

**AGENDA  
CITY OF IONE  
PLANNING COMMISSION MEETING**

*Mark Hopkins, Chairman  
Kim Smith, Vice Chairman  
Mark Gebhardt, Commissioner  
Amber Hoiska, Commissioner  
Larry Rhoades, Commissioner*

**Tuesday, March 10, 2020 at 6:00 p.m.  
City Council Chambers, 1 E. Main Street, Ione 95640**

**PLEASE LIMIT PUBLIC COMMENT/TESTIMONY TO FOUR MINUTES  
Government Code 54954.3**

The Ione Planning Commission welcomes, appreciates, and encourages participation in the Ione Planning Commission Meeting. The Planning Commission reserves the right to reasonably limit the total time for public comment on any particular noticed agenda item as it may deem necessary.

Full staff reports and associated documents are available for public review at the Office of the City Clerk, City Hall, 1 E. Main Street, Ione, California. Hard copies may be obtained for 10 cents per page. Documents that are not available when the agenda is posted, will be made available for public review at the meeting.

**AGENDA**

- A. CALL TO ORDER: 6:00 PM**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. APPROVAL OF AGENDA**
- E. PRESENTATIONS/ANNOUNCEMENTS: None**
- F. PUBLIC COMMENT: EACH SPEAKER IS LIMITED TO 4 MINUTES**

*This is the time for members of the public who wish to be heard on matters that do not appear on the Agenda. Persons may address the Ione Planning Commission at this time on any subject within the jurisdiction of the Ione Planning Commission. **Please be mindful of the 4 minute time limit per person.***

*Pursuant to the Brown Act, the Planning Commission may not take action or engage in a detailed discussion on an item that does not appear on the Agenda. However, matters that require Commission action will be referred to staff for a report and/or recommendation for possible action at a future Commission meeting.*

*Is there any person in the audience who wishes to address the Commission at this time?*

**G. PUBLIC HEARING: Continued from February 11, 2020 Meeting**

- 1. Zoning Text Amendment (ZTAA2019-002)** – Proposed amendment to the City of Ione Zoning Ordinance to regulate Short Term Rentals, including consideration of home shares and vacation stays, in the City of Ione. Upon direction from the City Council, the Planning Commission will consider amending the text of the Zoning Ordinances regarding the regulation of short-term rentals uses within the City.
- 2. Adoption of Resolution No. PC2020-02** - Recommending to the City Council of the City of Ione an Ordinance amending Chapter 17, Zoning, Section 17.62 Second Dwelling Units

#### **H. REGULAR AGENDA:**

3. . Recommendation to the City Council for submission of the 2019 General Plan Annual Performance Report to HCD (Housing and Community Development) and OPR and adoption of Resolution No. 2020-03 Recommending that the City Council direct staff to submit the 2019 General Plan Annual Report to HCD and OPR

#### **I. CITY PLANNER REPORTS/PLANNING COMMISSIONER REPORTS/FUTURE AGENDA ITEMS**

#### **J. ADJOURNMENT**

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##### **NOTICE REGARDING APPEALS**

Pursuant to §17.16.060 of the Zoning Code, appeals of a final action by the Planning Commission must be filed with the City Clerk no later than ten calendar days after the day on which the final action was taken, along with the appropriate fee.

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##### **NOTICE REGARDING CHALLENGES TO DECISIONS**

Pursuant to all applicable laws and regulations, including without limitation, California Government Code Section 65009 and or California Public Resources Code Section 21177, if you wish to challenge in court any of the above decisions (regarding planning, zoning and/or environmental decisions), you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice/agenda, or in written correspondence delivered to the City at, or prior to, this public hearing.

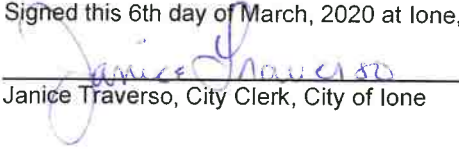
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##### **ADA COMPLIANCE STATEMENT**

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact City Clerk Janice Traverso at (209) 274-2412, 102. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

I, Janice Traverso, the City Clerk of the City of Lone, declare under the penalty that the foregoing agenda for the March 10, 2020 regular meeting of the Lone Planning Commission was posted on March 6, 2020 at the office of the City of Lone, City Hall at 1 East Main Street, Lone, CA 95640 and was available for public review at that location.

Signed this 6th day of March, 2020 at Lone, California

  
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Janice Traverso, City Clerk, City of Lone



## **CITY OF IONE PLANNING COMMISSION STAFF REPORT**



**DATE: MARCH 10, 2020**

**TO: HONORABLE PLANNING COMMISSION**

**FROM: APRIL WOODEN, CITY PLANNER**

**SUBJECT: PROPOSED ZONING CODE TEXT AMENDMENT REGARDING  
SHORT-TERM RENTALS**

### **STAFF RECOMMENDED ACTION:**

Staff recommends that the Planning Commission:

1. Review staff report and attached ordinance;
2. Take public comment; and
3. Adopt Resolution 2020-01 recommending adoption of the attached ordinance to the City Council.

### **BACKGROUND:**

An ordinance regulating short term rentals (STRs) in the City was prepared by legal staff for consideration by City officials. Staff prepared a memo for Planning Commission and presented the issue as a discussion item at the Commission's October 8, 2019 meeting. A public hearing on the item was held on December 10, 2019. Discussions with the Planning Commission and the public identified areas for revision.

The Public Hearing on this item was continued and will allow additional testimony, if any, at tonight's meeting.

### **ANALYSIS:**

In response to comments from the commission and the public the attached ordinance was drafted, providing for both hosted and unhosted short-term rentals, all subject to a CUP. Bed and breakfast inns would continue to be a permitted use in the zones where they are currently allowed, but would be subject to the same standards as short-term rentals.

### **ENVIRONMENTAL REVIEW:**

CEQA requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." Since the effects of bed and breakfast inns have already been considered in the adoption of the Municipal Code, and the ordinance does not

allow for the intensification of uses beyond that contemplated in the General Plan and Zoning Code, the proposed ordinance would not “have the potential for causing a significant effect on the environment.”

**RECOMMENDED MOTION:**

If the Planning Commission agrees with staff’s recommendation, the following motion is suggested:

*“I move that the Planning Commission adopt Resolution No. 2020-01 recommending approval of the attached ordinance to the City Council.”*

**ATTACHMENTS:**

1. Resolution 2020-01 and Exhibit A – Proposed ordinance amending the zoning ordinance text.

## **RESOLUTION NO. PC2020-01**

### **A RESOLUTION OF THE CITY OF IONE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 17 ZONING TEXT INCLUDING TABLE 17.22.030-1 AND CHAPTER 17.64 REGARDING SHORT-TERM RENTALS AND BED AND BREAKFAST INNS**

**WHEREAS**, the City maintains a Zoning Code, incorporated as Title 17 of the Municipal Code, as an implementation tool of the General Plan, which regulates the allowed uses, setbacks, parking regulations, and other requirements for development in the City; and

**WHEREAS**, a draft ordinance was forwarded to the Planning Commission regarding short-term rentals; and

**WHEREAS**, subsequent to careful review and consideration, the Planning Commission directed the preparation of a revised ordinance; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing to accept and consider public comments, and to review and consider such amendment to the Zoning Code, as described in Attachment A, Draft Ordinance, on December 10, 2019; and

**WHEREAS**, the proposed revision is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Title 14, Chapter 3, Section 15061(b)(3) of the California Code of Regulations.

**NOW THEREFORE BE IT RESOLVED**, the Planning Commission does hereby recommend that the City Council adopt the proposed Ordinance amending Title 17 Zoning text, including Table 22.030-1 and Chapter 17.64 regarding short-term rentals and bed and breakfast inns, based upon the following CEQA Determination and Findings of General Plan Consistency:

#### **CEQA**

Finding: The proposed ordinance is statutorily exempt from CEQA review pursuant to Title 14, Chapter 3, Section 15061(b)(3) of the California Code of Regulations.

Evidence: In accordance with the requirements of the California Environmental Quality Act (CEQA), the Planning Commission has analyzed this proposed zoning text amendment (ZTA) and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendment to the Zoning Ordinance does not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that the ZTA may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

#### **General Plan**

Finding: The proposed amendment to Title 17 (Zoning) of the City's Municipal Code is consistent with the General Plan's Guiding Principle to Maintain Small Town Character.

Evidence: Allowing short-term rentals and bed and breakfast inns within the City is consistent with the vision of the City's General Plan. As stated in the City's General Plan, the primary desire and vision of the community is to maintain Ione's unique and friendly small-town character. Ione has a rich past steeped in agriculture, railway transport and general goods. Throughout the years, the City has established itself as a quaint, harmonious town that thrives on tradition and community togetherness. Residents have expressed their desire to preserve its high quality of small-town life. Such characteristics include a local downtown core, community events, low level of development, and surrounding open space and agricultural land. The provision of overnight stays for guests is in character with the desired small-town ambience. The City has experienced recent growth and physical expansion with additional homes and businesses and has still been able maintain its desired small-town character. It is expected that future growth, if properly managed and coordinated, can continue to maintain this much desired aspect of Ione.

The foregoing Resolution of the Planning Commission of the City of Ione was duly introduced and adopted at its regular meeting on March 10, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Janice Traverso, City Clerk

## ATTACHMENT A

### CITY OF IONE

### ORDINANCE NO. 519

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IONE AMENDING THE IONE MUNICIPAL CODE, TITLE 17 ZONING, ADDING CHAPTER 17.64; AND REVISING SECTION 17.22.030 (Table 1), SECTION 17.24.030 (Table 1) AND SECTION 17.800.020 REGARDING SHORT-TERM RENTALS AND BED AND BREAKFAST INNS.

*1. Table 17.22.030-1 is revised as shown below to allow short-term rentals, subject to a conditional use permit and requirements identified in Chapter 17.64, in all residential zones and to apply the requirements identified in Chapter 17.64 to bed and breakfast inns.*

#### **17.22.030 - Allowed land uses and permit requirements.**

Table 17.22.030-1 (Allowed uses and permit requirements for agricultural and residential zoning districts) below identifies allowed uses and corresponding permit requirements for the agricultural and residential zoning districts subject to compliance with provisions of this title. Descriptions/definitions of the land uses can be found in Article 5 (Glossary).

Use regulations in the table are shown with representative symbol by use classification listing: "P" symbolizes uses allowed by right, "C" symbolizes uses that require approval of a conditional use permit, and "N" symbolizes uses that are not permitted.

**Table 17.22.030-1: Allowed Uses and Permit Requirements for Agricultural and Residential Zoning Districts**

Land Use/Zoning District	A	R-1a	R-1b	R-1c	R-2	R-3	R-4	MP
<b>Residential Uses</b>								
Adult Day Care Home	N	P	P	P	P	P	P	N

Land Use/Zoning District	A	R-1a	R-1b	R-1c	R-2	R-3	R-4	MP
Caretaker Housing	P	P	P	P	P	P	P	P
Dwelling, Multifamily	N	N	N	N	P	P	P	N
Dwelling, Second Unit	P	P	P	P	P	P	P	P
Dwelling, Single Family	P	P	P	P	P 1	P 1	N	N
Dwelling, Two-Family	N	N	N	N	P	P	P	N
Dwelling, Three- and Four-Family	N	N	N	N	P	P	P	N
Emergency Shelter	N	N	N	N	N	N	C	N
Employee Housing	P	N	N	N	N	N	N	N
Family Day Care Home, Large	C	C	C	C	C	C	C	C
Family Day Care Home, Small	P	P	P	P	P	P	P	P
Group Residential	N	N	N	N	C	C	P	N
Guest House	P	P	P	P	P	N	N	N
Home Occupations	P	P	P	P	P	P	P	P
Live-Work Facility	N	N	N	N	C	C	C	N
Manufactured Home	P	P	P	P	P	P	P	P
Mobile Home	N	N	N	N	N	N	N	P
Mobile Home Park	N	N	N	N	N	N	N	P
Residential Care Home	P	P	P	P	P	P	P	P
Single Room Occupancy (SRO) Facilities	N	N	N	N	N	C	C	N
Supportive Housing	P	P	P	P	P	P	P	P
Transitional Housing	P	P	P	P	P	P	P	P



Land Use/Zoning District	A	R-1a	R-1b	R-1c	R-2	R-3	R-4	MP
<b>Agriculture, Resource, and Open Space Uses</b>								
Agricultural Tourism	P	N	N	N	N	N	N	N
Animal Husbandry	P	N	N	C	N	N	N	N
Animal Keeping—Domestic Pets	P	P	P	P	P	P	P	P
Animal Keeping—Exotic Animals	P	P	P	P	P	P	P	P
Animal Keeping—Livestock Animals	P <sup>2,3</sup>	P <sup>2,3</sup>	P <sup>2,3</sup>	P <sup>2,3</sup>	N	N	N	N
Animal Keeping—Poultry/Rabbits. < 6 animals	P	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	N	N	N	N
Animal Keeping—Poultry/Rabbits, 6—12 animals	P	C <sup>4</sup>	C <sup>4</sup>	C <sup>4</sup>	N	N	N	N
Animal Keeping—Poultry/Rabbits, > 12 animals	P	N	N	N	N	N	N	N
Crop Production	P	N	N	N	N	N	N	N
Equestrian Facility, Commercial	P	N	N	N	N	N	N	N
Equestrian Facility, Hobby	P	N	N	N	N	N	N	N
Hog Farm, Commercial	P <sup>5</sup>	N	N	N	N	N	N	N
Kennels, Hobby	P	N	N	C	N	N	N	N
<b>Recreation, Education, and Public Assembly Uses</b>								
Cemeteries, Mausoleums	C	C	C	C	C	C	C	C
Clubs, Lodges, and Private Meeting Halls	C	C	C	C	C	C	C	C
Community Centers/Civic Uses	C	C	C	C	C	C	C	C
Community Garden	P	P	P	P	P	P	P	P
Indoor Fitness and Sports Facility	N	N	N	N	N	P	P	P

Land Use/Zoning District	A	R-1a	R-1b	R-1c	R-2	R-3	R-4	MP
Libraries and Museums	C	C	C	C	C	C	C	C
Outdoor Commercial Recreation	C	C	C	C	C	C	C	C
Parks and Public Plazas	C	P	P	P	P	P	P	P
Public Safety Facility	C	C	C	C	C	C	C	C
Recreational Vehicle Parks	N	N	N	N	N	N	N	C
Religious Institutions	C	C	C	C	C	P	P	C
Resource Protection and Restoration	C	C	C	C	C	C	C	C
Resource-Related Recreation	C	N	N	N	N	N	N	N
Schools, Charter	C	C	C	C	C	P	P	C
Schools, Private and Special/Studios	C	C	C	C	C	P	P	C
Schools, Public	P	P	P	P	P	P	P	P
<b>Utility, Transportation, and Communication Use Listings</b>								
Airport	C	N	N	N	N	N	N	N
Bus and Transit Shelters	P	P	P	P	P	P	P	P
Heliports	C	C	C	C	C	C	C	C
Park and Ride Facility	C	N	N	N	N	C	C	N
Public Safety Facility	C	C	C	C	C	C	C	C
Wireless Communication Facility	C	C	C	C	C	C	C	C
Utility Facility and Infrastructure	P	P	P	P	P	P	P	P
<b>Retail, Service, and Office Uses</b>								
Adult Day Care Facility	N	N	N	N	C	P	P	N

Land Use/Zoning District	A	R-1a	R-1b	R-1c	R-2	R-3	R-4	MP
Bed and Breakfast Inns	P <sup>6</sup>	N	N	C <sup>6</sup>	C <sup>6</sup>	P <sup>6</sup>	P <sup>6</sup>	N
Child Day Care Facility	C	C	C	C	C	P	P	C
Kennels, Commercial	P	N	N	N	N	N	N	N
Medical Services, Extended Care	N	N	N	N	N	C	P	N
Medical Services, Hospitals	N	N	N	N	C	C	C	C
Residential Care Facility	N	N	N	N	C	C	P	N
<u>Short-Term Rentals</u>	<u>C<sup>6</sup></u>	<u>C<sup>6</sup></u>	<u>C<sup>6</sup></u>	<u>C<sup>6</sup></u>	<u>C<sup>6</sup></u>	<u>C<sup>6</sup></u>	<u>C<sup>6</sup></u>	<u>C<sup>6</sup></u>

Notes:

1. Single family dwellings are permitted provided the lot size does not exceed 4,000 square feet.
2. Maximum of four animals and their offspring per acre; hogs limited to a total of five and their offspring.
3. Consistent with Chapter 6.06 (Equine and bovine animals), such animals may be maintained provided the exterior boundaries of the pen or stable are at least 100 feet from any school, church, public building, hotel, restaurant, hospital, or other building specially designed or used for the care of the sick or injured or of a residence of any person other than the residence occupied by the owner of the animal or animals. If the distance from the pen or stable is less than 100 feet, then a conditional use permit shall be required.
4. All poultry and rabbits shall be kept consistent with the standards and limitation provided in Chapter 6.08 (Poultry and Rabbits).
5. Limit of 12 of any combination of such animals total. Pen must be setback a minimum of 50 feet of any dwelling or other building used for human habitation, 100 feet from the front lot line, and 100 feet from any public park, school, hospital, or similar institution.
6. Subject to the criteria identified at Chapter 17.64.

(Ord. No. 456, § 3, 2-7-2012; Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

*2. Table 17.24.030-1 is revised as shown below to allow short-term rentals, subject to a conditional use permit and requirements identified in Chapter 17.64, in all residential zones and to apply the requirements identified in Chapter 17.64 to bed and breakfast inns.*

**17.24.030 - Allowed land uses and permit requirements.**

Table 17.24.030-1 (Development standards for commercial and industrial zoning districts) below identifies allowed uses and corresponding permit requirements for the commercial and industrial zoning districts subject to compliance with provisions of this title. Descriptions/definitions of the land uses can be found in Article 5 (Glossary).

Use regulations in the table are shown with representative symbol by use classification listing: "P" symbolizes uses allowed by right, "C" symbolizes uses that require approval of a conditional use permit, and "N" symbolizes uses that are not permitted.

**Table 17.24.030-1: Allowed Uses and Permit Requirements for Commercial and Industrial Zoning Districts**

Land Use/Zoning District	C-T	C-1	C-2	C-3	B-P	M-1	M-2
<b>Residential Uses</b>							
Adult Day Care Home	P	P	N	N	N	N	N
Caretaker Housing	P	P	P	N	N	P	P
Dwelling, Multifamily	P	N	P <sup>1</sup>	N	N	N	N
Dwelling, Second Unit	P	N	N	N	N	N	N
Dwelling, Single Family	P	N	N	N	N	N	N
Dwelling, Two-Family	P	N	P <sup>1</sup>	N	N	N	N
Dwelling, Three- and Four- Family	P	N	P <sup>1</sup>	N	N	N	N
Emergency Shelter	N	N	N	N	N	P	P

Land Use/Zoning District	C-T	C-1	C-2	C-3	B-P	M-1	M-2
Family Day Care Home, Large	C	N	N	N	N	N	N
Family Day Care Home, Small	P	P	P	N	N	N	N
Group Residential	P	N	N	N	N	N	N
Home Occupations	P	N	P	N	N	N	N
Live-Work Facility	P	C	P <sup>1</sup>	N	N	N	N
Manufactured Home	N	N	N	N	N	N	N
Residential Care Home	P	N	P	N	N	N	N
Single Room Occupancy (SRO) Facilities	C	N	P	N	N	N	N
Supportive Housing	P	N	P	N	N	N	N
Transitional Housing	P	N	P	N	N	N	N
<b>Agriculture, Resource, and Open Space Uses</b>							
Animal Keeping—Domestic Pets	P	P	P	P	P	P	P
Animal Keeping—Exotic Animals	P	P	P	P	P	P	N
Animal Keeping—Livestock Animals	N	N	N	N	N	N	N
Animal Keeping —Poultry/Rabbits	N	N	N	N	N	N	N
<b>Recreation, Education, and Public Assembly Uses</b>							
Cemeteries, Mausoleums	N	N	N	N	N	N	N
Clubs, Lodges, and Private Meeting Halls	C	P	P	C	N	C	N
Community Centers/Civic Uses	C	C	C	N	N	N	N
Indoor Amusement/Entertainment Facility	P <sup>2</sup>	P	P	P	N	N	N

Land Use/Zoning District	C-T	C-1	C-2	C-3	B-P	M-1	M-2
Indoor Fitness and Sports Facility	P <sup>2</sup>	P	P	P	P	P <sup>3</sup>	P <sup>3</sup>
Libraries and Museums	C	P	C	N	N	N	N
Outdoor Commercial Recreation	C	C	N	P	N	P <sup>3</sup>	P <sup>3</sup>
Parks and Public Plazas	P	P	P	P	P	N	N
Public Safety Facility	C	C	P	C	C	C	C
Recreational Vehicle Parks	N	N	N	C	N	C	N
Religious Institutions	P	P	C	C	C	C	N
Resource Protection and Restoration	C	C	C	C	C	C	C
Resource-Related Recreation	N	N	N	N	N	N	N
Schools, Charter	P	C	C	N	C	N	N
Schools, Private and Special/Studios	P	P <sup>4</sup>	P <sup>4</sup>	P	P	C	N
Schools, Public	P	P	P	P	P	P	P
Theaters and Auditoriums	C	P	P	P	C	C	N
<b>Utility, Transportation, and Communication Use Listings</b>							
Airport	N	N	N	N	N	C	C
Broadcasting and Recording Studios	C	P	P	P	P	P	N
Bus and Transit Shelters	P	P	P	P	P	P	P
Freight Yard/Truck Terminal	N	N	N	N	N	C <sup>5</sup>	P
Fuel Storage and Distribution	N	N	N	N	N	C <sup>5</sup>	P
Heliports	N	N	N	N	N	C	P
Park and Ride Facility	N	P	N	P	P	P	P

Land Use/Zoning District	C-T	C-1	C-2	C-3	B-P	M-1	M-2
Parking Facility	N	P	P	P	P	P	P
Public Safety Facility	C	C	C	C	C	C	C
Transit Facilities	N	N	N	N	N	C <sup>5</sup>	P
Transit Stations and Terminals	N	P	C	P	P	N	N
Utility Facility and Infrastructure	P	P	P	P	P	P	P
Wireless Communication Facility	C	C	C	C	C	C	C
<b>Retail, Service, and Office Uses</b>							
Adult Day Care Facility	P	P	N	P	P	N	N
Adult Oriented Businesses	N	N	N	N	N	N	C
Alcoholic Beverage Sales	P	P	P	P	P	P	P
Ambulance Service	N	C	N	C	N	N	N
Animal Sales and Grooming	P	P	P	P	N	N	N
Banks and Financial Services	P	P	P	P	P	N	N
Bars and Nightclubs	N	P	P	P	N	N	N
Bed and Breakfast Inns	P <sup>8</sup>	N	P <sup>8</sup>	N	N	N	N
Building Materials Stores and Yards	N	N	N	P	N	P	N
Business Support Services	P <sup>2, 6</sup>	P	P <sup>2, 6</sup>	P	P	P	N
Child Day Care Facility	P	P	P	P	P	C	N
Convenience Stores	P	P	P	P	P	N	N
Drive-in and Drive-through Sales and Service	N	N	N	P	N	N	N
Equipment Sales and Rental	N	P	N	P	N	P	N

Land Use/Zoning District	C-T	C-1	C-2	C-3	B-P	M-1	M-2
Grocery Stores/Supermarket	N	P	P	P	N	N	N
Home Improvement/ Hardware Store	N	P	P 7	P	N	P	N
Hotels and Motels	N	P	P	P	P	N	N
Kennels, Commercial	N	C	N	P	N	C	N
Maintenance and Repair, Small Equipment	P 2, 6	P 2	P 2	P 2	P	P	N
Medical Services, Extended Care	C	N	N	N	N	N	N
Medical Services, General	P 6	P 6	P 6	P	P	N	N
Medical Services, Hospitals	N	C	C	P	P	N	N
Mortuaries and Funeral Homes	C	P	P	P	N	N	N
Offices, Accessory	P	P	P	P	P	P	P
Offices, Business and Professional	P 2	P 6	P	P	P	N	N
Personal Services	P	P	P	P	P	N	N
Residential Care Facility	P	C	N	N	N	N	N
Restaurants	P 2	P	P	P	P 2	P	P
Retail, Accessory	P	P	P	P	P	P	P
Retail, General	P 6	P	P	P	N	N	N
<u>Short-Term Rentals</u>	<u>C 8</u>	<u>N</u>	<u>C 8</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Smoke Shops	N	C	C 2	C	N	N	N
Tattoo Parlors	N	C	C	C	N	N	N
Thrift and Consignment Stores and Pawn Shops	N	C 6	C 6	P	N	N	N
Veterinary Facility	P	P	P	P	P	N	N



Land Use/Zoning District	C-T	C-1	C-2	C-3	B-P	M-1	M-2
<b>Automobile and Vehicle Uses</b>							
Auto Vehicle Dismantling	N	N	N	N	N	C	P
Auto and Vehicle Sales and Rental	N	N	N	P	N	C	N
Auto and Vehicle Sales, Wholesale	N	N	N	N	N	C	P
Auto and Vehicle Storage	N	N	N	N	N	C <sup>5</sup>	P
Auto Parts Sales	N	P	P	P	N	N	N
Car Washing and Detailing	N	C	C	P	N	P	N
Service Stations	N	C	C	P	N	P	N
Vehicle Services, Major	N	C	N	P	N	P	N
Vehicle Services, Minor	C	C	C	P	N	P	N
<b>Industrial, Manufacturing, and Processing Uses</b>							
Agricultural Products Processing	N	N	N	N	N	C	P
Manufacturing, Major	N	N	N	N	N	N	P
Manufacturing, Minor	C	N	N	N	N	C <sup>5</sup>	P
Manufacturing, Small Scale	P	N	N	N	P	P	P
Printing and Publishing	N	N	N	P	P	P	P
Recycling Facility, Collection	N	P	P	P	N	P	P
Recycling Facility, Processing	N	N	N	N	N	C <sup>5</sup>	P
Recycling Facility, Scrap and Dismantling	N	N	N	N	N	C <sup>5</sup>	P
Research and Development	N	N	N	N	N	P	P
Storage, Personal Storage Facility	N	N	N	C	C	P <sup>5</sup>	P

Land Use/Zoning District	C-T	C-1	C-2	C-3	B-P	M-1	M-2
Storage, Warehouse	N	N	N	N	N	P <sup>5</sup>	P
Storage, Yards	N	N	N	N	N	P	P
Wholesaling and Distribution	N	N	N	N	N	C <sup>5</sup>	P

Notes:

1. Only allowed as mixed use development as residential in conjunction with and above ground-floor retail, service, or office uses.
2. Not to exceed 5,000 square feet.
3. Allowed only as an ancillary use, not to exceed ten percent of the main building footprint.
4. Only specialty studios and schools (e.g., ballet, yoga, art studios) not exceeding 5,000 square feet are allowed. All other public and private educational institutions, including elementary schools, business schools, secretarial and vocational schools, colleges, and conference centers, are prohibited.
5. Allowed provided the designated Approving Authority can find that adequate screening and landscaping is provided to sufficiently mitigate any possible adverse impacts, including, but not limited to, noise, odor, dust, or other objectionable influences.
6. Maximum tenant space 10,000 square feet.
7. Maximum tenant space 15,000 square feet.
8. Subject to the criteria identified at Chapter 17.64.

( Ord. No. 475 , § 4, 12-15-2015; Ord. No. 435, § 4, 7-20-2010; Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

*3. Chapter 17.64 is added to the Zoning Code to establish standards for short-term rentals and bed and breakfast inns*

### **17.64 Short-Term Rentals and Bed and Breakfast Inns.**

#### **A. Permit Requirements.**

1. Short-term rentals require a conditional use permit and are allowed only in the zoning districts identified in Tables 17.22.030-1 and 17.24.030-1.
2. Bed and breakfast inns are allowed as identified in Tables 17.22.030-1 and 17.24.030-1.
3. Each conditional use permit issued pursuant to this chapter shall be subject to an annual permit review and extension. No later than one year after the effective date of the permit, the owner or authorized agent shall submit to the City the annual review fee, established by City Council resolution, along with all the permit review form established by the City. The owner shall document compliance with all requirements of this chapter and shall also document each date on which the bed and breakfast inn or short-term rental rental was rented during the previous term of the permit.
4. A business license or a conditional use permit for a short-term rental or a bed and breakfast inn may be revoked for failure to comply with adopted standards, subject to adopted administrative and revocation procedures.

B. Criteria. The following criteria shall apply to all bed and breakfast inns and short-term rentals, except where a conditional use permit issued specifically provides for revisions to the below criteria.

#### **1. Site Design and Parking.**

- a. The site design, architecture, and any improvements shall be compatible with the neighborhood in terms of landscaping, scale, and architectural character. The operation of the use, and any physical improvements related to it, shall be harmonious and compatible with the existing uses within the neighborhood.
- b. Parking.
  - i. Hosted Short-Term Rental: One parking space shall be provided on-site for each two guest rooms in a hosted short-term rental in addition to the on-site parking required under Chapter 17.40.

ii. Nonhosted Short-Term Rental: One on-site parking space shall be provided for each guest room in the short-term rental. If a garage is used to meet the parking requirement for the sleeping rooms or guest bedrooms, the garage shall be accessible to guests of the short-term rental.

iii. Bed and Breakfast Inn: One parking space shall be provided on-site for each two guest rooms in a bed and breakfast inn in addition to the on-site parking required under Chapter 17.40.

iv. Off-site parking located on the street frontage adjacent the use may be allowed in lieu of a maximum of one on-site parking space required by the above paragraphs.

c. Pools, hot tubs, and outside gathering areas shall be adequately screened from adjacent properties to minimize noise and lighting impacts and shall have the hours of operation clearly posted adjacent to the facility.

2. Occupancy. The maximum occupancy by guests, including any visitors of guests, shall be up to a maximum of two persons per guest room, plus an additional two persons per subject property. Daytime visitors shall not be on the property during quiet hours.

3. Noise Limits.

a. Outdoor amplified sound is prohibited.

b. All activities associated with the use shall meet the noise standards identified at Chapter 9.16. Quiet hours shall be from 10:00 p.m. to 7:30 a.m. The property owner shall ensure that the quiet hours are included in rental agreements and in all online advertisements and listings.

c. Nuisance noise by unattended pets is prohibited.

4. Guest stays shall be limited to a maximum of 30 days, with a seven-day period between stays.

5. Owner and Authorized Agent Availability and Responsiveness.

a. The owner or the authorized agent shall be available by telephone at all times, 24 hours per day, when a guest room is rented.

b. The owner or the authorized agent must be on the premises of the short-term rental unit or bed and breakfast inn within one hour of being notified by a renter, by the City Planner, City Manager, or other City staff, or a law enforcement officer that there is a need for the owner or the authorized agent to address an issue of permit compliance or the health, safety, or welfare of the public or the renter.

6. A business license is required, as set forth in Chapter 5.06.

7. The use shall be subject to the transient occupancy tax, as set forth in Chapter 5.06.

8. The use shall be in permitted dwellings and shall not be allowed in non-habitable structures or in tents, vehicles, or other structure, features, or provisions intended for temporary occupancy.
9. Posting and Neighbor Notification of Permit and Standards. Once a short-term rental permit or bed and breakfast inn permit has been approved, a copy of the permit listing all applicable standards and limits and identifying contact information for the owner or authorized agent, including a phone number at which the owner or authorized agent can be reached 24 hours per day, shall be posted within the subject property. These standards shall be posted in a prominent place within 6 feet of the front door of the short-term rental or bed and breakfast inn, and shall be included as part of all rental agreements. At the permit holder's expense, the City shall provide mailed notice of permit issuance to property owners and immediate neighbors of the subject property using a 300-foot property radius owner mailing list.
10. Requirements for All Advertisements and Listings. All advertisements and/or listings for the short-term rental or bed and breakfast inn shall include the following:
  - a. Maximum occupancy;
  - b. Maximum number of vehicles;
  - c. Notification that quiet hours must be observed between 10:00 p.m. and 7:30 a.m.;
  - d. Notification that no outdoor amplified sound is allowed; and,
  - e. The transient occupancy tax certificate number for that particular property.

#### C. Complaint and Enforcement Process.

1. Initial complaints on short-term rentals or bed and breakfast inns shall be directed to the owner or authorized agent. The owner or authorized agent shall be available by phone 24 hours during all times when the property is rented. Should a problem arise and be reported to the owner or authorized agent, the owner or authorized agent shall be responsible for contacting the tenant to correct the problem within 60 minutes, including visiting the site if necessary to ensure that the issue has been corrected.

The owner or authorized agent shall document the complaint, and their resolution or attempted resolution(s), to the City Planner within 72 hours of the occurrence.

Failure to respond to complaints or report them to the City Planner shall be considered a violation of this section, and shall be cause for revocation of the permit.

If the issue reoccurs, the complaint will be addressed by the City Planner or code enforcement officer who may conduct an investigation to determine whether there was a violation of a zoning standard or conditional use permit condition. Police reports, online searches, citations, or neighbor documentation consisting of photos, sound recordings and video may constitute proof of a violation. If the City Planner verifies that a zoning or conditional use permit

condition violation has occurred, a notice of violation may be issued and a penalty may be imposed in accordance with Chapter 17.14. At the discretion of the City Planner, a conditional use permit may be scheduled for a revocation hearing with the Planning Commission. If the permit is revoked, a conditional use permit for a short-term rental or bed and breakfast inn on that particular property may not be reapplied for or issued for a period of at least two years.

2. Upon receipt of any combination of three administrative citations or City Planner determinations of violation of any of the permit requirements or performance standards issued to the owner or occupants at the property within a two-year period, any short-term rental or bed and breakfast inn permit is summarily revoked, subject to prior notice and to appeal, if appeal is requested pursuant to the appeals section of the Zoning Code. Should such a revocation occur, an application to reestablish a short-term rental or bed and breakfast inn at the subject property shall not be accepted for a minimum period of two years.
3. A short-term rental or bed and breakfast inn that is determined to be operating without the necessary permit required under this section shall be subject to a penalty of four times the normal application fee.

C. Findings. The decision-making body may approve a permit for a short-term rental or bed and breakfast inn, with or without conditions, if all of the following findings are made:

1. The proposed use is consistent with the standards established by this chapter and will not detrimentally affect the health, safety, or welfare of the surrounding neighborhood or area.
2. Approval of the use will not result in an over concentration of such uses in a neighborhood.
3. There is adequate parking for all guests and operators to park on the subject property in accordance with Chapter 17.40.
4. Approval of the use will result in the preservation of the residential design and scale of the structures on the subject property and will maintain the residential character of the neighborhood.
6. The approval of the permit would not result in an adverse effect to the City's affordable housing stock.

*4. Section 17.800.020, general definitions, is revised to include the definition of authorized agent.*

Authorized Agent. means the person specifically authorized by an owner to represent and act on behalf of the owner and to act as an operator, manager, and contact person of a non-hosted short-term rental, and to provide and receive any notices identified in this section on behalf of the owner, applicant, permittee, or authorized agent.

*5. Section 17.800.020, allowed use definitions, is revised to amend the definition of bed and breakfast inns and to include the definition of authorized agent.*

Bed and Breakfast Inns. ~~A residential structure with one family in permanent residence~~ with up to five ~~guest rooms~~ bedrooms rented for overnight lodging, where at least one daily meal is provided to guests subject to applicable health department regulations. The owner or authorized agent shall stay overnight at the bed and breakfast inn while any guest rooms are occupied. A bed and breakfast inn with more than five guest rooms is considered a hotel or motel, and is included under the definition of "hotels and motels."

Short-term rental. Any transient occupancy use of 30 days or less of a dwelling unit or accessory dwelling unit for which the City has issued a short-term rental permit pursuant to this section. The term "short-term rental" shall be used to include all hosted short-term rentals and all nonhosted short-term rentals.

1. Hosted short-term rental means a short-term rental business for which the owner or authorized agent resides at the short-term rental unit and stays overnight at the short-term rental unit while it is being rented.
2. Nonhosted short-term rental means a short-term rental business for which the owner or authorized agent is not required to reside at the short-term rental unit which is rented for transient occupancy pursuant to this section.



## **CITY OF IONE PLANNING COMMISSION STAFF REPORT**



**DATE: MARCH 10, 2020**

**TO: HONORABLE PLANNING COMMISSION**

**FROM: APRIL WOODEN, CITY PLANNER**

**SUBJECT: ZONING TEXT AMENDMENT – 17.62 SECOND DWELLING  
UNITS**

### **STAFF RECOMMENDED ACTION:**

Staff recommends that the Planning Commission:

1. Receive the staff report;
2. Hold public hearing;
3. Discuss proposed ordinance; and
4. Adopt Resolution No. PC2020-02 recommending approval of the ordinance to the City Council.

### **BACKGROUND:**

In 2017 the State Legislature implemented changes to California law that limited standards that cities could impose on Accessory Dwelling Units (ADUs). As a result, on August 8, 2017 the Planning Commission, and subsequently on October 17, 2017 the City Council, approved a zoning text amendment (ZTA) to Chapter 17.62 – Accessory Dwelling Units.

As of January 1, 2020, additional changes in California law have resulted in further limits regarding standards that communities can impose on accessory dwelling units by restricting the processing timeframe for applications that meet the standard, reducing zoning standards including lot coverage and minimum unit size, and requiring that ADUs be permitted on lots zoned for multifamily dwellings. The City is more limited in the parking requirements that may be enforced. Furthermore, the City will no longer be permitted to require owner occupation of the primary residence on the property for an ADU.

There are elements of the new law that will sunset on January 1, 2025. The City Planner will address these aspects of the Chapter as part of a larger review and update of the entire zoning code.

### **ANALYSIS:**

#### **State requirements:**

In order to comply with the new state law, an ADU ordinance must meet certain criteria. This analysis summarizes how the current standards, found in Zoning Code Section 17.62 Accessory Dwelling Units, meets the requirements and what changes are needed to comply with state law.



- Location. May not be restricted to lots zoned for residential use and must now include any lot with a primary single or multi-family dwelling or a proposed primary single or multi-family dwelling.
- Review. The review of an application for an ADU must now be completed within 60 days if there is an existing dwelling on the property. If an application for an ADU is submitted along with an application for the primary dwelling then the application for the ADU may be suspended until the application for the primary dwelling is approved, at that time the City has 60 days to approve the application for the ADU. In either circumstance the ADU cannot be subject to discretionary review or a hearing.
- Conditions of Review. The city may not require that nonconforming uses be corrected as a condition of ministerial approval of an application for an otherwise compliant ADU under this standard.
- Size. The maximum square footage requirements that may be imposed on either an attached or Detached ADU are 850 square feet for a unit, or 1,000 square feet for an ADU that provides more than one bedroom. The city may not establish minimum square footage requirements that would prohibit the development of an efficiency unit. Finally, sizes based upon relative size to the primary dwelling, limits on lot coverage, floor area ratios, open space, and minimum lot size are similarly prohibited.
- Minimum setbacks. The maximum setback that can be required is four feet from side or rear property lines. Any ADU that will occupy an existing structure or that will occupy the same footprint of an existing structure is not subject to this setback requirement.
- ADU parking requirements. Maximum of one space per bedroom or per ADU whichever is less. Tandem parking on an existing driveway is still sufficient. The City cannot require that off-street parking spaces lost as a result of a garage, carport, or covered parking structure demolished in conjunction with the construction of an ADU or converted to an ADU be replaced. However, in architecturally and/or historically significant districts or in cases where the ADU is part of an existing primary residence, no additional parking can be required.
- Utilities and Fees. The City cannot impose any impact fee upon the development of an ADU less than 750 square feet. And impact fees charged on ADUs greater than 750 square feet shall be charged proportionally in relation to the square footage of the primary dwelling. Separate utility connections between the ADU and a utility or the imposition of a related connection fee or capacity charge shall not be imposed unless the ADU was constructed with a new primary dwelling.
- Use Restrictions. An ADU developed under this standard may not be permitted to be used as a rental for a term less than 30 consecutive days.

Proposed amendments:

The proposed amendments to the Municipal Code include:

1. Repeal and Replacement of Title 17 Zoning, Chapter 17.62 Accessory Dwelling Units
2. Amendment of Title 17 Zoning, Chapter 17.82 Allowed Use Definitions.

The attached ordinance has been reviewed by the City Attorney's office. It is anticipated that the proposed amendment would bring the Municipal Code into conformance with state law by establishing development standards, permit requirements, a review process, and revised definitions for accessory dwelling units.

While the City's Housing Element identifies second dwelling units as a source for additional housing in the community, Ione receives few applications for such units. The proposed amendments to the existing ordinance do not eliminate necessary regulations for public health and safety and are in compliance with state law.

**ENVIRONMENTAL REVIEW:**

Staff has determined that the proposed ordinance is statutorily exempt from CEQA review. One of the statutory exemptions, listed in 14 Calif. Code of Regs. Section 15282(h), states that the adoption of an ordinance regarding second units in residential zones by a city to implement the provisions of Government Code Section 65852.2 is statutorily exempt. Government Code Section 65852.2 states that a local agency may, by ordinance, provide for the creation of accessory dwelling units in residential zones. Upon adoption of the ordinance a Notice of Exemption will be filed.

**RECOMMENDED ACTION:**

Staff recommends that the Planning Commission adopt Resolution No. PC2020-02 recommending to the City Council adoption of Ordinance No. 520, An Ordinance of the City Council of the City of Ione Amending the City of Ione Municipal Code, Chapters 17.62 and 17.82.

**ATTACHMENTS:**

1. Draft Ordinance 520 An ordinance of the City Council of the City of Ione Amending the Ione Municipal Code, Title 17 Zoning, Chapters 17.62 Accessory Dwelling Units, and 17.82 Allowed Use Definitions Relating to Accessory Dwelling Units.

## **RESOLUTION NO. PC2020-02**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IONE RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 17 ZONING, CHAPTER 17.62, RELATING TO ACCESSORY DWELLING UNITS**

**WHEREAS**, the City maintains a Zoning Code, incorporated as Title 17 of the Municipal Code, as an implementation tool of the General Plan, which regulates the allowed uses, setbacks, parking regulations, and other requirements for development in the City; and

**WHEREAS**, in order to conform with state law and for the benefit of the community regarding accessory dwelling units, amendments to Title 17 are necessary; and

**WHEREAS**, subsequent to careful review and consideration, the Planning Commission determined that these amendments are needed; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing to accept and consider public comments, and to review and consider amendments to the Zoning Code, as described in Attachment A, Draft Ordinance, on March 10, 2020; and

**WHEREAS**, the proposed revisions are exempt from review under the California Environmental Quality Act (CEQA), pursuant to Public Resources Code Section 21080.17 and 14 Calif Code of Regs. Section 15282(h).

**NOW THEREFORE BE IT RESOLVED**, the Planning Commission does hereby recommend that the City Council adopt the proposed Ordinance Amending Title 17 Zoning, Chapter 17.62, based upon the following CEQA Determination and Findings of General Plan Consistency:

#### **CEQA**

Finding: The proposed ordinance is statutorily exempt from CEQA review pursuant to Public Resources Code Section 21080.17 and 14 Calif. Code of Regs. Section 15282(h).

Evidence: Staff has determined that the proposed ordinance is statutorily exempt from CEQA review. One of the statutory exemptions, listed in 14 Calif. Code of Regs. Section 15282(h), states that the adoption of an ordinance regarding second units in residential zones by a city to implement the provisions of Government Code Section 65852.2 is statutorily exempt. Government Code Section 65852.2 states that a local agency may, by ordinance, provide for the creation of accessory dwelling units in residential zones.

#### **General Plan**

Finding: The proposed amendments to Title 17 (Zoning) of the City's Municipal Code are consistent with the General Plan.

Evidence: The proposed amendments are consistent with the General Plan as the amendments maintain consistency with the Land Use Element and the Housing Element, including:

LU-1: Establish growth patterns that enhance the quality of life in Ione and contribute to a balanced community.

H-1: Promote decent, safe, adequate, and affordable housing in sufficient quantities for all economic segments of the community.

H-5: Ensure availability of adequate housing for special needs groups including elderly, disabled, large families, female heads of households, and the homeless.

H-7: Promote the conservation of natural resources and energy in housing design requirements.

**NOW THEREFORE BE IT RESOLVED**, that the Planning Commission hereby forwards a recommendation that the City Council approve an ordinance (Attachment A) amending the Municipal Code pertaining to accessory dwelling units as required under state law.

The foregoing Resolution of the Planning Commission of the City of Ione was duly introduced and adopted by the Planning Commission at its regular meeting on March 10, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Janice Traverso, City Clerk

ATTACHMENT \_\_

CITY OF IONE

ORDINANCE NO. 520

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IONE, RESCINDING ORDINANCE 494, AND AMENDING THE IONE MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTERS 17.62 (SECOND DWELLING UNITS), and 17.82 (ALLOWED USE DEFINITIONS), RELATING TO ACCESSORY DWELLING UNITS

**WHEREAS**, the City of Ione maintains a Zoning Code, incorporated as Title 17 of the Municipal Code, as an implementation tool of the General Plan, which regulates the allowed uses, setbacks, parking regulations, and other requirements for development in the City of Ione; and

**WHEREAS**, in order to conform with California law and for the benefit of the community regarding accessory dwelling units, amendments to Title 17 are necessary; and

**WHEREAS**, the City Council adopted Ordinance 494 at the October 17, 2017 regular meeting; and

**WHEREAS**, the adopted Ordinance 494 has been found to be legally insufficient to conform with California law; and

**WHEREAS**, the proposed revisions are exempt from review under the California Environmental Quality Act (CEQA), pursuant to Public Resources Code section 21080.17 and 14 Calif. Code of Regs. section 15282(h); and

**WHEREAS**, the proposed amendments are consistent with the General Plan, as the amendments maintain consistency with the Land Use Element and the Housing Element.

**NOW THEREFORE BE IT ORDAINED**, that the City Council of the City of Ione, State of California, does hereby rescind Ordinance 494; and

**BE IT FURTHER ORDAINED**, that the City Council of the City of Ione, State of California, adopts the following proposed Ordinance Amending Title 17 (Zoning), Chapters 17.62, 17.80, and 17.82, as required under AB 2299 and SB 1069.

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IONE, RESCINDING  
ORDINANCE 494, AND AMENDING THE IONE MUNICIPAL CODE, TITLE 17  
(ZONING), CHAPTERS 17.62 (SECOND DWELLING UNITS), 17.80 (GLOSSARY OF  
TERMS), and 17.82 (ALLOWED USE DEFINITIONS), RELATING TO ACCESSORY  
DWELLING UNITS**

Ordinance 494 is rescinded in its entirety and shall be replaced with the following:

Section 1: Amendment of Title 17 (Zoning), Chapter 17.62

Ione Municipal Code, Title 17 (Zoning), Chapter 17.62 (Second Dwelling Units) is hereby amended in its entirety to read as follows:

Chapter 17.62

ACCESSORY DWELLING UNITS

Sections:

- 17.62.010 Purpose.
- 17.62.020 Applicability.
- 17.62.030 Development Standards.
- 17.62.040 Permit Requirements.
- 17.62.050 Review Process for Accessory Structure Not Complying with Development Standards.
- 17.62.060 Findings.
- 17.62.070 Definitions.

17.62.010 Purpose.

The purpose of this Section is to establish procedures for permitting accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) on lots zoned for residential uses, and to implement state law as required for such uses. ADU and JADU are defined in Section 17.82. In accordance with state law, ADUs and JADUs are accessory uses and shall not be counted as an additional dwelling for the purposes of calculating permitted General Plan or residential zoning density.

17.62.020 Applicability.

The provisions of this Chapter apply to all lots that are occupied with a residential dwelling unit and to all vacant lots that are zoned for residential development. The addition of an ADU shall not be considered to result in an increase of the allowable density for the lot upon which the

ADU is located. When established consistent with the following regulations, an ADU is a use consistent with the General Plan and Zoning designation for the lot.

#### 17.62.30 Development Standards.

A. Restrictions. All ADUs and JADUs shall comply with the following regulations:

- No ADU or JADU shall be sold separately from the primary residence.
- An ADU or JADU may only be rented, leased, and/or occupied for residential purposes. If an ADU or JADU is rented, it shall not be rented for a period of less than 30 consecutive days.
- All ADUs and JADUs shall comply with the California Building Standards Code, as amended by the City.
- No additional parking shall be required to be provided for either an ADU or a JADU.
- If a fire sprinkler system is required for the primary residence, a fire sprinkler system is also required in any accompanying ADU or JADU.

B. Design. All ADUs and JADUs shall comply with the following design standards:

○ **ADU Standards.**

- Location and number of ADUs.
  - Subject to the requirements in this section, one ADU is permitted on a lot where (1) a single-family or multi-family dwelling is a permitted use, and (2) where there is an existing or proposed single-family or multi-family dwelling.
  - One detached ADU and one JADU may be permitted on a property with a proposed or existing single-family dwelling where the requirements of Government Code Section 65852.2(e)(1)(A) and (B) are satisfied.
  - One or more ADUs may be permitted on a lot with an existing multi-family dwelling where the requirements of Government Code Section 65852.2(e)(1)(C) or (D) are satisfied. For purposes of this section 17.62.30, “multi-family dwellings” are those that contain more than one dwelling unit, including but not limited to duets, duplexes, triplexes, apartment buildings, and condominium buildings.
- Development Standards. Except for those ADUs exempt from obtaining an ADU Permit, as provided in above, ADUs shall comply with the following:
  - Unit Size and Height.
    - An attached ADU shall not exceed 50 percent of the floor area of the primary dwelling or 1,200 square feet, whichever is less.
    - A detached ADU shall not exceed 1,200 square feet.
    - The maximum height for a detached ADU shall be 16 feet, measured to the roof peak.
    - An attached ADU shall comply with the maximum height restriction applicable to the primary dwelling. When more than 50% of the gross floor area of an ADU is located above an existing or proposed garage, the entire combined structure shall not exceed 25 feet in height.

- Setbacks.
  - No setbacks shall be required for conversion of an existing living area or accessory structure into an ADU, or the new construction of an ADU in the same location and to the same dimensions as an existing structure.
  - For all other ADUs, the required setback from side and rear lot lines shall be four feet, and the ADU shall conform to the front yard setback regulations applicable to the zoning district in which it is located.
  - A detached ADU shall be a minimum of five feet from the primary dwelling, measured from the closest point of the ADU (whether wall, balcony, eave, etc.) to the closest point of the primary dwelling.
- ADUs shall comply with the development standards applicable to the zoning district in which they are located, except as modified herein. Where the application of lot coverage, floor area ratio, setbacks, or other development regulations would not permit construction of an 800-square-foot ADU that is 16 feet in height with four-foot side and rear yard setbacks, the regulation(s) at issue shall be waived, to the extent permitted by law, to permit such an ADU.
- Architectural Design.
  - An ADU shall have a separate exterior access point independent from the primary dwelling.
  - Where a proposed ADU will likely be visible from a public street or thoroughfare, design elements shall be used that are similar in materials, color, style, and form to the primary dwelling, including the exterior siding, trim and color, roof materials, and window placement and type. An ADU that will be located behind the primary dwelling and that will not be visible from the public street shall use decorative exterior cladding and window treatments suitable for a permanent residence.
  - All windows that face a side yard adjoining a side yard of an adjacent property and are located within 15 feet of the shared property line shall be a minimum of 6.5 feet above the finished floor height (“clerestory”), except that this standard does not apply if a structure on the adjacent property does not have any non-clerestory windows on the building elevation that faces the ADU.
  - Exterior lighting shall be shielded or directed so that it does not glare off-site or illuminate the primary residence or an adjacent property.
  - All ADUs must have permanent foundations.
- **JADU Standards.**
  - Subject to the requirements in this section, one JADU is permitted on any property where single-family residential use is a permitted use and there is an existing or proposed single-family dwelling.
  - The owner of a parcel with a JADU shall occupy as a principal residence either the single-family dwelling or the JADU, except where the owner is another governmental agency, land trust, or housing organization.



- Development Standards.
  - JADUs shall comply with the development standards applicable to the zoning district in which they are located, except as modified herein.
  - A JADU shall be a minimum of 220 square feet and a maximum of 500 square feet.
  - A JADU must be contained entirely within the walls of an existing or proposed single-family dwelling.
  - A JADU shall, at a minimum, include an efficiency kitchen meeting the requirements of Government Code Section 65852.22.
  - A JADU may contain separate sanitation facilities or may share sanitation facilities with the principal dwelling unit. JADUs that share sanitation facilities with the principal dwelling unit are required to maintain an interior connection between the JADU and the primary dwelling.
  - Any exterior improvements associated with the development of a JADU shall conform to the zoning regulations applicable to the property.

C. Covenants and Recordation. A covenant, in a form acceptable to the City of Ione, shall be recorded with Amador County, prior to issuance of any building permit for an ADU. Failure to record the covenant shall be grounds for code enforcement action by the City. The purpose of recording the covenant is to ensure that future property owners are made aware of the requirements under which the ADU shall be maintained, including:

- A deed restriction shall be recorded that: prohibits the sale of the ADU separate from the sale of the single-family residence; includes a statement that the deed restriction may be enforced against future purchasers; and restricts the size and features of the ADU in accordance with this section.

D. Utilities and Fees. Notwithstanding any other provision of this Code, or any ordinance or resolution of the City of Ione, the development impact fees for an ADU and a JADU shall be applied as follows:

- ADUs and JADUs shall be subject to the payment of all water, sewer, or other utility fees, except as otherwise provided in this section or in Government Code Sections 65852.2 and 65852.22.
- Except where constructed with a new single-family dwelling, an ADU or JADU that meets the requirements of Government Code Section 65852.2(e)(1)(A) shall not be required to install a new or separate utility connection directly between the ADU/JADU and the utility, and shall not be charged a connection fee or capacity charge.
  - For any ADU or JADU not exempted under subsection (a) above, the City may require a new or separate utility connection between the ADU/JADU and the utility and may charge a connection fee or capacity charge, at the discretion of the Building Official. The connection fee or capacity charge shall be proportionate to the burden of the proposed ADU/JADU, based on its square feet or the number of drainage fixture unit (DFU) values, upon the water or sewer system.

- An ADU or JADU shall not be considered a new residential use for purposes of calculating connection fees or capacity charges, except where constructed with a new single-family dwelling.
- JADUs and ADUs less than 750 square feet shall not be subject to any impact fees. ADUs that are 750 square feet or larger shall be subject to applicable impact fees, charged proportionately in relation to the square footage of the primary dwelling. For purposes of this section, “impact fee” shall have the same meaning as defined in Government Code Section 65852.2(f).

E. Approval. Before constructing an ADU or JADU, an applicant shall obtain necessary permits in accordance with this section. The application for planning review and for a building permit to construct an ADU on an existing residentially-zoned lot shall be ministerially approved if the requirements of this code are met.

- Projects Subject to ADU Permit Review.
  - For all proposed ADUs, an application shall be submitted to the Planning Division on prescribed forms that demonstrates that the ADU complies with the requirements of this section.
  - An application for an ADU permit shall be processed and considered ministerially, without discretionary review or a public hearing, consistent with the requirements of this section and state law, within 60 days of submittal of a complete application. The 60-day review period shall not apply when:
    - An ADU permit application is submitted contemporaneously with an application for a single-family or multi-family dwelling that is subject to discretionary review under this Chapter. The ADU permit application shall be considered separately without discretionary review or a public hearing, following action on the portion of the project subject to discretionary review.
    - The applicant seeks a delay.
  - In addition to obtaining an ADU permit, the applicant shall be required to obtain a building permit and any other applicable construction-related permits prior to construction of the subject unit.
- Projects Exempt from Obtaining an ADU Permit.
  - An ADU permit shall not be required if the proposed unit meets the requirements of Government Code Section 65852.2(e)(1) and the California Building Standards Code, as amended by the City. Any ADU which does not require an ADU permit may submit a building permit application directly to the Building Division.
  - JADUs are exempt from obtaining an ADU permit and may submit a building permit application directly to the Building Division.
- Except for ADUs and JADUs that are exempt from obtaining an ADU permit under subsection (2) above, any building additions or accessory structures located on the parcel that are not in compliance with the City Code of Lone shall be brought into compliance with the City Code prior to approval of an ADU.

- The City of Ione shall not issue a certificate of occupancy for an ADU or JADU before issuing a certificate of occupancy for the primary dwelling.
- Applications to construct an ADU or JADU on a property that is designated as a historic resource by the City of Ione, the State of California, or by the National Register of Historic Places, shall show substantial compliance with the guidelines of the Secretary of the Interior for development on such a property.

F. Parking. A minimum of one parking space per ADU or per bedroom, whichever is less, shall be required. These spaces may be provided as tandem parking, may be covered or uncovered, and may be located on an existing driveway if the use of such driveway does not decrease required parking for the primary structure. Parking is not required if the ADU is located:

1. Within one-half mile walking distance of public transit;
2. Within the City of Ione's downtown residential overlay district;
3. Where on-street parking permits are required but not offered to the occupant of the ADU;
4. Where a car-share vehicle is located within one block of the ADU;
5. Entirely within a legally existing primary or accessory structure.

17.62.050 Review Process for ADUs and JADUs Not Complying with Section 17.62.030.

(a) A proposal to establish an ADU that does not comply with Section 17.62.030 may be permitted with an administrative use permit, at the discretion of the City Planner, subject to the required findings of Section 17.62.060.

(b) Any appeal of the City Planner's decision shall comply with Section 17.08.060 - Appeals.

17.62.060 Findings.

A. In order to deny an administrative use permit under Section 17.62.050, the City Planner shall find that the ADU would result in known risks to the public health or public safety, including fire safety, that cannot be mitigated or would introduce more than insignificant privacy impacts to any adjacent property.

B. In order to approve an administrative use permit under Section 17.62.050 that requires the waiver of required ADU parking, the City Planner shall find that requiring additional on-site parking would be detrimental to the public health or public safety, and that granting the waiver meets the purposes of the Chapter.

17.62.070 Definitions.

Terms unique to this chapter are defined in Chapter 17.80 (Glossary of Terms), and the definitions of Accessory Dwelling Unit and Junior Accessory Dwelling Unit are found in Section 17.82 (Allowed Use Definitions).

Section 2. Amendment of Title 17 (Zoning), Chapter 17.82 (Allowed Use Definitions).

Amendment of Title 17 (Zoning), Chapter 17.82, Section 17.82.020 (Allowed Use Definitions) is hereby amended as follows by replacing the following allowed use definitions in their entirety:

**Accessory Dwelling Unit (ADU).** An attached or 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 shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An ADU also includes an “Efficiency Unit” as defined in Health and Safety Code Section 17958.1 and a “Manufactured Home” as defined in Health and Safety Code Section 18007. An ADU shall be considered an accessory use.

**Junior Accessory Dwelling Unit (JADU).** A residential dwelling unit that provides complete independent living facilities for one or more persons, is no more than 500 square feet in size, and is contained entirely within a single-family residence.

#### Section 4: No Mandatory Duty of Care

This ordinance is not intended to, and shall not be construed or given effect as to impose upon the City of Ione, or any officer or employee thereof, a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

#### Section 5: Severability

If any provision of this ordinance, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without said invalidated provision or application, and to this end the provisions of this ordinance are severable. The City Council of the City of Ione hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof, and intends that the invalid portions should be severed and the remainder of the ordinance enforced.

#### Section 6: Environmental Review

The City Council of the City of Ione hereby finds this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14, Chapter 3, Section 15282(h) of the California Code of Regulations. A Notice of Exemption will be prepared.

#### Section 7: Prior Violations

Neither the adoption of this ordinance, nor the repeal or amendment by this ordinance of any ordinance, or part or portion of any ordinance, previously in effect in the City of Ione, or within the territory comprising the City, shall in any manner affect the prosecution of a violation of any ordinance, which violation was committed prior to the effective date of this ordinance, nor shall the adoption of this ordinance be construed as a waiver of any license, fee, penalty, or the penal provisions applicable to any violation of such ordinances.

#### Section 8: Effective Date

This ordinance shall be effective 30 days following its adoption by the City Council of the City of Ione. A summary of this ordinance shall, within fifteen (15) days after passage, be published in accordance with Section 36933 of the Government Code of the State of California, with the names of the City Council members voting for and against it.

INTRODUCED at a regular meeting of the City Council of the City of Ione on the \_\_\_\_\_ day of \_\_\_\_\_, 2020; and

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by the following vote:

AYES: Councilmembers: \_\_\_\_\_

NOES: Councilmembers: \_\_\_\_\_

ABSENT: Councilmembers: \_\_\_\_\_

ABSTAIN: Councilmembers: \_\_\_\_\_

\_\_\_\_\_  
DIANE WRATTEN, MAYOR  
CITY OF IONE

ATTEST:

\_\_\_\_\_  
Janice Traverso, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
David A. Prentice, City Attorney

## **NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN THAT** the Planning Commission of the City of Lone will hold a public hearing at 6:00 p.m. at its regular meeting on Tuesday, March 10, 2020 to give the public the opportunity to comment on the following item: Proposed amendments to the City of Lone Municipal Code, Chapter 17, Zoning, Section 17.62 Second Dwelling Units.

Action anticipated:

- 1) Adoption of a Resolution of the Planning Commission recommending to the City Council an Ordinance amending this section of the Zoning Code.

Under the California Environmental Quality Act of 1970, the project described herein has been determined by staff to be exempt from review Under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Sections 15061(b), 15301, and 15303.

The Planning Commission will take up this item at its regular meeting on Tuesday, March 10, 2020 at 6:00 p.m. at the City of Lone, City Hall, 1 E. Main Street, Lone. Additional information is available for public review during regular business hours, Monday through Friday, 8:00 a.m. to 4:30 p.m., at the City of Lone City Hall.

Interested persons should attend the Planning Commission Meeting to make their comments known. If you are unable to attend the public hearing, you may submit written comments to the City Clerk, City of Lone, P.O. Box 398, Lone, CA 95640 not later than 6:00 p.m. Tuesday, March 10, 2020.

### **NOTICE REGARDING CHALLENGES TO DECISIONS**

Pursuant to all applicable laws and regulations, including without limitation California Government Code Section 65009 and or California Public Resources Code Section 21177, if you wish to challenge in court any of the above decisions (regarding planning, zoning and/or environmental decisions), you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice, or in written correspondence delivered to the City at, or prior to, this public hearing.

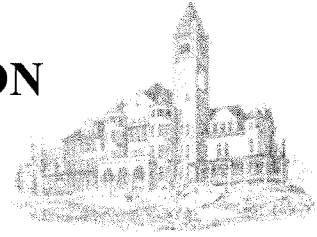
### **ADA COMPLIANCE STATEMENT**

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at 209-274-2412. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

To be published on: Friday, February 28, 2020  
Janice Traverso, City Clerk



## **CITY OF IONE PLANNING COMMISSION STAFF REPORT**



**DATE: MARCH 12, 2019**

**TO: HONORABLE PLANNING COMMISSION**

**FROM: APRIL WOODEN, CITY PLANNER**

**SUBJECT: 2019 GENERAL PLAN ANNUAL PROGRESS REPORT**

### **STAFF RECOMMENDED ACTION:**

Staff recommends that the Planning Commission:

1. Receive the staff report;
2. Take public comment; and
3. Adopt a Resolution recommending that the City Council direct staff to submit the 2019 General Plan Annual Report to the California Housing and Community Development Department and the Office of Planning and Research.

### **BACKGROUND:**

California law requires each city to adopt a comprehensive, long-term General Plan to guide the physical development of the incorporated city and land outside city boundaries that bears a relationship to its planning activities. The General Plan serves as a blueprint for future growth and development. As such, the plan contains policies and programs designed to provide decision makers with a solid foundation for land use and development decisions.

State law further requires each city to complete an annual review of the General Plan to ensure that the goals, policies, and plans of the General Plan are being implemented. The report covers the previous calendar year, 2019.

This report must:

- Identify compliance with the State General Plan Guidelines;
- Identify status of the General Plan and the process towards its implementation;
- Describe the City's progress in meeting its Regional Housing Needs Allocation;
- Identify any sites rezoned to accommodate shortfall housing needs;
- Describe progress in addressing/removing governmental constraints to the maintenance, improvement, and development of housing; and
- Identify approved commercial development bonuses.

**ANALYSIS:**

The Annual Report indicates that the City is making progress on implementation of the General Plan. The City operates within significant staffing and funding constraints that affect its ability to make greater progress on goals of the Housing Element. Non-competitive state funding may be available during 2020 to assist the City in addressing some existing potential barriers to development of affordable housing, in particular, by providing funding to update the City's zoning code to streamline application processes and to simplify development standards.

**ENVIRONMENTAL REVIEW:**

The submission of the General Plan Annual Report is not a "project" under CEQA and, therefore, no environmental review is required.

**RECOMMENDED ACTION:**

Adopt a Resolution of the Planning Commission of the City of Ione directing staff to submit the 2019 General Plan Annual Report to the City Council.

**ATTACHMENTS:**

1. A Resolution recommending that the City Council direct staff to submit the 2019 General Plan Annual Report to the California Housing and Community Development Department and the Office of Planning and Research.
2. 2019 General Plan Annual Report



RESOLUTION NO. PC2020-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IONE  
RECOMMENDING THAT THE CITY COUNCIL DIRECT STAFF TO SUBMIT  
THE 2019 GENERAL PLAN ANNUAL REPORT TO HCD AND OPR

**WHEREAS**, Government Code Section 65400 requires the Planning Agency of the City to prepare an annual report on the status of the implementation of the General Plan each year, and

**WHEREAS**, the City Planning Department has prepared such report and presented it to the Planning Commission at a public meeting, and

**WHEREAS**, the Planning Commission determined that the report satisfies the requirement under the Government Code;

**NOW, THEREFORE, BE IT RESOLVED**, the Planning Commission hereby recommends that the City Council direct staff to submit the 2019 General Plan Annual Progress Report for the City of Ione to HCD and OPR.

The foregoing resolution was duly introduced and adopted by the Planning Commission of the City of Ione at their regular meeting held on March 10, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Mark Hopkins, Chairman

ATTEST:

\_\_\_\_\_  
Janice Traverso, City Clerk

<b>Jurisdiction</b>	Ione	
<b>Reporting Year</b>	2019	(Jan. 1 - Dec. 31)

<b>Building Permits Issued by Affordability Summary</b>		
<b>Income Level</b>		<b>Current Year</b>
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	38
Above Moderate		0
Total Units		<b>38</b>

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

<b>Housing Applications Summary</b>	
Total Housing Applications Submitted:	0
Number of Proposed Units in All Applications Received:	0
Total Housing Units Approved:	0
Total Housing Units Disapproved:	0

<b>Use of SB 35 Streamlining Provisions</b>	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

<b>Units Constructed - SB 35 Streamlining Permits</b>			
<b>Income</b>	<b>Rental</b>	<b>Ownership</b>	<b>Total</b>
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	0	0	0

Cells in grey contain auto-calculation formulas