



Trinity County Planning

Memo

To: Planning Commission

From: John Jelichich, interim planner

Date: December 8, 2016

Re: Item 6; Amend Sec 30.D.3.c.2 (zoning districts allowing second dwelling units) of the Zoning Ordinance, to comply with revised Gov. Code Section 65852.2 as amended by AB 2299 and SB 1069, which removes any local requirement for a use permit to establish an "accessory dwelling unit" (ADU). (PW-16-08)

This item is being withdrawn from the Planning Commission agenda.

Explanation:

AB-2290 and SB-1069 were passed by the legislature and recently signed into law by the Governor. They made one significant change that affects our County's Second Dwelling provisions. The legislation no longer allows cities and counties to require a use permit or any other discretionary action to place a second dwelling on a parcel zoned for single family use. The revised law affecting Gov't Code, Sec. 65852.2 also changed the term "second dwelling" to "accessory dwelling". The term "second dwelling" appears several times in our ordinance.

Those changes alone would have been fairly easy; however, after reviewing the law more closely, there are a few other areas where our ordinance is incomplete or uses outdated wording. The amendments required can be best accomplished by deleting our second dwelling provisions entirely and establishing new wording for accessory dwellings. For that reason, the wording on the posted agenda is no longer adequate. Therefore, staff is withdrawing the item and will readvertise the item for hearing in January.

Also, a minor change in the Housing Element will be necessary. The Housing Element makes reference to requiring a use permit for some second dwellings. Deleting this reference will require a General Plan Amendment, which can also be heard in January by the Planning Commission. This change in text will be minor and will not affect any policies.

Recommendation:

When this item is introduced, the Chair should advise those attending the meeting that this item has been withdrawn and will be readvertised for a future meeting.

No other action is necessary.