

AGENDA

CITY OF PLYMOUTH

PLANNING COMMISSION

Regular Meeting

THURSDAY, FEBRUARY 5, 2026

9426 Main Street, Plymouth, California



Michael Sullivan, Chair

William Klaproth, Vice Chair

Micki East, Planning Commissioner

Thomas Mikkelsen, Planning Commissioner

Micah Malcolm, Planning Commissioner

PLEASE NOTE: The Planning Commissioners may take up any agenda item at any time, regardless of the order listed. Action may be taken on any item on the agenda. **Members of the public who wish to speak may be subject to a three (3) minute maximum time limit when addressing the Commission, and/or the Commission may require speaker identification sheets be submitted to the Planning Clerk prior to being called upon by the Chairman to provide public comment.**



CITY OF PLYMOUTH

PLANNING COMMISSION

REGULAR MEETING AGENDA

Thursday, February 5, 2026, at 6:30PM

Plymouth City Hall - 9426 Main Street Plymouth, California

Members of the public not attending in person may submit written public comment prior to the meeting by emailing your comment to the Planning Clerk at ismith@cityofplymouth.org before 3:30 PM on the day of the meeting. Emailed public comments will be distributed to the Commission and made part of the official record.

Meeting ID: 976 7813 8724 Passcode:934458

<https://zoom.us/j/97678138724?pwd=qFCTkxNyhbhPMd2qTl4iPU4C62yKaz.1>

Michael Sullivan, Chair

William Klaproth, Vice Chair

Thomas Mikkelsen, Commissioner

Micki East, Commissioner

Micah Malcolm, Commissioner

This meeting will be recorded. Council Chambers are wheelchair accessible. Special accommodations may be requested by contacting the Planning Clerk 72 hours in advance of the meeting.

Please silence all cell phones or similar devices.

1. CALL TO ORDER / ROLL CALL:

- Roll Call
- Flag Salute

**2. APPROVAL OF PLANNING COMMISSION REGULAR MEETING AGENDA
FOR FEBRUARY 5, 2026**

3. PUBLIC COMMENT:

Under provisions of the Government Code, citizens wishing to address the Commission for any matter not on the agenda may do so at this time by completing and submitting a Speaker Submittal Form to the Planning Clerk or following the instructions noted on this agenda. Speakers will be called by the Chair at the point on the agenda when the item will be heard. Speakers should keep comments to three minutes or less and state their name and community of residence. Under provisions of the California Government Code, the Commission is prohibited from materially discussing or taking action on any item not on the agenda unless it can be demonstrated to be of an emergency nature or an urgent need to take immediate action arose after the posting of the agenda.

4. PRESENTATIONS/APPOINTMENTS: NONE

5. CONSENT CALENDAR ITEMS:

All matters listed under the Consent Calendar are to be considered routine and will be enacted by one motion. If discussion is required, that particular item will be removed from the consent calendar and will be considered separately.

5.1 APPROVAL OF THE PLANNING COMMISSION REGULAR MEETING MINUTES OF SEPTEMBER 18, 2025

5.2 APPROVAL OF THE PLANNING COMMISSION SPECIAL MEETING MINUTES OF DECEMBER 9, 2025

6. PUBLIC HEARINGS:

6.1 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLYMOUTH APPROVING THE ADOPTION OF CHAPTER 19.74, ACCESSORY DWELLING UNITS TO THE CITY'S ZONING ORDINANCE

7. UNFINISHED BUSINESS: NONE

8. NEW BUSINESS:

9. REPORTS:

- Commission
- Chairperson
- Planning Director
- City Staff

10. ADJOURNMENT

The next regular scheduled Planning Commission Meeting Date is February 19, 2026. The meeting will begin at 6:30pm.

ADDITIONAL INFORMATION

Public documents related to items on the open session portion of this agenda, which are distributed to the Planning Commission no less than 72 hours prior to the meeting, shall be available for public inspection at the Planning Clerk's office located at Plymouth City Hall and at the time of the meeting.

NOTICE:

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the Planning Clerk at (209) 245-6941 Ext. 256 at least 48 hours prior to the meeting.

CERTIFICATION OF POSTING OF AGENDA

I, Jacob Smith, Planning Clerk for the City of Plymouth, declare that the foregoing agenda for the February 5, 2026, Regular Meeting of the Plymouth Planning Commission was posted and available for review on February 2, 2026, at the City Hall of the City of Plymouth, 9426 Main Street, Plymouth, California, 95669. The agenda is also available on the city website at www.cityofplymouth.org.

Signed at Plymouth, California

//s//

Jacob Smith
Planning Clerk

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PUBLIC COMMENT

4

PRESENTATIONS APPOINTMENTS

5

CONSENT CALENDAR ITEMS

5.1



CITY OF PLYMOUTH
PLANNING COMMISSION
DRAFT MINUTES

THURSDAY, SEPTEMBER 18, 2025 at 6:30 PM

Plymouth City Hall - 9426 Main Street Plymouth, California

Michael Sullivan, Chair

William Klaproth, Vice Chair

Thomas Mikkelsen, Commissioner

Vacant Commissioner Seat

Vacant Commissioner Seat

- 1. CALL TO ORDER / ROLL CALL:** Meeting called to order at 6:30pm
Planning Commissioners Present: William Klaproth, Thomas Mikkelsen, Michael Sullivan
Planning Commissioners Absent: None
Staff/Advisory Present: Planning Director, Erica Fraser; Interim City Manager, Cameron Begbie, Planning Clerk, Dana Knight
- 2. APPROVAL OF PLANNING COMMISSION REGULAR MEETING AGENDA FOR SEPTEMBER 18, 2025**
No Public Comment
Motion to approve the Regular Meeting Agenda for September 18, 2025 as presented by Commissioner Mikkelsen, second by Vice Chair Klaproth. Motion passed by roll call vote with 3 Yes votes by Mikkelsen, Klaproth and Sullivan with 0 No votes, 0 Abstain votes, with 0 Commissioners absent.
- 3. PUBLIC COMMENT:** None
- 4. PRESENTATIONS/APPOINTMENTS:** NONE
- 5. CONSENT CALENDAR ITEMS:**

All matters listed under the Consent Calendar are to be considered routine and will be enacted by one motion. If discussion is required, that particular item will be removed from the consent calendar and will be considered separately.

5.1 APPROVAL OF THE PLANNING COMMISSION REGULAR MEETING MINUTES OF AUGUST 21, 2025

No Public Comment

Motion to approve the Consent Calendar as presented by Vice Chair Klaproth, second by

Commissioner Mikkelsen. Motion passed by roll call vote with 3 Yes votes by Mikkelsen, Klaproth and Sullivan with 0 No votes, 0 Abstain votes, with 0 Commissioners absent.

6. PUBLIC HEARINGS:

6.1 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLYMOUTH APPROVING A TEMPORARY USE PERMIT (PA 2025-12) TO ALLOW A TEMPORARY HALLOWEEN ATTRACTION ON A 30 ACRE PARCEL LOCATED AT 9424 PACIFIC STREET (APN 010-150-016)

RECOMMENDATION: Hold a Public Hearing, receive public testimony, review, discuss and adopt Resolution 2025-10.

Chair Sullivan opened the Public Hearing

Director Fraser stated that Temporary Use Permits are typically reviewed by her, the Director, to make a determination, but because of the nature of this project she wanted to elevate it to the Planning Commission for a decision. She spoke on the history of the property and gave detailed information about the project.

