

# City of Isleton

DATE: May 9, 2023

Planning Commission Regular Meeting ITEM#: 5.A

## Staff Report

## Old Business

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### GENERAL PLAN HOUSING ELEMENT SITE INVENTORY MAPING EFFORT

**BACKGROUND:** The Planning Commission and City Council approved/adopted the 6<sup>th</sup> Cycle, 2021-29 Housing Element, in October 2022. This document was then submitted to the California Department of Housing and Community Development (HCD) for final certification. On December 5, 2022, HCD notified the City via email that they would certify the Housing Element with a change to Action H-2.2 which requires ministerial review of housing projects located on target vacant land in the City. The City is mandated under State Housing Law to ensure that the City reserves adequate sites for the development of at least 8 affordable housing units in accordance with the State assigned Regional Housing Needs Allocation (RHNA). **Attachment A** briefly outlines the approach to developing a site inventory according to State law and provides more information on the housing inventory analysis. **Attachment B** to this report outlines public meetings the City conducted to review the site inventory which was a basis for the current housing element document.

Affordable housing means a housing project where at least 20% of the dwelling units are reserved for lower income households. This does not mean the City has to develop these units; it just means the City needs to show that there is sufficient vacant land in the City to accommodate the development of at least 8 lower income housing units in the City.

For this regular scheduled meeting of the Planning Commission, a discussion will be led by Ethan Mobley, the City's Housing Element Consultant, to explain how a site inventory was conducted and what options the City has to demonstrate housing capacity compliance with RHNA. This will include a Power Point presentation. An exercise will be led by Mr. Mobley to assist the Planning Commission in understanding State law and selection of sites to meet the RHNA.

**RECOMMENDATION:** Adjust Site Inventory after Planning Commission Exercise.

Attachment A-City of Isleton Housing Element Sites Report

Attachment B-Current Housing Element Adoption Process History

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## ATTACHMENT A CITY OF ISLETON HOUSING ELEMENT SITES REPORT

Section 5 of the Housing Element Background Report discusses Isleton's available residential land, calculates the residential unit development potential of this land, and reviews the adequacy of services to support future housing development. The residential holding capacity includes a summary of existing vacant sites, adequate above-moderate income sites as they contribute to meeting Isleton's Regional Housing Need Allocation (RHNA) goals. Links to Adopted Housing Element:

*Policy Document:*

[https://cityofisleton.com/wp-content/uploads/2022/12/01-Isleton\\_Housing-Element\\_Policy-Doc\\_HCD-Cert-FINAL.pdf](https://cityofisleton.com/wp-content/uploads/2022/12/01-Isleton_Housing-Element_Policy-Doc_HCD-Cert-FINAL.pdf)

*Background Document:*

[https://cityofisleton.com/wp-content/uploads/2022/12/02-Isleton\\_Housing-Element\\_Background-Report\\_HCD-Cert-FINAL.pdf](https://cityofisleton.com/wp-content/uploads/2022/12/02-Isleton_Housing-Element_Background-Report_HCD-Cert-FINAL.pdf)

Hard copies of these documents are available upon request of staff.

An adequate supply of residentially zoned land available for development is one of the most critical resources necessary to meet future housing demand and a critical component to a Housing Element. Without adequate vacant land, the City of Isleton cannot demonstrate how it will accommodate the RHNA to the State and the City would fall out of compliance with State Housing Law.

The State law governing the preparation of housing elements emphasizes the importance of an adequate land supply by requiring that each housing element contain "an inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites" (Cal. Gov't. Code § 65583(a)(3)). In accordance with the requirements of Cal. Gov't Code § 65583.2(c), the City conducted an inventory of vacant land suitable for affordable housing within the City of Isleton.

Figures 1 through 4 presents maps of various vacant parcels and how, based on this methodology, the City may determine which sites might be selected for reserved capacity for lower income housing units. Although a certain site, or sites, may be selected for this type of housing, it does not mean that the City has targeted this site, or sites for the only location that the City would allow this type of housing. For example, the City might receive a development application for an affordable housing project elsewhere in the City (which based on State Housing Law) may not deny such application, regardless of where it might be located. Selection of a particular site for lower income housing is intended to demonstrate to the State, per Housing Law, that the City has capacity to develop a housing project at a greater housing density, that could then be used for demonstrating compliance with City's RHNA.

**Current Methodology Used for the Housing Element Sites Inventory:** The following methodology/criteria were used to map vacant residential sites that allow higher-density residential development:

**Location:** The assessment included all parcels within the city limits of Isleton.

**Vacancy:** Vacant parcels were initially selected based on the County Assessor’s Parcel Roll structure square footage attribution (see Exhibit #1 for map of vacant sites). See Exhibit #1 Vacant Parcels and Exhibit #2 for Ground Verified Residential Vacant.

**Zoning Districts.** Residential unit capacities in the inventory are calculated by zoning district as shown in the table below. The income levels are assigned based on the residential density allowances. Where “Defer to GP” is listed, the densities and income levels are derived from the general plan designations for parcels within those zoning designations, outlined in Table 6-3. Zoning that defers to the general plan designations includes zoning that allows residential development but does not specify residential density allowances. The inventory includes parcels that have the zoning designations identified in Table 5-1. Sites identified in the site inventory are appropriate for development of affordable housing in Isleton, which is considered a suburban community with a default density of at least 20 dwelling units per acre.

