



Legislation Text

File #: 18-545, **Version:** 1

Conduct a public hearing to consider Zoning Text Amendments ZT-18-01a and ZT-18-01b and the Planning Commission's affirmative recommendation on each amendment; Adopt the Ordinance, Zoning Text Amendment ZT-18-01a, to clarify and re-state existing land use regulations for dwellings and for agricultural and residential accessory buildings; and Adopt the Ordinance, Zoning Text Amendment ZT-18-01b, to revised and update land use regulations for accessory dwellings in Agricultural and Residential zoning districts

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

DEPARTMENTAL RECOMMENDATION:

The Department of Resource Management recommends that the Board of Supervisors:

1. Waive reading of the two proposed ordinances;
2. Conduct a public hearing to consider Zoning Text Amendments ZT-18-01a and ZT-18-01b, and the Planning Commission's affirmative recommendation on each amendment;
3. Adopt the Ordinance, Zoning Text Amendment ZT-18-01a, to clarify and re-state existing land use regulations for dwellings and for agricultural and residential accessory buildings; and
4. Adopt the Ordinance, Zoning Text Amendment ZT-18-01b, to revised and update land use regulations for accessory dwellings in Agricultural and Residential zoning districts.

SUMMARY:

On January 1, 2018, new state legislation (AB 2299 and SB 1069) went in to effect mandating new minimum requirements for local zoning regulations pertaining to accessory dwelling units (Referred to as Secondary Dwelling Units in the Solano County code). The main 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 legislation also imposed additional restrictions and requirements which local government must meet in any local ordinance regulating secondary dwellings. Prior to this legislation, secondary dwellings in certain Solano County zoning districts could be permitted up to 1,800 square feet.

The legislation permits local agencies to adopt secondary dwelling unit regulations with different size limitations providing the local ordinance otherwise complies with all of the standards set forth in the new legislation. In response, staff has prepared an ordinance (see attached) which restores the maximum sizes for secondary dwellings which were in effect here in Solano County prior to January 1, 2018 and includes the mandated requirements imposed by the State such as ability to reduce parking requirements when justified, a process for design and landscaping review and a provision for junior accessory dwelling units. All of the provisions in the Secondary Dwelling Unit ordinance are discussed in the summary of changes (see attached).

In evaluating the changes necessary to comply with the new State Law, staff identified some opportunities to address related definitions and standards for accessory structures in conjunction with the changes to the secondary dwelling provisions. Those changes are contained in the Accessory Building Ordinance (see

attached) and as discussed in more detail in the discussion section.

Because these changes were not mandated by the State Law but are important clean ups for local implementation, the County Counsel's office recommended they be incorporated in a separate ordinance to avoid any confusion when the Secondary Dwelling Unit ordinance is forwarded to the State for compliance review.

FINANCIAL IMPACT:

The costs for preparation of these ordinance amendments are included in the Department of Resource Management's Adopted Budget for FY2018/2019.

DISCUSSION

An accessory dwelling unit (ADU) also known as a "granny flat", "in-law unit", or in the case of Solano County, a "secondary dwelling unit", is a permanent second unit with a full kitchen and bathroom on the same lot as the primary dwelling.

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 pre-empted and the state regulations became the default local regulations. The County of Solano has had regulations permitting secondary dwellings for decades. 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 R-TC Districts,
2. 1,500 square feet in the 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 the requirements embodied in the State legislation.

There has been public interest in re-establishing the County's former maximum square footage standards existed prior to January 1, 2018 and which were more generous than the default state standards. As a result, staff is recommending a two separate but related ordinances to update the secondary dwelling unit regulations contained within the County Zoning Ordinance which include:

1. Adoption of an Ordinance (**ZT-18-01a Accessory Building Ordinance**) which reformats the existing regulations for all dwellings, makes minor adjustments to the regulations pertaining to their accessory, subordinate and related land uses and adds or revises definitions contained within the code.
2. Adoption of an Ordinance (**ZT-18-01b Secondary Dwelling Unit Ordinance**) which establishes new regulations for secondary dwelling units consistent with current state legislation. This ordinance, if adopted,

must be filed for information purposes with the State as required by state legislation.

Each of these ordinances is discussed in more detail in the summary of changes (see attached).

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.

Environmental Analysis

Staff is recommending that the Board of Supervisors affirm that these proposed ordinances are exempt from the requirements of CEQA under the “general rule” exemption since this ordinance is a set of technical adjustments and corrections which do not alter prior regulations for intensity or location of development or any other physical alterations to the environment. (See attached)

Planning Commission Recommendation

On June 6, 2018, the Solano County Planning Commission conducted public hearings to consider the proposed ordinance amendments. The Commission resolved to recommend approval of the ordinances as presented herein to the Board of Supervisors.

Public noticing requirement

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 (see attached). In addition, all persons requesting notice of the public hearing were mailed notices of the hearing.

ALTERNATIVES:

Alternatives for the Board of Supervisors:

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. This alternative is not recommended as the proposed ordinances bring the County into compliance with the state mandated requirements and permits the County to increase the allowable square footages in agricultural and rural residential areas.

OTHER AGENCY INVOLVEMENT:

The proposed zoning amendments was submitted to the Airport Land Use Commission as required under state law. The Commission found the ordinance consistent with the various airport land use compatibility plans.

CAO RECOMMENDATION:

APPROVE DEPARTMENTAL RECOMMENDATION