

ORDINANCE NO. 1879

Ordinance amending County Code Section 19.72.050, Accessory dwelling units, to incorporate changes required by State housing statutes, specifically Government Code Title 7, Division 1, Chapter 13, Accessory Dwelling Units

The Board of Supervisors of the County of Amador ordains:

Section I: Legislative findings.

1. The California State Legislature adopted Government Code section 65852.2, which establishes permitting rules for Accessory Dwelling Units. The State law requires ministerial review of permit applications for compliant Accessory Dwelling Units. The law prohibits cities and counties from creating permitting requirements that are inconsistent with Government Code section 65852.2, and provides that any local law in conflict with these rules is now void.
2. This ordinance is intended to address the State law by adding Chapter 19.72, which creates a process for permitting Accessory Dwelling Units that is consistent with Government Code section 65852.2.

Section II. Amador County Code Section 19.72.050 is amended as follows:

19.72.050 Accessory dwelling units and junior accessory dwelling unit regulations.

The County shall ministerially approve an application for a building permit within a residential or mixed use zone to create any of the following units, or any combination of the following units. Applicants for an accessory dwelling unit or junior accessory dwelling unit must comply with all applicable local and state laws. If a conflict exists between the laws in this chapter and other laws within the county's municipal code, the laws in this chapter shall control. All proposed accessory dwelling units and junior accessory dwelling units must comply with all the below-listed general regulations and must also comply with either the Category 1 or Category 2 regulations.

A. General Regulations. These general regulations apply to all accessory dwelling unit and junior accessory dwelling unit permit applications.

1. Located on Same Parcel as Residential Dwelling. The proposed accessory dwelling unit or junior accessory dwelling unit shall either be (a) attached to or located within the living area of the proposed or existing primary dwelling or (b) detached from the proposed or existing primary dwelling and located on the same parcel as the proposed or existing primary dwelling.

2. Building, Fire, and Life Safety. Unless provided otherwise within this chapter, all applicable building and fire code requirements shall apply except that the building code shall not restrict an applicant's ability to obtain a permit for an accessory dwelling unit that is up to **sixteen twenty-five** feet in height where all other code requirements are satisfied. A mobile home, recreational vehicle, park model recreational vehicles, yurts, tents, cargo containers, or other movable or temporary habitable spaces that do not comply with the California Building Standards Code shall not be used as an accessory dwelling unit or junior accessory dwelling unit.

3. Water and Waste Water. The applicant shall comply with Section 14.06.055 (Production requirements for water supply wells). Where a private sewage disposal system is being used, the system shall require approval by the environmental health department. Approval of the accessory dwelling unit or

junior accessory dwelling unit is subject to the environmental health department's certification that sufficient water and waste water services exist for the unit.

4. Certificate of Occupancy. A certificate of occupancy may not be issued for the accessory dwelling unit or junior accessory dwelling unit until a certificate of occupancy is issued for the primary dwelling.

5. Fire Sprinklers. Applicants shall comply with the California Building Code with respect to installation of fire sprinklers except that fire sprinklers are not required in accessory dwelling units and junior accessory dwelling units if they are not required for the primary residence. **The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.**

6. Setback. A four-foot setback is required from the side and rear lot lines for new structures in areas where state responsibility area fire and life safety regulations (Chapter 15.30) do not apply.

B. Category 1 Permits. Rental terms for accessory dwelling units permitted under this subsection shall be longer than thirty days. Applicants seeking a Category 1 accessory dwelling unit permit must also comply with the following:

1. Number of Accessory Dwelling Units Allowed. ~~Only one accessory dwelling unit is permitted on a parcel on which a residential dwelling exists or is proposed to exist.~~ **One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family unit plus one detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks in areas where state responsibility area fire and life safety regulations (Chapter 15.30) do not apply.**

2. Total Floor Area. The minimum floor area shall be the minimum required for an efficiency dwelling unit as defined in Health and Safety Code Section 17958.1. The maximum floor area of an accessory dwelling unit shall be the floor area of the primary dwelling on the parcel; however, if the primary dwelling is less than one thousand square feet, then the maximum floor area shall be eight hundred fifty square feet for an accessory dwelling unit that has less than two bedrooms, and one thousand square feet for an accessory dwelling unit that has two or more bedrooms.