**Table 5-1: Zoning Densities & Income Levels**

Code	Zone	Max per Acre Unit Density	Working Income Level
<b>MXU</b>	Mixed Use Development	22	Low Income
<b>R-1-7</b>	One Family Residential District 7,000 Square Foot Lot Minimum	1	Above Moderate Income
<b>R-M-2</b>	Multi Family Residential District 2,000 Square Foot Lot Minimum	22	Low Income
<b>R-M-3</b>	Multi Family Residential District 33,000 Square Foot Lot Minimum	15	Moderate Income
<b>R-MH</b>	Multi Family Residential District Mobile Home Park	8	Moderate Income
<b>CC</b>	Central Commercial District	-	<i>Defer to GP Mixed Use Density</i>
<b>PDI</b>	Planned Industrial	-	<i>Defer to GP Mixed Use Density</i>

**General Plan Land Use Designations.** This inventory summarizes all available sites with potential for residential development as assumed from their zoning and vacancy status. Where zoning does not specify residential density allowances, the general plan designations for residential density and income levels were used in unit capacity calculations as follows:

**Table 5-2: General Plan Designations Densities & Income Levels**

General Plan Land Use Designation	Preferred L.U DU/Acre	Per Acre Density	Income Level
<b>Low Density (LD)</b>	9 DU/1 acres	<b>9</b>	Moderate Income
<b>Low Density Reserve/Open Space Reserve (LDROSR)</b>	9 DU/1 acres	<b>9</b>	Moderate Income
<b>Medium Density (MD)</b>	15 DU/1 acres	<b>15</b>	Moderate Income
<b>Mobile Home (MH)</b>	15 DU/1 acres	<b>15</b>	Low Income
<b>Mixed Use (MXU)</b>	15 DU/1 acres	<b>15</b>	Moderate Income
<b>Planned Low Density (PDL)</b>	9 DU/1 acres	<b>9</b>	Moderate Income
<b>Residential/Commercial (RC)</b>	22 DU/1 acres	<b>22</b>	Low Income

In order to calculate the number of units that will accommodate its share of the regional housing need for lower-income households, a jurisdiction is required to either:

- Provide an analysis demonstrating how the adopted densities accommodate this need. The analysis shall include, but is not limited to, factors such as market demand, financial feasibility, or information based on development project experience within a zone or zones that provide housing for lower-income households.
- Use the “default density standards,” outlined in the Cal Gov’t. Code. that are deemed appropriate to accommodate housing for lower-income households given the type of the jurisdiction. Isleton is classified as a suburban jurisdiction because it is located within a Metropolitan Statistical Area (MSA) and has a population less than 25,000. The default density standard for a suburban jurisdiction is “sites allowing at least 20 units per acre.” Sites that meet this density standard are appropriate for accommodating Isleton’s share of the regional housing need for lower-income households. (Cal. Gov’t. Code § 65583.2(c)(3))

Tables 5-1 and 5-2 show the assumptions used to determine the inventoried income level based on density allowed by the zoning and General Plan land use designations for each site in the city. See Exhibit 3 for Vacant Residential Categorized by HCD Income Level/Densities Map

Mixed-use parcels are assumed at a 50 percent buildout because other uses may occur on various sites that would reduce available residential land. This is a conservative assumption, as much of the area zoned mixed use in Isleton has already been subdivided exclusively for residential with a much higher residential buildout percentages for each lot. See Figure 5-3. However, a different methodology may need to be developed if a different site is selected.

Table 5-4 portrays the vacant site inventory by income level. All units are included in the current site inventory and unit capacity summary calculations. Low-income sites identified were used in the previous (5th) housing element cycle. The City assumes that the sites were used in both the 4th and the 5th housing cycle. As a result, the City added Action-H.2.2 to the policy document to

rezone to allow lower income housing by right for sites identified in Appendix A, of the Background Report.

**Table 5-4: Vacant Site Inventory Totals**

	Very Low Income	Low Income	Moderate Income	Above-Moderate Income	Total Units
RHNA 2021-2029 Housing Goal (units)	5	3	6	14	28
Total Residential Unit Capacity on Vacant Sites	49		21	0	70
<b>Housing Capacity Deficit/Surplus</b>	<b>41</b>		<b>15</b>	<b>-14*</b>	<b>42</b>

\*Surplus of Moderate-income units can be used to meet a deficit for above moderate-income units. The surplus of moderate-income units (15) exceeds the deficit of 14 above-moderate units goal.

