



**COMMUNITY DEVELOPMENT RESOURCE AGENCY  
PLANNING DIVISION**

**HEARING DATE:** August 24, 2017  
**ITEM NO.:** 2  
**TIME:** 10:20 AM

**TO:** Placer County Planning Commission  
**FROM:** Development Review Committee  
**DATE:** August 24, 2017  
**SUBJECT: SECONDARY DWELLINGS  
ZONING TEXT AMENDMENT (PLN17-00179)  
STATUTORY EXEMPTION  
ALL SUPERVISORIAL DISTRICTS**

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**STAFF PLANNER:** Shawna Purvines, Principal Planner

**LOCATION:** Unincorporated Placer County

**APPLICANT:** Placer County Planning Services Division

**PROPOSAL:** The Planning Services Division is proposing amendments to the Placer County Zoning Ordinance related to secondary dwellings to bring applicable regulations into compliance with recent changes to state law. The proposed ordinance (Attachment 1) would repeal and replace Section 17.56.200 to align the development standards (minimum lot size, parking, dwelling floor area,) for secondary dwellings/multi-generation housing consistent with State law. Placer County Code, Chapter 17, Sections 17.04.030, 17.06.050, 17.10.010, 17.34.010, 17.46.010 and 17.48.010, 17.56.095 and 17.56.180 would be amended to allow for a ministerial review of secondary dwellings applications, also consistent with State law.

**CEQA COMPLIANCE:** The adoption of an ordinance by a county to implement the provisions of Section 65852.2 of the Government Code related to secondary dwelling units is statutorily exempt from the California Environmental Quality Act (CEQA). (Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h).)

**PUBLIC NOTICES AND REFERRAL FOR COMMENTS:** A legal notice was published in the *Sacramento Bee* and *Auburn Journal* newspapers. Interested parties and all Municipal Advisory Councils have received notice of this public hearing.

**BACKGROUND/DISCUSSION:** Second dwellings are an important source of affordable housing since they can be constructed relatively inexpensively, have no associated land costs, and the smaller size of the unit tends to drive the affordability.

State Housing Law

State law sets standards regarding second unit regulation through Gov. Code Section 65852.2. In an effort to streamline production of secondary dwelling units to create more affordable housing units, Governor Brown signed AB 2299 (Bloom) and SB 1069 (Wieckowski) into law, amending Government Code section 65852.2 to make it easier for property owners to create a secondary dwelling (referred to

as "accessory dwelling units" or "ADUs" by the State) in existing single-family and multifamily homes. The new State legislation became effective as of January 1, 2017.

Under the new State law, if any provision in a county's secondary dwelling ordinance is inconsistent with State law, then the county's entire ordinance is null and void. Until a new, compliant ordinance is adopted, the county is limited to imposing only the minimal standards listed in Government Code 65852.2. Here, the County's existing secondary dwelling ordinance is null and void because a number of provisions are inconsistent with State law. These include discretionary permit requirements, excessive parking standards, and maximum unit size and density limitations. The proposed amendments would bring the County's ordinance back into compliance with State law.

The proposed changes do not apply to the Tahoe Basin. Regulation of secondary residences within the basin is governed by the Tahoe Basin Area Plan.

### 2013 Housing Element

The Placer County Board of Supervisors has found that secondary dwellings are necessary in order to increase the availability of affordable housing in Placer County. The County's adopted 2013-2021 Housing Element encourages secondary dwellings as a source of affordable housing in the county and includes several programs and policies pertaining to secondary dwellings.

Per building permit history, since 2003 approximately 5% of all total new housing starts were from the development of secondary dwellings. These units generally were distributed throughout the unincorporated area of the County, with minimum clustering in any one area.

### Overview of Proposed Changes

The purpose of the proposed secondary dwelling Zoning Text Amendment is to bring County regulations into compliance with recent changes to state law. The proposed ZTA language is provided in Attachment 1 and is discussed below. The proposed amendments to the Zoning Ordinance are shown as bold underlined for added text and single strikeout for deleted text. A summary and reasoning for the recommended revisions are as follows.

### Secondary Dwellings Permitting Requirement

State law mandates that an accessory dwelling unit, referred to as a Secondary Dwelling in County Code, "provide an approval process that includes only ministerial provision" and "not include any discretionary process, provisions, or requirements for those units..." (Cal. Gov't Code section 65852.2(a)(4).)

