

**APRIL 20, 2021, MINUTES
REGULAR WHEATLAND PLANNING
COMMISSION MEETING
WHEATLAND COMMUNITY CENTER,
101 C STREET, WHEATLAND, CA
6:00 – 8:23 P.M.**

PLANNING COMMISSIONERS PRESENT: D. Panteloglow, B. Powner, S. Witt
ABSENT- W. Tinsley

OTHER OFFICIALS PRESENT: T. Raney, Community Development Director
K. Giurbino, Account Clerk

PLEDGE OF ALLEGIANCE:

Commissioner Scott Witt led the pledge of allegiance.

PUBLIC COMMENT

None.

CONSENT CALENDAR

1) Motion was made by Planning Commissioner D. Panteloglow, Seconded by Planning Commissioner B. Powner to **approve the minutes from the regular meeting on April 6, 2021**. Vote called – AYES: All. Motion carried.

PUBLIC HEARING

1) Motion was made by Planning Commissioner S. Witt, Seconded by Planning Commissioner D. Panteloglow to **reschedule Public Hearing Item No. 4.1 to a future date (not yet determined)**. Vote called - Ayes: All. Motion Carried.

2) Community Development Director, Tim Raney, presented the Staff Report to consider recommending City Council approval of the proposed Accessory Dwelling Unit Ordinance. Staff requests that the Planning Commission adopt the attached resolution recommending City Council adopt the proposed Ordinance adding new Chapter 18.78 to, amending Sections 18.06.010, 18.60.010, 18.60.020, and 18.63.040, and repealing Section 18.60.100 and Subdivision (c) of Section 18.60.350 of the Wheatland Municipal Code relating to accessory dwelling units. The State of California identified that allowing accessory dwelling units (ADUs) in zones that allow residential uses can provide additional rental housing and is an essential component in addressing California's housing needs. Recently, the State had revised Section 65852.2 of the California Government Code (GC) related to ADUs, which became effective on January 1, 2021, to further accommodate the development of ADUs and junior accessory dwelling units (JADUs).

ADUs can provide a variety of housing needs and affordable housing options for family members, friends, students, the elderly, in-home health care providers, people with disabilities, and others. In addition, ADUs can offer an opportunity to maximize and integrate housing choices within existing neighborhoods. On June 18, 2020, the City of Wheatland received certification from the California Department of Housing and