Exhibit 1: Vacant Parcels

# VACANT PARCELS

based on assessor data



**Exhibit 2: Ground Verified and Residential Vacant Map**

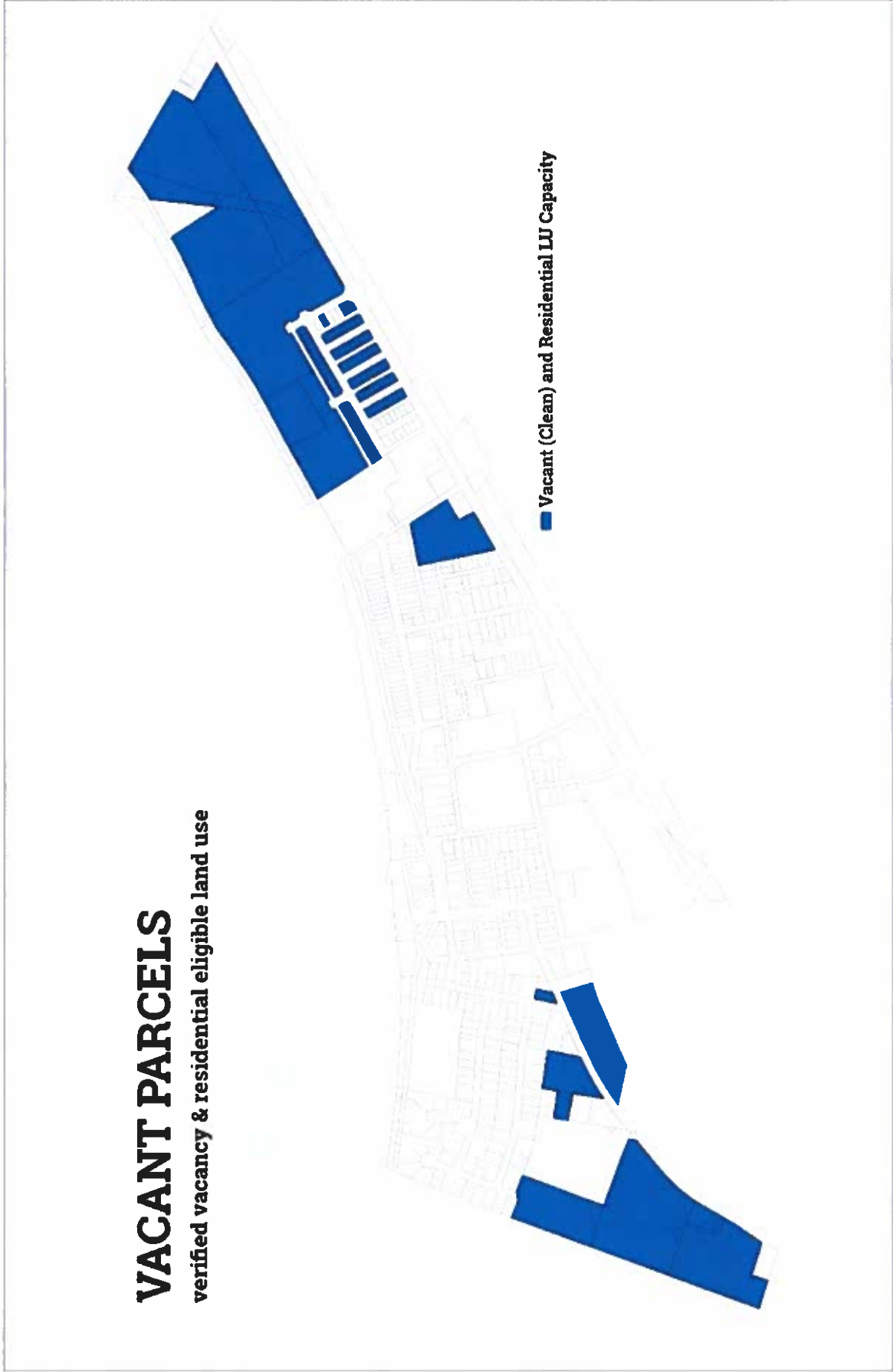




Exhibit 3: Vacant Residential Categorized by HCD Income Level/Densities Map

# VACANT PARCELS

by HCD income level (based on zoning density allowed)  
default density for Isleton Lower Income >= 20 units/acre  
sites used in previous site inventory are hatched



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**ATTACHMENT B**  
**HISTORY - HCD SUBMITTALS AND CITY COUNCIL / PLANNING COMMISSION**  
**REVIEWS**

Timelines for City review and approval of the Housing Element and selection of sites inventory are as follows:

- The Planning Commission and City Council conducted a joint discussion regarding housing on March 4<sup>th</sup> 2021.
- The City of Isleton Planning Commission reviewed the Housing Element and Background Report to HCD at its May 4, 2021 meeting. Including the site inventory and Appendix A.
- The City of Isleton City Council approved submittal of the Housing Element and background report to HCD on May 11, 2021. Including the site inventory and Appendix A.
- The City submitted the Housing Element and background report to HCD for review on May 14, 2021. Including the site inventory and Appendix A.
- The City incorporated comments from HCD and the new Fair Housing Assessment section of the background report, and provided another round of public comment from July 30, 2021- September 2, 2021. Including the site inventory and Appendix A.
- The city council adopted the Housing Element on September 2, 2021, upon completion of all HCD and environmental requirements. Including the site inventory and Appendix A.
- The Planning Commission and City Council approved/adopted the 6<sup>th</sup> Cycle, 2021-29 Housing Element, in October, 2022. Including the site inventory and Appendix A.

