



Legislation Text

File #: PC 18-024, **Version:** 1

Public Hearing to consider and make a recommendation to the Board of Supervisors on a proposed Ordinance, Zoning Text Amendment No. ZT-18-01a, amending Chapter 28 (Zoning Regulations) of the Solano County Code to clarify and restate existing land use regulations for dwellings, agricultural accessory buildings and residential accessory buildings (Attachment A: Accessory Building Ordinance, Exhibit A: New Section 28.72)

Published Notice Required? Yes X No
Public Hearing Required? Yes X No

DEPARTMENTAL RECOMMENDATION:

It is recommended that the Planning Commission consider and make a recommendation to the Board of Supervisors on a proposed Ordinance, Zoning Text Amendment No. ZT 18-01a, amending Chapter 28 (Zoning Regulations) of the Solano County Code to clarify and restate existing land use regulations for dwellings, agricultural accessory buildings and residential accessory (Attachment A: Accessory Building Ordinance, Exhibit A: New Section 28.72)

SUMMARY:

On January 1, 2017, new state legislation went in to effect mandating certain minimum requirements for any local zoning regulations pertaining to accessory dwelling units. The effect of the legislation was to cap at 1,200 square feet the size of any secondary dwelling permitted by a city or county. The state legislation went into effect January 1, 2018. Prior to this legislation, secondary dwellings could be permitted up to 1,800 square feet in size in certain Solano County zoning districts.

The legislation permits local agencies to adopt secondary dwelling unit regulations with different size limitations providing the local ordinances comply with all of the state's rules. Staff has prepared two ordinances which, together, restore the maximum sizes for secondary dwellings which were in effect prior to January 1, 2018.

Staff has prepared and is recommending adoption of two separate ordinances to address secondary dwelling units. The first ordinance (the subject of this report) reformats Section 28.72 (Dwellings) in order to isolate the secondary dwelling requirements into a single subsection of the County Code. In addition, certain minor revisions to definitions and regulations for accessory buildings are included.

The second ordinance (subject of a subsequent hearing) will address new requirements for secondary dwellings.

FINANCIAL IMPACT:

The costs for preparation of these ordinance amendments are included in the Department of Resource Management's approved Budget for FY2017/2018.

DISCUSSION:

Background

In September 2016, Governor Brown signed two legislative acts that comprised the new law governing ADUs, AB 2299 and SB 1069, both of which came into effect on January 1, 2017. In October 2017, two additional legislative acts, AB 494 and SB 229, were signed into law and came into effect on January 1, 2018. The new statutes amended various sections of Government Code section 65852.2 which regulates accessory dwelling units.

As a result of the legislation mentioned above, any local ordinance not in compliance with the new state standards was invalidated and the state regulations became the default local regulations. The County of Solano has had regulations permitting secondary dwellings for decade. However, the County's regulations were not in full compliance with the new state requirements and, consequently, beginning on January 1, 2018, the County has operated under the state rules for secondary dwellings.

The primary impact of this change is that the maximum size of secondary dwellings has been capped at 1,200 square feet. Prior to January 1, 2018, the local rules permitted secondary dwellings of up to:

1. 850 square feet in the Residential-Traditional Community (R-TC) Districts,
2. 1,500 square feet in the Rural Residential (R-R) Districts, and
3. 1,800 square feet in most of the agricultural districts.

Under the State ADU Legislation, the County of Solano is permitted to adopt new local accessory dwelling regulations which modify certain aspects of the default regulations imposed by the State on January 1, 2018, so long as the County's new rules address all of the requirements embodied in the State legislation.

County Approach

The County has an interest in re-establishing its former maximum square footage standards which existed prior to January 1, 2018. Accordingly, staff has prepared draft ordinances to accomplish that objective. The zoning regulations contained in Chapter 28 are organized around five major topics, as follows:

1. Article I - Definitions and other general provisions,
2. Article II - Individual zoning districts with tables for allowable uses and development standards,
3. Article III - Specific land use regulations,
4. Article IV - Miscellaneous site development and other standards, and
5. Article V - Permit rules and operations

Staff is recommending a two stage approach to updating the secondary dwelling unit regulations contained within the County Zoning Ordinance which include:

1. Introduction of this Ordinance which accomplishes the following:
 - a. Adds or revises definitions in Article I, and
 - b. Reformats the regulations for all dwellings and their accessory, subordinate and related land uses in Article III
2. Introduction of a subsequent Ordinance which establishes new regulations for secondary dwelling units consistent with current state legislation.