Community Development for the adopted City of Wheatland's 5th Cycle (2013-2021) 4-Year Housing Element Update. The adopted Housing Element Update identified sites for future housing development and evaluated the adequacy of these sites in fulfilling the City's share of the Regional Housing Need Allocation (RHNA). In addition, the Housing Element Update included 31 planning programs to create opportunities that do not constrain development of affordable housing and ensure compliance with State law. The adopted City of Wheatland Housing Element Update included Program #5, which states the following: *Within one year after HCD certification of the Housing Element, the City shall amend its Zoning Ordinance to permit accessory dwelling units and revise the City's definition of 'family'. The new accessory dwelling unit ordinance and 'family' definition shall be consistent with State law. To the satisfaction of the Wheatland City Council, the definition of family shall be revised to "One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit."* As a result, staff has prepared the attached Accessory Dwelling Unit Ordinance adding Chapter 18.78 to the Wheatland Municipal Code to implement Program #5 of the City's Housing Element and create consistency with State law regarding the California Accessory Dwelling Unit Incentive Program. An ADU with complete independent living facilities for one or more persons and has a few variations: Detached: The unit is separated from the primary structure, attached: The unit is attached to the primary structure, converted Existing Space: Space (e.g., master bedroom, attached garage, storage area, or similar use, or an accessory structure) on the lot of the primary residence that is converted into an independent living unit and JADU is a specific type of conversion of existing space that is contained entirely within an existing or proposed single-family residence. ADUs tend to be significantly less expensive to build and offer benefits that address common development barriers such as affordability and environmental quality. Because ADUs must be built on lots with existing or proposed housing, they do not require paying for new land, dedicated parking or other costly infrastructure required to build a new single-family home. Because they are contained inside existing single-family homes, JADUs require relatively modest renovations and are much more affordable to complete. ADUs are often built with cost-effective one or two-story wood frames, which are also cheaper than other new homes. Additionally, prefabricated ADUs can be directly purchased and save much of the time and money that comes with new construction. ADUs can provide as much living space as apartments and condominiums and work well for couples, small families, friends, young people, and seniors. An ADU is exempt from incurring impact fees from local agencies, special districts, and water corporations if less than 750 square feet. Should an ADU be 750 square feet or larger, impact fees shall be charged proportionately in relation to the square footage of the ADU to the square footage of the primary dwelling unit. GC Section 65852.2 does allow for some minor discretion for the local ADU ordinances. For example, the local agency can identify an off-street vehicle parking requirement for ADUs as well as a minimum rental duration for ADUs. City staff reviewed alternatives for ADU parking requirements and is recommending ADUs within the City do not have a parking requirement. In addition, staff is recommending an ADU may be rented separate from the primary residence for a minimum of 30 days. The proposed Ordinance is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15305, Minor Alterations in Land Use Limitations. Based on the above information, staff recommends that the Planning Commission adopt the attached resolution recommending the City Council adopt the proposed Ordinance adding new Chapter 18.78 to, amending Sections 18.06.010, 18.60.010, 18.60.020, and 18.63.040, and repealing Section 18.60.100 and Subdivision (c) of Section 18.60.350 of the Wheatland Municipal Code relating to accessory dwelling units.

Planning Commissioner S. Witt wondered how this will relate to Airbnb and the how the calendar days would work. He also questioned if there will be any fees associated, or exempt, with building a new structure regarding rental and if there will be any occupancy tax and/or if the cost of rent will cover the cost construction. He also commented his concerns on parking issues, noise ordinances, distance between tenant parking to the ADU, the lot size versus the dwelling size, what sort of structure could be used for the ADU and if HUD had set those standards. He also questioned if new builds would require amenities such as alarm and sprinkler system and will they have to adhere to ADA compliancy. He also wondered if a homeowner

could build an ADU and live in the new structure and rent out the original dwelling or occupy the Jr. ADU while renting out the rest of the living space. Witt confirmed that a homeowner who has a Jr. ADU can build an ADU as long as the Jr. ADU is incorporated back into the living square footage of the original dwelling. Witt reiterated his concerns on ADU setbacks and the possibilities about neighbor disputes, noise complaints and the distance between a tenants parking and the ADU's front door. He commented on his prior experience working in the fire service industry and his concerns with illegal building and access for emergency services.

Planning Commissioner D. Panteloglow questioned how rental ADU's will be monitored, how their utilities would be calculated and if this ordinance applies to residents outside city limits. She also asked if properties could have more than one ADU and what type of structure could be used for an ADU. She was concerned with making sure ADU square footage is based on lot size and not the size of the permanent dwelling as well as ADU has "curb appeal." She did make reference that Senior living centers should have the same amount of parking spaces like the ADU's.

Planning Commissioner B. Powner was concerned about there being no rental verification system and having to rely on the honor system. He shared concerns about lot sizes not being able to accommodate big ADU's, but is comfortable with the ADU's maximum, 1200, square footage. Powner commented on the fact that these could bring more parking congestion and wants more clarification on pathways and parking to the unit itself.

PUBLIC COMMENT

NONE

Planning Commissioner Witt made the motion, Commissioner Powner seconded, to **direct staff to gather more information on Accessory Dwelling Unity lot size, structure size and parking issues and to bring back for discussion on a future meeting.** Vote called – AYES: All. Motion carried.

REPORTS

None.

With no other business before the Commissioners, the meeting adjourned at 8:23 p.m.

Respectfully submitted,
Tim Raney, Community Development Director