The City submitted the Housing Element and Background Report to HCD for final certification. On December 5, 2022, HCD notified the City via email that they would certify the Housing Element with a change to Action H-2.2 which requires ministerial review of housing projects located on target vacant land in the City (refer to the attached email correspondence and letter from HCD-Attachments 2 and 3). The Housing Element documents (Policy and Background Reports) have been updated to incorporate this added Action.

***Public Review***

As part of the Housing Element Update process, the City implemented the State's public participation requirements, set forth in Cal. Gov't. Code § 65583(c)(7), that jurisdictions "...shall make a diligent effort to achieve participation of all economic segments of the community in the development of the housing element."

The City encouraged all members of the community to participate in the preparation of the Housing Element through a combination of general public notices (e.g., flyers, website posts,

social media posts, and email listserv) and direct contacts with community organizations inviting them to attend the public workshop and the opportunity to review and comment on the document.

Public comment was invited before and during the May 4, 2021 City Council meeting. The public had approximately one month to comment, from April 15, 2021 to May 14, 2021. Including the site inventory and Appendix A.

On Friday, May 14, 2021, the City hosted a General Plan Open House, which included activities to solicit public input on Housing Element policies and priorities. Approximately 20 people attended this workshop, which was held out-of-doors in front of City Hall to allow for adequate ventilation and social distancing during the COVID-19 pandemic. The top-voted Housing Element policy was to “maintain and approve the quality of the existing housing stock and the neighborhoods in which it is located.” The second highest priority was to “promote resilient infrastructure and energy conservation to maintain housing affordability in Isleton.” These policies are accordingly emphasized and were carefully reviewed to reflect community input.

At the City Council Meeting, one member of the public requested additional policies promoting accessory dwelling unit (ADU) construction in Isleton.

The City reviewed the proposed ADU policies and strengthened them in some instances, such as adding Action-H-3.9. This change was available in the August public review described below. No further comments were received.

The Element was available for public comment from July 30, 2021-September 2, 2021. Including the site inventory and Appendix A.

Public comment was also taken prior to and during the September 2, 2021 City Council Meeting, before adoption of the element. Including the site inventory and Appendix A.

***No public comments were received. Including comments on the inventory sites.***

# City of Isleton

Planning Commission

Staff Report

DATE: May 9, 2023

ITEM#: 5.B

CATEGORY: Old Business

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## REGULATIONS FOR KEEPING CHICKENS IN ISLETON

**BACKGROUND:** At the last meeting the Commission directed staff to draft a resolution for their review for interpreting the Zoning Code to allow the keeping of certain animals, such as chickens in residential zones. Attached is the April 4 staff report for reference. A draft resolution was sent to all commissioners to review and comment for comment on April 17, 2023, via email. Since staff did not receive any responses from commissioners, we have to assume they are acceptable with the interpretation and resolution. Attached is the resolution for adoption.

**Attachments:**

Resolution PC 002-23

April 4, 2023, Planning Commission Staff Report

**RESOLUTION PC 002-23**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF ISLETON  
ZONING ORDINANCE INTERPRETATION ZOI 01-23  
THE KEEPING OF CERTAIN ANIMALS, SUCH AS CHICKENS  
IN RESIDENTIAL ZONES**

The Planning Commission of the City of Isleton hereby finds as follows:

**WHEREAS**, on February 28, 2023, the Isleton City Council discussed the need to allow the raising of chickens in Isleton primarily to provide for affordable eggs for families and referred this matter to the Planning Commission for consideration; and

**WHEREAS**, on March 7, and April 4, 2023, the Planning Commission discussed recommendations made by the City Council and evaluated options to address the raising of animals in residential zones and determined that a more extensive set of regulations may need to be considered when the Zoning Code is updated later in 2023, but concluded that the Commission should interpret the Zoning Code to allow certain animals, including chickens to be raised under certain conditions in accordance with Section 1301 of the Zoning Code; and

**WHEREAS**, on May 9, 2023, the Planning Commission interpreted the Zoning Code to allow certain animals in residential zones in accordance with Section 1301 as follows:

**In RCO, UR, R, and RM Zoning Districts:**

*Permitted Uses:* Raising of adult animals over six (6) months of age. (offspring are not counted until this point), including, but is not limited to small animals, such as rabbits, poultry (including, ducks, chickens-excluding roosters, and no more than six (6) said animals combined per lot). In addition, the domestic animal keeping of up to four (4) cats and/or dogs over the age of six (6) months is allowed per lot (dogs/cats are not counted towards combine number of allowed ducks or chickens).

*Uses Requiring a Conditional Use Permit:* Raising of animals other than those as permitted uses.

**WHEREAS**, in accordance with Section 1301 of the Zoning Code, the Planning Commission has determined that this interpretation is made based on the following findings:

- A. That the addition of the uses to the list of permitted uses will be in accordance with the purposes of the districts in which the use is proposed.
- B. That the uses have the same basic characteristics as the uses permitted in the district.
- C. That the uses reasonably can be expected to conform with the required

conditions for the district.

D. That the uses will not be detrimental to the public health, safety or welfare, or adversely affect the character of any district in which it would be located.

E. That the uses will not create more vehicular traffic than the volume normally created by the uses permitted in the district.

