



Modoc County Accessory Dwelling Units Information



- ❖ An Accessory Dwelling Unit is a dwelling unit for rental or occupancy that is attached to or detached from a single-family dwelling (one primary dwelling per lot) or multifamily dwellings (two or more dwellings on a single lot consisting of rental units or airspace condominiums) and located on the same lot as the primary dwelling(s). An ADU must have sanitary facilities, cooking facilities, a separate entrance, and comply with specific standards, as listed below. An ADU cannot be sold separately. An ADU can be an efficiency unit, as defined in Section 17958.1 of Health and Safety Code, or a manufactured home, as defined in Section 18007 of the Health and Safety Code
- ❖ A Junior Accessory Dwelling Unit (JADU) is a residential dwelling unit that is no more than 500 square feet in area, contained entirely within an existing single-family residence, and can have separate sanitation facilities from, or shared sanitation facilities with, the existing residence.
- ❖ A statewide exemption ADU - A statewide exemption ADU is an ADU of up to 800 square feet, 16 feet in height, as potentially limited by a local agency, and with 4 feet side and rear yard setbacks. ADU law requires that no lot coverage, floor area ratio, open space, or minimum lot size will preclude the construction of a statewide exemption ADU. Further, ADU law allows the construction of a detached new construction statewide exemption ADU to be combined on the same lot with a JADU in a single-family residential zone. In addition, ADUs are allowed in any residential or mixed uses regardless of zoning and development standards imposed in an ordinance.

The table below provides a comparison between the Modoc County Zoning Ordinance and State Regulations. Generally speaking, the more permissive of the standards will apply. For example, state law allows the ADU to be rented separately from the primary dwelling unit, Modoc

County code requires that one of the dwelling units on the site shall be owner-occupied. State law allows both the primary unit and the ADU to be rented. Therefore, state law prevails.

Subject	Modoc Code Section	Modoc County Language	State Regulation	State Language (all minimum requirements for the County)
ADU Definition	18.06.293	Same as State definition	§ 65852.2	"Accessory dwelling" means "accessory unit" (in accordance with California Government Code Section 65852.2) an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and be located on the same parcel as the single-family dwelling is situated
Junior ADU Definition	18.06.293	Same as State definition	§ 65852.22	A residential dwelling unit that is no more than 500 square feet in size and is contained entirely within a single-family residence, which does not include the garage. A JADU shall include an efficiency kitchen, and may include separate bathroom facilities or share bathroom facilities with the single-family residence.
Guest Room Definition	18.06.500	"Guest room" means a room which is intended, arranged, or designed to be occupied by guests, but in which no provision is made for cooking.		A Guest room is not considered an ADU
Number of ADUs per lot	18.100.010	Same as State requirements	§ 65852.2, subd. (e)	The County shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following: (A) One

				<p>accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply: (i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress</p>
Setbacks/Yards	18.100.010	Same as State requirements	<p>§ 65852.2, subd. (a)(1)(D)(vii)</p> <p>§ 65852.2, subd. (c)</p>	<p>A setback of no more than four feet from the side and rear lot lines shall be required for an attached or detached ADU.</p> <p>Apply front yard setbacks for ADUs, but front yard setbacks cannot preclude a statewide exemption ADU and must not unduly constrain the creation of all types of ADUs.</p>
Max Height	18.100.010	Same as State requirements	§ 65852.2 subd. (a) (1)(B)(i)	Apply a maximum height limit of no less than 16 feet, which in this case is 30 feet for a 2-story building and 20 feet for accessory buildings, including ADUs if not connected to main building.
Permitted Zones	18.20; 18.24; 18.28; 18.30;	One ADU per site is allowed in the following zoning districts:	§ 65852.2, subd. (e)	ADUs proposed pursuant to § 65852.2, subd. (e) must be considered in any residential or mixed-use zone. For other

	18.32; 18.36; 18.40	LIC, AG, LI, RR, RL, RH, RT		ADUs, local governments may, by ordinance, designate areas in zones where residential uses are permitted that will also permit ADUs.
Minimum Lot size	18.100.010	Same as State requirements		Standards shall not include minimum lot size requirements. Further, lot coverage requirements cannot preclude the creation of a statewide exemption ADU (800 square feet ADU with a height limitation of 16 feet and 4 feet side and rear yard setbacks).
Max / Max Unit size	18.100.010	Same as State requirements		A local government may, by ordinance, establish minimum and maximum unit size requirements for both attached and detached ADUs. However, maximum unit size requirements must be at least 850 square feet and 1,000 square feet for ADUs with more than one bedroom. For local agencies without an ordinance, maximum unit sizes are 1,200 square feet for a new detached ADU and up to 50 percent of the floor area of the existing primary dwelling for an attached ADU (at least 800 square feet)
Development Review Process	18.100.010	Plan Check Review of an Accessory Dwelling Unit: The decision of the planning director granting or denying an accessory dwelling unit permit is a ministerial decision as required by state law. Ministerial approvals are not subject to review at a public hearing.		A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits.
Parking	18.100.010-6-k	Parking is not required for ADUs that are part of the proposed or existing primary residence or an accessory structure. If not the minimum and	§ 65852.2, subds. (a)(1) (D)(x)(l) and (j)(11)	Parking requirements for ADUs shall not exceed one parking space per unit or bedroom, whichever is less. These spaces may be provided as tandem

		maximum parking requirement per ADU is one parking space		parking on a driveway. Guest parking spaces shall not be required for ADUs under any circumstances.
School Impact Fees	18.100.010	Same as State requirements		School districts are authorized but do not have to levy impact fees for ADUs greater than 500 square feet pursuant to Section 17620 of the Education Code. ADUs less than 500 square feet are not subject to school impact fees. Local agencies are encouraged to coordinate with school districts to carefully weigh the importance of promoting ADUs, ensuring appropriate nexus studies and appropriate fees to facilitate construction or reconstruction of adequate school facilities
Owner-occupancy Requirements	18.100.010	Same as State requirements	§ 65852.2, subd. (a)(D)(i)	The primary dwelling unit must be owner occupied. The ADU or JADU may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence.
Other Development Standards	18.100.010	The accessory dwelling unit shall comply with all development standards included in the underlying zoning district, except for side yard, setbacks, parking, and height.		