Revisions proposed to Articles 17.06, 17.10, 17.34, 17.46 and 17.48 delete the requirement for an Administrative Review Permit and require zoning clearance only for applications for an Accessory/Secondary Dwelling Unit. Zoning clearance is a "routine land use approval" that involves Planning Division staff checking the proposed application to ensure all applicable zoning requirements are satisfied (e.g., setbacks, height limits, parking requirements, etc.) Zoning clearance will also ensure that the revised provisions of Section 17.56.200, the development standards for secondary dwelling units are met.

### Maximum Unit Size and Other Physical Standards

State law mandates that "No minimum or maximum size for an ADU [Secondary Dwelling], or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards."

State law is self-contradictory as to whether a county can impose a maximum secondary dwelling size under 1,200 square feet. Therefore, staff is recommending an amendment to allow 1,200 square feet as the maximum unit size wherever secondary dwellings are allowed, regardless of lot size. Existing development standards such as maximum lot coverage, setbacks, and height limits, would remain in place and should adequately address concerns about the compatibility of secondary dwellings with existing single-family residential development. Further, consistent with state law, the proposed ordinance establishes maximum size limits. Secondary Dwellings attached to an existing dwelling shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet. Secondary dwellings in detached buildings cannot exceed 1,200 square feet of living space.

#### Living Area

The law's provisions related to unit size uses the terms "floorspace" and "floor area," neither of which is defined in by Government Code section 65852.2. "Living area," is defined in the Law as "the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure."

The County's existing standard is to measure square footage to the exterior side of external walls. This development standard appears to be consistent with state law. Staff recommends the method of measuring the "living area" to include all habitable areas of the dwelling unit including basements and attics be measured to the exterior side of the external walls, as this is consistent with the Zoning Ordinance and other County standards.

#### Relationship to Zoning and General Plan

Revisions are proposed to clarify that the addition of a secondary dwelling does not cause a parcel to exceed the allowable density, and the second units are residential uses consistent with existing zoning and General Plan designations.

#### Parking Standards

Revisions to comply with State law include requiring only one on-site space per secondary dwelling, and that the parking requirement may be provided as tandem parking on an existing driveway or in setback areas. To address higher elevation subject to winter snow removal, new encroachments will not be allowed to preserve available snow storage areas. Furthermore, parking exemptions will be allowed when a secondary dwelling is located:

- a) Within one-half mile of a public transit stop;
- b) Within an architecturally and historically significant historic district;
- c) Within the existing primary residence or an existing accessory structure;
- d) In an area where on-street parking permits are required but not offered to the occupant of the secondary dwelling unit; or,
- e) Within one block of a car share vehicle pick-up location.

### **MUNICIPAL ADVISORY COUNCIL MEETING OVERVIEW**

Staff presented to the following Municipal Advisory Councils beginning July 6, 2017 through August 21, 2017; Squaw Valley, North Auburn, North Tahoe, Donner Summit, Newcastle / Ophir, Horseshoe Bar / Penryn, Granite Bay, Foresthill Forum, Meadow Vista, Sheridan, Weimar-Applegate-Colfax, and Rural Lincoln. We will be presenting to West Placer in September.

As part of the Municipal Advisory Council and other stakeholder outreach efforts, a concern was raised regarding the requirement for either the primary or secondary dwelling on the site to be occupied by the owner of the property. Although, this provision does not require the owner to occupy one of the dwellings on a continuous basis, it does prevent the rental of both units at any one time.

**RECOMMENDATION**

Staff recommends that the Planning Commission forward a recommendation to the Board of Supervisors to 1) find the proposed Zoning Text Amendment to be statutorily exempt under CEQA Guidelines section 15282(h); and 2) adopt an Ordinance to amend Placer County Code, Chapter 17, Sections 17.04.030, 17.06.050, 17.10.010, 17.34.010, 17.46.010, 17.48.010, 17.56.095, 17.56.180 and to repeal in its entirety and replace Section 17.56.200 related to Secondary Dwellings as set forth in Attachment 1, subject to the following findings:

**FINDINGS**

**CEQA**

- 1. The adoption of an ordinance by a county to implement the provisions of Section 65852.2 of the Government Code related to secondary dwelling units is statutorily exempt from the California Environmental Quality Act (CEQA). (Public Resources Code section 21080.17 and CEQA Guidelines section 15282(h).)

