

ORDINANCE NO. SCC 2017-05

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF SHASTA ADDING SECTION 17.88.132, "ACCESSORY
DWELLING UNITS" TO THE SHASTA COUNTY CODE, TITLE 17,
ZONING PLAN**

The Board of Supervisors of the County of Shasta ordains as follows:

SECTION I.

Section 17.88.132 is added to the Shasta County Code to read in its entirety as follows:

17.88.132 Accessory dwelling units.

- A. Intent. The purpose of this section is to:
1. Provide additional housing options for family members, students, the elderly, in-home health care providers, the disabled, veterans and others, in existing urban, suburban and rural residential areas without substantially changing the use, appearance, or character of a neighborhood.
 2. Comply with Government Code Section 65852.2 and the provisions of the Shasta County General Plan that encourage a variety of housing opportunities for all income levels.
- B. Definitions. Except where the context otherwise requires, the following definitions shall govern the construction of this section:
1. "Accessory dwelling unit" means an attached or detached residential dwelling unit which provides independent living facilities for one or more persons on the same parcel on which the one-family residence is situated. Accessory dwelling unit shall include permanent living, sleeping, eating, cooking, and sanitation facilities.
 2. "Department" means the Shasta County Resource Management Department.
 3. "Director" means the Director of the Resource Management Department or designee.
 4. "Living space" means the improved interior 'habitable' area within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.
 5. "One-family residence" means the primary one-family residence lawfully established on the same lot as the proposed Accessory Dwelling Unit.

6. "Short term rental" as used in this section means the rental of any legally permitted dwelling unit or portion thereof for occupancy for dwelling, lodging or sleeping purposes for a period of less than 30 consecutive calendar days.
- C. **Applicability.** An accessory dwelling unit may be established in any zone district which permits a one-family residence by right, and in the Mixed Use (MU) district provided that all required permits have been secured for the one-family residence, subject to all applicable provisions of this section.
- D. **General Provisions.** If the provisions of this section conflict with other provisions of the County Code, the provisions of this section shall govern. The following general provisions shall apply to Accessory Dwelling Units:
1. **Number of Units.** There shall be no more than one accessory dwelling unit per legal lot.
 - a) An accessory dwelling unit shall not be permitted on lots which have a guest house, senior citizen residence, servant's quarters, family care residence or a second one-family residence.
 - b) A guest house, senior citizen residence, servant's quarters, family care residence or an existing one-family residence may be converted to or replaced by an Accessory dwelling unit provided that it complies with all of the requirements of this section.
 2. **Sale and Rental.** An accessory dwelling unit shall not be sold separately from the one-family residence on the same lot but may be rented provided the rental term is for longer than 30 consecutive days. No accessory dwelling unit shall be used as a short term rental.
 3. **Density.** An accessory dwelling unit that conforms to the requirements of this subdivision shall be deemed a residential accessory use and will not be considered to exceed the allowable density for the lot, as established by the Shasta County General Plan and Zoning Plan.
 4. **Impact Fees.** Public facility impact fees for an accessory dwelling unit shall be calculated at the same rate as one unit in a multiple-family residential development.
- E. **Development Standards.** The accessory dwelling unit shall comply with all applicable development standards of the zone district in which it is located, except as provided in this section.
1. **Size.** The living space of any accessory dwelling shall not exceed 1,200 square feet or 50 percent of the living space of the one-family residence, whichever is less. Where 50 percent of the living space of the one-family residence is less than

640 square feet, the living space of the accessory dwelling unit may be up to 640 square feet.

2. Minimum Lot Acreage.
 - a) An accessory dwelling unit shall be a permitted use on any lot that is served by both public water and sewer systems, or on a lot that is one (1) gross acre or more, when it is demonstrated that all applicable development standards can be met.
 - b) On lots of less than one (1) acre gross lot area that are served by a private onsite wastewater treatment system, an accessory dwelling unit may be permitted provided that:
 - i) The property is served by a public water system; or
 - ii) The accessory dwelling unit is created within the existing space of the one-family residence, or the existing space of a legally established accessory structure; or
 - iii) An exception is granted through an administrative permit as provided in Section 17.88.132(E)(14).
3. Height. The height of a detached accessory dwelling unit may exceed the height limitation for a residential accessory structure but shall not exceed the height limitation applied to a one-family residence in the same zone district.
4. Setbacks. An accessory dwelling unit must comply with the setback requirements of the applicable zoning district and combining districts with the following exceptions:
 - a) No additional setbacks shall be required when an existing, legally established garage or other existing residential accessory building that conforms to the zoning district is converted to an accessory dwelling unit in accordance with the provisions of this section.
 - b) A minimum setback of five feet from the side and rear lot lines shall be required for a new accessory dwelling unit to be constructed above a legally established and conforming garage or residential accessory building.
5. Fire Safety. The accessory dwelling unit shall meet all requirements of the County Fire Safety Standards or the Fire Protection District standards, as applicable, for the lot on which it is located, including adequate access to the accessory dwelling unit for emergency personnel and equipment.
6. Building Code Compliance. The accessory dwelling unit shall meet all applicable requirements of the Building Code (Shasta County Code Title 16) except that fire

sprinklers shall not be required if they were not required for the existing one-family residence.

