelling if all of the following standards are met, even if the multifamily dwelling is legal nonconforming:
- i. Maximum Number:
 - (a) On a lot with an existing multifamily dwelling, not more than eight (8) detached ADUs, not to exceed the number of existing units on the lot.
 - (b) On a lot with a proposed multifamily dwelling, not more than two (2) detached ADUs.
 - ii. Height: The ADU's maximum height above grade complies with the height limitations identified in Section 28.72.10(B)(2)(c)(6).
 - iii. Size: The ADUs shall not exceed 800 square feet of livable space.
 - iv. Setbacks: The ADU's side and rear setbacks are at least four (4) feet.
 - v. Detached: Detached ADUs may be attached to each other, but must be detached from the existing or proposed multifamily dwelling.
 - vi. Combination: ADUs permitted pursuant to 28.72.10(B)(2)(c)(4) may be combined with ADUs within existing multifamily dwellings pursuant to Section 28.72.10(B)(2)(c)(3).
- d. Development Standards for Local ADUs.
- (1) Parking:
 - i. No Parking Requirements. An on-site parking space is not required for an ADU in any of the following instances:
 - (a) The ADU is located within one-half mile walking distance of public transit.

- (b) The ADU is part of the proposed or existing primary residence or a residential accessory structure.
 - (c) The ADU is located within an architecturally and historically significant historic district.
 - (d) When on-street parking permits are required but not offered to the occupant of the ADU.
 - (e) Where there is a car share vehicle located within one block of the ADU.
 - (f) When a permit application for an ADU is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the ADU or the parcel satisfies any other criteria listed in this subdivision.
- ii. Required Off-Street Parking. Except as provided above, the following off-street parking standards shall apply:
- (a) One covered or uncovered off-street parking space is required per ADU or per bedroom, whichever is less.
 - (b) Off-street parking may be provided as tandem parking on a driveway. Additionally, the parking space for an ADU may encroach into a required front and/or side setback, provided that the long dimension of the space is parallel to the centerline of the nearest driveway on the lot and, on interior lots, a minimum distance of 3 feet from the side lot line remains unobstructed by vehicles.
- iii. No Off-Street Replacement Parking Required for Primary Residential Structure: When an existing garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.
- (2) Height.
- i. An ADU shall not exceed the maximum height permitted for the primary dwelling in the applicable zoning district.
 - ii. If the maximum height permitted for the primary dwelling is less than 18 feet, an ADU may be constructed up to a maximum height of 18 feet.
- (3) Setbacks.
- i. Front. The minimum required front yard or setback of an accessory dwelling unit shall be as provided in Table 28.31B or 28.32C, as applicable to the zoning district in which the property is located. Minor deviations to this standard may be approved administratively by the Zoning Administrator when it can be demonstrated that full implementation of the standard would physically prevent the ability to develop up to an 800 square foot attached or detached ADU within the buildable area of the lot.
 - ii. Side and Rear. The minimum required side and rear yard or setback of an ADU shall be four (4) feet from the side and rear lot lines.
 - iii. Exception. No additional setback shall be required when existing living area of a dwelling or an existing residential accessory structure such as a garage is converted to an ADU, or when an ADU is constructed in the same location and to the same dimensions as an existing dwelling or residential accessory structure.

