

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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December 10, 2025

Diocelina Garcia-Guizar, Development Coordinator
Planning Development
City of Farmersville
909 W. Visalia Road
Farmersville, CA 93223

Dear Diocelina Garcia-Guizar:

RE: Review of Farmersville's Accessory Dwelling Unit (ADU) Ordinance under State ADU Law (Gov. Code, §§ 66310 - 66342)

Thank you for submitting the City of Farmersville (City) ADU Ordinance No. 523 (Ordinance), adopted January 22, 2024, to the California Department of Housing and Community Development (HCD). HCD has reviewed the Ordinance and submits these written findings pursuant to Government Code section 66326, subdivision (a). HCD finds that the Ordinance fails to comply with State ADU Laws in the manner noted below. Pursuant to Government Code section 66326, subdivision (b)(1), the City has up to 30 days to respond to these findings. Accordingly, the City must provide a written response to these findings no later than January 9, 2026.

The Ordinance addresses many statutory requirements; however, HCD finds that the Ordinance does not comply with State ADU Law as follows:

1. *Statutory Numbering* - The Ordinance contains several references to code sections that were deleted by SB 477, effective March 25, 2024. These include Government Code sections 65852.2, 65852.22 and 65852.26. The contents of these sections were relocated to Government Code, Title 7, Division 1, Chapter 13 (sections 66310-66342, see Enclosure). The City must amend the Ordinance to refer to the correct Government Code sections.
2. *New ADU Legislation* – Please note there is recent ADU Legislation that has passed. The City County should review the changes made to State ADU Law, as a result of this legislation. Assembly and Senate Bills (AB and SB) recently passed affecting State ADU Law include:
 - SB 9 (Chapter 510 Statutes of 2025)
 - SB 543 (Chapter 520, Statutes of 2025)
 - AB 130 (Chapter 22, Statutes of 2025)
 - AB 462 (Chapter 491, Statutes of 2025)
 - AB 1154 (Chapter 507, Statutes of 2025)

3. Section 17.24.060 B.2. – *Efficiency Unit Definition* – The Ordinance defines “efficiency unit” with a reference to the California Residential Code section 1207.4. However, Government Code section 66313, subdivision (c) defines “efficiency unit” for the purposes of ADUs as having “...the same meaning as defined in Section 17958.1 of the Health and Safety Code.” The City must amend the Ordinance to refer to the specific definition provided in State ADU Law.
4. Section 17.24.060 E.1. – *Unit Allowance* – The Ordinance states, “Not more than three (3) dwelling units shall be permitted on a single family lot. which shall include not more than one (1) existing primary residence and may include not more than one {1} ADU and not more than one (1) JADU.”

Government Code section 66323, subdivision (a), states, “Notwithstanding Sections 66314 to 66322, inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following: (1) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling...(A) 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.” Furthermore, as of January 1, 2026, with the passing of SB 543, the new language of Government Code section 66323, subdivision (a) will be effective. The new language of Subdivision (a) states “Notwithstanding Sections 66314 to 66322, inclusive, a local agency 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:” Paragraph (1) permits “One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling . . .” Paragraph (2) permits “[o]ne detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks.” The use of the term “any combination” followed by a list of permitted ADU types permitted indicates that any of these ADU types can be combined on a lot zoned for single-family dwellings.

This permits a homeowner, who meets specified requirements, to create one converted ADU; one detached, new construction ADU; and one JADU. Thus, if the local agency approves an ADU that is created from existing (or proposed) space, and the owner subsequently applies for a detached ADU (or vice versa) that meets the size and setbacks pursuant to the subdivision, the local agency cannot deny the application, nor deny a permit for a JADU under this subdivision. HCD notes that the Legislature, in creating the list, did not use “or” nor “one of” to indicate only one or another would be applicable to the exclusion of the other. This subdivision applies equally to ADUs created pursuant to Government Code section 66323, subdivisions (a)(3) and (a)(4) on lots with proposed or existing multifamily dwellings. Limiting single-family lots to one ADU

would prevent property owners from creating ADUs by right under subdivision (a).

Additionally, Section 17.24.060 E.1 omits reference to units created subject to section 66314. Section 66317 states that a permitting agency “shall either approve or deny the application to create or serve” an application subject to section 66314, which subdivision (d)(3) states may be “either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages.” Such a unit must be allowed to be combined, with all units described in Government Code section 66323, subdivision (a), as both sections 66314 and 66323 state that subject units shall be ministerially approved. Therefore, the City must amend the Ordinance to provide for all state-mandated ADU combinations.

5. Section 17.24.060 E.4.c. – *Unpermitted ADUs* – In several places the Ordinance refers to development standards applicable to “...permitted accessory structures” but otherwise makes no reference to unpermitted units or unpermitted structures. Government Code section 66332 requires a pathway to compliance for unpermitted units created below January 1, 2020, and the City must amend the Ordinance to provide for such units.
6. Section 17.24.060 E.5.b. – *Detached Size Maximums* – The Ordinance states, “...the total floor area for a detached ADU may not exceed 1,200 square feet.” However, detached units created out of existing accessory structures subject to Government Code section 66323, subdivision (a)(1) may be of any size. The City must amend the Ordinance to note that detached conversion ADUs do not have size limits.
7. Section 17.24.060 E.5.c. – *Attached Size Maximums* – The Ordinance states, “An attached or detached one-bedroom ADU may not be more than 800 square feet of living area.” However, Government Code section 66321, subdivision (b)(2)(A) prohibits size maximums for “...an attached or detached accessory dwelling unit that is less than...850 square feet.” The City must amend the Ordinance to change “800” in this section to “850”.
8. Section 17.24.060 E.7.a.b. – *Height for Exempt Unit* – The Ordinance states, that an exempt unit may not be “...higher than 16 feet in height (any circumstance).” However, Government Code section 66321, subdivision (b)(4), provides allowances of 16, 18 or 20 feet for detached ADUs in certain conditions, and 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an ADU that is attached to a primary dwelling. The City must amend the Ordinance to comply with Government Code section 66321, subdivision (b)(4).