Written Public Comments received and read into the record from: Steve and Elizabeth Pinotti, Beth Rosenthal, Jon Colburn, Lindsey Clark, Clayton Morris, Samantha Churcher, James Tokevich, Melvin and Patricia Cossairt, Steve Ward, Maria Jacqueline Lopez Morales, Carlos David Morales, and Rocio Lopez Vega.

The applicants, Sam and Sherean Maynard, spoke about their vast experience with this kind of attraction. For 8 years they had a similar business in Winters that brought many people to the area during the month of October that shopped at the stores, ate at the restaurants, and stayed at the Airbnb's. Sherean stated that this is a high level, classy outdoor attraction. The Enchanted Forest is during the day and is for families and kids. The Haunted Forest is at night and is more of a scary attraction geared towards adults. The hope is for this to be a fun thing, and something that Plymouth will be known for and is proud of.

Kendall Maynard, son of Sam and Sherean Maynard, spoke about where and how the Haunted Forest business began.

Shirla Lopez, local realtor, attended the training for new employees of the Haunted Forest. She said 40-50 young adults were so excited to be part of this event.

Elizabeth Pinotti, Plymouth resident, stated that she and her husband spoke with the Maynards and are still cautious about it, in part because of the parking lot that is next to their Airbnb. They would like the Maynards to move the parking lot further into their property, as it is quite a large property, and use the road near the PG&E Substation instead of Pacific Street for in and out traffic. Ms. Pinotti also stated that she believes the city does not own Pacific Street and that there is a Prescriptive Use Easement which the city originally had that then passed to the residents that live on Pacific Street. Sam Maynard responded that they want to use the Highway 49 entrance/exit and already have a traffic plan for that area. Stated that this would let them have the parking deeper in the property, far away from houses. Sherean Maynard shared that they have documentation that shows the road was there before the highway went in in 1931 and doesn't think that they need to get an easement from Caltrans to use it. Said, it has been used by PG&E throughout the years, and the history may have just been forgotten.

Rosemarie Moreno Moody, Plymouth resident, has concerns for the residents of Pacific Street with the 12:00am closing time. She also pointed out that the Haunted Forest's website is showing additional days that they would be open that don't match what the use permit says. Ms. Moody stated that Pacific Street is a narrow road, and that some people that live on that street, park their cars in front of their house's. She suggests using the road by the substation instead of Pacific Street.

Jon Colburn, long time Plymouth resident, provided a picture that shows how narrow Pacific Street is. Spoke about the parking congestion on the side streets when the 49er has their Halloween events. Said the intersection of Empire Street and the highway has the most traffic accidents than anywhere in the county. Stated that no residents on Pacific Street were notified about this event. Mr. Colburn said he hasn't had a chance to read the report provided but said there is no benefit to the City from this event and no mention of parking outside the perimeter of this event. The 9:00pm zoning ordinance should be enforced, and if it is not, it will impact him personally. He stated that he will appeal if the commission votes this through using Pacific Street.

Crin Solis, Plymouth resident who lives close to the Haunted Forest area, stated that her whole family is excited about this event and is not concerned about extra traffic or noise on Pacific Street, since they are used to that during fair week.

Lindsey Clark, Plymouth resident, stated she lives on Pacific Street, and is speaking on behalf of four residents that live on Pacific Street, who all signed a letter that was turned in, and are all in favor of this event. Said it will bring in temporary jobs and work experience for our youths and will bring the community together and give them an opportunity to get to mingle with others in the community. Ms. Clark shared that so many people have reached out to her about this event, and it is beyond anything that we have had to offer in the past.

Sterling Maynard, son of Sam and Sherean Maynard, stated that parking will not be on the streets anywhere. All parking will be on our property and traffic will loop around and not stop. Event tickets come with parking and there is no extra parking fee.

Todd Ramos, resident of Burke Ranch in Plymouth, asked the applicants if they own the property and if they are planning on doing this event every year. They said yes, they do, and yes, they want to do this event every year. Mr. Ramos stated that he agrees with Jon Colburn about the event ending at 9:00pm and is opposed to it for spiritual reasons with the Halloween thing.

Steve Pinotti, Plymouth, said they have a vacation rental right next door and were opposed to this at first, but spoke to the Maynard's and then thought it was a good deal, but only on the condition that Pacific Street was not used as a traffic flow. Mr. Pinotti talked about issues with being able to access their house if needed, the fact that this can hurt their Airbnb ratings and that they have already had to refund money because of this event. Doesn't see how using Pacific Street would work.

Todd Ramos said he is trying to get into city development and wouldn't want Plymouth to be known as a Halloween or haunted house town. We already have the 49er that does Halloween events there.

Mike O'Meara, who lives on Sutter Street, sees Jon's point about Pacific being an issue since it is narrow. Will attend this event and will just walk over.

The Commission asked the applicants questions about days, hours, noise, parking, attendance numbers, food trucks, traffic on Pacific Street, incident plans, and about possibly needing an encroachment permit from Caltrans to use the road near the PG&E Substation for traffic instead of Pacific Street.

Rosemarie Moreno Moody shared that when Carol Emerson owned the property an encroachment permit was done and should be attached to the deed.

Todd Ramos let Sam Maynard know that a comment he made did not sit right with him.

Jon Colburn cautioned that signs in Martell and several other places for this event are on Caltrans right of ways without permits.

Eldon Maynard mentioned possibly hiring a security company instead of paying for a sheriff deputy.

After discussion, a Motion was made by Chair Sullivan to use the existing driveway to the property on Highway 49 with additional indemnification to the City as directed by the Planning Director in the verbiage, use the hours and days as stated in the notice materials under #2 of the Conditions of Approval, amend condition #11 regarding entry and exits for signs as directed by the Planning Director, food truck hours are limited to closing at 9:00pm, and any bills invoices costs etc., the city manager will work with the operator and sheriff to determine those costs and additional costs for extraordinary circumstances or staffing up due to increase in call volume or other items would be borne by the operator, second by Vice Chair Klaproth. Motion failed by roll call vote with 2 Yes votes by Klaproth and Sullivan, with 1 No vote by Mikkelsen, 0 Abstain votes, with 0 Commissioners absent. After the vote failed, Commissioner Mikkelsen stated that he will change his vote to yes if he can get a commitment from the operators, that they will contact Caltrans and do what they can to get an encroachment permit as soon as possible. The Maynards agreed. With a second roll call vote the Motion passed with 3 Yes votes by Mikkelsen, Klaproth and Sullivan, with 0 No votes, 0 Abstain votes, with 0 Commissioners absent.

7. UNFINISHED BUSINESS: NONE

8. NEW BUSINESS:

8.1 REVIEW AND DISCUSS POTENTIAL MODIFICATIONS TO THE USE MATRIX AND DEFINITIONS FOR COMMERCIAL PROPERTIES

RECOMMENDATION: Conduct a Study Session, receive public testimony, review, discuss and give staff direction on possible changes or additions to the Use Matrix.

Director Fraser presented some changes to the Use Matrix to make it clearer, in part by adding and updating definitions and changing some of the requirements for Commercial Zoning Districts.

No Public Comment

All changes discussed will be made and brought back to the Commission along with Permit Requirements in another study session, before they go to the City Council for adoption.

9. REPORTS:

- Commission - None
- Chairperson - None
- Planning Director – No changes in applications since the last meeting. ARCO is still a project, and we are awaiting their revised application.
- City Staff - None

10. ADJOURNMENT: 8:37PM

Respectfully submitted,

//s//

Dana Knight
Planning Clerk

DRAFT

5.2



CITY OF PLYMOUTH PLANNING COMMISSION SPECIAL MEETING MINUTES

Tuesday, December 9, 2025, at 6:30 PM

Plymouth City Hall - 9426 Main Street Plymouth, California

Members of the public not attending in person may submit written public comment prior to the meeting by emailing your comment to the City Clerk at vmchenry@cityofplymouth.org before 3:30 PM on the day of the meeting. Emailed public comments will be distributed to the Commission and made part of the official record.