- (4) Landscape. The front yard landscaping for a detached accessory dwelling unit shall be consistent with the front yard landscaping for the primary dwelling.
- (5) Maximum and Minimum Size.
 - i. Attached ADU: An ADU attached to an existing or proposed primary dwelling shall not exceed 50 percent of the interior livable space of the primary dwelling, but in no case shall exceed 1,200 square feet of interior livable space.
 - ii. Detached ADU, RTC Zones: A detached ADU in an R-TC zoning district shall not exceed 850 square feet of interior livable space unless the ADU has more than one bedroom, in which case it shall not exceed 1,000 square feet of interior livable space.
 - iii. Detached ADU, RR Zones: A detached ADU in an R-R zoning district shall not exceed 1,500 square feet of interior livable space.
 - iv. Minimum Size and Efficiency Dwelling Unit. An ADU or a JADU shall not be less than 150 square feet of floor area.
- (6) Impacts on Historical Properties. ADUs may be permitted within a historic district and on lots where the primary residence is subject to historic preservation if the ADU does not adversely impact any real property that is listed in the California Register of Historical Resources. A unit will not have an adverse impact on a historic resource if the following standards are met:
 - i. Detached ADUs on lots with a structure listed on the California Register of Historic Places shall be located entirely behind the rear of the primary building.
 - ii. Detached ADUs shall be set back a minimum of 10 feet from the nearest exterior wall of any structure listed on the California Register of Historic Places.
- e. Junior Accessory Dwelling Units. A JADU must comply with the following requirements:
 - (1) Number and Location:
 - i. One JADU is allowed per lot with proposed or existing single-family dwellings.
 - ii. The JADU must be created within the walls of a proposed or existing single-family dwelling, including attached garages, which are considered within the walls of the existing single-family dwelling.
 - iii. A JADU is not allowed in a multifamily dwelling.
 - iv. A JADU is not allowed in an accessory structure.
 - (2) Size: The JADU shall not exceed 500 square feet of interior livable space.
 - (3) Kitchen: The JADU must contain an efficiency kitchen that includes:
 - i. Cooking facility with appliances, and
 - ii. A food preparation counter and storage cabinets.
 - (4) Entrance: The JADU shall have a separate entrance from the main entrance to the proposed or existing single-family dwelling. An interior entry into the single-family dwelling is not required unless the JADU shares sanitation facilities with the single-family dwelling.

- (5) Parking:
 - i. No parking is required for a JADU, even when the JADU is converted from an attached garage. Replacement parking is not required.
 - (6) Sanitation: Sanitation facilities may be separate or shared with the primary dwelling. If shared with the primary dwelling, the junior accessory dwelling unit shall provide an interior entry to the living area of the primary dwelling, separate from the exterior access required to the junior accessory dwelling unit.
 - (7) Deed Restriction: Prior to construction of the JADU, the property owner shall record a deed restriction, which shall run with the land, that includes the following:
 - i. Rentals of the JADU must be for a term that is longer than 30 consecutive days;
 - ii. A prohibition on the sale of the JADU separate from the sale of the single-family dwelling, including a statement that the deed restriction may be enforced against future purchasers; and
 - iii. A restriction on the size and attributes of the JADU that conforms with the development standards in this section and Government Code section 66333 et seq.
- f. ADU and JADU Application Processing and General Requirements
- (1) Ministerial Permit Approval.
 - i. ADUs and JADUs that meet the requirements of Section 28.72.10(B)(2) shall be reviewed and approved ministerially. However, this exemption does not relieve compliance with other applicable state or federal laws, including, but not limited to, requirements for a marsh development permit.
 - ii. Except as required by state law, no variance to the standards or requirements of this Section is available for an ADU or JADU.
 - iii. Applications to create or serve an ADU or JADU shall be deemed complete or incomplete within fifteen business days of receipt by the county.
 - iv. Applications to create or serve an ADU or JADU shall be approved or denied within sixty days of receipt of a complete application when there is an existing single-family or multifamily dwelling on the lot, except as provided below:
 - (a) If the application to create or serve an ADU is submitted concurrently with an application to create a new single-family or multifamily dwelling on the lot, the County may delay action on the ADU application until action is taken on the primary dwelling application, provided the ADU application is considered ministerially and without discretionary review or hearing; or
 - (b) If the applicant requests a delay, the sixty-day period shall be tolled for the duration of the requested delay.
 - v. If the County does not approve or deny a completed application for an ADU or JADU within sixty days, and none of the exceptions set forth above apply, the application shall be deemed approved.
 - vi. If the County denies an application for an ADU or JADU, the county shall, within the applicable review period, provide the applicant with a written notice identifying all defective or deficient items and describing how the application may be remedied.
 - vii. An applicant whose application is determined to be incomplete or denied may appeal that determination to the Planning Commission in accordance with 28.112

(Appeals). The county shall issue a final written determination on the appeal no later than sixty business days after receipt of the written appeal.

