



## Legislation Text

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**File #:** 2023-0224, **Version:** 1

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**To:** Board of Supervisors

**Department or Agency Name(s):** Permit Sonoma

**Staff Name and Phone Number:** Wil Lyons, 565-7388

**Vote Requirement:** Majority

**Supervisorial District(s):** Countywide

**Title:**

**2:00 PM** -Consider an ordinance amending Sonoma County Code Chapters 26 Article 88 by adding definitions and standards to allow temporary housing on residential property; and find action exempt from the California Environmental Quality Act.

**Recommended Action:**

The Permit Resource and Management Department (Permit Sonoma) recommends that the Board of Supervisors (Board) hold a public hearing, find the action exempt from the California Environmental Quality Act, and adopt 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; and to make additional text modifications for clarity and consistency with temporary uses allowed by existing Permit Sonoma Policy 8-1-1.

**Executive Summary:**

At its December 6th, 2022, hearing, the Board directed staff to draft amendments to the Zoning Ordinance 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

**Discussion:**

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: and

- During construction or major remodel/addition of a single-family dwelling.

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 residential use of a travel trailer, or recreational vehicle, manufactured home, or other transportable housing unit as defined and allowed in the California Building Code for a term of one year, under the following circumstances:

- During the construction of a Single-Family Dwelling
- Prior to, or during the construction of an Accessory Dwelling Unit
- As a caretaker unit

In addition, the proposed ordinance as recommended by the Planning Commission would allow for a “hold and haul” contract in lieu of a connection to an existing septic system, where the contract is with a provider that is licensed by the State Department of Toxics Control to transport hazardous waste. Additionally, where a permittee seeks renewal of a temporary one-year permit, the applicant must provide proof of compliance with State requirements for the transportation of hazardous waste for the term of the expiring permit.

Staff did not recommend allowing for the use of tiny homes to house agricultural employees for 90 days as this use is typically more transient in nature and has separate use standards from other temporary residential uses found under Sec. 26-24-060. This use may also require an update to the Uniform Rules for properties under Williamson Act contract.

#### **Planning Commission Actions:**

On March 2, 2023, the Sonoma County Planning Commission held a public hearing, considered the proposed ordinance, and voted to recommend adoption to the Board of Supervisors with the following changes, which are incorporated into the draft ordinance presented to your Board:

- Require the permittee to disconnect the unit from utility services at the end of the temporary permit’s term to ensure that the unit is properly vacated and not used for human occupancy unless the permit has been renewed.
- Upon renewal of a temporary permit, an applicant that used a hold and haul contract in lieu of a connection to a site’s septic or sewer systems must provide proof of compliant and unbroken hold and haul service over the immediately prior year (the 12-month permit term); and must also provide proof of a contract with an appropriately licensed hold and haul provider for the upcoming term of the proposed permit renewal; and
- Require that an applicant seeking renewal to submit their application no less than 30 days prior to the expiration of the term of their current temporary permit.

The Planning Commission recommended that staff pursue administrative actions to proactively monitor temporary permits as their terms expire to ensure compliance with proposed regulations.

The attached Ordinance (Att 1) has been revised to include the Planning Commission recommendations.

### **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.

### **CEQA**

Adoption of the proposed ordinance is exempt from review under 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.

### **Prior Board Actions:**

On December 6, 2022 Sonoma County Board of Supervisors adopted a resolution adopting updates to Chapter 7 of the Sonoma Code as well as directing staff to return with Zoning Ordinances that address:

1. Expansion of Temporary Housing Program;
2. Include on Temporary Unit per parcel;
3. Residential Use only in the temporary units, no vacation rentals;
4. Conversion of accessory structures to temporary units;
5. Develop a 5 Year Term for temporary unit permits;
6. Add allowances for composting/waterless toilets; and

This update, as proposed, works to meet items 1, 2, and 3.

Items 4 and 5, allowance of a 5-year term and conversion of accessory structures for a temporary permit would require additional density analysis and environmental review. The updates, as presented, are actions

staff proposes now to help address the ongoing housing crisis. If the Board directs staff to complete the analysis for a 5-year term and accessory structure conversion, staff may return with a separate update at a later date.

Item 6 was allowed via an update to the Sonoma County Code Chapter 7-13, SECTION AZ111(E)(1) and by Section 21 - Waterless Toilets, Onsite Waste Treatment System Manual.

Each of the proposed initiatives which the Board directed staff to explore and develop for the Board's consideration are independent of and not dependent on the Board's consideration or approval of any other initiative or combination of initiatives.

**FISCAL SUMMARY**

**Narrative Explanation of Fiscal Impacts:**

N/A

**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

Att 1 Ordinance

Att 2 Planning Commission Resolution

Att 3 Planning Commission draft Ordinance

Att 4 Planning Commission Staff Report

Att 5 Staff PowerPoint

**Related Items "On File" with the Clerk of the Board:**

N/A