Michael Sullivan, Chair

William Klaproth, Vice Chair

Vacant Commissioner Seat

Thomas Mikkelsen, Commissioner

Vacant Commissioner Seat

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1. CALL TO ORDER / ROLL CALL:

Meeting called to order at 6:33 pm

COMMISSIONERS PRESENT:

Michael Sullivan, William Klaproth, Thomas Mikkelsen

COMMISSIONERS ABSENT:

None

STAFF/ADVISORY PRESENT:

Erica Fraser, Planning Director, Cameron Begbie, Interim City Manager (via Zoom), Victoria McHenry, City Clerk, Jacob Smith, Audio/Video Technician

STAFF/ADVISORY ABSENT:

None

Flag Salute led by Commissioner Mikkelsen

2. APPROVAL OF PLANNING COMMISSION SPECIAL MEETING AGENDA FOR DECEMBER 9, 2025

Vice Chair Klaproth motioned to approve the Planning Commission Special Meeting Agenda for December 9, 2025. Second by Commissioner Mikkelsen. Motion passed with a roll call vote of 3-0.

3. PUBLIC COMMENT: NONE

4. PUBLIC HEARINGS:

4.1 RESOLUTIONS APPROVING A MAJOR DESIGN REVIEW FOR EXTERIOR MODIFICATIONS AND A CONDITIONAL USE PERMIT OF A BAR (WITH ALCOHOL SALES) AND LIVE ENTERTAINMENT.

RECOMMENDATION: Hold a Public Hearing, receive public testimony, review, discuss and adopt Resolution 2025-11 and Resolution 2025-12.

Isy Borjon, the owner of the proposed facility stated his wish is to bring an outdoor family friendly restaurant to Main Street in Plymouth. He wants to bring something different to Plymouth, giving citizens new options to choose from. Mr. Borjon hopes to have music on weekend nights. He states he will be a good neighbor and will comply with any specifications added by the planning commission.

Thomas Seth Roberson stated that since he lives across from the proposed facility, he is concerned with the noise issues from any music that may be amplified. He is also concerned with lighting in that area.

Chair Sullivan addressed Interim City Manager Begbie, who was attending the meeting via Zoom and asked him if the City will address any issues or complaints that arise and if so the City will be prepared to enforce any ordinances that are broken. Interim City Manager Begbie stated that the City is prepared to take action if needed. Planning Director Fraser stated that permits can be revoked if ordinances are broken and once revoked it is very hard to get a new permit.

Mr. Borjon stated that he has no problem with following the noise ordinance and will comply with non-amplified music.

Rosemarie Moody commended the Borjon family and feels they are wonderful people that will bring an awesome business to Plymouth. She is concerned about parking and hopes the City will address the issue of parking for the new businesses that are coming to Main Street.

Micah Malcom stated he is a 12-year Plymouth resident and a longtime friend of Mr. Borjon. He feels Plymouth needs this business and is confident that Mr. Borjon will be good neighbor to the surrounding properties.

Miguel Victor, the designer for the proposed facility, joined via Zoom. He feels the restaurant/bar is a great idea and that they will abide by the stipulations of the permit. Mr. Victor feels the trees and fences will help with the sound barrier. He is ready to move forward and hopes the Planning Commission will approve this.

After the commissioners discussed the item, Chair Sullivan motioned to approve a major design review for exterior modifications and a conditional use permit of a bar (with alcohol sales) and live entertainment approving Resolution 2025-11 and Resolution 2025-12 with conditions of approval added to the Conditional Use Permit Resolution requiring Staff to ensure the Conditions of Approval for the project are transmitted to ABC and no amplified music will be allowed. . Second by Commissioner Klaproth. Motion passed with a roll call vote of 3-0.

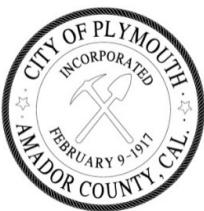
5. ADJOURNMENT AT 7:13 PM

Respectfully Submitted at Plymouth, California
//s//
Victoria McHenry
City Clerk

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PUBLIC HEARINGS

6.1



PLANNING COMMISSION AGENDA ITEM NO. 6.1

2/05/2026

SUBJECT: Accessory Dwelling Units – Zoning Ordinance Amendment

DEPARTMENT: Planning Department

STAFF: Erica Fraser, AICP, Planning Director

TITLE

Amendment to the Zoning Ordinance to add Chapter 19.74, Accessory Dwelling Units

BACKGROUND

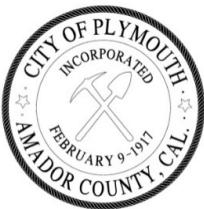
In recent years, the California Legislature has approved, and the Governor has signed into law a number of bills that impose new limits on local authority to regulate ADUs and JADUs.

The Planning Commission reviewed regulations regarding Accessory Dwelling Units during a Study Session on January 18, 2024. While some of the information provided during the study session is now outdated with the bills that have passed since then, the basic information provided is still relevant. Please refer to the Staff Report included as Attachment 2 for more information.

Recently the State has adopted three new bills that affect how the City can regulate Accessory Dwelling Units. The following three bills were enacted as non-urgency measures and took effect on January 1, 2026.

AB 1154 – JADU Owner-Occupancy; Short-Term Rental

When a JADU is developed, existing state law requires a property owner to reside in the JADU or remaining portion of the single-family dwelling. AB 1154 narrows this requirement to now only apply when a JADU shares sanitation facilities (bathroom) with the single-family dwelling. If the JADU has its own



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2/05/2026

bathroom, then the property owner does not have to reside on the property at all. (See amended Gov. Code, § 66333(b).)

AB 1154 also expressly prohibits JADUs from being used as short-term rentals (i.e., rented for a term shorter than 30 days). (See amended Gov. Code, § 66333(g).) Most ADU ordinances already included this prohibition (as well as prohibiting ADUs from being used as short-term rentals). But now it's required by state law.

SB 9; SB 543 – ADU Ordinance Submittal to HCD; Approval

Under existing law, local agencies are required to submit a copy of their ADU ordinance to the California Department of Housing and Community Development (HCD) within 60 days of adoption.

This year's SB 9 and SB 543 create a penalty for failing to do so by rendering null and void any local ordinance that is not submitted to HCD within 60 days of adoption. (See amended Gov. Code, § 66326(d); new Gov. Code, § 66333.5(d).) The bills further specify that a local ADU ordinance is null and void if HCD issues findings that the ordinance does not comply with state law and the local agency fails to respond to HCD within 30 days. (*Id.*)

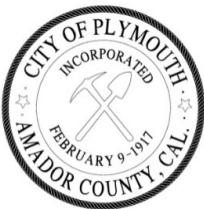
SB 543 – ADU Size; Number of ADUs; Impact Fees; Application Timeline

SB 543 makes numerous changes and clarifications to state ADU law, the most notable of which are summarized below.

ADU & JADU Size

Existing law limits the maximum size of a JADU to 500 square feet and prohibits local ADU ordinances from imposing certain development standards that would prevent an ADU created under Government Code section 66314 through 66322 from being at least 800 square feet.

SB 543 amends state ADU law to specify that allowable square footage of an ADU or JADU refers to square footage of "interior livable space." (See amended Gov. Code, § 66313(d), 66321(b)(2).)



PLANNING COMMISSION AGENDA ITEM NO. 6.1

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Impact Fees

Existing law exempts ADUS that are 750 square feet or smaller from development impacts fees (DIFs).

SB 543 clarifies that DIFs may not be imposed on an ADU that has 750 or fewer square feet of *interior* livable space or on a JADU with 500 or fewer square feet of *interior* livable space.

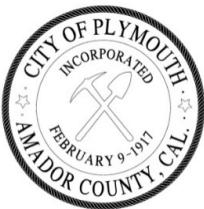
The bill also exempts an ADU or JADU with fewer than 500 square feet of interior livable space from school impact fees. (See amended Gov. Code, § 66311.5.)

Quantity of ADUs Created Under Government Code Section 66323

Existing state law creates four categories of ADUs that must be approved if they comply with the limited standards provided in Government Code section 66323(a)(1)–(4). These are:

- (1) a converted ADU and JADU created on a lot with a proposed or existing single-family dwelling (Gov. Code, § 66323(a)(1));
- (2) a detached ADU created on a lot with a proposed or existing single-family dwelling (Gov. Code, § 66323(a)(2));
- (3) converted ADUs created in an existing multifamily dwelling (Gov. Code, § 66323(a)(3)); and
- (4) detached ADUs created on a lot with a proposed or existing multifamily dwelling.

For some time, there has been uncertainty as to whether ADUs created under Government Code section 66323 could be combined. Some practitioners interpreted the statute to not require local agencies to allow combinations. Initially, HCD took the same position in its 2020 ADU Handbook. But for the last few years, HCD has taken the opposite position: that yes, combinations are permitted. (See HCD January 2025 ADU Handbook, at p. 19 “[P]ursuant to Government Code section 66323, subdivision (a), local governments must allow units created pursuant to subparagraphs (1) and (2) together or (3) and (4) together”.)



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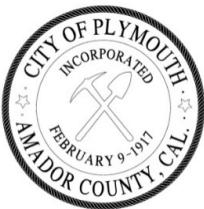
SB 543 codifies HCD's most recent interpretation by amending Government Code section 66323 to specifically allow combinations. Thus, a lot with a multifamily dwelling can now have a converted ADU or ADUs created under section 66323(a)(3) *and* detached ADUs created under section 66323(a)(4). And a lot with a single-family dwelling can now have a converted ADU and a JADU created under section 66323(a)(1) *and* a detached ADU created under section 66323(a)(2).

ADU Permitting Process

Existing law has long required local agencies to approve or deny an ADU application within 60 days of receiving a complete application. However, state law was silent with respect to incompleteness determinations, subsequent resubmittals, and appealing local decisions on ADU applications.

SB 543 requires local agencies to now:

- (1) determine whether an ADU application is complete within 15 business days of submittal;
- (2) if the application is incomplete, within the same 15 days provide the applicant with a list of incomplete items and how to address them;
- (3) review a resubmitted application for completeness within 15 business days;
- (4) provide the applicant with a written appeal process for any incompleteness determination or denial (to the Planning Commission or City Council, or both); and
- (5) provide a final written determination on the appeal within 60 business days of receiving the appeal). (See amended Gov. Code, §§ 66317 [ADUs], 66335 [JADUs].)



PLANNING COMMISSION AGENDA ITEM NO. 6.1

2/05/2026

Plymouth Zoning Ordinance

The City of Plymouth does not currently have an Ordinance regulating accessory dwelling units. Table 19.56.030-1, Use Matrix for Agricultural and Residential Zoning Districts, includes 'Dwellings, SF Second Unit Attached' and 'Dwellings, Detached Second Unit as a permitted use.' The glossary section of the Zoning Ordinance further defines these uses (however, please note that the detached category is inconsistent with state law). In the absence of an Ordinance, ADUs are regulated under state law.

The City is required to include a section within the Zoning Ordinance that establishes the rules and regulations for Accessory Dwelling units pursuant to State Law and as an action in our Housing Element.

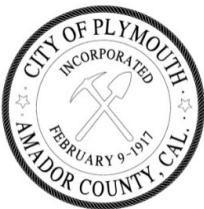
ANALYSIS

Staff is proposing to add Chapter 19.74, Accessory Dwelling Units, to the Zoning Ordinance. The new Chapter includes regulations regarding the size, development standards, and number of Accessory Dwelling Units (ADU) allowed for single family and multi-family properties. The draft Chapter is included as Exhibit A to Attachment 1.

The proposed Chapter has been drafted by the City Attorney's Office and Staff. The Chapter is consistent with State Law requirements.

A City is required to allow ADUs on properties where a residential dwelling is permitted by right or conditionally permitted and where the ADU will be an accessory to the primary dwelling unit. ADUs are exempt from the density limitations in the General Plan and Zoning Ordinance. In the City of Plymouth, ADUs are allowed in the Agriculture (A), Rural Residential (RR), Standard Residential (SR), and Village Residential (VR) Zoning Districts. ADUs cannot be prohibited by a Homeowners Association (HOA).

A single-family property can have one ADU and one JADU per lot within the existing or proposed space of a single-family dwelling or existing accessory structure and one detached new construction ADU (potentially a total of 3 ADUs).



PLANNING COMMISSION AGENDA ITEM NO. 6.1

2/05/2026

Multi-family properties are permitted to have at least one conversion ADU and ADUs which equal up to 25 percent of the total number of existing multi-family units. Additionally, multi-family properties are permitted to have a minimum of two (2) detached ADUs and up to eight (8) ADUs on the property.

The number of allowed units can be found in Section 19.74.040, Maximum Number of Units.

As proposed, a planning permit (ADU Permit) is proposed to be required prior to a building permit so that the Planning Department can ensure the proposed ADU complies with all of the requirements of the new Chapter.

Development standards, such as lot coverage, setbacks and height, can be found in Section 17.74.070.

CONCLUSION

The proposed Draft Ordinance is consistent with State Law. By adopting an Ordinance related to Accessory Dwelling Units, the City will comply with State Law as well as complete an action item required by our Housing Element. The new Ordinance clearly outlines the rules and regulations for constructing ADUs within the City which will benefit Staff as well as the public. Once adopted, a planning permit will be required prior to applying for a building permit, to ensure that the proposed ADU meets all City requirements.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Under California Public Resources Code section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of Chapter 13 of Division 1 of Title 7 of the California Government Code, which is California's ADU law. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements state ADU law.



PLANNING COMMISSION AGENDA ITEM NO. 6.1

2/05/2026

NEXT STEPS

Following tonight's meeting, Staff will bring the draft Ordinance and the Planning Commission's recommendation to the City Council for review during a noticed public hearing.

ATTACHMENTS

1. Planning Commission Resolution 2026-01 recommending City Council adopting of a Zoning Ordinance Amendment to include Chapter 19.74, Accessory Dwelling Units, in the Zoning Ordinance with the draft chapter included as Exhibit A.
2. January 18, 2024 Planning Commission Study Session Staff Report.

CITY OF PLYMOUTH

RESOLUTION NO. 2026-01

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLYMOUTH,
RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ADDING
SECTION 19.74.010 OF THE PLYMOUTH MUNICIPAL CODE RELATING TO
ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS,
AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER
PUBLIC RESOURCES CODE § 21080.17**

WHEREAS, state law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”); and

WHEREAS, in recent years, the California Legislature has approved, and the Governor has signed into law, a number of bills that, among other things, amend various sections of the Government Code to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, in 2025, the California Legislature approved, and the Governor signed into law, further amendments to state ADU law;

WHEREAS, new updates to state ADU law took effect on January 1, 2026, and for the City to effectively regulate ADUs, it must be adopting an ordinance to reflect the most recent changes to state law; and

WHEREAS, the City desires to adopt a local regulatory scheme for the construction of ADUs and JADUs to reflect the most recent changes to state law; and

WHEREAS, on February 5, 2026, the City of Plymouth Planning Commission conducted a public hearing, and discussed and reviewed proposed amendments to Title 19, Zoning, of the Municipal Code; and

WHEREAS, the Planning Commission is the appropriate authority to hear and make recommendations on this proposed ordinance; and

WHEREAS, a Staff Report was submitted to the Planning Commission of the City of Plymouth recommending approval of amendments to the Municipal Code; and

WHEREAS, the Planning Commission of the City of Plymouth has conducted a properly noticed public hearing pursuant to Government Code Section 65090 and has duly considered all written and verbal testimony presented during the hearing; and

WHEREAS, the Planning Commission recommends that the City Council find that, under California Public Resources Code section 21080.17, the California Environmental Quality Act (“CEQA”) does not apply to the adoption of an ordinance by a city or county implementing the provisions of Chapter 13 of Division 1 of Title 7 of the California

Government Code, which is California's ADU law. Therefore, adoption of the proposed Ordinance is statutorily exempt from CEQA in that it implements state ADU law.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF PLYMOUTH does hereby recommend that the City Council approve an amendment to the Zoning Ordinance to add Chapter 19.74, Accessory Dwelling Units, with the draft Chapter included as Exhibit A.

PASSED AND ADOPTED by the Planning Commission of the City of Plymouth on the 5th day of February 2026 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Michael Sullivan, Chairman

ATTEST:

Jacob Smith, Planning Clerk

EXHIBIT

A

Chapter 19.74 Accessory Dwelling Units

19.74.010 Purpose

- A. Purpose. The purpose of this Chapter is to allow and regulate Accessory Dwelling units (ADUs) and Junior Accessory Dwelling Units (JADUs) in compliance with Chapter 13 of Division 1 of Title 7 of the California Government Code (Sections 66310-66342).
- B. Effect of Conforming. An ADU or JADU that conforms to the standards in this Chapter will not be:
 - 1. Deemed to be inconsistent with the city's general plan and zoning designation for the lot on which the ADU or JADU is located.
 - 2. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
 - 3. Considered in the application of any local ordinance, policy, or program to limit residential growth.
 - 4. Required to correct a nonconforming zoning condition. This does not prevent the city from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.

19.74.020 Definitions

Definitions. As used in this section, terms are defined as follows:

- A. "Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities (see definition below) for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - 1. An efficiency unit, as defined by section 17958.1 of the California Health and Safety Code; and
 - 2. A manufactured home, as defined by section 18007 of the California Health and Safety Code.
- B. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
- C. "Complete independent living facilities" means 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.
- D. "Conversion Accessory Dwelling Unit" means an ADU which is created within either the existing space of the primary dwelling unit or the existing space of an attached or detached garage, shed, barn, or any other accessory structure. A Conversion ADU may add up to 150

square feet beyond the physical dimensions of the existing space to provide for ingress and egress (including, but not limited to, entryways, stairwells, and hallways).

- E. "Efficiency kitchen" means a kitchen that includes all of the following:
 - 1. A cooking facility with appliances.
 - 2. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.
- F. "Junior accessory dwelling unit" or "JADU" means a residential unit that satisfies all of the following:
 - 1. It is no more than 500 square feet of interior livable space in size.
 - 2. It is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.
 - 3. It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.
 - 4. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.
 - 5. It includes an efficiency kitchen.
- G. "Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
- H. "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.
- I. "Major transit-stop" shall have the same meaning as defined in subdivision (b) of Section 21155 of the Public Resources Code.
- J. "Multi-family" for the purposes of this Chapter, multifamily means a property in which there is two (2) or more attached primary dwelling units.
- K. "New construction accessory dwelling unit" means an ADU which does not otherwise meet the definition of a Conversion ADU. This shall also include attached or detached ADUs which expand upon existing space of the primary dwelling. This definition also includes the conversion of an existing accessory structure which includes an addition of greater than 150 square feet.

- L. “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.
- M. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
- N. “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- O. “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.
- P. “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

19.74.030 Approvals

The following approvals apply to ADUs and JADUs created under this section:

- A. Ministerial ADU and Building Permits Required. Every ADU and JADU requires an ADU Permit (from the Planning Department) and a building permit. The city will review and approve permit applications in accordance with subsection (C) below.
- B. Processing Fee. The application for an ADU Permit shall be accompanied by the fee listed in the City’s Fee Schedule.
- C. Process and Timing.
 - 1. Completeness.
 - a. Completeness Review. The city will review an application for an ADU and/or JADU for completeness and will provide written notice of all necessary items to deem the application complete to the applicant within 15 business days after the city receives the application.
*
b. Incomplete items. If the city’s determination under subsection (d)(3)(A)(i) above is that the application is incomplete, the city’s notice must list the incomplete items and describe how the application can be made complete.
 - c. Cure. After receiving a notice that the application is incomplete, the applicant may cure and address the items that were deemed by the city to be incomplete.
 - d. Subsequent Submittals. Within 15 business days of each+ subsequent submittal the city will determine in writing whether the additional information remedies all the incomplete items that the city identified in its original notice.

- e. **Deemed Complete.** If the city does not make a timely determination as required by this subsection, the application or resubmitted application is deemed complete.
- f. **Appeal of Incompleteness.** An applicant may appeal the city's determination that the application is incomplete by submitting a written appeal to the city clerk. The planning commission will review the written appeal and affirm or reverse the completeness determination and provide a final written determination to the applicant within 60 business days after receipt of the appeal.

2. **Ministerial Review.** Ministerial permits for an ADU or JADU are considered and approved without discretionary review or a hearing.
3. **Determination.** The city must approve or deny an application to create an ADU or JADU within 60 days from the date that the city receives a complete application. If the city has not approved or denied the complete application within 60 days, the application is deemed approved unless either:
 - a. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
 - b. When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the city may delay acting on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.
4. **Denial.** If the city denies an application to create an ADU or JADU, the city must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by subsection (d)(3)(C) above.
5. **Appeal of denial.** An applicant may appeal the city's denial of the application by submitting a written appeal to the city clerk. The planning commission will review the written appeal and affirm or reverse the denial and provide a final written determination to the applicant within 60 business days after receipt of the appeal.
6. **Concurrent review of demolition.** A demolition permit for a detached garage that is to be replaced with an ADU shall be reviewed with the application for the ADU and issued at the same time.

19.74.040 Maximum Number of ADUs

- A. **Single-Family Properties.** Properties with an existing or proposed single-family dwelling may have a combination of Class 1 and Class 2 units which do not exceed one conversion ADU, one JADU and one new construction ADU.

B. Multi-Family Properties. Multi-family properties are allowed to have the following ADUs:

1. Conversion ADU. At least one conversion ADU and up to a quantity that is equal to 25 percent of the total number of existing multi-family dwelling units.
2. Detached ADU. A minimum of two (2) detached ADUs and up to eight (8) attached ADUs are permitted. In no case shall the number of ADUs exceed the total number of existing dwelling units on the site.

19.74.050 Accessory Dwelling Unit Classes (Types)

A. Class 1 Single Family. Statutorily Regulated. Class 1 ADUs and JADUs are approved under Government Code Section 66323 and include the following.

1. Conversion. Conversion ADU or JADU is allowed on a parcel with a proposed or existing single-family dwelling on it, is permitted anywhere on the parcel and not subject to development standards or size limitations if all of the following apply:
 - a. The ADU and/or JADU is located within the space of an existing or proposed single-family dwelling; or (in the case of an ADU only) within the existing space of an existing accessory structure.
 - b. Has exterior access that is independent of that for the single-family dwelling; and
 - c. May include an expansion of up to 150 square feet to accommodate ingress and egress; and
 - d. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes; and
 - e. The JADU complies with the requirements of Government Code Sections 66333 through 66339.
2. Detached. Detached, new-construction ADU on a lot with a proposed or existing single-family dwelling, is allowed to be located on the parcel if all of the following are met:
 - a. The side- and rear-yard setbacks are at least four feet.
 - b. The total floor area is 800 square feet of livable space or smaller.
 - c. The peak height above grade does not exceed the applicable height limit in Section 19.74.060(B).

B. Class 1 Multi-Family. Statutorily Regulated. Class 1 multi-family ADUs are approved under Government Code Section 66323 if they conform to the following:

1. Conversion ADU. A multi-family site is permitted to have at least one conversion ADU and up to a quantity that is equal to 25 percent of the total number of existing multi-family dwelling units. Conversion ADUs are ADUs that are located within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, garages, or community buildings, if each converted ADU complies with state building standards for dwellings.
2. Detached ADU. No more than two detached ADUs on a lot with a proposed multifamily dwelling, or up to eight detached ADUs on a lot with an existing multifamily dwelling, if each detached ADU satisfies all of the following:
 - a. The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multifamily dwelling as a condition of approving the ADU.
 - b. The peak height above grade does not exceed the applicable height limit provided in Section 19.74.060(B).
 - c. If the lot has an existing multifamily dwelling, the number of detached ADUs does not exceed the number of primary dwelling units on the lot.

C. Class 2. Locally Regulated. Class 2, single-family, ADUs are approved under Government Code Sections 66314–66322. Except for Class 1ADUs approved under Section 19.74.050(A) above, all other ADUs are subject to the standards set forth in Section 19.74.070.

19.74.060 General Requirements

The following requirements apply to all Class 1 and Class 2 ADUs and JADUs:

- A. Zoning.
 1. A Class 1 ADU approved under Section 17.74.040 (A) and (B) may be created on a lot in a residential or mixed-use zone.
 2. A Class 2 ADU approved under Section 17.94.040(C) above may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.
 3. In accordance with Government Code section 66333(a), a JADU may only be created on a lot zoned for single-family residences.
- B. Height.
 1. Except as otherwise provided below, a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed 18 feet in height.
 2. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or high quality transit corridor, and the ADU may be

up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

3. The height of ADUs which are attached to the single-family dwelling unit is limited to the maximum height allowed for the Zoning District in which the property is located as listed in Section 19.56.040 of the Zoning Ordinance
4. For purposes of this subsection, height is measured from existing legal grade or the level of the lowest floor, whichever is lower, to the peak of the structure.

C. Fire Sprinklers

1. Fire sprinklers are required in an ADU or JADU if sprinklers are required in the primary residence.
2. The construction of an ADU or JADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

D. No Separate Conveyance. An ADU or JADU may be rented (for 30 days or more), but, except as otherwise provided in Government Code Section 66341, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).

E. Septic System. If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.

F. Owner Occupancy.

1. ADUs. ADUs are not subject to an owner-occupancy requirement.
2. JADUs.
 - a. Generally. JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence.
 - b. Exceptions. The owner-occupancy requirement in this subsection does not apply in either of the following situations:
 - I. The JADU has separate sanitation facilities (i.e., it does not share sanitation facilities with the existing primary dwelling unit structure).
 - II. The property is entirely owned by another governmental agency, land trust, or housing organization.
 - c. Deed Restriction. Prior to issuance of a Building Permit for a JADU, a deed restriction must be recorded against the title of the property in the Amador County Recorder's

office and proof of recording filed with the city. The deed restriction shall run with the land and bind all future owners. The form of the deed restriction will be provided by the city and must provide that:

- I. The JADU may not be sold separately from the primary dwelling.
- II. The JADU is restricted to the approved size and to other attributes allowed by this section.
- III. The deed restriction runs with the land and may be enforced against future property owners.
- IV. The deed restriction may be removed if the owner eliminates the JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request from the Planning Director, providing evidence that the JADU has in fact been eliminated. The Planning Director may then determine whether the evidence supports the claim that the JADU has been eliminated. Appeal may be taken from the Planning Director's determination consistent with other provisions of this Code. If the JADU is not entirely physically removed but is only eliminated by virtue of having a necessary component of a JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.
- V. The deed restriction is enforceable by the Planning Director or his or her designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the JADU in violation of the recorded restrictions or abatement of the illegal unit.

19.74.070 Specific ADU Requirements

The following requirements apply only to Class 2 ADUs. This subsection does not apply to Class 1 ADUs or JADUs.

A. Maximum Size.

1. The maximum size of a detached or attached ADU subject to this subsection is 850 square feet of interior livable space for a studio or one-bedroom unit and 1,200 square feet of interior livable space for a unit with two or more bedrooms.
2. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.
3. Lot coverage, FAR, front setback, lot coverage limit, or open-space requirement will be waived if they preclude the construction of an ADU which is less 800 square feet of interior livable space.

- B. Setbacks.
 - 1. Front Yard. Front Yard setback for the ADU shall conform to the requirements of the Zoning District in which the property is located.
 - 2. Side Yard. ADUs shall be set back a minimum of 4 feet to the side property lines.
 - 3. Rear Yard. ADUs shall be set back a minimum of 4 feet to the rear property line.
 - 4. No setback is required for an ADU that is subject to this subsection if the ADU is constructed in the same location and to the same dimensions as an existing structure.
- C. Floor Area Ratio (FAR). For properties located in the Village Commercial Zoning District, the total FAR of the property, including the ADU, shall meet the requirements of Section 19.60.040 of the Zoning Ordinance.
- D. Lot Coverage. Lot coverage shall be limited to the maximum allowed lot coverage of the Zoning District in which the property is located as listed in Section 19.56.040 of the Zoning Ordinance.
- E. Minimum Open Space. No ADU subject to this subsection may reduce the total open space area of the site so that it is below the minimum open space requirement for the Zoning District in which the property is located.
- F. Passageway. No passageway is required for an ADU.
- G. Parking.
 - 1. Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking.
 - 2. Exceptions. Parking is not required to be provided in the following situations:
 - a. The ADU is located within one-half mile walking distance of public transit.
 - b. The ADU is located within an architecturally and historically significant historic district.
 - c. The ADU is part of the proposed or existing primary residence or an accessory structure.
 - d. When on-street parking permits are required but not offered to the occupant of the ADU.
 - e. When there is an established car share vehicle stop located within one block of the ADU.

- f. When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed Above.
- 3. No Replacement. When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

G. Architectural Requirements.

- 1. For properties which are visible from the public right-of-way, the materials and colors of the exterior walls, roof, and windows and doors shall be the same as those of the primary dwelling.
- 2. The exterior lighting shall be limited to down-lights or as otherwise required by the building or fire code.
- 3. The ADU shall have an independent exterior entrance, apart from that of the primary dwelling.
- 4. The interior horizontal dimensions of an ADU shall be at least 10 feet wide in every direction, with a minimum interior wall height of seven feet.

H. Historical Protections. An ADU that is on real property that is listed in the California Register of Historic Resources must be located to not be visible from any public right-of-way.

19.74.080 Building & Safety

- A. Codes. All ADUs and JADUs must comply with all local building and fire code requirements.
- B. No Change of Occupancy. Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the building official or code enforcement officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection prevents the city from changing the occupancy code of a space that was uninhabitable or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.
- C. Certificate of Occupancy Timing.
 - 1. Generally. No certificate of occupancy for an ADU or JADU may be issued before the certificate of occupancy is issued for the primary dwelling unit.
 - 2. Limited Exception for State-declared Emergencies. Notwithstanding subsection (f)(10)(A) above, a certificate of occupancy for an ADU may be issued before a certificate of occupancy for the primary dwelling if each of the following requirements are met:

- a. The county is subject to a proclamation of a state of emergency made by the California Governor on or after February 1, 2025.
- b. The primary dwelling was substantially damaged or destroyed by an event referenced in the Governor's state of emergency proclamation.
- c. The ADU has been issued construction permits and has passed all required inspections.
- d. The ADU is not attached to the primary dwelling.

19.74.090 Impact Fees

The following requirements apply to all Class 1 ADUs and JADUs and Class 2 ADUs that are approved under subsections (e)(1) or (e)(2) above.

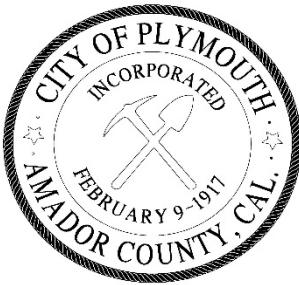
- A. No impact fee is required for a JADU or for an ADU that has less than 750 square feet of interior livable space. For purposes of this subsection (h)(1), "impact fee" means a "fee" under the Mitigation Fee Act (Gov. Code § 66000(b)) and a fee under the Quimby Act (Gov. Code § 66477). "Impact fee" here does not include any connection fee or capacity charge for water or sewer service.
- B. A JADU or ADU with less than 500 square feet of interior livable space does not increase assessable space by 500 square feet for purposes of Education Code section 17620(a)(1)(C) and is therefore not subject to school fees under Education Code section 17620.
- C. Any impact fee that is required for an ADU that has 750 square feet or more of interior livable space must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.)
- D. Utility Fees.
 1. If an ADU or JADU is constructed with a new single-family home, a separate utility connection directly between the ADU or JADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.
 2. Except as described above, JADUs and converted ADUs on a single-family lot that are not required to have a new or separate utility connection directly between the JADU or ADU and the utility. Nor is a connection fee or capacity charge required. Notwithstanding the rest of this paragraph, a direct utility connection is required for separate conveyance of an ADU when separate conveyance is allowed under this code.
 3. Except as described by subsection (2) above, all ADUs that are not covered) above require a new, separate utility connection directly between the ADU and the utility for any utility that

is provided by the city. All utilities that are not provided by the city are subject to the connection and fee requirements of the utility provider.

- i. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.
- ii. The portion of the fee or charge that is charged by the city may not exceed the reasonable cost of providing this service.

19.74.060 Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures

- A. Generally. The city will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.
- B. Unpermitted ADUs and JADUs were constructed before 2020.
 1. Permit to Legalize. As required by state law, the city may not deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if denial is based on either of the following grounds:
 - I. The ADU or JADU violates applicable building standards, or
 - II. The ADU or JADU does not comply with state ADU or JADU law or this ADU ordinance.
 2. Exceptions:
 - I. Notwithstanding the subsection above, the city may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if the city makes a finding that correcting a violation is necessary to comply with the standards specified in California Health and Safety Code section 17920.3.
 - II. Subsection (B) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.



City of Plymouth

Planning Commission Meeting Staff Report

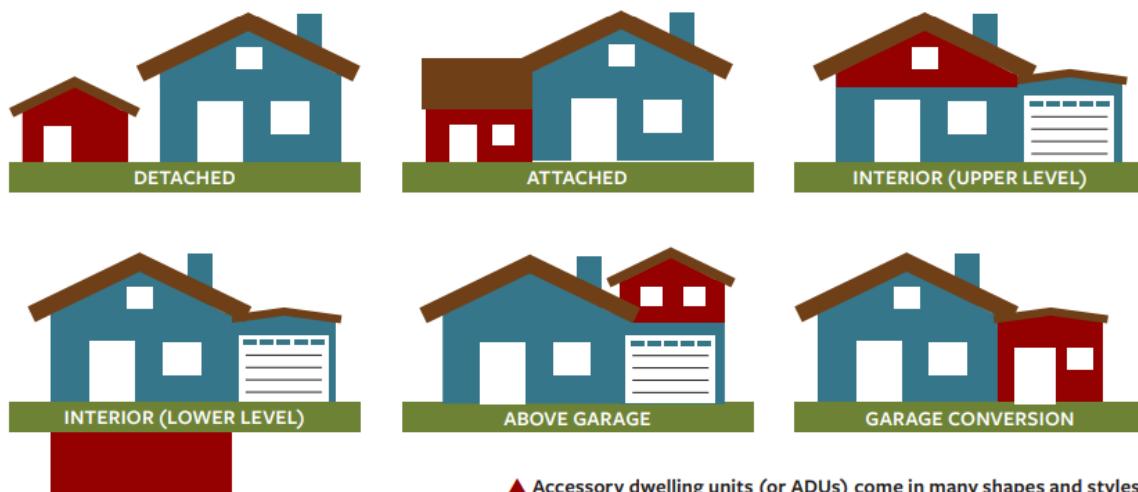
Item 8.1

Date:
January 18, 2024
Report by:
Erica Fraser, AICP, Consulting Planner
Policy, Program, Project or Issue Title:
State Law Related to Accessory Dwelling Units – A discussion of State Law related to Accessory Dwelling Units.
Issue Statement & Discussion:
<u>BACKGROUND</u> Several changes in State Law have been made over the years to reduce barriers and allow Accessory Dwelling Units (ADUs) on single-family and multi-family properties. Regulations for Accessory Dwelling Units can be found in Government Code Section 65852.2 and 65852.22. The City of Plymouth does not currently have an Ordinance regulating accessory dwelling units. Table 19.56.030-1, Use Matrix for Agricultural and Residential Zoning Districts, includes 'Dwellings, SF Second Unit Attached' and 'Dwellings, Detached Second Unit as a permitted use.' The glossary section of the Zoning Ordinance further defines these uses (however, please note that the detached category is inconsistent with state law). In the absence of an Ordinance, ADUs are regulated under state law.
<u>DISCUSSION</u> An Accessory Dwellings Unit (ADU) is an accessory dwelling with complete living facilities for one or more persons. There are several types of ADUs including: <ul style="list-style-type: none">• Detached – which means the ADU is separated from the primary dwelling unit or structure;• Attached – which means the ADU is attached to the primary structure on a lot;• Converted Existing Space – which is the conversion of any space on a lot with

a primary dwelling unit (i.e., master bedroom, garage, carport, storage space, accessory structure, etc.) that is converted into an independent living unit.

- Junior Accessory Dwelling Unit (JADU) - which is a specific type of conversion of existing space within a single-family residence that is contained entirely within that structure (i.e., the conversion of an existing attached garage to living space with a kitchen and access to a bathroom).

Figure 1 – Examples of ADUs



Source: AARP, *The ABCs of ADUs*

General Requirements

A City is required to allow ADUs on properties where a residential dwelling is permitted by right or conditionally permitted and where the ADU will be an accessory to the primary dwelling unit. ADUs are exempt from the density limitations in the General Plan and Zoning Ordinance. In the City of Plymouth, ADUs are allowed in the Agriculture(A), Rural Residential (RR), Standard Residential (SR), and Village Residential (VR) Zoning Districts. ADUs cannot be prohibited by a Homeowners Association (HOA).

A single-family property can have one ADU and one JADU per lot within the existing or proposed space of a single-family dwelling or existing accessory structure and one detached new construction ADU (potentially a total of 3 ADUs).

State Law requires cities to allow new construction ADUs that are 850 square feet in size and up to 1,200 square feet if the unit contains more than one bedroom (a city can restrict the maximum size to 1,000 square feet or allow a larger ADU with an ordinance). In no case can an ADU be smaller than 150 square feet or the size necessary to accommodate an efficiency unit as defined by Health and Safety Code

Sections 17.958.1. If the ADU results in the conversion of existing space of a single-family dwelling or accessory structure (such as an existing detached barn) into an ADU, no size limits apply and the ADU can be as large as the existing space.

Additionally, cities can no longer require property owners to fix non-conforming structures on their property as part of the ADU approval. If for example, a house had a patio cover that exceeded the height limits or did not conform to setbacks, the city cannot require them to remove or replace the structure as a condition of approval.

Development Standards for ADUs

State Law limits the development standards (such as setbacks) that can be applied to ADUs. The requirements are summarized below:

- Front yard setbacks can be the same as the front yard setback for the zoning district in which the ADU is located, except that the front yard setback is waived if it would preclude the construction of an 800 square foot ADU (for example, an ADU in the RR Zoning District must be set back of 20 feet to the front property line, unless it precludes an 800 square foot ADU to be constructed and then the setbacks are waived to allow).
- Side and rear yard setbacks are limited to four feet.
- If the ADU is to be located within an existing legal non-conforming structure, the existing setbacks are allowed to continue.
- Setbacks between structures are not defined in state law, however the Plymouth Zoning Ordinance requires a separation of 6 feet between detached structures and would continue to apply.
- Lot coverage established in the zoning district would apply, unless it would preclude the construction of an ADU which is 800 square feet. If it would, the lot coverage is waived to allow an 800 square foot ADU.
- State law prohibits a limit on the number of bedrooms in an ADU.
- State law prohibits requirements which require a minimum lot size for construction of an ADU.
- Local agencies can limit height of ADUs as long as the limit is no less than 16 feet.

Junior Accessory Dwelling Units (JADU)

JADUs are only allowed in single family zoning districts. A JADU is a specific type of ADU in that it is an ADU created from the conversion of an existing space within the

walls of a single-family dwelling. The JADU can be created through the conversion of a garage or by converting a portion of the existing living space into a separate living space.

JADUs are limited to no more than 500 square feet in size (of the existing dwelling). An addition of up to 150 square feet is allowed for ingress/egress only.

JADUs are required to have a separate exterior entrance and a kitchen, but may share bathroom facilities with the primary dwelling (requires a door to access the bathroom directly from the interior of the JADU into the house or bathroom, cannot require occupant to exit the JADU and enter from the outside into the house for access).

Owner occupancy of a JADU or the primary dwelling is required.

Multi-Family Accessory Dwelling Units

State Law defines a multi-family property (for the purposes of an ADU only) as any property with two or more attached dwelling units on a single lot regardless of the zoning designation. For example, if a property was zoned for multi-family uses, such as the Village Residential Zoning District, and the site only contains one single family residence, the multi-family regulations do not apply.

A multi-family property is allowed to construct up to two detached ADUs (which conform to the development standards discussed above). Additionally, multi-family properties are allowed to construct ADUs which are the result of the conversion of non-livable space into an ADU. Non-livable portions include but are not limited to, storage rooms, boiler rooms, passageways, attics, basements, and garages. The number of conversions ADUs allowed is equal to 25 percent of the total number of dwelling units.

For example, a 10-unit apartment complex could request approval of two detached ADUs and 3 ADUs which are the result of a conversion of non-livable space (such as the laundry room). A 50-unit apartment complex could construct two detached ADUs and 13 ADUs which are converted from non-livable space.

Parking Requirements

An ADU is required to provide one parking space if the ADU is one bedroom or more (studios are exempt). If parking is required the space may be compact, uncovered, and may be located in tandem with the required parking spaces. The City of Plymouth requires two enclosed parking spaces for each single-family residence. The parking for an ADU can be met if there is a driveway on the property.

A city can choose to require replacement parking if a JADU is the result of a garage conversion. However, the replacement parking can be located on the driveway or in

tandem. Additionally, if an ADU results in the demolition or conversion of a garage, carport or other covered parking structure, the lost parking spaces shall not be required to be replaced (JADUs are exempt from this requirement).

Review of an ADU

The State of California limits the way a City processes review of an Application for an ADU by requiring the following:

- The Application for an ADU or JADU shall be deemed approved if the City has not acted on a complete application within 60 days.
- Requires ministerial approval of an application in a residential or mixed-use zone to create one ADU and one JADU per lot.
- Establishes impact fee exemptions and limitations.
- Prohibits Covenants, Codes and Restrictions that restrict the construction of or use of an ADU or JADU.

Impact Fees

A City cannot charge impact fees for ADUs which are smaller than 750 square feet. If an ADU is 750 square feet or larger, impact fees should be charged proportionally in relation to the square footage of the ADU to the square footage of the primary dwelling unit.

The school district can, but are not required to, require impact fees for ADUs greater than 500 square feet.

City Ordinance

As previously mentioned, the City of Plymouth does not have an ordinance regulating ADUs. Chapter 19.98, does include a definition of two type structures which are similar to an ADU, but these definitions should be revised to be consistent with State Law (at a minimum).

Government Code Section 65852.2(a)(1) allows a city to establish an ordinance for the regulation of accessory dwelling units, but it is not required. An ordinance can establish the following, which are allowed by State Law:

- Design and development standards (consistent with the limitations established in state law).
- Standards to prevent adverse impacts to historic resources.

- Allow for smaller ADUs (new construction only) that what is allowed under state law (a City can establish a requirement that ADUs can be no larger than 1,000 square feet (one or more bedrooms) or state law in the absence of such a requirement allows up to 1,200 square feet).
- Allow for larger ADUs.
- Limit the percentage of the primary dwelling that can be converted to an ADU (provided the ADU is 850 square feet or 1,000 square feet with one or more bedrooms).
- Establish procedures for review of ADUs.
- Prohibit short term rentals.
- Require zero parking spaces.
- Limit hardscape in the front yard.
- Require separate utility connections.
- Include objective design requirements (such as the ADU must be painted to match the house when visible).

If a City does not have an ordinance regarding ADUs, the City must follow state law.

Regional Housing Needs Allocation (RHNA)

Pursuant to Government Code Section 65852.2(m) and 655583.1, ADUs and JADUs can be used towards the RHNA and Housing Element Annual Progress Report.

QUESTIONS

Staff has prepared the following questions for the Planning Commission to guide Staff on the next steps.

1. Should the city have an ADU Ordinance?
2. If so, should the Ordinance include any of the following:
 - a. Design requirements.
 - b. Allow larger or smaller ADUs.
 - c. Restrict short-term rentals.
 - d. Reduce parking requirements.

3. Should the City require a planning permit (such as a Zoning Clearance) for ADU and JADUs?
4. If the Planning Commission determines that an Ordinance is not necessary, should a handout with regulations be prepared for the website?

NEXT STEPS

Based on direction from the Planning Commission at tonight's meeting, Staff will work on any recommended changes. Should the Planning Commission determine that an Ordinance is not necessary, minor changes will still be brought forward to amend Chapter 19.98, Glossary, so that it is consistent with State Law.

Fiscal Impact:

There is no fiscal impact associated with this item.

Staff Recommendation:

Staff recommends that the Planning Commission receive Staff's presentation, discuss, answer the questions included in this staff report, and provide feedback to Staff regarding next steps.