- viii. When an ADU is constructed in a county subject to a Governor-declared state of emergency issued on or after February 1, 2025, the county shall issue a certificate of occupancy for the ADU even if the primary dwelling has not yet received a certificate of occupancy, provided all applicable statutory requirements are satisfied, including verification that the primary dwelling was substantially damaged or destroyed by the declared emergency, consistent with Government Code Section 66328.
- (2) Nonconforming Zoning Violations: Correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of an ADU or JADU shall not be a condition to ministerial approval of an ADU or JADU application.
 - (3) Approval of Septic Systems by Health Officer. When an ADU or JADU utilizes a private sewage disposal system, the unit shall not be occupied unless the system has been approved by, and is operating in compliance with the requirements of the Division of Environmental Health Services.
 - (4) Compliance with Building Codes. An ADU or JADU shall comply with all Building Code requirements that apply to a detached dwelling unit, as appropriate.
 - (5) Fire Sprinklers. An ADU or JADU shall not be required to provide fire sprinklers if they are not required for the primary residence, and construction of an ADU may not trigger the requirement for fire sprinklers in an existing primary residence.
 - (6) Separate Sale or Conveyance. Except as required by Government Code section 66341, an ADU shall not be sold or otherwise conveyed separately from the primary residence. JADUs shall not be sold or transferred separately from the single-family dwelling.
 - (7) Rental Terms: ADUs and JADUs may only be rented as a long-term rental as defined by 28.01.
 - (8) Owner Occupancy.
 - i. Owner occupancy is not required on a property with an ADU.
 - ii. Owner-occupancy is required if a JADU shares sanitation facilities with the existing structure. In such cases, the owner must occupy the single-family residence in which the JADU is permitted and may reside in either the remaining portion of the structure or in the JADU. Owner occupancy is not required if the JADU unit has separate sanitation facilities or if the owner is a governmental agency, land trust, or housing organization.
 - (9) Demolition Permits. A demolition permit for a detached garage that is to be replaced with a detached or attached ADU shall be reviewed with the application for the ADU and issued at the same time, and no written notice or placard shall be required unless the

property is within an architecturally and historically significant historic district.

- (10) Availability of Utilities. All ADUs shall be connected to public utilities or their equivalent, including water, electric, and sewer services, unless the accessory dwelling unit was constructed with a new single-family dwelling.
 - i. The county may require a new or separate utility connection directly between an ADU and the utility.
 - ii. The county may require a water or sewer service connection directly between an ADU and the water and sewer service, or demonstration that the well and septic system is adequately sized for the new demand.
 - (11) Connection Fees or Capacity Charges. An ADU and a JADU shall not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the ADU was constructed with a new single-family dwelling. This provision applies only to ADUs, not to JADUs.
 - (12) Impact fees shall not be imposed on an ADU that is less than seven hundred fifty square feet in floor area, or any JADU unit with five hundred square feet or less of interior floor area. For all other ADUs, impact fees shall be charged proportionately to the square footage of the primary dwelling unit.
 - (13) Restrictions on Fees in Covenants, Conditions, and Restrictions. Reasonable restrictions in any covenant, condition, or restriction shall not include any fee or other financial requirement, pursuant to Civil Code Section 714.3.
 - (14) Building Code. Building code requirements for detached dwellings shall be applied to ADUs, except that the construction of an ADU shall not constitute a Group R occupancy change under the building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations).
 - (15) Number of ADUs.
 - i. Single-Family. A single-family residential property may include any combination of the following, provided no more than one of each is established: one (1) local ADU, one (1) State ADU located within an existing or proposed single-family dwelling or accessory structure, one (1) state detached ADU, and one (1) JADU.
 - ii. Multifamily. A multifamily residential property may have ADUs in any combination of the following, subject to the limits in this section: multifamily state ADUs as described in 28.72.10(B)(2)(c) and one (1) local detached ADU
- e. Density and Consistency. An ADU and a JADU that conform to the requirements in this section shall:
- (1) Not be considered for the purposes of evaluating the density requirements established in the General Plan.
 - (2) Be found consistent with the county's General Plan designation and zoning for the lot.
 - (3) Not be considered a new residential use for the purpose of calculating county connection fees or capacity charges for utilities, including water and sewer service.
 - (4) Not be considered in the application of any local ordinance, policy, or program to limit residential growth.

SECTION X

If any provision of this ordinance or the application of it to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the ordinance are declared to be severable.

SECTION X

This ordinance will be effective thirty (30) days after its adoption.

SECTION X

A summary of this ordinance will be published once within fifteen (15) days after its adoption in the Fairfield Daily Republic, a newspaper of general circulation.

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on _____, by the following vote:

AYES: SUPERVISORS _____

NOES: SUPERVISORS _____

EXCUSED: SUPERVISORS _____

MONICA BROWN, Chair
Solano County Board of Supervisors

ATTEST:
IAN M. GOLDBERG, Clerk
Solano County Board of Supervisors

By: _____
Alicia Draves, Chief Deputy Clerk

Introduced:
Adopted:
Effective:
Operative: