

**EXETER PLANNING COMMISSION
FEBRUARY 16, 2023**

A-1 Call to Order

The City of Exeter Planning Commission met in a regular session on Thursday, February 16, 2023, at 5:33 p.m.

A-2 Roll Call

Roll call showed present for the meeting Commissioners Becker, Bonner, Stewart, and Vice Chair Lopez. Chair Whitmire was absent. Assistant City Planner Tristan Suire was also present.

A-3 Minutes of Meeting January 19, 2023

Commissioner Stewart moved and Commissioner Bonner seconded a motion to approve the minutes of January 19, 2023, as presented.

AYES: Stewart, Bonner, Becker, and Lopez

ABSENT: Whitmire

A-5 Public Comment

Vice Chair Lopez opened the floor for the public comment portion of the meeting. There being no public comments this portion of the meeting was closed.

B-1 PUBLIC HEARING to adopt Resolution 2023-02 Approving an Application for Conditional Use Permit No. 2022-05, a Request to Allow Sale and Service of Alcoholic Beverages within the CN (Neighborhood Commercial) District, located at 1102 W. Visalia Rd. in Exeter subject to the conditions as presented.

Assistant City Planner Tristan Suire provided a report for the Commissioner's review and consideration. Vice Chair Lopez opened the public hearing at 5:41p.m. Receiving no comment, closed the public hearing at 5:41 p.m.

Following discussion, it was moved by Commissioner Stewart, seconded by Commissioner Bonner and carried 4-0 (Chair Whitmire absent) to adopt Resolution 2023-02 subject to the conditions as presented.

AYES: Stewart, Bonner, Becker, and Lopez

ABSENT: Whitmire

B-2 Adopt Resolution 2023-03 approving Site Plan Review 2022-05 Kaweah Dental Office, located at 228 N. Kaweah Avenue in Exeter subject to the conditions as presented.

Assistant City Planner Tristan Suire provided a report and presented a rendering of the proposed office for the Commissioners review and consideration.

Following discussion, it was moved by Commissioner Bonner, seconded by Commissioner Stewart and carried 4-0 (Chair Whitmire absent) to adopt Resolution 2023-03 subject to the conditions as presented.

B-3 Adopt Resolution 2023-04 approving Site Plan Review 2022-06 1st Mini-Storage, located at 611 1st Street in Exeter subject to the conditions as presented.

Assistant City Planner Tristan Suire provided a report for the Commissioner's review and consideration. Renderings of revised site plan approved by the City Engineer was provided by the applicant. Following discussion, it was moved by Commissioner Bonner, seconded by Commissioner Becker and carried 4-0 (Chair Whitmire absent) to adopt Resolution 2023-04 subject to the conditions as presented including a revision to item 9 (removing the requirement for a French drain and adding a strip of pervious concrete) and 10 (removing the front facade composed of material other than metal to materials that promote consistent visual character with adjacent structures) on the proposed resolution.

C- Director's Report-

Assistant City Planner Tristan Suire provided an update on City projects, developments, and permits.

City Administrator provided an update on City projects and developments.

D-Adjournment- The Planning Commission meeting adjourned at 6:31 p.m.

Planning Commission Secretary, Shonna Oneal

City of Exeter Agenda Item Transmittal

Meeting Date: April 20, 2023

Agenda Item Number: B1

Wording for Agenda: PUBLIC HEARING to adopt Resolution 2023-05 approving Conditional Use Permit No. 2022-01, to permit the construction and operation of an RV park on property located in the CH (Highway Commercial) district, located on the west side of S. Kaweah Avenue, south of E. Firebaugh Avenue, subject to the conditions as presented.

Submitting Department: Planning Department
Contact Name and Phone Number: Greg Collins, City Planner
Tristan Suire, Assistant City Planner
Phone: 559-734-8737
Email: greg@weplancities.com, tristan@weplancities.com

For action by:

City Council
 Planning Comm.

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Review:

**City Administrator
(Initials Required)**



Department Recommendation:

Staff recommends that the Planning Commission adopt Resolution 2023-05, approving Conditional Use Permit No. 2022-01, to allow the construction and operation of an RV park on property zoned CH (Highway Commercial), located on the west side of S. Kaweah Avenue, south of E. Firebaugh Avenue, subject to the conditions as presented.

Summary:

The City has received a request for a Conditional Use Permit to permit the construction and operation of an RV park located on the west side of S. Kaweah Avenue, south of E. Firebaugh Avenue. Currently, the site is vacant and has abandoned tanks and vehicles stored on it. The conditional use permit would allow the property owner to improve the site and construct the amenities to facilitate the operation of an RV park. The subject property does not contain any existing structures, and currently gets access from S. Kaweah Avenue. The applicant has proposed four new structures and new access to both S. Kaweah Avenue and Firebaugh Avenue. The current condition of the property is not bad, and the site does not require remediation.

Background and Discussion:

The applicant, Jackson Griggs, has applied for a Conditional Use Permit in order to allow the construction and operation of an RV park in the Highway Commercial district. The conditional use permit is required in addition to the business license to operate an RV park in the Highway Commercial district. Any approval of conditional use permit amendment would be conditioned on a number of requirements drafted by Department heads during Site Plan Review Committee, as well as any additional conditions of approval determined by the Planning Commission.

