ORDINANCE NO. 315- 819

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TRINITY AMENDING THE ZONING ORDINANCE NO. 315 (PW-16-08)

The Board of Supervisors of the County of Trinity, State of California, ordains as follows:

SECTION 1. That the Trinity County Zoning Ordinance is hereby amended by deleting Section 30.D.3 (Second Dwelling Units) in its entirety and substituting with the following:

SECTION 30.D SPECIAL REGULATIONS

3. Accessory Dwelling Units

a. PURPOSE. It is the intent of this subsection to provide a procedure whereby one additional dwelling unit can be located on a lot already developed with a single-family dwelling. Furthermore, it is also the intent of this section to require that such units only be located on parcels which are physically capable of accommodating an additional dwelling unit, have approved legal access, and meet other development standards that also apply to development of a single-family dwelling, but are no more restrictive.

b. DEFINITIONS. As used in this Subsection, the following terms shall mean:

"Accessory Dwelling Unit": an 'attached' or 'detached' or 'repurposed existing space' residential 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 as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

"Living Area": the interior 'habitable' area of a dwelling unit including basements and attics but does not include a garage or any accessory structure. (Gov't Code §65852.2)

c. DEVELOPMENT STANDARDS. The development standards for an accessory dwelling unit shall be as follows:

1) Allowable Zone Locations: An accessory dwelling unit may only be located on a parcel having an existing single family dwelling unit and that is zoned Rural Residential (RR), Single Family (R-1), Duplex

Residential (R-2), Multiple Family (R-3), or Residential-Office (R-O); and on a parcel zoned Unclassified (U) that lies within a Rural Residential (RR), Community Development (CD), Village (V), Single Family Residential (SF/HD; SF/MD), or Multifamily Residential (MFR) land use designation as described in the land use element of the Trinity County General Plan.

2) Floor Area (attached): The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area, nor be greater than 1,200 square feet.

3) Floor Area (detached): The total floor area of a detached second dwelling unit shall not be less than 256 square feet, or as defined by the California Building Code (CBC) as a minimum dwelling unit. There is no maximum floor area.

4) Zoning District Standards: The second dwelling unit shall conform to the development standards for the zoning district in which it is located, including, but not limited to setback, height and lot coverage. For purposes of density calculation, an accessory dwelling unit is considered an accessory use of the property and not counted as an additional residential unit. If an existing garage, or similar out-building, is being converted to an accessory dwelling unit, additional setbacks shall not be required beyond those required for the garage.

5) Parking: In addition to meeting parking requirements for the main dwelling, at least one parking space shall be provided for an accessory dwelling, which may be used in tandem with other required parking; provided, however, that no additional parking shall be required if:

   A. The accessory dwelling unit is located within one-half mile of a public transit stop; or
   B. The accessory dwelling unit is located within an architecturally and historically significant historic district; or
   C. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure; or
   D. When there is a car share vehicle located within one block of the accessory dwelling unit.

6) Sewer: The accessory dwelling unit shall be individually serviced by a sewer hook-up, unless the unit is contained within the existing space of a single-family residence or an existing accessory structure. If not within a community providing sewer service, a detached accessory dwelling unit shall be individually serviced by an individual on-site sewage disposal system approved by the Environmental Health Division of the Building and Development Services Department. For an attached accessory dwelling, the Environmental Health Division shall evaluate

the existing system to ensure proper sizing, compliance, sanitary operation and future repair area.

7) Domestic Water: Both the primary and the second dwelling unit may utilize a common water supply provided that a minimum flow of 3 gallons per minute per unit is available for domestic use in addition to meeting water supply requirements for fire protection, and the system has been approved by both the Environmental Health Division and the appropriate fire protection agency.

8) Utility fees: Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service. (Gov't Code, Sec. 65852.2)

9) Building Permit: A building permit is required. The accessory dwelling unit shall be developed in accordance with the California Building Code (CBC) and any other adopted standards of federal, state or local agencies that would normally apply to construction of a single family dwelling.

10) Fire Safe: The accessory dwelling unit shall meet the requirements of PRC § 4290, the Trinity County Fire Safe Ordinance #1162 for new structures and/or any adopted local fire code, provided, however, that an attached accessory dwelling unit shall not be required to provide fire sprinklers, or other life and protection improvements, if they are not required for the primary residence.

A minimum ten (10) foot setback is required between newly constructed detached accessory dwelling units for fire safe purposes. This setback shall be increased to 60 feet to comply with Cal-Fire and County fire safe standards for those parcels in the county where additional separation is necessary for fire protection, or meet the "same practical effect" if approved by Cal-Fire, in accordance with Pub. Res Code, § 4290; CCR §§1270-1276, and T.C. Ord #1162 (Fire Safe Ord). This provision does not apply to the conversion of an existing permitted structure to an accessory dwelling unit.

11) Rent/Sell: An accessory dwelling unit may be rented but may not be sold independent of the primary dwelling unit unless the original parcel upon which it is located is first subdivided in accordance with the rules and regulations of the California Subdivision Map Act and the Trinity County Subdivision Ordinance.

SECTION 2. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have adopted this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrases be declared invalid.

SECTION 3. This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the Trinity Journal, a newspaper of general circulation published in the County of Trinity, State of California.

Introduced, passed and enacted this 4th day of April, 2017, by the Board of Supervisors of the County of Trinity by motion/second (Groves/Morris), and the following vote:

AYES:	Supervisors Morris, Groves, Chadwick, Burton and Fenley
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None

JOHN FENLEY, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

MARGARET E. LONG
Clerk of the Board of Supervisors

By: Naomi Goulette
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:

Margaret Long, County Counsel