**ZONING TEXT AMENDMENT**

- 1. The proposed Zoning Text Amendments related to secondary dwellings are necessary to establish regulations for the development of secondary dwellings consistent with California Government Code section 65852.2 and all other adopted goals, objectives and policies of Placer County.
- 2. The proposed Zoning Text Amendments related to secondary dwellings are consistent with Placer County General Plan and implements General Plan Housing Element Policy A-4 - The County shall encourage innovative subdivision design and a range of housing types within larger-scale development projects to encourage mixed-income communities (e.g., single-family detached homes, second units, duplexes, live-work units);
- 3. The proposed Zoning Text Amendments related to secondary dwellings are consistent with Placer County General Plan and implements General Plan Housing Element Policy B-7 - The County shall facilitate expanded housing opportunities that are affordable to the workforce of Placer County;
- 4. The proposed Zoning Text Amendments related to secondary dwellings are consistent with Placer County General Plan and implements General Plan Housing Program B-10 - Second Units/Multi-Generation Housing. The County shall explore the possibility of streamlining the approval process for second units, as well as allowing second units on smaller parcels than what is currently allowed.

Respectfully submitted,

Shawna Purvines  
Principal Planner

**ATTACHMENTS**

Attachment 1 – Proposed Ordinance Amending Placer County Code Chapter 17, Articles 17.04, 17.06, 17.10, 17.34, 17.46 and 17.48, and repealing and replacing Article 17.56, Section 17.56.200 Pertaining to Secondary Dwellings

Exhibit A – Section 17.56.200 Secondary dwellings / multi-generation housing

cc: Steve Pedretti - CDRA Director  
EJ Ivaldi - Deputy Planning Director  
Karin Schwab - County Counsel  
Dan Dottai – Engineering and Surveying Division  
Kurtis Zumwalt – Environmental Health Services  
All Municipal Advisory Councils  
Subject/chrono files



Before the Board of Supervisors  
County of Placer, State of California

**In the matter of:** An ordinance  
Amending Placer County Code  
Chapter 17, Articles 17.04, 17.06, 17.10,  
17.34, 17.46 and 17.48, and repealing and  
replacing Article 17.56, Section 17.56.200  
Pertaining to Secondary Dwellings

Ordinance No.: \_\_\_\_\_

Introduced: \_\_\_\_\_

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer  
at a regular meeting held \_\_\_\_\_, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

\_\_\_\_\_  
Chair, Board of Supervisors

Attest:

\_\_\_\_\_  
Clerk of said Board

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA,  
DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1:** Placer County Code Chapter 17, Article 17.04, Section 17.04.030 is hereby  
amended as follows:

**17.04.030 Definitions of land uses, specialized terms and phrases.**

\*\*\*\*\*

“Secondary dwellings” (land use) means a second permanent dwelling that is accessory to a primary dwelling on a site. A secondary dwelling may be either a detached or attached dwelling unit which provides complete, independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel or parcels as the primary dwelling. **Secondary dwellings also include multi-generation housing units and are synonymous with accessory dwelling units as defined by California Government Code section 65852.2.** See Section 17.56.200 for specific use requirements applicable to secondary dwellings.

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**SECTION 2:** Placer County Code Chapter 17, Article 17.06, Section 17.06.050 is hereby amended as follows:

**17.06.050 Land use and permit tables.**

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D. Tables. The following tables, and the lists of allowable uses in Sections 17.06.060 et seq., contain the same requirements for allowable uses and land use permit requirements. The tables in this section are for convenience, to simultaneously show all zone districts, the uses allowed within them, and the permit requirements applicable to each use.

LAND USE TYPES	ZONE DISTRICTS																					
	RESIDENTIAL				COMMERCIAL						INDUSTRIAL				AGRICULTURAL, RESOURCE OPEN SPACE							
	RS	RM	RA	RF	C1	C2	C3	CPD	HS	OP	RES	AP	BP	IN	INP	AE	F	FOR	O	TPZ	W	
Residential Uses																						
Secondary dwellings (Section 17.56.200)	ARP C	ARP C	ARP C	ARP C							ARP C					ARP C	ARP C					

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**SECTION 3:** Placer County Code Chapter 17, Article 17.10, Section 17.10.010 is hereby amended as follows:

**17.10.010 Farm (F).**

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B. Allowable Land Uses and Permit Requirements. The following land uses are allowed in the F zone as provided by Section 17.06.050 (Land use and permit tables), subject to the land use permit shown for each use, any applicable specific standards, and all other applicable provisions of this chapter.

ALLOWABLE LAND USES	LAND USE PERMIT	SPECIFIC STANDARDS IN SECTION:
Secondary dwellings	ARP <u>C</u>	17.56.200

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**SECTION 4:** Placer County Code Chapter 17, Article 17.34, Section 17.34.010 is hereby amended as follows:

**17.34.010 Resort (RES).**

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B. Allowable Land Uses and Permit Requirements. The following land uses are allowed in the RES zone district as provided by Sections 17.06.030 et seq., (Allowable land uses and permit requirements), subject to the land use permit shown for each use, any applicable specific standards, and all other applicable provisions of this chapter.