F. That the uses will not create more odor, dirt, smoke, noise, vibration, illumination, glare, unsightliness or any other objectionable influence than the amount normally created by any of the other uses permitted in the district

G. That the uses will not create any greater hazard of fire or explosion than the hazards normally created by any of the uses permitted in the district.

**WHEREAS**, this interpretation of the Zoning Code shall become effective immediately upon adoption of this resolution, but shall terminate once the Zoning Code is amended to more completely address animal uses in Isleton.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Isleton Planning Commission adopts the above Recitals as its determination and findings with respect to this Zoning Ordinance Interpretation; and

**PASSED AND ADOPTED** by the Planning Commission of the City of Isleton this 2nd day of May, 9, 2023 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

# City of Isleton

## Planning Commission Staff Report

DATE: April 4, 2023

ITEM#: 8-A

CATEGORY: Old Business

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### REGULATIONS FOR KEEPING CHICKENS IN ISLETON

**BACKGROUND:** During their February 28, 2023, meeting the City Council discussed the need to amend the Zoning Code to allow the keeping of animals in residential zones. Although there was no clear consensus on the matter, it seemed that the priority was to allow chickens (no roosters) be allowed to provide eggs for a family. Although, a more extensive evaluation should be conducted for keeping other animals, such as goats, pigs, horses, and bovine, the concern seemed to be to address chickens more immediately. The Council referred this matter to the Planning Commission for suggested approaches.

At your last meeting of March 7, 2023, the Planning Commission discussed the matter and again, there was no clear consensus of how the City should proceed. When this item was discussed by Commissioner Burke passed out an outline of a possible ordinance on animal regulations that covered the fully spectrum of animal regulations (see Attachment 3). Staff nor the Commission had time, at that meeting to fully consume Commissioner's Burke's approach of re-creating a new animal control ordinance.

There seems to be three, and possibly more, options the Commission might consider regarding this matter:

1. Interpret the Zoning Code to allow chickens in residential zones in accordance with Section 1301 of the Code. This would require the Commission to adopt a resolution and make findings that chickens are a compatible use in residential zones.
2. Assemble a new code on animal regulations that could take the form of Commissioner Burke's recommendation (see Attachment 3). This would require further examination of how the new ordinance fits in with other sections of the Code and how to approach administration and enforcement of the new regulations.
3. Hold off to address allowing animals by zoning district to the comprehensive zoning code update to be conducted later in 2023 (by other consultants). When the Zoning Code is developed it should also be evaluated to insure consistency with other sections of the Municipal Code and to assure consistency and compatibility of how the new zoning code regarding animal control is administered and enforced.

**CURRENT CODE EVALUATION:** Chapter 5.12, Animals, of the Municipal Code defines animals as any bovine animal, horse, mule, burro, sheep, goat, swine, chicken, duck, turkey or other domestic animal or poultry with the exception of domestic dog or cat. These regulations also restrict keeping of animals within the City as determined by the Zoning Code unless within an agricultural zone. And, within an agricultural zone, structures/pens for keeping animals cannot be located nearer than 100 feet of any building on adjoining property used for dwelling purposes (see Attachment 2).



The only agricultural related zone district in the City is the RCO, Resource Conservation and Open Space District. Although the RCO District regulations don't reference keeping of animals, it does indicate raising fruit and nut trees, vines, vegetables, and horticultural specialties as allowed by right.

Other residential zoning districts in the City are R, One Family and RM, Multiple Family districts, which also indicate that, the raising of fruit and nut trees, vegetables and horticultural specialties on a non-commercial basis is a use allowed by right. No other reference is made in the Zoning Code regarding keeping of animals.

*Administrative Compatibility with County Animal Control:* Any change to the City's Code, should consider compatibility with Sacramento County Animal Control regulations and how the County administers animal control in Isleton (see Attachment Section 25.12.050 of the City Municipal Code concerning the Sacramento County animal control agreement). Certainly, it would be appropriate to reach out to Sacramento County to see how any new regulations fit within the administrative and operative requirements of the County's Animal Control programs.

**OPTION 1-INTERPRETATION OF THE ZONING CODE:** This option allows the Commission to interpret the Zoning Code to allow chickens in residential zones in accordance with Section 1301 of the Zoning Code with some restrictions as follows (edited after some previous discussion by the Commission):

***In RCO, UR, R, and RM Zoning Districts:***

*Raising of adult animals over six (6) months of age. (offspring are not counted up until this point), including, but is not limited to small animals, such as rabbits, poultry (including, ducks, chickens-excluding roosters and no more than 6 animals per animal category per house).*

Section 1301 of the Zoning Code provides for Planning Commission interpretation of permitted uses by zoning district. In this case the Planning Commission should evaluate the current code and may, by resolution of the Planning Commission makes findings add a use to the lists of permitted uses and conditional uses, as applicable:

***REQUIRED FINDINGS DETERMINING USES FOR ZONING CONSISTENCY:***

- A. That the addition of the use to the list of permitted uses will be in accordance with the purposes of the district in which the use is proposed.
- B. That the use has the same basic characteristics as the uses permitted in the district.
- C. That the use reasonably can be expected to conform with the required conditions for the district.
- D. That the use will not be detrimental to the public health, safety or welfare, or adversely affect the character of any district in which it would be located.
- E. That the use will not create more vehicular traffic than the volume normally created by the uses permitted in the district.

- F. That the use will not create more odor, dirt, smoke, noise, vibration, illumination, glare, unsightliness or any other objectionable influence than the amount normally created by any of the other uses permitted in the district
- G. That the use will not create any greater hazard of fire or explosion than the hazards normally created by any of the uses permitted in the district.

This approach may address the Council's apparent more immediate main objective of allowing chickens in residential zones. Bigger picture approaches to addressing larger animals could be addressed when the Zoning Code is updated later this year.

### **OPTION 2-ASSEMBLE NEW ANIMAL CONTROL REGULATIONS**

Attachment 3 is a possible, more comprehensive animal ordinance presented by Commissioner Burke. The proposed regulations certainly address a rural character type community that may fit well for the City. However, since this new regulations appear to be quite different from the City's current Animal Control regulations, they should be designed to fit consistently with other related regulations, such as the Zoning Code. They should also be reviewed for compatibility with Sacramento County's animal control regulations and how they are enforced. For example, animal control officers may need to be trained in measuring weight and wing span of certain animals under these new regulations.

### **OPTION 3-WAIT FOR A NEW UPDATE OF THE ZONING CODE**

Not knowing the extent of enforcing the current animal control regulations it is hard to tell how much of a problem it has been to the City to address complaints from folks who are raising chickens in town and how many complaints the City receives to try to address this problem. Should the Commission consider holding off on addressing raising chickens and potentially other animals in town to when the City conducts an update to the Zoning Code, it might be more cost effective to the City to do so.

*Status of the Zoning Code Update:* The City is currently seeking consultant proposals to update the Zoning Code, so it may seem pre-mature to start developing new regulations on animal control without considering how the new regulations might fit within the format and function of a new Zoning Code and without having an assigned consultant on board. On the other hand, it certainly makes sense for the Commission to start reviewing the Zoning Code to identify other problems with it, beyond the keeping of animals in residential zones. Further discussion on this bigger picture could be tabled to a future meeting.

### **ATTACHMENTS**

1. City of Isleton Excerpts from Animal Regulations
2. Sacramento County Zoning Excerpts regarding Chickens and animals
3. Michelle Burke, Outline of Animal Regulations Submitted to the Planning Commission and the City Council

1. We are given the following information:

Revenue = 1000  
Cost = 400

Profit = Revenue - Cost = 1000 - 400 = 600

Profit Margin = Profit / Revenue = 600 / 1000 = 0.6

Profit Margin = 0.6

Profit Margin = 0.6

Profit Margin = 0.6

Profit Margin = 0.6

Profit Margin = 0.6

Profit Margin = 0.6

**ATTACHMENT 1-EXCERPTS FROM CITY MUNICIPAL CODE**  
**City of Isleton Municipal Code (excerpts):**

**5.12.020 - Keeping of animals**

It is unlawful to keep, harbor or maintain any animal on any parcel of real property within the city, unless such property is zoned for agricultural uses and the keeping, harboring and maintaining of an animal thereon is authorized pursuant to the zoning ordinance of the city. Where the keeping, harboring and maintaining of an animal is authorized herein, such animal shall not be located nor shall any structure, pen or enclosure used for the keeping thereof be located nearer than 100 feet of any building on adjoining property used for dwelling purposes, food preparation, food service, a school, a hotel or motel or place of public assembly.

**5.12.050 - Sacramento County animal control agreement**

The board of supervisors of the County of Sacramento has heretofore adopted an ordinance providing for the control or animals, licensing of dogs, providing for the collection of fees, impounding of animals, and similar matters, and that said Ordinance 906 is hereby incorporated and adopted by reference, three certified copies of the same being on file in the office of the city clerk.

Under the provisions of section 439.90 of the California Food and Agriculture Code, the provisions of said Ordinance 906 shall apply throughout any city located in Sacramento County whenever the governing body of the city by ordinance requests the application thereof within the confines of the city, and it is deemed to be to the best interests of the city that is request the application of the provisions of said ordinance sections within the confines of the city.

It is hereby requested of the board of supervisors of the county that the provisions of said Ordinance 906 and the provisions of the section of the California Food and Agriculture Code therein adopted as set forth in section 439.90, apply throughout the city that the city clerk forward a certified copy of this ordinance to the board of supervisors of the county; and that the mayor and the city clerk be authorized and instructed to execute an animal control agreement setting forth the terms and conditions for the enforcement of said ordinance.

d. On lots less than 10,000 square feet, the keeping of egg-laying chickens and ducks is allowed subject to the following restrictions:

(i) Animals must be kept in rear yard areas only.

(ii) Residentially zoned parcels may have one of these animals for every 1,000 square feet of parcel area or one for every 200 square feet of rear yard area, whichever is less.

(iii) Non-residentially zoned parcels may have one of these animals for every 400 square feet of parcel area or one for every 200 square feet of rear yard area, whichever is less.

(iv) A covered coop with a roof and four sides must be provided for chickens to voluntarily retreat to and roost at night.