Zone Text Amendments Summary (See Attachments A and B)

The amendments to Chapter 28 fall into four broad categories;

- 1) Revisions and additions to definitions in Article I, Section 28.01

- 2) Revisions and additions to Permitted Uses Tables in various zoning districts in Article II,
 - 3) Reformatting of Residential Development Standards in Article III, Section 28.72,
 - 4) Revisions and additions to Accessory Building Regulations in Article III, and
- each of these categories is summarized below:

1. Revisions and Additions to Definitions in Article I, Section 28.01

The proposed revisions to definitions contained in Section 28.01 include the following:

- a. Accessory building.
- b. Accessory building, agricultural.
- c. Accessory building, residential.
- d. Accessory building, dwelling space.
- e. Building.
- f. Main Building.

2. Revisions and additions to Permitted Use and Development Standards Tables in various zoning districts in Article II, Various Sections

The proposed revisions to Permitted Use and Development Standards Tables in various zoning districts in Article II, include revisions and deletions of footnotes for each Table, as described below:

- a. Several Tables in Article ii contain the following footnote:

The side or rear yard requirements may be waived for an accessory building other than an animal shelter, except that such building shall not be located closer to any side street line than the main building. Waiver of said requirements shall be subject to notice as set forth in Section 04(f) of this Chapter.

The footnote is being deleted and an exception is being added to Article IV - Yards, which permits the sideyard setback described in the footnote.

3. Reformatting of Residential Development Standards in Article III, Section 28.72,

The proposed revisions include reformatting of Section 28.72 Residential Uses in Article III of Chapter 28 to organize the regulations to separate into different subsections the rules for dwellings and the rules for accessory buildings, and to make minor revisions to the regulations pertaining to various types of accessory buildings.

4. Revisions and additions to Accessory Building Regulations in the new Article III, Section 28.72.30

The proposed revisions include reformatting of Section 28.72 Residential Uses in Article III of Chapter 28 to organize the regulations to separate into different subsections the rules for dwellings and the rules for accessory buildings, and to make minor revisions to the regulations pertaining to various types of accessory buildings. (See Attachment B)

5. Revisions to Yard Standards in Article IV, Section 28.97

As discussed in 2. above, an exception is being added to Article IV - Yards, which permits a sideyard

setback, as follows:

In any R District, the side or rear yard requirements may be reduced for an accessory building, other than an animal shelter, provided that such building shall not be located closer to any property line than 5 feet, or to the same distance as a permitted primary dwelling on the same parcel, whichever is less.

In addition, provision 28.97(K) is being deleted since it is inconsistent with the newly added provision discussed above, as follows:

In any district in which a dwelling is allowed, a required yard distance may be waived up to a distance equal to that established in such yard by the foundation of an existing legal non-conforming dwelling, subject to notice as set forth in Section 28.04 of this Chapter.

General Plan and Zoning Consistency

The 2008 Solano County General Plan (Plan) designates several areas of the County for various types of agricultural and residential land uses. The Plan further defines which zoning districts are consistent with those land use designations. The zoning districts provide for both primary and secondary dwelling units and contain various development standards for each. This ordinance makes very minor changes to those existing regulations and is considered exempt from CEQA under the “general rule”.

Environmental Analysis:

The proposed zoning text amendment ZT-18-01a is exempt from the California Environmental Quality Act in accordance with CEQA Guideline section 15305, minor alterations in land use limitations. The amendment clarifies and restates existing land use regulations for dwellings, agricultural accessory buildings, and residential accessory buildings without making any significant substantive amendments. A Notice of Exemption will be filed upon completion of the public hearing process.

PUBLIC HEARING NOTICE:

In accordance with Solano County Zoning Regulations, notice of a public hearing was published at least 15 days before the scheduled hearing in the Fairfield Daily Republic.

ALTERNATIVES:

The Board could choose any of the following alternative actions:

1. Not to adopt any amendments to Chapter 28 at this time. This alternative is not recommended because the proposed amendments implement state mandated regulations.
2. To consider further or different revisions to what has been prepared as may be directed by the Board.

OTHER AGENCY INVOLVEMENT:

The proposed zoning amendments will also be submitted to the Airport Land Use Commission as required under state law prior to the Board of Supervisors consideration of the ordinance.

Attachments

Attachment A: Draft Ordinance

Attachment B: Exhibit A: New Section 28.72