ALLOWABLE LAND USES	LAND USE PERMIT	SPECIFIC STANDARDS IN SECTION:
Secondary dwellings	ARP <u>C</u>	17.56.200

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**SECTION 5:** Placer County Code Chapter 17, Article 17.46, Section 17.46.010 is hereby amended as follows:

**17.46.010 Residential-forest (RF).**

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B. Allowable Land Uses and Permit Requirements. The following land uses are allowed in the RF zone district as provided by Section 17.06.050 (Land use and permit tables), subject to the land use permit shown for each use, any applicable specific standards, and all other applicable provisions of this chapter.

ALLOWABLE LAND USES	LAND USE PERMIT	SPECIFIC STANDARDS IN SECTION:
Secondary dwellings	ARP <u>C</u>	17.56.200

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**SECTION 6:** Placer County Code Chapter 17, Article 17.48, Section 17.48.010 is hereby amended as follows:

**17.48.010 Residential multifamily (RM).**

\*\*\*\*\*

B. Allowable Land Uses and Permit Requirements. The following land uses are allowed in the RM zone district as provided by Section 17.06.030 et seq., (Allowable land uses and permit requirements), subject to the land use permit shown for each use, any applicable specific standards, and all other applicable provisions of this chapter.

ALLOWABLE LAND USES	LAND USE PERMIT	SPECIFIC STANDARDS IN SECTION:
Secondary dwellings	ARP <u>C</u>	17.56.200

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**SECTION 7:** Placer County Code Chapter 17, Article 17.56, Section 17.56.095 is hereby amended as follows:

**17.56.095 Farmworker housing.**

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D. Maximum Floor Area for Farmworker Dwelling Unit. The maximum floor area allowed shall be based on the area of the lot as follows:

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Lot Area of Site (see Section <u>17.54.010(A)</u> <u>17.54.040(A)</u> )	Maximum <del>Secondary Dwelling</del> Floor Area
2.3 to 4.59 acres	1,000 sq. ft.
4.6 acres or more	1,200 sq. ft.

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**SECTION 8:** Placer County Code Chapter 17, Article 17.56, Section 17.56.180 is hereby amended as follows:

**17.56.180 Residential accessory uses.**

\*\*\*\*\*

A. General Standards. Residential accessory uses are subject to the provisions of Section 17.56.030 (Accessory buildings and uses). In general, such uses must be incidental to the principal use on the site, and they must be constructed/erected concurrently with or subsequent to the principal use. (The timing of construction of accessory structures is addressed in Section 17.56.020(A)(1)). Residential accessory structures shall not occupy more than the maximum allowable floor area shown in the table below (including any

garage, storage area within the garage, workshop, studio, home office, guesthouse, recreation or exercise room, secondary dwelling and other residential accessory structures).

SIZE OF PARCEL (GROSS ACREAGE)	MAXIMUM FLOOR AREA OF GARAGE RESIDENTIAL ACCESSORY STRUCTURES PER PARCEL ALLOWED
<1 acre	2,000 sq. ft.
1 acre—2.29 acres	2,400 sq. ft.
2.3 acres—4.59 acres	3,000 sq. ft.
4.6 acres or larger	no restriction in size

Note. The limitations on floor area imposed by the chart above are the total cumulative floor area of all residential accessory structures per parcel. See subsection (C)(8) (Tahoe Area Accessory Structures) for standards relating to accessory structures in the Tahoe-Sierra Area.

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**SECTION 9:** Placer County Code Chapter 17, Article 17.56, Section 17.56.200 is hereby repealed in its entirety and replaced as set forth in Exhibit A, which exhibit is attached hereto and by its reference incorporated in full.

**SECTION 10:** This ordinance shall take effect and be in full force thirty (30) days after the date of its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code section 25124.

Exhibit A: Placer County Code Chapter 17, Article 17.56, Section 17.56.200

## EXHIBIT A

**17.56.200 Secondary dwellings/multi-generation housing.**

When allowed by Section 17.06.030 et seq. (Allowable land uses and permit requirements) in the zone applicable to a site, secondary dwellings are subject to the requirements of this section.