(v) These animals must be kept in a structure or fenced area at least 20 feet from all neighboring residential dwellings at all times.

(vi) 10 square feet of space shall be available for each animal for foraging and roaming.

e. The keeping of goats, sheep, steer, and similar animals may be temporarily allowed on parcels less than 20,000 square feet, and hogs on lots greater than two acres, with a Minor Use Permit if part of a Future Farmers of America or, 4- H Club educational program or, if kept by independent exhibitors as defined by the California Department of Food and Agriculture.

(i) Only animals kept as part of a market program are allowed.

(ii) Structures utilized for the keeping of animals is subject to the development standards .....

**ATTACHMENT 3-PROPOSAL FROM MICHELLE BURKE**  
**Submittal at March 7, 2023, Planning Commission Meeting**  
**Animal Control Ordinance Example**

Purpose of the ordinance.

1. The keeping of animals is consistent with the rural lifestyle emphasized in low-density residential districts and can enhance the rural charm of these districts and areas. To permit the keeping of animals and ensure that their presence does not create an undue burden on neighboring residents, the following standards shall apply

Definitions.

1. Animal shall mean any creature kept for personal enjoyment or use that is legal to keep in California. Animal includes mammals, birds, reptiles, amphibians, fish or insects.
2. Bird refers to any bird including livestock type poultry, legal wild game, or common avian pets.
3. Livestock refers to animals that can be legally raised in the US for human consumption of milk, meat, eggs, or honey.

Keeping of animals.

1. Minimum distance requirements from neighbors plus minimum animal welfare space requirements shall significantly limit the quantity and size of animals permitted on any lot.
2. Indoors there shall be no more than 5 uncaged animals and no more than 300# of animals collectively indoors including juvenile animals.
3. Shelter and exercise space for animals must be designed and constructed so that they are structurally sound. They must protect the animals from injury, contain the animals securely, and restrict other animals from entering. See animal welfare section below for minimum size requirements.
4. Minimum Distance. No animal be allowed within 20 feet of any air exchange (in use door, operable window, air intake vent) of a neighboring residence, public gathering space, retail space, or any commercial kitchen.
5. Birds and bees shall be kept an additional distance away from the above air exchanges. Birds must be kept the standard 20' minimum distance from neighbors plus an additional distance equaling the cumulative wingspan of all birds on site (ie. 20' plus approximately 2' per chicken). Bee hives must be the standard minimum 20' from neighbors if there is a solid fence at least 6' tall separating the properties, or an additional 15' from a property line if the fence is shorter than 6' or not solid and where there is human activity more than just mowing within 20' of the property line.
6. Loud animals or unaltered male goats, sheep, equines, and cattle must be over 100' from pre-existing neighbors bedroom windows. Loud birds, dogs, or cats may alternately be kept in a sound insulated space such as indoors with no open or single pane windows or doors within 35' of neighbors bedrooms.
7. Unaltered animals found roaming may be altered before being returned without penalty.
8. Minimum distance to a residence may be reduced if the affected neighbors give written permission to reduce or eliminate the minimum distances. Pre-existing uses and noises that reasonably could have been known cannot be denied use.
9. Animals may be permitted unattended next to a public right of way if they pose no threat of biting, pecking, or entering the public right of way. Primary animal shelter not permitted in front yard setback unless it is under 3' tall, less than 100sf per 50 linear feet of frontage, and resembles or is better than the surrounding built environment.
10. Any non-aggressive animals may be walked, ridden, or herded along public rights of way where the posted speed is less than 30mph. Grazing of public property that is not-landscaped is permitted.
11. Whichever is less, number of animals meeting the welfare minimums below OR a collective weight of all animals that is less than the square root of the number of square feet available to

the animals outside of their primary shelter times 10 (ie. a 30'x30' space is 900sf, the square root of 900 x10= 300# limit on the collective weight of animals in that 30'x30' space).

12. Non-profit activities like FFA and 4H that include sales are permitted but subject to all other size and location restrictions. Minor sales, less than 50% of total annual number of livestock on site, shall be permitted. Non-livestock produced primarily for show or sale require a home occupation permit and are constrained by the same animal size and location restrictions .

13. Wild game or livestock slaughter and processing for consumption on site permitted so long as no slaughter can be heard, seen, or smelled by neighbors or passers by. Nor is any such activity within 50' of a public right of way.

14. All animals at rental properties require written permission of the property owner.

Animal welfare.

All animals can at least:

1. turn around, lay down with ease and stretch, and stand upright and toss their head upward without obstruction inside a sheltered area where they are shielded from sun, wind, and rain. Each animal has this amount of sheltered dry space for themselves available

2. walking space at least twice their body length (nose to rump) in any direction outside the minimum shelter area.

3. for each animal in addition to the largest animal on site, the walking space is its additional body length in two perpendicular directions or two additional body lengths in one direction (ie. largest animal is a 4' long dog that therefore has 8' minimum in any direction outside the minimum shelter area, then the addition of two goats that are 3' long each means an exercise pen of 14'x14' or 8'x20').

Enforcement.