The subject property consists of one parcel that is currently vacant and has historically been used to store vehicles and compressed gas tanks. Informal access to the site was provided by S. Kaweah Avenue, and there are no improvements along the frontage with the public right-of-way. A recent examination of the site indicates that the current condition of the property is not bad but requires a number of improvements to satisfy City standards. The applicant is the landowner of the subject property and intends to operate the RV park business. The Conditional Use Permit, if approved, would run with the land.

The subject property is bounded by property zoned CH (Highway Commercial) and ML (Light Manufacturing) to the north, CH (Highway Commercial) to the east, ML (Light Manufacturing) to the west, and the City Limits to the south. The General Plan designates the surrounding properties as Industrial to the north, west, and south; General Commercial to the east.

The S. Kaweah Avenue public right-of-way, which the subject property fronts onto, does not contain existing curb, gutter, sidewalk, street trees and lights. The E. Firebaugh Avenue frontage contains curb and gutter but no sidewalk, street trees, lights, or access. There are no existing paved areas on site, and the property will need to be built from the bottom up.

The proposed RV park includes four structures, an office/store/laundry building, two maintenance sheds, and a building with restrooms with showers. These structures would be mostly located on the frontage with S. Kaweah Avenue and by the main entrance/exit for the park. The internal circulation of the site creates a short east-west loop of RV stalls, and a longer north-south loop of pull through RV stalls. The width of drive aisles is shown in the plans as 24 ft., however the applicant has been informed that for those drive aisles that provide access to a fire hydrant are required to be at least 26 ft. wide, included as a condition of approval.

The site proposes a total of 37 RV stalls of varying sizes, which per the request of the Police Department will be individually numbered to make them easily identifiable. Two trash enclosures are provided, one located near the entrance, and one near the rear, both adjacent to each of the maintenance sheds. The project also proposes amenities including open spaces with trees, a water feature play area, and additional parking stalls (6 designated for boat storage, and 11 designated for RV storage). The project also proposes decorative fencing along the S. Kaweah Ave. frontage, privacy fencing along the backside of the RV stalls that will border the currently vacant property to the north, and chain link fencing surrounding the remaining borders of the property to the north, south, and west along the railroad.

The RV park is intended to serve as a destination for travelers who may be passing by Exeter in transit to the many State and National Parks located a short drive east of the City. This project is not intended to facilitate the long-term residence of folks living out of RVs or similar vehicles.

Conclusion:

Staff recommends that the Exeter Planning Commission approve Resolution 2023-05, approving Conditional Use Permit 2022-01, subject to conditions. This will allow the applicant to construct and operate an RV park.

Facts:

Applicant: Jackson Griggs

Location: West side of State Highway 65/S. Kaweah Avenue, approximately 450' south of E. Firebaugh Avenue, address to be determined, APN: 135-190-040

Request: The applicant is requesting a conditional use permit to allow the construction and operation of an RV park. The applicant will also need to submit an application for a business license.

Design: The applicant has proposed four new structures, a looped internal circulation pattern, and numerous onsite features to service the proposed 37 RV stalls. The project proposes a main entrance/exit onto S. Kaweah Avenue, and additional

gated access from Firebaugh Avenue. The design is consistent with the City of Exeter development standards.

Historic Use: The subject property is currently undeveloped and appears to have become an informal outdoor storage for vehicles and compressed gas tanks.

Site: The conditional use permit would apply only to the subject property, APN: 135-190-040, address to be determined, and would run with the property.

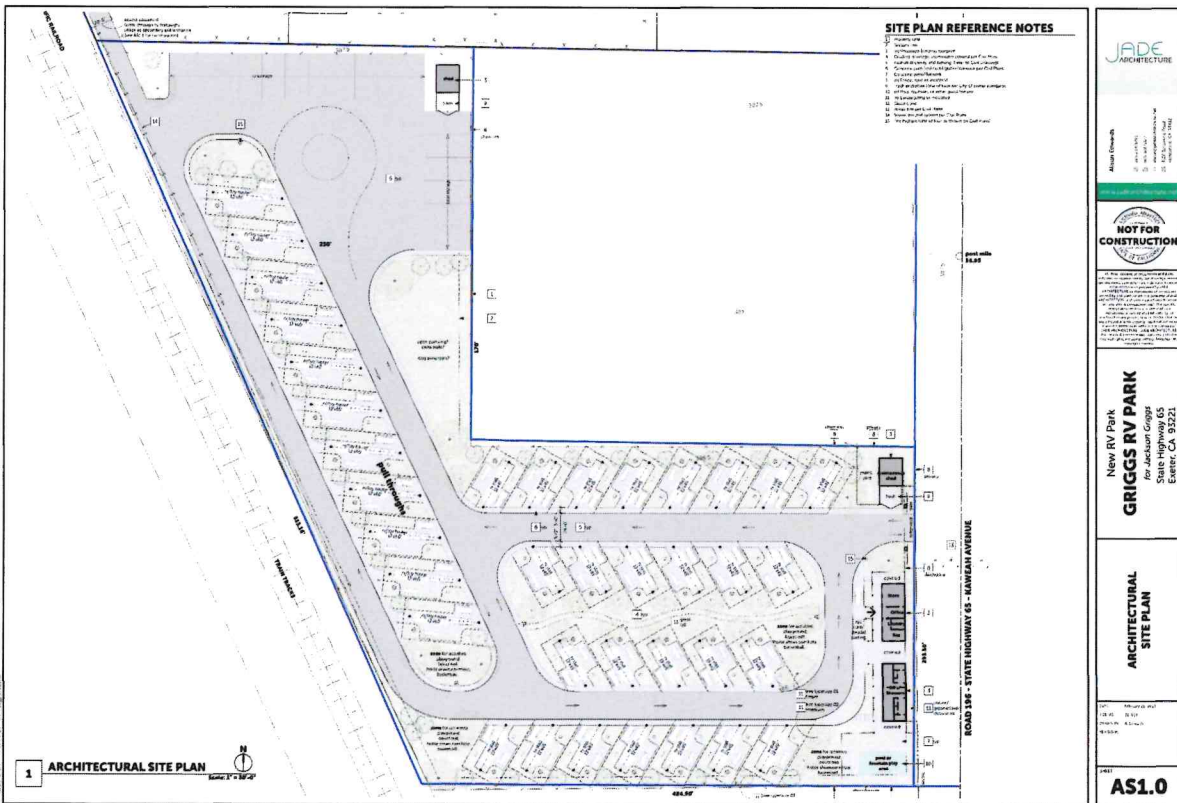
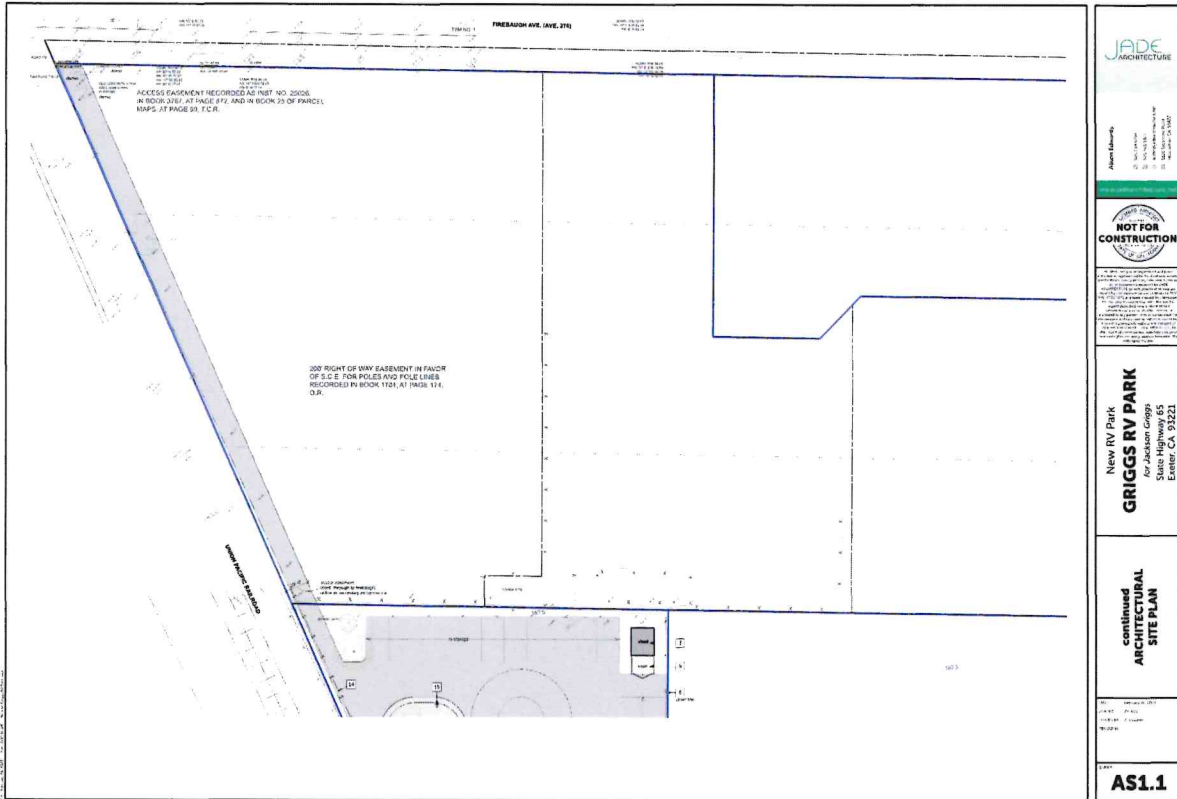
See pictured from above:



See pictured from S. Kaweah Ave. facing west:



See plans for development:



Zone: The current zoning is CH (Highway Commercial), development standards for this district are as follows:

Setbacks:
Front Yard: 20 feet
Side Yard: 0 feet
Rear Yard: 0 feet

Parking: based on land use, four stalls required for office.

Gen. Plan: The subject site is designated "Highway Commercial" by the Land Use Element.

Land Use: The site contains no structures and is undeveloped, the existing surrounding land uses are as follows:

North: Vacant
South: Residential (County)
East: Best Western (Hotel)
West: Railroad/Vacant

Infrastructure: The subject property does not currently have water, sewer, or storm drain service. The project proposes to connect to an existing 10" water line in S. Kaweah and intends to connect to existing 15" storm drain and 10" sanitary sewer lines in Firebaugh Avenue. Curb and gutter will be required along the frontage with S. Kaweah Avenue, and the existing curb and gutter along Firebaugh will need to be maintained once the proposed access is installed.

Landscaping: Applicant has proposed landscaping along the frontage with S. Kaweah Ave., landscaped areas within the RV park, and trees located at each of the RV stalls.

CEQA: The proposed project is categorically exempt under the California Environmental Quality Act Cal. Code of Regs. Tit. 14, Section 15332 (Class 32, Infill Development)

Prior Council/Board Actions: N/A

Attachments: Resolution 2023-05

Recommended motion to be made by the Planning Commission: I move to adopt Resolution 2023-05 subject to the conditions as presented.

RESOLUTION 2023-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EXETER APPROVING AN APPLICATION FOR CONDITIONAL USE PERMIT NO. 2022-01, A REQUEST TO CONSTRUCT AND OPERATE AN RV PARK ON PROPERTY WITHIN THE CH (HIGHWAY COMMERCIAL) DISTRICT, LOCATED ON THE WEST SIDE OF S. KAWEAH AVENUE, SOUTH OF E. FIREBAUGH AVENUE (APN:135-190-040)

WHEREAS, the City of Exeter (“City”) controls the discretionary review of all uses on the permitted and conditional use lists of Exeter’s zone districts through the Site Plan Review process, pursuant to Chapter 17.54 of the Exeter Municipal Code; and

WHEREAS, decisions regarding Conditional Use Permits are based upon meeting the required municipal code standards, improvement standards, all testimony received during the public hearing, and the discretion of the Planning Commission; and

WHEREAS, Conditional Use Permit No. 2022-01 is a request submitted by Jackson Griggs to construct and operate an RV park containing 37 proposed RV stalls and four new structures within the CH (Highway Commercial) district. The project site is located on the west side of S. Kaweah Avenue, south of E. Firebaugh Avenue, (APN: 135-190-040); and

WHEREAS, the project proposes the construction of 37 new RV stalls for use as a commercial RV park, as well as constructing 4 new structures, landscaped areas, internal drive aisles and parking, decorative and chain link fencing, as well as an access gate; and

WHEREAS, the subject site is zoned CH, Highway Commercial, the purpose of which is defined by Section 17.30.01 of the Exeter Municipal Code, “to provide locations along arterial roadways to afford the traveling public the opportunity to take advantage of the provision of certain goods and services”; and

WHEREAS, pursuant to Exeter Municipal Code Section 17.30.04 Conditional Uses, the proposed project is classified as “RV Park”, permitted with the approval of a Conditional Use Permit; and

WHEREAS, on April 20, 2023, the Planning Commission conducted a regularly scheduled meeting to consider Conditional Use Permit No. 2022-01; and

WHEREAS, the project has been determined exempt from the requirements of the California Environmental Quality Act (CEQA) per categorical exemption Article 19 §15332, Class 32, “In-Fill Development Projects”; and

WHEREAS, the applicants will be required to obtain a business license application and secure a building permit prior to construction and operation of the proposed business; and

NOW, THEREFORE BE IT RESOLVED, that based upon the evidence in the Staff Report, findings of the Site Plan Review Committee, and the Exeter Municipal Code, the Planning

Commission hereby approves Conditional Use Permit No. 2022-01, subject to the following conditions:

- 1) Before installation or erection of any signage, the applicant must submit an application for sign permit(s) and be approved. All signs shall be compliant with the City of Exeter sign standards.
- 2) Before installation or erection of any fencing, the applicant must submit an application for fence permit(s) and be approved. All fencing shall be compliant with the City of Exeter fence and wall standards.
- 3) Decorative fencing along frontage with S. Kaweah Avenue must be decorative wrought iron.
- 4) All lighting must be installed with canopies, hoods, or other devices designed to direct lighting down and away from the street, and compliant with all improvement standards of the City of Exeter.
- 5) All connections made to the existing electrical grid must be done via undergrounded connections, no hanging power lines or above ground electrical connections are permitted.
- 6) Water meters must be installed to measure the rate of consumption for the proposed project and must be installed compliant with all improvement standards of the City of Exeter.
- 7) Project must meet all provisions of the current California Fire and Building Codes, including Title 24.
- 8) The applicant shall be required to provide a Knox Box, including gate control if the gate is electronic, to be placed outside of the fence, both on the gates access fronting onto Kaweah Avenue as well as the access fronting onto Firebaugh Avenue, subject to the review and approval of the Police Chief or their designee.
- 9) Interior drive aisles that provide access to a fire hydrant must be a minimum width of 26 feet.
- 10) Prior to issuance of a building permit, the applicant shall submit revised architectural site plans depicting a minimum of 20-foot front yard setback area.
- 11) Prior to issuance of a building permit, the applicant shall submit grading and drainage plans subject to review and approval by the City Engineer.
- 12) Prior to issuance of a building permit, the applicant shall submit all improvement plans and civil plans subject to review and approval by the City Engineer.
- 13) Water service to be provided exclusively from Kaweah Avenue, water meter and backflow preventor are to be installed such that they are accessible from the Public Right-of-Way.

- 14) The subject site shall be well maintained by ensuring that the landscaping is effectively watered, mowed, pruned, fertilized, and weeded; that the signs are properly painted and displayed; and that any irrigation systems are regularly inspected to insure against leaks, overspray and water times that are not conservation effective.
- 15) Any graffiti shall be removed within 24 hours.
- 16) All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.

The foregoing resolution was adopted upon a motion of Commission member _____; seconded by Commission member _____ at a regular meeting of the Exeter Planning Commission on April 20, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairperson, Planning Commission

Planning Secretary

City of Exeter Agenda Item Transmittal

Date: April 20, 2023

Agenda Item Number: B2

Wording for Agenda: PUBLIC HEARING to adopt Resolution 2023-06 recommending approval of Zoning Ordinance Amendment 2023-01, a text amendment to Chapter 17.64 of the Exeter Zoning Ordinance to add "Accessory Dwelling Units" as a section of the Special Uses Chapter to the Exeter City Council.

Submitting Department: Planning Department
Contact Name and Phone Number: Greg Collins, City Planner
Tristan Suire, City Planner
Phone: 559-734-8737
Email: greg@weplancities.com, tristan@weplancities.com

For action by:
 City Council
 Planning Comm.

Regular Session:
 Consent Calendar
 Regular Item
 Public Hearing

Review:

**City Administrator
(Initials Required)**



Department Recommendation:

Staff recommends that the Planning Commission adopt Resolution 2023-06, recommending approval of Zoning Ordinance Amendment 2023-01, a text amendment to Chapter 17.64 of the Exeter Zoning Ordinance to the City Council of the City of Exeter.

Summary:

The State of California has, over the past several years, adopted a series of laws restricting the means by which local jurisdictions, including the City of Exeter, enforce certain development standards for Accessory Dwelling Units, or ADUs. Currently, the City processes applications for ADUs based strictly on the minimum requirements of these new state laws. The proposed text amendment would add a new section to the Exeter Municipal Code Chapter 17.64, "Special Uses", to establish new regulations regarding the development standards for ADUs within the new framework of state law. The draft ordinance meets the requirements of state law and imposes reasonable development standards on individuals looking to develop ADUs. The draft ordinance has been reviewed by the City Attorney's office for consistency with state law and is in a finalized form. Therefore, staff is recommending that the Planning Commission recommend approval of the draft ordinance to the City Council.

Background and Discussion:

Staff has prepared the draft ordinance based on the requirements of Government Code sections 65852.2 and 65852.22 which regulate the authority of local jurisdictions to apply certain development standards to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). The draft ordinance creates a uniform permitting pathway for ADUs/JADUs, sets development standards, fee requirements, and standards for occupancy and ownership. Currently, the City has limited ability to impose development standards on ADUs, in part because many of the development standards that would normally apply conflict with state laws and are therefore unenforceable. Similarly, the state requires that applications for ADUs be processed administratively, however the City's normal review processes requires discretionary action, and so ministerial review had to be conducted outside of the normal permitting pathways to comply with state law. The proposed ordinance is intended to solve these issues by creating enforceable development standards and a streamlined administrative review process that is easy for applicants to navigate.

The draft ordinance first defines ADUs and JADUs to ensure consistency with the definitions contained in the state law, and to clarify what constitutes an ADU or JADU for the public. It is worth noting that ADUs are required to have separate kitchen and bathroom facilities and other defining features associated with “efficiency units” in order to be considered an ADU. JADUs are distinct because they are dwelling units converted from existing space within a single-family dwelling (often garage conversion) and are not required to have separate bathroom facilities. Regardless of the type of ADU, all districts that permit residential uses would allow ADUs, unless there are express findings made regarding the inadequacy of services provided by the city to serve the site.

The permitting pathway provided in the draft ordinance requires that applicants submit a scaled plot plan, floor plans, elevations, and dimensions of the existing and proposed structures in order for staff to review the plans for compliance with the development standards. Applicants will need to submit all of the required materials to be considered complete, and once considered complete, staff will be required to make a determination on the project within 60 days. The determination made by staff will be solely a function of compliance with the development and design standards contained in the proposed ordinance, state law, any applicable provisions of the zone district, and any applicable fire and building codes.

The design standards provided in the draft ordinance are designed to ensure safety, health, and welfare of the residents of Exeter, and should be taken into consideration by applicants prior to their submission of a permit application. These include; roof pitch and overhang consistent with the principal dwelling, parking stall requirements, and mailbox and address location requirements. Besides the design standards, additional development standards apply that cover many of the standards that currently exist in each of the residential districts but are too stringent to apply them to ADUs and comply with state law. Compliance with these development standards will be monitored in the plan review process prior to issuance of building permits, and will allow staff to maintain the quality of ADUs and JADUs developed in the City.

Examples of development standards include the following:

- Number of Units – Limits single-family lots to a maximum of one (1) ADU and one (1) JADU.
- Setbacks – Minimum setback of four (4) feet from rear and side yard lot lines.
- Unit Size – Maximum of 50 percent of the existing primary dwelling, or 1,200 sq. ft. for a detached ADU, whichever is less.
- Architectural compatibility with the primary dwelling

While there are many other nuances to the development standards applied to ADUs and JADUs, the goal is to comply with state law while also imposing basic requirements that ensure the health, safety, and welfare of residents. The standards for ADUs and JADUs differs slightly because of variations in state requirements, and the simple fact that conversion of existing living space is often much different from erecting an entirely new structure.

The next subsection of the ordinance details in what ways fees can be applied to ADUs and JADUs, which is almost entirely determined by state law. Effectively, when a project consists of only an ADU or JADU, under 750 square feet, no impact fees can be applied, and even over 750 square feet, those fees must be charged proportionally in relation to the square footage of the primary dwelling (Not including school impact fees). Ultimately, the city is limited in its ability to require fees for ADU projects that would be typical with other types of development.

The proposed ordinance also includes requirements for the occupancy and ownership of a proposed ADU. While state law on this particular facet of ADU development may change after

January 1, 2025, currently the City does not have the ability to impose owner occupancy requirements on most ADUs. However, the draft ordinance does require that a certificate of occupancy be issued to the primary dwelling prior to issuance of a certificate of occupancy for an ADU, and also requires that ADUs not be sold or otherwise conveyed separately from the primary residence.

Given that the State has enacted these new ADU laws with the purpose of combatting the housing crisis, the City has also included a subsection regarding how the development of ADUs can be counted in the City's Housing Element. This will allow the City to better reach goals identified in the current Housing Element associated with reducing barriers for the development of affordable housing units in the City.

Conclusion:

Staff recommends that the Planning Commission review and consider Resolution 2023-06, recommending approval of Zoning Ordinance Amendment 2023-01, a text amendment to Chapter 17.64 of the Exeter Zoning Ordinance, to the Exeter City Council.

Facts:

Applicant: Planning Department Staff

Location: Citywide

Request: Staff is requesting to amend the Zoning Ordinance to create a new section of the "Special Uses" chapter regarding processes and standards for the development of ADUs and JADUs consistent with state law.

Design: No project specific designs have been proposed, specific applicants will be required to submit site plans for review to ensure compliance with state and local design standards.

Historic Use: Historically, applications for ADUs have been processed consistent with state law.

Site: No project specific site is proposed. The foregoing ordinance amendment would apply to properties within the City Limits zoned for residential uses.

Zone: The Zoning Ordinance Amendment would apply to the following zone districts: RA (Residential-Agricultural), R-1-10 (Single-family residential - 10,000 sq. ft.), R-1-10 PUD (Single-family residential - 10,000 sq. ft. PUD), R-1-7.5 (Single-family residential - 7,500 sq. ft.), R-1-6 (Single-family residential - 6,000 sq. ft.), R-1-6 PUD (Single-family residential - 6,000 sq. ft. PUD), RM-1.5 (Multifamily Residential – 1,500 sq. ft.), RM-3 (Multi-family Residential – 3,000 sq. ft.), PO (Professional Office), and MU (Mixed Use).

Gen. Plan: The General Plan allows for residential activity in residential districts. The proposed Zoning Ordinance Amendment is consistent with the General Plan.

Land Use: No project specific site is proposed. ADUs and JADUs are only to be permitted on lots with existing or proposed primary residence.

Infrastructure: No project specific site is proposed, only nominal water supply, wastewater, or water runoff demands are anticipated, and ADUs above 750 sq. ft. will be required to pay proportional impact fees to mitigate any potential effects.

Landscaping: No project specific site is proposed, landscaping is not required for an ADU.

CEQA: The proposed project is categorically exempt under the California Environmental Quality Act Cal. Code of Regs. Tit. 14, Section 15061 (b)(3).

Prior Council/Board Actions: N/A

Attachments: Resolution 2023-06
Zoning Ordinance Amendment 2023-01

Recommended motion to be made by the Planning Commission: I move to adopt Resolution 2023-06 as presented.

RESOLUTION 2023-06

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EXETER
RECOMMENDING APPROVAL OF ZONING ORDINANCE AMENDMENT 2023-01, ADU
ORDINANCE TO THE EXETER CITY COUNCIL**

WHEREAS, the City of Exeter (“City”) has identified the need for an amendment to the Zoning Ordinance regarding Accessory Dwelling Units (“ADUs”) in order to comply with Government Code sections 65852.2 and 65852.22

WHEREAS, Zoning Ordinance Amendment 2023-01 is a request submitted by City staff, to amend the text of Chapter 17.64 (Special Uses) of the Exeter Zoning Ordinance; and

WHEREAS, Zoning Ordinance Amendment 2023-01 will amend Chapter 17.64 to add Section 17.64.15 “Accessory Dwelling Units”, which details rules and regulations regarding Accessory Dwelling Units and the processes and standards applied to such projects; and

WHEREAS, on April 20, 2023, the Planning Commission conducted a duly noticed and regularly scheduled public hearing to consider Zoning Ordinance Amendment 2023-01; and

WHEREAS, the decision to amend the zoning ordinance does not constitute a “project” under the California Environmental Quality Act (CEQA), because it is categorically exempt under CEQA Section 15061 (b)(3), the “Common Sense” exemption; and,

NOW, THEREFORE BE IT RESOLVED, that based upon the evidence in the Staff Report and the Exeter Municipal Code, the Planning Commission hereby approves Resolution 2023-06, recommending approval of Zoning Ordinance Amendment 2023-01 to the City Council.

The foregoing resolution was adopted upon a motion of Commission member _____; seconded by Commission member _____ at a regular meeting of the Exeter Planning Commission on April 20, 2023, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairperson

Planning Secretary

17.64.11 Accessory Dwelling Units (ADUs)

A. Purpose and Intent. This section is intended to meet the requirements of State law in providing for accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”).

1. This section is intended to comply with Government Code sections 65852.2 and 65852.22, as either may be amended from time to time. The standards established by this section shall be interpreted and applied consistent with the standards set forth in Government Code sections 65852.2 and 65852.22.
2. An ADU or JADU that complies with this section is considered an accessory use or an accessory building that does not exceed the allowable density for the lot upon which it is located.
3. An ADU or JADU that complies with this section is considered a residential use that is consistent with the existing general plan and zoning designations for the lot.
4. An ADU or JADU that complies with this section will not be considered in the application of any other local ordinance, policy, or program to limit residential growth.
5. ADUs and JADUs will be counted for purposes of identifying adequate sites for housing in the City’s Housing Element.

B. Definitions. The following definitions apply to the operation of this Section. To the extent these definitions conflict with definitions found elsewhere in this title, the definitions set forth in this Section shall control.

1. “Accessory dwelling unit” or “ADU” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An ADU must include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel that the single-family or multi-family dwelling is situated. An ADU may be an efficiency unit or a manufactured home.
2. “Efficiency unit” has the same meaning as defined in the California Building Code, California Code of Regulations, Title 24, Section 1207.4, which meets the following standards:
 - a. The unit has a single living room of not less than 220 square feet of floor area for two (2) or fewer occupants and an additional 100 square feet of floor area for each additional occupant of the unit.
 - b. The unit has a separate closet.

- c. The unit has a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front, and lighting and ventilation conforming to the California Building Standards Code.
 - d. The unit has a separate bathroom containing a water closet, lavatory, and bathtub or shower.
3. “Floor area” or “Total floor area” means the entire ground-level square footage of the structure, including the living area, as defined, and any non-habitable area within the structure, such as a garage or storage space.
4. “Impact fee” has the same meaning as the term “fee” is defined in Government Code section 66000(b), except that it also includes fees specified in Government Code section 66477. “Impact fee” does not include any connection fee or capacity charge.
5. “Junior accessory dwelling unit” or “JADU” means a dwelling unit that is no more than 500 square feet in size and contained entirely within the walls of an existing single-family residence, or other approved structure as specified in Government Code section 65852.2(e). A JADU must include the following features:
 - a. Exterior access separate from the main entrance to the proposed or existing primary dwelling or other structure.
 - b. An efficiency kitchen, which includes a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
 - c. JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
6. “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
7. “Multi-generational dwelling unit” means a dwelling unit, that does not include a kitchen, contained entirely within the walls of an existing single-family residence where access is not restricted between areas of the residence.
8. “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards, but was a lawful improvement that did conform to the zoning standards in place at the time of the improvement.
9. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
10. “Permanent provisions for cooking” has the same meaning as “kitchen.”

11. "Permanent provisions for sanitation" and "sanitation facilities" means a separate bathroom containing a water closet, lavatory, and bathtub or shower.
12. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
13. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
14. "Tandem parking" means that two (2) or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

C. Applications. ADUs and JADUs shall conform to the following submittal requirements.

1. A scaled plot plan of the subject parcel on which the ADU or JADU will be located shall be provided. Indicate the location and dimensioned setbacks, and of all existing and proposed structures on the site. Provide dimensions of all easements, right-of-way(s), building envelopes, parking, and paved areas.
2. Complete floor plans of both existing and proposed conditions shall be provided. Each room shall be dimensioned and resulting floor area calculation included. The use of each room shall be labeled. The size and location of all doors, closets, walls, and cooking facilities shall be clearly depicted.
3. Provide elevations that show all exterior structure dimensions, all architectural projections, and all openings for both the existing residence and the proposed secondary dwelling unit. The secondary dwelling unit shall meet the following design standards.
 - a. A second dwelling unit shall have a roof pitch and roof overhang equal to the roof pitch and roof overhang of the primary residence.
 - b. A secondary dwelling unit shall provide one off-street parking space. This parking space may be covered or uncovered and shall meet all parking space location, dimension, and surfacing requirements of the zoning district in which it is located, unless otherwise exempted under state law.
 - c. The address and mailbox for the second dwelling unit shall be located near the public right-of-way.

D. Designated Areas. ADUs and JADUs are allowed in all residential zoning districts, including mixed-use zones where residential uses are permitted, unless the City makes express findings supported by substantial evidence that ADUs and JADUs cannot be

permitted due to the inadequacy of water and/or sewer services, and/or the impact of ADUs and JADUs on traffic flow and/or public safety and designate specific areas based on these findings. ADUs and JADUs are subject to the normal requirements of the district. ADUs and JADUs are not permitted in nonresidential zoning districts where residential uses are not allowed.

E. Development Standards. ADUs and JADUs may be permitted on any single-family lot or any multi-family lot. The requirements and standards of the Zoning Ordinance that apply to the primary dwelling on the lot shall apply to any ADU and/or JADU, including lot coverage, height, floor area ratio, open space, landscape, and architectural review. If different or conflicting requirements or standards exist, the more restrictive requirements or standards shall apply, but only to the extent such requirement or standard does not conflict with the requirements and standards provided in this Section and Government Code sections 65852.2 and 65852.22.

1. Number of Units. 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.
2. Relation to Primary Dwelling. The ADU must be either: (1) attached to, or located within, the existing primary dwelling, including attached garages, storage areas or similar uses within the primary dwelling structure; or (2) detached from the existing primary dwelling and located on the same lot as the existing primary dwelling. Except as provided in Government Code section 65852.2(e), a JADU must be contained entirely within the walls of the existing single-family residence.
3. Setbacks.
 - a. No setback is required for an ADU constructed or installed within (1) an existing living area or permitted accessory structure, or (2) a structure constructed in the same location and to the same dimensions as an existing permitted accessory structure that is converted to an ADU or to a portion of an ADU.
 - b. A minimum setback of four (4) feet from the side and rear lot lines is required for an ADU that is not (1) converted from an existing permitted accessory structure, or (2) a new structure constructed in the same location and to the same dimensions as an existing permitted accessory structure.

