

**JUNE 15, 2021, MINUTES
REGULAR WHEATLAND PLANNING
COMMISSION MEETING
WHEATLAND COMMUNITY CENTER,
101 C STREET, WHEATLAND, CA
6:00 – 7:45 P.M.**

PLANNING COMMISSIONERS PRESENT: D. Panteloglou, B. Powner, S. Witt, W. Tinsley, G. Hart

OTHER OFFICIALS PRESENT: T. Raney, Community Development Director
L. Thomason, City Clerk

PLEDGE OF ALLEGIANCE:

Commissioner Scott Witt led the pledge of allegiance.

PUBLIC COMMENT

None.

REGULAR CALENDAR

City Clerk L. Thomason administered Oath of Office to Gregory Hart.

PUBLIC HEARING

1) Community Development Director (CDD), Tim Raney, presented the staff report to consider recommending City Council approval of the proposed Accessory Dwelling Unit (ADU) Ordinance. On April 20, 2021, the Wheatland Planning Commission received a presentation from staff and discussed the proposed draft ADU Ordinance. Staff and the Planning Commission discussed components of the proposed ADU Ordinance; State law requirements; City of Wheatland Housing Element; Purpose and intent of ADUs; Benefits of ADUs; Manufactured and Mobile homes; Maximum floor space for an ADU; ADU setbacks. ADU parking requirements; Junior ADU requirements; and Accessory building requirements and setbacks. After the discussion, the Wheatland Planning Commission continued the item for further discussion at a later date. As a result, staff has revised the attached ADU Ordinance reflecting the discussion and recommendations from the Planning Commission. These revisions include clarifying manufactured homes meeting the requirements for an ADU, but not mobile homes, parking requirements, a required path of travel from the parking space to the ADU entrance, and owner occupancy requirements. Staff will continue the discussion of the proposed ADU Ordinance with the Wheatland Planning Commission and seek a recommendation for City Council approval. For reference, the State of California identified that allowing 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 has 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). 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 Housing Element Update included 31 planning programs to create opportunities that do not constrain

development of affordable housing and ensure compliance with State law. Program #5 of the adopted City of Wheatland Housing Element Update 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.”* 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. Staff recommends that the Planning Commission adopt the 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.

Vice Chairman D. Panteloglou commented on ADU Development Standards; disclosure in the case an applicant is not happy with a decision additional steps will be in place to bring before the CDD for Planning Commission decision; questioned if the dwelling unit would be going from R-1 to R-2, Raney answered, no. CDD T. Raney stated that if further discretion is needed on an ADU, the item would go before Planning Commissioners for further discussion and approval; property tax and utility connections. Raney explained you cannot charge or require additional connections.

Chairman S. Witt commented that smaller ADU’s would have a less overall impact on neighborhoods; setbacks; prefers to keep ADU’s on the smaller side; blows up R-1 Zoning and concerned about long term impacts and overpopulated neighborhoods; owner/occupant and school impact fees; ADU’s would be putting a rental on property; right of ways and utility easements.

Planning Commissioner W. Tinsley stated he does not like 50% and is fine with a 1200 sq. ft. maximum; questioned if a building permit is required, T. Raney responded yes and that impact fees will be significantly reduced; questioned the difference for a remodel, does not want to hinder the need for additional family options; agreeable to the proposed ADU Ordinance as long as requirements are met.

PUBLIC COMMENT

None.

Planning Commission Chairman S. Witt made the motion, Planning Commissioner W. Tinsley seconded the motion, to **forward the consideration to approve the proposed Accessory Dwelling Unit Ordinance with an explanation that Planning Commissioners have concerns regarding the 50% component.** Vote called – AYES: All. Motion carried.

2) CDD Tim Raney presented the staff report for recommendation to City Council for approval of the proposed Density Bonus Ordinance. In 2004, the State of California adopted Senate Bill (SB) 1818 which amended Section 65915 of the California Government Code (GC), related to housing. GC 65915 establishes guidelines for the State’s residential density bonus incentive program. A density bonus is an incentive-based tool that permits developers to increase the maximum allowable development on a property in exchange for a commitment to include a certain number of below-market units in the development. Typically, programs allow increases of between 10 percent and 20 percent over baseline permitted density in exchange for the provision of affordable housing. 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 #1, which states: *“Within one year after HCD certification of the Housing Element, the City shall amend its Zoning Ordinance to provide for affordable housing density bonuses consistent with State law.”* As a result, staff has prepared the Density Bonus Ordinance adding Chapter 18.77 to the Wheatland Municipal Code to implement Program #1 of the City’s Housing Element and create consistency with State law regarding the California Density Bonus Incentive Program. Raney provided a sample density bonus scenario. In addition to low-income housing, senior housing can also qualify for a density bonus. Under the State’s residential density bonus incentive program, developers can also request for waivers and concessions based upon the percentage of affordable housing units. Waivers and concessions can be a reduction in setbacks and parking, among other items. The developer/property owner receiving a density bonus, concessions or incentives shall enter into an affordable housing agreement with the City prior to the issuance of construction permits. 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. Staff recommends that the Planning Commission adopt the resolution recommending the City Council adopt the proposed ordinance adding new Chapter 18.77 to and amending Section 18.51.040 of the Wheatland Municipal Code.

Vice Chairman D. Panteloglou commented on R-3 developers, renter control; questioned the term ‘police powers’. Panteloglou questioned if City, County or State enforces rent control and affordability restriction. Chairman S. Witt commented on income rates.

PUBLIC COMMENT

None.

Planning Commission Chairman S. Witt made the motion, Planning Commissioner B. Powner seconded the motion **to adopt Resolution No. 2021-02 Recommending City Council Adoption of the Ordinance Adding New Chapter 18.77 to and Amending Section 18.51.040 of the Wheatland Municipal Code Relating to Density Bonuses.** Vote called – AYES: All. Motion carried.

REPORTS

CDD T. Raney commented that the Ag Overlay Policy item will be scheduled for the next meeting agenda.

With no other business before the Commissioners, the meeting adjourned at 7:45 p.m.

Respectfully submitted,
Tim Raney, Community Development Director