



## Sonoma County Planning Commission STAFF REPORT

**FILE:** ORD22-0006  
**DATE:** March 02, 2023  
**TIME:** At or after 1:00 PM  
**STAFF:** Wil Lyons

**A Board of Supervisors hearing on the project will be held at a later date and will be noticed at that time.**

### SUMMARY

**Address:** Countywide  
**Supervisory District(s):** All

**Description:** Zoning Code Text Amendments to Chapter 26, Article 88 to allow for the temporary use of transportable housing units (Tiny Homes) prior to the construction of an Accessory Dwelling Units including the use of Recreational Vehicles (RVs), Travel Trailers, manufactured homes, or other transportable housing unit as defined and allowed in the California Building Code in zoning districts where Accessory Dwelling Units are allowed. Additional modifications to the existing ordinance are proposed to provide clarity.

**CEQA Review:** Exempt per CEQA Guidelines sections 15282(h), 15301, 15302, 15303, and 15305

**General Plan Land Use:** N/A

**Specific/Area Plan Land Use:** N/A

**Ordinance Reference:**

**Zoning:** The use of temporary housing units in advance of the construction of an Accessory Dwelling Unit would be prohibited on parcels located within the Z Accessory Dwelling Unit Combining District.



## **RECOMMENDATION**

The Permit Resource and Management Department (Permit Sonoma) recommends that the that the Planning Commission adopt the attached resolution to recommend adoption of Zoning Ordinance Text Amendments to establish standards and allow for the temporary use of transportable housing units prior to the construction of an Accessory Dwelling Unit; including the use of Recreational Vehicles (RVs), Travel Trailers, manufactured homes, or other transportable housing unit as defined and allowed in the California Building Code in zoning districts where Accessory Dwelling Units are allowed with additional text modifications to the existing ordinance are proposed to provide clarity.

## **EXECUTIVE SUMMARY**

Planning staff have drafted amendments to the Zoning Ordinance within the existing Chapter 26, Article 88-010(p) to allow for temporary use of transportable housing units (tiny homes) under circumstances where temporary housing in travel trailers and recreational vehicles (RVs) are already allowed under the existing Sonoma County Zoning Ordinance. The proposed update expands these temporary uses to be allowed in transportable housing units as defined and allowed in the California Building Code. Additionally, this update to the Zoning Ordinance allows for the temporary use of Recreational Vehicles (RVs), Travel Trailers, manufactured homes, or other transportable housing units allowed by the California Building Codes prior to or during the construction of an accessory dwelling unit (ADU) in those Zoning Districts where ADUs are allowed. This update required reorganization of Section 26-88-010(p) for both clarity and to ensure consistency.

According to Generation Housing’s 2020 “State of Housing in Sonoma County”, Between 2000 and 2019, Sonoma County’s housing stock grew 13% from around 183,000 units to 207,000 units, with most growth happening in the first decade. (Wildfires since 2017 destroyed about 6,000 local homes, equating to more than 5% of Santa Rosa’s stock.). Four in five households making less than half the area’s median income — \$58,150 a year for family of four — pay more than 30% of their income on housing, making them “rent burdened.” Generation Housing argues the county needs to build 58,000 new homes for people of all income levels by 2030. The use of temporary housing units in advance of the construction of an ADU could provide additional housing units that may potentially more affordable and quicker to deploy than traditional building methods.

### ***Background***

Section 26-88-010(p) and Permit Sonoma Policy 8-1-1 currently allow for the temporary use of travel trailers and recreational vehicles under the following circumstances:

- To provide temporary housing “for an ill, convalescent, or otherwise disabled friend or relative needing care from the occupant of the primary residence or a friend or relative providing necessary care for an ill, convalescent, or otherwise disabled occupant of the primary residence.”
- To house agricultural employees for 90 days with an existing agricultural operation
- During construction or major remodel/addition of a single family dwelling

During their December 6, 2022, meeting, the Board of Supervisors directed staff to prepare amendments to the zoning code allowing for temporary housing in emergency transportable housing units (tiny homes) as defined by the California Building Code. As defined, transportable housing units include recreational vehicles, “park trailers”, traditional travel trailers, and other types of mobile manufactured homes.