4. ADU Unit Size.

- a. If there is an existing primary dwelling, the total floor area of an attached ADU may not exceed 50 percent of the floor area of the existing primary dwelling.
- b. The total floor area for a detached ADU may not exceed 1,200 square feet.
- c. An attached or detached one-bedroom ADU may not be more than 850 square feet of living area.
- d. An attached or detached ADU that provides more than one (1) bedroom may not be more than 1,000 square feet of living area.
- e. An ADU may be an efficiency unit, as defined. A proposed ADU that does not meet the minimum requirements of an efficiency unit is not permitted.

5. JADU Size.

- a. A JADU may not be more than 500 square feet in size.

6. Exceptions.

- a. Notwithstanding any other minimum or maximum size for an ADU, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, or minimum lot size, an attached or detached ADU will be permitted if the ADU is:
 - a. Not more than 800 square feet of total floor area;
 - b. Not more than 16 feet in height;
 - c. Has at least four-foot side and rear yard setbacks; and
 - d. Is constructed in compliance with all Fire and Building Code requirements and standards of the Zoning Code.

7. ADU Building Standards.

- a. The ADU shall not exceed a single story, unless constructed above an attached or detached garage, or the height limit of the applicable zoning district, whichever is more restrictive.
- b. The development of the ADU shall be subject to the property development standards for the subject zoning district in which the ADU is located.

- c. Both attached and detached ADUs must be architecturally compatible, having similar materials and style of construction, with the primary dwelling and consistent with the established character of the adjoining residential neighborhood. The design and size of the ADU shall conform to all applicable standards of the building, health, and other codes adopted by the City.
- d. Attached ADUs shall be compatible with and made structurally a part of the primary dwelling (e.g., share a common wall with the primary dwelling, rely partially on the primary dwelling for structural support, or be attached to the primary dwelling).
- e. Detached ADUs shall comply with building and fire code separation standards and be compatible with the materials and colors of the primary dwelling.
- f. No passageway is required in conjunction with the construction of an ADU.
- g. Approval by the County Health Officer and City Public Utilities Director is required where a private water well and/or private sewage disposal system is being used.
- h. Fire sprinklers are required for ADUs if fire sprinklers are required for the primary residence.
- i. A new or separate utility connection directly between the ADU and the utility is not required unless the ADU is constructed with an existing single-family home.

8. JADU Building Standards. JADUs shall comply with the following:

- a. A JADU must include a separate entrance from the main entrance to the existing single-family residence.
- b. A JADU must include at least an efficiency kitchen, which includes a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
- c. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.
- d. A JADU shall not be considered a separate or new dwelling unit for purposes of any fire or life protection ordinance or regulation, or for purposes of providing water, sewer, or power, including a connection fee.

- e. Deed Restriction. A JADU shall not be permitted unless a deed restriction, which shall run with the land, is recorded for the applicable lot, and filed with the City along with the permit application, and must do the following:
 - a. Prohibit the sale of the JADU separate from the sale of the single-family residence.
9. Multi-family ADUs. The following ADUs are permitted within a residential or mixed-use zone on a lot that has an existing multi-family dwelling:
 - a. One (1) or more ADUs, up to 25 percent of the existing multifamily dwelling units, constructed within the portions of the existing multifamily dwelling structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
 - b. Up to two (2) detached ADUs, subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

F. Connection, Impact, and other Fees. Except as provided below, ADUs and JADUs are subject to all fees and assessments required by the Exeter Municipal Code for new residential construction.

1. ADUs and JADUs are not considered to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the ADU or JADU is constructed with a new single-family home or a new detached structure.
2. Any impact fees charged for an ADU or JADU of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
3. An inspection fee shall be assessed for any inspection to determine if an ADU or JADU complies with applicable building standards.
4. The separate utility connection for an ADU constructed with a new single-family home or a new detached structure is subject to a connection fee or capacity charge proportionate to the burden of the proposed ADU, based upon either its square feet or the number of its drainage fixture unit (DFU) values upon the water or sewer system, that reflects the reasonable cost of providing this service.

G. Occupancy and Ownership. ADUs and JADUs must comply with the following standards.

1. A certificate of occupancy must be issued for the primary dwelling unit before a certificate of occupancy can be issued for an ADU or JADU on the lot.

2. An ADU or JADU may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.
3. Owner-occupancy is not required for ADUs. Owner-occupancy is required in the single-family residence in which a JADU will be permitted. The owner may reside in either the remaining portion of the structure or the newly created JADU. Owner-occupancy is not required if the owner is a governmental agency, land trust, or housing organization.

H. Parking Standards. One (1) parking space per ADU is required, except as specifically excepted. These spaces may be provided in setback areas or as tandem parking on a driveway.

I. Permit Approval. A permit must be obtained for the construction or installation of an ADU or JADU. The ADU or JADU must conform to the standards required by the Zoning Ordinance and the California Building Code. A permit application for an ADU or a JADU shall be considered and approved ministerially without discretionary review or a hearing. The City shall act on the application to create an ADU or a JADU within 60 days from the date the City receives a completed application if there is an existing single-family or multifamily dwelling on the lot.

J. ADUs and Regional Housing Needs Assessment. Subdivisions and multifamily housing developments developed or zoned at densities of ten (10) or more dwelling units per acre, with the ability of each lot or dwelling to construct an ADU, shall be counted in the City's Housing Element as adequate sites for affordable housing, as provided in Government Code section 65583.1(a).

K. Other. Nothing in this section shall be construed to prohibit the City from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains an ADU or JADU, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes an ADU or JADU.