



Community Development Department

ACCESSORY (SECONDARY) DWELLING UNITS IN ALPINE COUNTY

INFORMATION SHEET

BACKGROUND: California State legislature has passed a number of laws pertaining to accessory dwelling units (secondary dwelling units) and junior accessory dwelling units. Alpine County's regulations for accessory dwelling units are contained in Chapter 18.69 of County Code. As Chapter 18.69 does not comply with the new state law requirements, the County is required to follow state law until such time as a new ordinance is adopted by the Board of Supervisors.

DEFINITIONS

An **accessory dwelling unit** is defined under Government Code Section 65852.2 as an attached or a detached residential dwelling unit that provides complete independent living for one or more persons and is located on a lot with a proposed or existing primary residence. The unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling also includes:

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

A **junior accessory dwelling unit** is defined under Government Code Section 65852.22 as a unit that is not more than 500 square feet and is contained entirely within a single-family dwelling. A junior accessory dwelling may include separate sanitation facilities or may share sanitation facilities with the existing primary structure. No more than one junior accessory dwelling unit is permitted per single-family dwelling.

BUILDING PERMIT APPLICATION AND REVIEW PROCESS: Building Permit applications for an accessory dwelling unit or a junior accessory dwelling unit should be submitted directly to the [Building Safety Division](#) of the Alpine County Community Development Department. In addition to the Building Permit application submittal requirements, the following items are required:

1. Project description including size of proposed accessory or junior accessory dwelling unit and proposed location on the property. Include information as to whether the unit will be attached or detached and if the permit is for the conversion of an existing structure on the property.
2. Verification of a well permit by the Alpine County Health Department, or in the case of an existing permitted well, written verification by the Health Department that states the well can adequately serve the accessory dwelling unit as well as the existing or proposed primary dwelling unit.
3. For a community water system, verification from the water provider that an adequate supply is available to serve the accessory dwelling unit as well as the existing or proposed primary dwelling unit.

4. Verification from the Alpine County Health Department that an onsite wastewater system has adequate capacity to serve the accessory dwelling unit as well as the existing or proposed primary dwelling. For onsite wastewater systems, state law allows the local agency to require a percolation test within the last five years or, if the percolation test has been recertified, within the last 10 years. For community wastewater treatment systems, verification from the treatment provider that adequate treatment capacity is available to serve the secondary dwelling unit.

Once a building permit application is deemed complete, the County has up to 60 days to approve the accessory unit when there is already an existing primary dwelling on the property. The application will be deemed approved if not acted upon within 60 days. For a building permit application for a new single-family dwelling with an accessory dwelling unit, the 60 day deemed approval criteria does not apply.

SETBACK STANDARDS: No setback is required for an existing living area or existing accessory structure converted to an accessory dwelling or to a portion of an accessory dwelling unit. For new accessory dwelling units a setback of at least 4 feet from the rear and side property lines will be required. Front setbacks are governed by Title 18 of the Alpine County Zoning Code. Front setbacks cannot preclude an ADU of at least 800 square feet from being built on the property.

FEES:

IMPACT FEES: Accessory Dwelling units are exempt from impact fees when the unit is less than **750 square feet**. If the unit is greater than 750 square feet, the impact fee will be charged in proportion to the size of the primary dwelling unit. For example, a 2,000 square foot primary dwelling with a proposed 1,000 square foot accessory dwelling unit would result in 50 percent impact fee that would be charged for a new primary dwelling on the same site. Alpine County will continue to collect the following impact fees for accessory dwelling units greater than 750 square feet: 1) Kirkwood Traffic Impact Mitigation Fees (County Code 10.28); and 3) Alpine County Fire Impact Fee (County Code 3.04.060).

WATER AND SEWER CONNECTION FEES: Water and sewer connection fees or capacity charges are not applicable unless the accessory dwelling unit is constructed at the same time as the primary dwelling (Govt Code Section 65852.2 subd (f)(2)(A))

PARKING: Parking for an accessory (secondary) dwelling unit shall be provided based on one space per unit or one space per bedroom, whichever is less, and may be provided as tandem parking. The parking spaces must meet minimum dimensions as adopted by Alpine County. The parking standards for ADUs do not apply to properties located within the Markleeville Historic District. In addition, parking spaces removed for the construction or conversion of an ADU structure do not need to be replaced.

PLANNED DEVELOPMENT CCR'S: Any covenants, restrictions, or conditions that prohibit or unreasonably restrict the construction or use of accessory dwelling units on a single-family lot are prohibited (Civil Code, Section 4751). For additional questions or guidance, please contact the California Department of Housing and Community Development.

SIZE REQUIREMENTS

The minimum and maximum allowable floor area for accessory dwelling units and junior accessory dwelling units varies depending on whether the proposed unit is a new structure, is attached or detached, or involves the conversion of an existing structure, such as a garage, into an accessory dwelling unit. Junior Accessory Dwelling Units are not allowed to be detached and must be contained within the existing primary dwelling structure.

Conversions of Existing Accessory Structures or Portion of Existing Primary Dwelling: If the accessory dwelling unit involves conversion of an existing structure (whether attached or detached), such as a garage, or a portion of the existing primary dwelling, there is no maximum size requirement.

New Detached Units: For new detached accessory dwelling units, the maximum size is 1,200 square feet.

New Attached Units: For properties with an existing dwelling, the total floor area of the attached accessory dwelling shall not exceed 50% of the floor area of the principal dwelling, or 800 square feet, whichever is more.

Efficiency Units: A minimum of 220 square feet or the minimum as required under requirements for efficiency dwelling units pursuant to the 2019 California Building Code or other applicable building code as may be adopted by the County in the future.

SHORT TERM RENTALS: Accessory dwelling units are not permitted to be used as short term rentals and must be rented for more than 30 days.

SOLAR PANELS: Solar panels will be required for all new accessory dwelling units that are detached and are not HUD Code manufactured homes. The solar panels can be installed on the accessory dwelling unit or the primary dwelling unit. The energy code requirements do not apply to attached accessory dwelling units or to non-residential structures converted to accessory dwelling units.

ZONING DISTRICTS: Accessory dwelling units shall be permitted in the following zoning districts:

Agricultural (AG), Agricultural Preserve (AP), Land Preserve (LP), Timber Preserve (TP), Residential Estates (RE), Residential Neighborhood (RN), Neighborhood Commercial (NC), commercial (C), Institutional (INS), and Planned Development (PD) (for PD, areas that allow single family development, multi-family development) .

FOR MORE INFORMATION: For additional information concerning the State of California accessory dwelling unit laws, please refer to the resources provided by the Department of Housing and Community Development at: <https://www.hcd.ca.gov/policy-research/accessorydwellingunits.shtml>

ADDITIONAL INFORMATION: For building permit questions concerning accessory dwelling units, please contact Tony Creter, Alpine County Building Official at 530-694-2140 ext. 428 or at tcreter@alpinecountyca.gov For planning questions, please contact the Planning Department at 530-964-2140 or at planning@alpinecountyca.gov