The proposed ordinance would allow for the temporary use of these structures prior to or during the construction of an Accessory Dwelling Unit (ADU). Additionally, the ordinance would provide clarification on the number of temporary units allowed on a single parcel. For example, if a home and ADU are under construction simultaneously, then the ordinance would allow for two temporary units that could be occupied during construction and removed following the issuance for final occupancy of the newly constructed permanent units. Alternatively, a temporary caregiver unit could be allowed for the care of a friend or relative residing in the primary dwelling unit on the property while a second temporary unit is allowed in advance of the construction of an ADU.

Temporary Building Permits (TEM) permits are issued for temporary housing permits and are reviewed by Planning, Building Plan Check, Well and Septic, and Engineering for compliance. The permitting process is not expected to change, instead these updates will help to streamline the process by codifying clear standards for the use of temporary units.

**NUMBER OF TEMPORARY UNIT PERMITS (TEM) ISSUED**

<u>Type of TEM Permit</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Caregiver	33	30	15	21	13
Farmworker Housing	-	-	-	-	-
During Construction of a Home	5	6	-	1	2
Fire Recovery	35	26	21	21	3

Code Enforcement operations have found over 600 violations for unpermitted residential occupancies of travel trailers, recreational vehicles, tiny homes, and other structures in the past 5 years. These unpermitted occupancies are often accompanied by substandard waste management or health conditions. The proposed Zoning Ordinance updates provide an opportunity to allow for property owners to potentially legalize these units while reducing impacts from substandard living conditions and waste management.

**UNAUTHORIZED RESIDENTIAL OCCUPANCY VIOLATIONS ISSUED IN 2018-2022**

<u>Type of Structure used as Living Unit</u>	<u>Travel Trailer or Mobile Home</u>	<u>RV</u>	<u>Tiny House</u>	<u>Shed</u>	<u>Other (Tents, Yurts, Buses, etc.)</u>
Violations Issued	599	61	15	16	19



As an option for the Planning Commission’s consideration, staff have included language that allows applicants to provide “Pump and Haul” contracts in lieu of a connection to an existing septic or sewer system. This language provides more flexibility for the use of temporary unit prior to the construction of a permanent structure. To qualify, the service provider would need to meet all State requirements, including holding a valid registration issued by the California Department of Toxic Substances Control for the transport of hazardous wastes. These services roughly cost between \$500 to \$1000 monthly, depending on factors such as tank size and service frequency. However, the cost for new septic systems can range between \$15,000 to \$70,000 with \$30,000 being average. These pump and haul contracts are currently allowed in the temporary housing statutes provided in Articles 40, 40A, 40C, and 40D for fire recovery purposes. To date, there have been no complaints regarding substandard waste management from temporary units approved for the use of a pump and haul contract. If the Planning Commission chooses not to adopt this language, a connection to an approved septic or sewer system for the temporary unit would be required.

**General Plan Consistency Analysis**

The following General Plan and Area Plan policies are applicable to the project:

**POLICY LU-2d:** Inventory, conserve and increase the amount and type of housing that accommodates those with special housing needs. Populations needing special types of housing include farm employees, the terminally ill, mentally disabled, handicapped people, abused spouses and children, and the homeless. \*

*The proposed amendments directly work to provide a variety of housing while expanding housing opportunities for farmworkers, on-site care for ill, convalescent, disabled, and those affected by recent natural disasters.*

**GOAL LU-6.1:** Provide opportunities for a range of urban housing types and densities in unincorporated communities, while retaining the character of these communities.

*The proposed amendments work to provide a wider range of options for those in need of temporary housing. The inherent temporary nature of these housing solutions will not negatively affect the character of unincorporated communities.*

**POLICY HE-1F:** Encourage retention and further construction of small rental units such as granny units, rental studios, and SRO units, as well as large rental units with more than 3 bedrooms.

*The proposed amendments allow for temporary use of transportable housing units as accessory dwelling units which could help to alleviate some of the burden for those attempting to build permanent housing stock by allowing the use of temporary housing units until the permanent unit is constructed.*

**OBJECTIVE HE-2.3:** Enhance opportunities for affordable housing production on all appropriate sites with adequate infrastructure and proximity to services.

*The proposed temporary housing allowances directly support this objective to expand housing production throughout Sonoma County.*

**OBJECTIVE HE-3.2:** Review and revise housing programs to address changing needs, including needs that may not be met by traditional housing units. Consider the use of new community housing models and innovative



types of structures and building materials to meet a wide variety of housing needs while protecting the public health and safety.