9. Section 17.24.060 E.8.a.b. – *Height (Roof Pitch)* – The Ordinance states that a height of “... 18 feet-allowed if the proposed ADU is within a ½ mile of public transit or the property already has a multi-family dwelling two stories high.” However, Government Code section 66321, subdivision (b)(4)(B) expands on this to state “A local agency shall also allow an additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.” The City must amend the Ordinance to provide for the allowance of an additional two feet.

10. Section 17.24.060 E.8.b. – *Underlying Zoning* – The Ordinance states, “The development of the ADU shall be subject to the property development standards for the zoning district in which the ADU is located.” However, State ADU Law requires (1) objective development standards, and (2) exempts ADUs created per Government Code section 66323 from underlying site development regulations and zoning development and design standards. Government Code section 66314, subdivision (b), requires local ADU ordinances to impose objective standards, defined in part as only those requirements that are “...knowable by both the development applicant or proponent and the public official prior to submittal.” The Ordinance does not refer to the specific regulations or guidelines that must be complied with. Only objective standards may be applied, and those objective standards authorized by section 66314 are not applicable to units described in Government Code section 66323. Therefore, the City must amend the Ordinance to refer to the applicable objective underlying regulations, guidelines or policies for an ADU permit and must account for the exemptions for 66323 units.

11. Section 17.24.060 E.8.c. – *Subjectivity* – The Ordinance uses terms like “architecturally compatible”, “similar materials and style”, and “consistent with the established character of the neighborhood”. However, these terms are all subjective, and Government Code section 66314, subdivision (b) requires local ADU ordinances to apply only objective terms. The City must remove these terms and replace them with exclusively objective terminology.

12. Section 17.24.060 E.9.e. – *Deed Restriction for JADUs* – The Ordinance requires that deed restrictions required for junior accessory dwelling units (JADUs) “...prohibit the occupancy of the JADU unless the primary dwelling is occupied by the property owner.” However, Government Code section 66333, subdivision (c) requires that deed restrictions for JADUs require only “A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers” and “A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this article.”

Section 66333, subdivision (b) describes owner occupancy that must be required for JADUs: “Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.” Also, beginning January 1, 2026, with the passing of Assembly Bill 1154, JADUs that do not share sanitation facilities no longer require owner-occupancy.

Therefore, although the City may require owner occupancy in certain situations, the deed restriction must only include the required items noted in Government Code section 66333 subdivision (c).

13. Section 17.24.060 E.10.b. – *Multifamily Allowances* – The Ordinance allows “...up to two (2) detached ADUs” on lots with multifamily primary dwellings. However, Government Code section 66323, subdivision (a)(4)(A)(ii) allows “On a lot with an existing multifamily dwelling, not more than eight detached accessory dwelling units. However, the number of accessory dwelling units allowable pursuant to this clause shall not exceed the number of existing units on the lot.” The City must amend the Ordinance to provide for the allowance of eight detached units.
14. Section 17.24.060 G.3. – *Owner Occupancy* – The Ordinance requires owner occupancy for units created after January 1, 2025. However, current State ADU Law removed the allowance for owner occupancy for ADUs, stating in Government Code section 66315 that “No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement....” The City must remove this section from the Ordinance.
15. Section 17.24.060 H. – *Parking Standards* – The Ordinance makes exceptions for parking requirements on ADUs only under the condition that a unit be within ½ mile of a public transit center. However, Government Code section 66322, subdivision (a) outlines more conditions:

A local agency shall not impose any parking standards for an accessory dwelling unit in any of the following instances:

- (1) Where the accessory dwelling unit is located within one-half of one mile walking distance of public transit.
- (2) Where the accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) Where the accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(6) 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 multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this subdivision.

The City must amend the Ordinance to provide for all the parking exceptions under Government Code section 66322.

The City has two options in response to this letter.¹ The City can either amend the Ordinance to comply with State ADU Law² or adopt the Ordinance without changes and include findings in its resolution adopting the Ordinance that explain the reasons the City believes that the Ordinance complies with State ADU Law despite HCD's findings.³ If the City fails to take either course of action and bring the Ordinance into compliance with State ADU Law, HCD must notify the City and may notify the California Office of the Attorney General that the City is in violation of State ADU Law.⁴

HCD appreciates the City's efforts in the preparation and adoption of the Ordinance and welcomes the opportunity to assist the City in fully complying with State ADU Law. Please feel free to contact Mike Van Gorder at Mike.VanGorder@hcd.ca.gov if you have any questions.

Sincerely,



Jamie Candelaria
Section Chief, ADU Policy
Housing Accountability Unit

¹ Gov. Code, § 66326, subd. (c)(1).

² Gov. Code, § 66326, subd. (b)(2)(A).

³ Gov. Code, § 66326, subd. (b)(2)(B).

⁴ Gov. Code, § 66326, subd. (c)(1).