3. Parking.

a. One additional off-street parking space is required for the accessory dwelling unit. The space may be provided as tandem parking on a driveway. Off-street parking is permitted in setback areas unless the county specifically finds setback parking is not feasible based on site or regional topographical or fire and life safety conditions.

b. When a parking structure is converted to an accessory dwelling unit, additional parking, or replacement of existing parking, is not required.

c. The parking requirement in subsection (B)(3)(a) of this section does not apply if the accessory dwelling unit is located within one-half mile walking distance of public transit, or is located within an architecturally and historically significant historic district, or is part of the proposed or existing primary residence or an existing accessory structure, or is located within one block of a car share vehicle, **or when a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multi-family dwelling on the same**

lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in Government Code 66322(a)(6).

- C. Category 2 Permits. Rental terms for accessory dwelling units permitted under this subsection shall be longer than thirty days. Applicants are not required to provide off-street parking for Category 2 permits. Applicants seeking a Category 2 permit must meet the requirements for one of the following four application types. An applicant may apply for both a Type 1 and Type 2 permit. An applicant may also apply for both a Type 3 and a Type 4 permit. Notwithstanding the following, one accessory dwelling unit and one junior accessory dwelling unit are permitted per lot with a proposed or existing single-family unit plus one detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks in areas where state responsibility area fire and life safety regulations (Chapter 15.30) do not apply.

D.

1. Type 1--Within Existing Space. A Category 2, Type 1 permit shall issue for one accessory dwelling unit on the parcel if the following requirements are met:

- a. The proposed accessory dwelling unit is within the proposed or existing space of the primary dwelling or existing accessory structure; however, the proposed unit may include an expansion of the existing accessory structure of not more than one hundred fifty square feet; provided, that the expansion is for the purpose of accommodating ingress and egress.

- b. The proposed unit has direct exterior access.

- c. The side and rear setbacks may be less than the general regulation requirement so long as the county finds the setbacks are sufficient for fire and safety.

- d. If the applicant seeks to permit a junior accessory dwelling unit as that term is defined in Government Code Section 66333, then the proposed unit must meet the requirements under Government Code Section 66333 through 66339.

2. Type 2--Detached, New Construction. A Category 2, Type 2 permit shall issue for one accessory dwelling unit on the parcel if all the following conditions are met. The accessory dwelling unit may be combined with a qualifying junior accessory dwelling unit.

- a. The proposed unit's total floor area does not exceed twelve hundred square feet.
- b. The proposed unit height does not exceed ~~sixteen~~ **twenty-five** feet.

3. Type 3--Accessory Dwelling Units Within Existing Multifamily Dwelling Structures. A Category 2, Type 3 permit shall issue for accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if the unit complies with state building standards for dwellings. The limit of accessory dwelling units allowed under this subsection shall be the total of up to twenty-five percent of the existing multifamily dwelling units on the parcel, **plus the lesser of eight or the number of multifamily primary units to be created as detached accessory dwelling units. Proposed primary dwellings may have up to two detached accessory dwelling units.** One accessory dwelling unit is allowed if there are seven or fewer existing multifamily dwelling units on the parcel.

4. Type 4--Detached, Multifamily. A Category 2, Type 4 permit shall issue for the same number of accessory dwelling units as existing multifamily units on the parcel, up to a maximum of eight not exceeding ~~sixteen~~ **twenty-five** feet in height on a parcel with an existing multifamily dwelling. This permit type is for accessory dwelling units that are detached from the existing multifamily dwelling. (Ord. 1833 §2, 2023; Ord. 1800 §4, 2020).

E. Unpermitted accessory dwelling units and junior accessory dwelling units constructed prior to January 1, 2020.

1. **The County may not deny permits for the following to be brought into compliance with applicable building codes: unpermitted accessory dwelling units and junior accessory dwelling units constructed prior to January 1, 2020, or accessory dwelling units or junior accessory dwelling units in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.**

2. Applicable permit fees shall follow the approved fee schedule at the

time a permit application is submitted, excluding penalties for unpermitted construction.

3. Before submitting a permit application for an unpermitted accessory dwelling unit or junior accessory dwelling unit, the owner may obtain a confidential third-party code inspection from a licensed contractor to determine if the structure is substandard per the California Health and Safety Code.

4. Upon receiving an application for a permit for a previously unpermitted accessory dwelling unit or junior accessory dwelling unit, the County may inspect the unit for compliance with the California Health and Safety Code and provide recommendations for compliance.

Section III: A summary of this ordinance shall be published within fifteen days after the date hereof in a newspaper of general circulation printed and published in the County of Amador, State of California, and shall become effective thirty days after the date hereof.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 28th day of July, 2026, by the following vote:

AYES: Patrick Crew, Logan Carnell, Dan Epperson, Brian Oneto, Jeff Brown
NONE: None
ABSENT: None



Patrick Crew, Chairman, Board of Supervisors

ATTEST:

HEATHER PEEK, Clerk of the Board of Supervisors,
Amador County