- A. Purpose. The board of supervisors finds that special regulations relating to the establishment and operation of secondary dwellings are necessary in order to implement California Government Code Section 65852.2, which sets forth the requirements for Accessory Dwelling Units (herein referred to as Secondary Dwellings), in a manner that will improve affordable housing and protect the health, safety and general welfare of the residents of Placer County.
- B. Application Contents. The following materials in addition to other information required for a building permit application shall be submitted to the planning department.
  - 1. On a lot with an existing single-family dwelling, include floor plans and elevations of the secondary dwelling and a representative photograph of the single-family dwelling.
  - 2. Applications for secondary dwellings on vacant parcels shall include elevations and floor plans for both the primary single-family and secondary dwellings.
- C. Timing of Permit and Construction. A permit for a secondary dwelling may be issued and the unit constructed either simultaneously with or subsequent to the primary single-family dwelling to be constructed on the site.
- D. Design Standards for Secondary Dwellings.
  - 1. Floor Area. The maximum floor area of a secondary dwelling attached to, or contained within the existing space of the primary single-family dwelling shall not exceed fifty (50) percent of the primary single-family dwelling living area, with a maximum floor area of 1,200 square feet. The maximum floor area for a secondary dwelling detached from an existing single-family dwelling shall not exceed 1,200 square feet. [Note: "Living area," for the sole purpose of calculating the maximum floor area of an attached secondary dwelling, means the interior habitable floor area of a dwelling unit, as measured to the outside surface of exterior walls, including habitable basements and attics, but does not include a garage or any accessory structure that was not developed as habitable space.]
  - 2. Attachment to Residential Accessory Structures. A secondary dwelling may be attached to a residential accessory structure as allowed in Section 17.56.180, as long as the secondary dwelling has a separate entrance with no internal circulation to the attached residential accessory structure, unless said structure is a garage.
  - 3. Outdoor Covered Area. Covered porches, decks, landing places and similar architectural features may be added to a secondary dwelling structure provided that any such covered feature is open on at least two sides and occupies an area no larger than 25% of the allowable living area of the secondary dwelling.
  - 4. Appearance of Secondary Dwelling. The secondary dwelling should be subordinate to the primary single-family dwelling, as well as architecturally compatible with the primary

single-family dwelling (e.g., inclusive of complimentary materials, colors, and styles as the exterior of the primary single-family dwelling, including roof, eaves, windows, accents, and doors). For secondary dwellings attached to a single-family dwelling, the appearance of the building should remain that of a single-family residence.

5. Parking Requirements. In addition to parking required for the primary single-family dwelling by Article 17.54, one parking space per unit shall be provided on-site for the secondary dwelling. Tandem parking on an existing driveway or in setback areas is permissible. In areas subject to winter snow removal operations, new encroachments onto County-maintained roadways shall be prohibited in order to preserve available snow storage areas. No additional parking is required if the proposed secondary dwelling is:
  - a) Within one-half mile of a public transit stop;
  - b) Within an architecturally and historically significant historic district;
  - c) Within the existing single-family dwelling or an existing residential accessory structure;
  - d) In an area where on-street parking permits are required but not offered to the occupant of the secondary dwelling; or
  - e) Within one block of a car share vehicle pick-up location.

Notwithstanding Section 17.54.130(B) (Resolution of Conflicts), parking for secondary dwellings in Squaw Valley shall be subject to the parking requirement stated in this section.

- E. Owner-Occupancy Required. Either the primary or secondary dwelling on the site shall be occupied by the owner of the property. This provision is not to be construed as requiring occupancy of one of the dwellings on a continuous basis; rather it precludes the rental of both units at any one time. Failure to comply with this requirement shall be a violation of the County Code and subject to enforcement action by the County. No secondary dwelling may be sold separately from the primary single-family dwelling.
- F. General Development Requirements. The addition of a secondary dwelling shall not cause a parcel to exceed the allowable density of the site. Secondary dwellings are a residential use that is consistent with the existing General Plan and Zoning designation for the lot. See Section 17.56.180 for limitations on the total cumulative square footage of residential accessory structures on parcels of various sizes. Secondary dwellings shall conform to the height, setback, and lot coverage requirements of the applicable zone district, and are subject to residential construction fees and charges, unless exempted by County Code.

No setback shall be required for an existing, permitted garage that is converted to a secondary dwelling (where no expansion is proposed), and a setback of five feet from the side and rear lot lines shall be required for a secondary dwelling that is constructed above an existing, permitted garage.

- G. Deed Restriction. Prior to issuance of a building permit for a secondary dwelling, the owner shall record a deed restriction which addresses the restrictions on such units contained herein. The declaration shall run with the land and be binding upon the applicant and successor property owners.
- H. Number of Units. No more than one secondary dwelling shall be allowed per parcel.

- I. Rental of Secondary Dwellings. Short-term rental of a secondary dwelling or its bedrooms to overnight guests for fewer than 30 consecutive days is prohibited.