ADU FAQs

Why build an ADU/JADU?

There are many reasons for building an ADU on your lot. ADUs can provide housing for caregivers, grown children, elderly parents, or renters. ADUs allow for an opportunity to produce additional household income through renting the ADU or primary residence. “Empty nesters” can stay in their neighborhood by moving into a smaller ADU and renting their existing home to pay the mortgage and/or to provide additional income.

Where can an ADU/JADU be built?

- ADUs can be built in any zoning district that allows residential uses. An ADU can also be built on any lot that has an existing legally permitted dwelling(s). ADUs are not subject to lot size requirements, density limitations, or growth control measures.
- ADUs can either be attached to or detached from a single-family house or multifamily structure, or be created through the conversion of existing floor area.
- ADUs are typically subordinate in size to a single-family house or multifamily structure and shall be located on the same lot.
- JADUs are contained entirely within an existing or proposed single-family dwelling.

How many ADUs/JADUs are allowed?

- Existing or proposed single-family dwelling—On a lot with an existing or proposed single-family dwelling, one (1) ADU is allowed. One (1) Junior ADU may also be allowed in addition to an attached or detached ADU.
- Existing multifamily structure—On a lot with an existing multifamily dwelling structure, multiple ADUs are allowed up to 25% of the number of existing units, or one (1) ADU, whichever is greater when created through the conversion of area within the residential structure not used for livable space, such as storage rooms, boiler rooms, passageways, attics, basements, or garages.
- Proposed multifamily structure—On a lot with a proposed multifamily structure, one (1) ADU is allowed.

What is an Exception ADU?

An Exception ADU is generally 850 square feet or less, no taller than 16 feet, and with rear and side setbacks of at least 4 feet that may be constructed without meeting development standards. Such Exception ADUs must meet state law, including the California Building Code.

What are the use and occupancy restrictions for an ADU/JADU and can I use my ADU/JADU as a short-term or vacation rental?

- ADU—A property owner is not required to live on-site.
- JADU—A property owner is required to live in either the single-family dwelling or JADU.
- ADUs/JADUs must be rented for terms more than 30 days for residential purposes.
- ADUs/JADUs cannot be used as a short-term or vacation rental (30 days or less).

Can I subdivide my property and sell the ADU?

No, ADUs must remain on the same lot as the primary dwelling(s).

Can I convert or demolish my garage/carport to build an ADU/JADU on a lot with a single-family residence?

Yes, an existing garage/carport may be converted or demolished to make room for a new ADU/JADU, and replacement parking is not required. However, if you choose to replace existing parking spaces, you must meet County requirements for parking space dimensions.

What types of houses can be an ADU?

ADUs may be of standard residential construction, manufactured housing or factory-built housing on permanent foundations. Manufactured or prefabricated homes may provide a more cost-efficient means to add an ADU to your site. There are various vendors in the Bay Area and Northern California.

How do I get started?

Understand Your Zoning Requirements. First, figure out your lot size, site zoning, and development standards including your maximum allowed site coverage. Remember, an ADU less than 850 square feet in size does not count toward site coverage.

Determine Your Allowed and Available Site Coverage. Second, figure out your remaining site coverage by calculating the existing floor area for the first floor of all structures on the site. Next, multiply your maximum site coverage percentage by the lot size in square feet. This calculation is the maximum site coverage in square feet for your site. Last, subtract the existing site coverage from the allowed maximum site coverage.

Determine Your ADU Type and Size. Once you have determined the remaining site coverage on your site, determine the type and size of the unit that you want to add to the site. Sketch it Out. A sample site plan has been provided for reference in addition to blank graph paper for you to sketch out your project. When sketching your project, determine the size of each square based on your lot size. Indicate adjacent streets, existing building footprints with dimensions and north arrow. Next, draw in the location and dimensions of the proposed ADU addition or new structure.

State Guidelines for Accessory Dwelling Units:

The complete handbook from the State of California Department of Housing and Community Development can be obtained via the following link:

<https://www.hcd.ca.gov/sites/default/files/docs/policy-and-research/ADUHandbookUpdate.pdf>

Other State Regulations addressing additional dwellings on residentially zoned lots:

Senate Bill (SB) 9 (Chapter 162, Statutes of 2021) requires ministerial approval of a housing development with no more than two primary units in a single-family zone, the subdivision of a parcel in a single-family zone into two parcels, or both. SB 9 facilitates the creation of up to four housing units in the lot area typically used for one single-family home. This fact sheet prepared by the California Department of Housing and Community Development (HCD) provides more details regarding the language and implementation of SB 9 as follows:

<https://www.hcd.ca.gov/docs/planning-and-community-development/sb9factsheet.pdf>