7. Design.
 - a) The accessory dwelling unit shall be architecturally compatible with the existing one-family residence on the same lot in terms of roof pitch, eaves, building materials, colors and landscaping.
 - b) An attached accessory dwelling unit and the one-family residence it is attached to shall not have their front entrances located side-by-side or otherwise have the appearance of a duplex.
8. Location. Except for the conversion of, or construction above, an existing legally established garage or other residential accessory building that conforms with the zone district, a detached accessory dwelling unit shall not be located in front of the one-family residence.
9. Mobile Homes. A detached accessory dwelling unit may be a mobile home if the property is located in a Mobile Home (T) combining District and the one-family residence is not a mobile home.
10. Parking. Unless otherwise exempt under Government Code 65852.2(d), or by an approved exception in conformance with this section, off-street parking requirements for an accessory dwelling unit shall be one additional parking space for a studio or one-bedroom unit, and two additional spaces for a unit with two or more bedrooms which may be provided as tandem parking on an existing driveway.
11. Garages. An attached garage of up to 600 square feet may be allowed with an accessory dwelling unit. The allowed garage space shall be excluded from the total combined floor area of residential accessory structures pursuant to Section 17.88.140(B)(2)(a).
12. Access. The accessory dwelling unit should be served by the same street encroachment and driveway as the one-family residence, which shall comply with the residential driveway standards set forth in Section 6.13 of the Shasta County Development Standards, unless a common encroachment is infeasible, as determined by the Director, due to site constraints such as topography, building site locations or environmental concerns.
13. Water Supply and Wastewater Disposal. The accessory dwelling unit shall comply with all water supply and wastewater disposal requirements established by Environmental Health, or other service entity with jurisdiction.
14. Exceptions. Exceptions may be granted for the following development standards: #1 (Size), #2a (Minimum lot acreage), #8 (Location), #10 (Parking), and #11

(Garages), if an Administrative Permit is first approved pursuant to section 17.92.050, and the following findings are made by the Director:

- a) The proposed exception from the development standard(s) is necessary due to physical or other constraints on the lot that make the strict application of the standard(s) impractical or inconsistent with existing development on the lot or in the immediate neighborhood; and
- b) The proposed exception from the standard(s) would not result in any health or safety hazard for existing and future residents on the lot or in the neighborhood.

F. Deed Restriction. Before obtaining a building permit for an accessory dwelling unit, the property owner shall sign, and provide the necessary recording fees, and the County shall file with the County Recorder, a restrictive covenant acknowledging that:

1. The accessory dwelling unit cannot be sold separately from the one-family residence.
2. The accessory dwelling unit shall comply with all of the provisions of Shasta County Code section 17.88.132, as such provisions may be amended from time to time.
3. Obtaining an approved building permit and Certificate of Occupancy from the Department for an accessory dwelling unit does not provide or imply approval or any guarantee that the property can be divided now or in the future. Any future land division shall be subject to all applicable Shasta County subdivision requirements and regulations in effect at the time a land division is proposed.
4. These limitations shall be binding upon any assigns, successors in interest, personal representatives, estates, and heirs.

SECTION II.

The County finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17, which provides, in pertinent part, that CEQA does not apply to adoption of an ordinance to implement the provisions of Government Code Section 65852.2, and on that basis adoption of the ordinance is exempt from CEQA. Additionally, the County finds that the adoption of this ordinance is exempt from CEQA under CEQA Guidelines sections 15060(c)(2) and 1561(b)(3). The added section would not deviate from existing regulations in a manner that would result in new or more severe significant environmental impacts. Therefore, it can be seen with certainty that the revised section would not have the potential for causing a significant effect on the environment. Each exemption stands as a separate and independent basis for determining that this ordinance is not subject to CEQA.

SECTION III.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION IV.

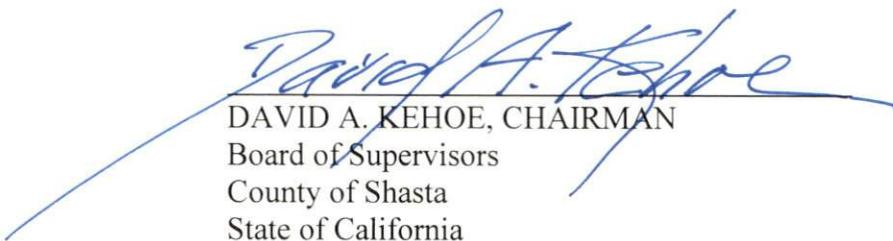
All former ordinances and resolutions, or parts thereof, conflicting or inconsistent with the provisions of this ordinance are hereby repealed. The adoption of this ordinance shall not in any manner affect any action or prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, be construed as a waiver of any license, fee, or penalty required by or resulting from any such ordinance, or affect the validity of any bond (or cash deposit in lieu thereof) required to be posted, filed, or deposited pursuant to such ordinance.

SECTION V.

This ordinance shall take effect and be in full force and effect 30 days after its passage. The Clerk of the Board shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 19th day of September, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES: Supervisors Kehoe, Moty, Rickert, and Morgan
NOES: None
ABSENT: Supervisor Baugh
ABSTAIN: None
RECUSE: None


DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: 
Deputy