



## Legislation Text

**File #:** PC 20-028, **Version:** 1

Public Hearing to consider and make a recommendation to the Board of Supervisors on a proposed Ordinance, Zoning Text Amendment No. ZT-20-02 (Accessory Dwelling Unit Ordinance), amending Chapter 28 (Zoning Regulations) of the Solano County Code to revise and update land use regulations for dwellings, including accessory dwelling units and junior accessory dwelling units, in Residential zoning districts within the unincorporated county. (Attachment A: Accessory Dwelling Unit Ordinance).

Published Notice Required? Yes ☒ No ☐  
Public Hearing Required? Yes ☒ No ☐

### DEPARTMENTAL RECOMMENDATION:

It is recommended that the Planning Commission consider and make a recommendation to the Board of Supervisors to adopt the proposed Ordinance, Zoning Text Amendment No. ZT-20-02 (Accessory Dwelling Unit Ordinance), amending Chapter 28 (Zoning Regulations) of the Solano County Code to revise and update land use regulations for dwellings, including accessory dwelling units and junior accessory dwelling units, in Residential zoning districts within the unincorporated county (Attachment A: Accessory Dwelling Unit Ordinance).

### SUMMARY:

Within the last two years, the legislature has amended regulations relating to accessory dwelling units (ADUs) with the passage of Assembly Bill 881 (AB 881) and Assembly Bill 3182 (AB 3182). AB 881 became effective January 1, 2020, and AB 3182 will become effective January 1, 2021.

The legislation requires that local agency ordinances, regulating ADUs, be consistent with the new legislative requirements.

The proposed ordinance amendments address the most recent new requirements for ADUs.

### FINANCIAL IMPACT:

The costs for preparation of these ordinance amendments are included in the Department of Resource Management's approved Budget for FY2020/2021.

### DISCUSSION:

#### Background

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.

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 decades. However, the County's regulations were not in full compliance with the new state requirements and, consequently, beginning on January 1, 2020, the County has operated under the state rules for accessory dwelling units in certain circumstances where the local ordinance is not consistent.

## Discussion

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, 2020, so long as the County's new rules address all of the requirements embodied in the State legislation.

Over the last 2 to 3 years, the legislature has been actively revising rules that local agencies must follow when approving second units in residential zoning districts. Staff anticipates this trend to continue. As the Planning Commission is likely aware, California is facing a housing shortage statewide. ADUs serve as an important form of housing that can be utilized to serve low/moderate income people and families. As a result, the state continues to look for methods to streamline local permitting processes, reduce governmental constraints, and reduce permitting costs for ADUs.

In response to the legislation updates, the primary substantive change incorporated into the draft ordinance addresses the ability for both an ADU and a Junior ADU to be located on the same parcel under certain circumstances.

These draft ordinance revisions also modify the permitting process for ADUs. To date, ADU's require approval of an Administrative Permit prior to receiving a building permit. The Administrative Permit process is intended to ensure that all code standards are met prior to the commencement of the building permit process. However, staff believes these processes are somewhat redundant. As such, to further streamline the permitting process, staff is recommending that zoning allow ADUs "by right", without the need to obtain the Administrative Permit. An ADU's compliance with local standards will still be reviewed and confirmed through the building permit process.

Because staff expects additional legislative revisions in the coming years, the proposed ordinance also re-names "secondary units" to "accessory dwelling unit" for the residentially zoned districts. Second units in the agriculturally zoned districts will remain as "secondary dwellings". Since the legislative changes tend to focus on housing in residential areas, using different nomenclature for residential zones and agricultural zones should make future revisions simpler.

The primary definition and regulation related changes are summarized below, with the balance of the ordinance revisions (Sections V - XXIX) to ensure proper cross referencing.

## Zone Text Amendments Summary (See Attachment A)

The amendments to Chapter 28 fall into three broad categories:

- 1) Revisions and additions to definitions in Article I, Section 28.01(Definitions);
  - 2) Revisions and additions to the Dwellings regulations in Article III, notably regulations and permitting for ADUs and Secondary units;
  - 3) Revisions to the temporary dwellings regulations in Article III; and
  - 4) Minor textual changes to the compatibility waiver process.
- Each of these categories is summarized below:

1. Revisions and Additions to Definitions in Article I, Section 28.01  
The proposed additions/revisions to definitions in Section 28.01 include the following:

- a. Additional definitions: Accessory dwelling unit, dwelling unit, efficiency dwelling unit, floating home
  - b. Revised definitions: Dwelling, dwelling group, manufactured dwelling, primary dwelling, secondary dwelling, temporary dwelling, duplex, gross floor area, kitchen
  2. Revisions and additions to the Dwellings regulations in Article III, Section 28.72.10
- The proposed revisions include revisions, deletions and additions to each of the following Subsections in Article III, Section 28.72.10 Dwellings:
- a. Revisions of development and architectural standards in 28.72.10(A)(1) and 28.72.10(A)(2);
  - b. Addition of development standards relating to ADUs and Junior ADUs in 28.72.10(B)(2); and
  - c. Revisions to Secondary Dwelling Subsection, 28.72.10(B)(3).
3. Revisions and additions to the temporary dwellings regulations in Article III, Section 28.72.20(B)(2) and (3)
    - a. Revisions relating to temporary dwellings from 28.72.20(B)(2) and temporary emergency dwellings 28.72.20(B)(3).
  2. Revisions and additions to the neighborhood compatibility waiver process in Article V, Section 28.108

#### 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:

Staff is recommending that the Planning Commission consider and recommend that this proposed ordinance revision is 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.

#### 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 local newspapers.

#### ALTERNATIVES:

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 (ALUC) as required under state law prior to the Board of Supervisors consideration of the ordinance.

#### Attachment A: Draft Ordinance - Redlined

Attachment B: Draft Ordinance - Final