*The proposed amendments to the Zoning Ordinance are a result of this objective and the ongoing housing crisis facing Sonoma County and the region.*

**POLICY HE-3g:** Expand the supply of housing for farmworkers by continuing the current priority processing of farmworker housing projects.

*While addressed in existing Permit Sonoma Policy 8-1-1 to allow for these units as temporary farmworker housing, the proposed update will codify the policy in the Zoning Ordinance and work to support this policy.*

**POLICY HE-3j:** Evaluate potential changes that could be made to county regulations to accommodate long-term occupancy of Park Model homes and similar recreational vehicles, where sewer or septic services and neighborhood compatibility are provided.

*The proposed amendments to the Zoning Ordinance are a result of this policy and the ongoing housing crisis facing Sonoma County and the region.*

**OBJECTIVE HE-5.1:** Create an additional supply of housing for special needs populations, including but not limited to group care homes, transitional housing, permanent supportive housing, and homeless shelters.

*The proposed temporary housing allowances directly support this objective to create an additional housing supply for special needs populations.*

**OBJECTIVE HE-5.6:** Increase the supply of housing for farmworkers and other migrant workers.

*While addressed in existing Permit Sonoma Policy 8-1-1 to allow for these units as temporary farmworker housing, the proposed update will codify the policy in the Zoning Ordinance and work to support this objective.*

**POLICY HE-5k:** Encourage construction of new housing for occupancy by:

- 1) farmworkers and their families;
- 2) year-round housing for unaccompanied farmworkers and other migrant workers; and
- 3) seasonal housing for unaccompanied farmworkers.

*While addressed in existing Permit Sonoma Policy 8-1-1 to allow for these units as temporary farmworker housing, the proposed update will codify the policy in the Zoning Ordinance and work to support this policy.*

## **ANALYSIS**

### ***General Plan Consistency***



The potential amendments to the zoning code would expand temporary housing allowances to permit the use of transportable housing units (tiny homes), travel trailers, or recreational vehicles to be used as temporary housing units while limited to the aforementioned temporary uses.

Allowing temporary housing units in certain residential and agricultural zoning districts would not change the current density assigned to any parcel by the General Plan or by zoning. The General Plan’s goals, objectives, and policies strongly direct future growth to be limited to urban service areas and urban growth boundaries while supporting the creation of diverse housing types, particularly for special needs groups such as the ill and disabled, farmworkers, and those recovering from natural disasters.

The proposed updates are consistent with and support the goals of the General Plan by allowing for a wider variety of temporary residential units on a temporary basis work to these ends without increasing density or conflicting with existing land uses.

### **DISASTER RECOVERY ORDINANCES**

Articles 40, 40A, 40C, and 40D currently allow for the temporary residential use of recreational vehicles and manufactured homes for persons displaced by the 2017 Complex, 2019 Kincade, and 2020 LNU Lightning Complex and Glass Fires. These temporary provisions are currently set to expire on December 31, 2024. These temporary disaster recover provisions are not expected to conflict with the proposed uses under the subject ordinance as they are set to expire in the near future and the use of these temporary units is limited to those persons displaced by the fires.

### **ENVIRONMENTAL ANALYSIS**

Permit Sonoma has determined that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code and Section 15282(h) of the CEQA Guidelines (Other Statutory Exemptions) for adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code; Guidelines § 15301, maintenance, operation and/or permitting of existing facilities.; CEQA Guidelines § 15302, exempting specified replacement or reconstruction of existing structures and facilities; CEQA Guidelines § 15303, exempting conversion of existing small structures from one use to another; and, CEQA Guidelines § 15305, exempting minor alterations in land use limitations.

### **RECOMMENDATIONS**

#### ***Staff Recommendation***

The Permit Resource and Management Department (Permit Sonoma) recommends that the that the Planning Commission adopt the attached resolution to recommend adoption of Zoning Code Text Amendments to establish standards and allow for the temporary use of transportable housing units prior to the construction of an Accessory Dwelling Unit; including the use of Recreational Vehicles (RVs), Travel Trailers, manufactured homes, or other transportable housing unit as defined and allowed in the California Building Code in zoning districts where Accessory Dwelling Units are allowed with additional text modifications to the existing ordinance are proposed to provide clarity.



**ATTACHMENTS**

1. Attachment 1: Ordinance
2. Attachment 2: Resolution
3. Attachment 3: Policy Options