1. For enforcement purposes, veterinary standards for estimating weights based on measurements can be used instead of actual weight though actual weight is the final determinator if the city's estimate is challenged.

# City of Isleton

## Planning Commission Staff Report

DATE: May 9, 2023

ITEM#: 6.A

CATEGORY: New Business

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### **SITE PLAN REVIEW SPR 23-01**

### **NON-COMMERCIAL RAISING OF FRUIT AND NUT TREES, VINES, VEGITABLES AND HORTICULTURAL SPECIALTIES AND RELATED PROPERTY IMPROVEMENTS AT 502 6<sup>TH</sup> STREET, ISLETON, CA MICHELLE BURKE APPLICANT**

#### **BACKGROUND**

On August 2, 2022, the Planning Commission determined that activities on the project site were considered an allowed use in accordance with Article 13 of the Zoning Code finding that of the activities occurring on site, such as the established shipping containers and equipment are and other activities, are considered to be similar to the non-commercial raising of fruit trees, vines, vegetables, and horticultural as referenced in the Zoning Code for the R, One-Family Residence District. Consequently, these previous site changes and current and proposed activities are subject to a Site Plan Review in accordance with Article 15 of the Zoning Code. In accordance with Section 1501 of the Zoning Code, Purpose and Application, Site Plan Review is intended to:

1. Enable the Planning Commission to make a finding that the proposed development is in conformity with the intent and provisions of the Zoning Code.
2. To guide the building official in the issuance of building permits.
3. To ensure that structures, parking areas, walks, refuse containers, landscaping, lighting and street improvements are properly related to their sites and to surrounding sites and structures.
4. To prevent excessive grading of the land and creation of drainage hazards.
5. To prevent the indiscriminate clearing of property and the destruction of trees and shrubs of ornamental value.
6. To avoid unsightly, inharmonious, monotonous and hazardous site development, and to encourage originality in site design and development in a manner, which will enhance the physical appearance and attractiveness of the community.

**Project Description:** As more complete description is provided in the Applicant's written statement. The project involves planting of trees, gardens, off-street parking, some lighting, six shipping containers for storage and other related improvements (see Attachment G). This attachment includes some 8-1/2" X 12" sectional copies of larger site plan that was submitted by the applicant. A larger plan can be reviewed at City Hall.

**Previous Planning Commission Review:** The question of approved uses on the site were considered allowed by the Zoning Code were brought to the Planning Commission during the regular meetings of February 15, July 5, and August 2, 2022, At the August 2, 2022, meeting, the Commission determined that the uses were allowed since they were similar in use to Section 603 of the Zoning Code for R, One-Family Residence District to other permitted uses specifically:

"B. Raising of fruit and nut trees, vines, vegetables and horticultural specialties on a non-commercial basis."

"I. Accessory structures and uses located on the same site with a permitted use.

"G. Garden structures in accordance with subsection 604.F."

Section 604 F indicates that all "garden structures" comply with minimum building setback requirements in the R, One, Family Residence district.

### *General Plan*

For the Planning Commission to approve this application they must find that the project is consistent with the General Plan. The subject site (502 6<sup>TH</sup> Street) is designated for residential land uses, PDL (Planned Development Low Density Residential). This land use designation is intended to allow for primarily low density uses/development consisting mostly of single-family homes.

### *Zoning*

For the Planning Commission to approve this application they must find that the project is in compliance with the Zoning Code. The subject site is zoned R, One-Family Residential, which” is intended primarily to provide living areas at locations designated by the general plan for low density, involving single-family dwellings with regulations designed to accomplish the following:

1. To promote and encourage a suitable environment for family life.
2. To provide space for community facilities needed to complement urban residential areas, and for institutions which require a residential environment, in accordance with policies of the general plan and state law.”

Shipping containers and other types of large metal boxes/containers may or may not be consistent with purpose of Site Plan Review regulations:

*“Avoidance unsightly, inharmonious, monotonous and hazardous site development, and to encourage originality in site design and development in a manner, which will enhance the physical appearance and attractiveness of the community.”*

Design and appearance are of properties is subjective in the eyes of the beholder and based on judgement of the Planning Commission. The applicant has indicated in the project description, that these containers have been painted in neutral colors and plans to plant trellises around them to help mask them from public view. The Commission will need to determine if this approach meets the purpose Site Plan Review.

Since the project is not located in a commercial or multiple family residential zone, where Architecture Design Review is required under Article17 of the Zoning Code, these types of structures, in this case, may be perceived by the Planning Commission as an acceptable community appearance.

### *Nuisance Violation*

This property has an existing Municipal Code violation notice. This notice includes several violations of the City’s Municipal Code section 10.16.20, Nuisances, such as debris, attractive nuisances, discarded furniture, visible construction equipment, out of conformity maintenance of property, vehicles parked in front yard setback. There is also an unauthorized temporary sanitation facility. Approving this site plan review could be considered contrary to this violation notice.

### *Permanent Use of Shipping Containers*

The permanent use of shipping containers has been restricted by the City in other locations in town to commercial zones. Under some circumstances temporary storage during construction projects containers are permitted. The City Council is currently considering adopting draft Ordinance No. 2022-003 regulating shipping containers. Attachment H is the draft ordinance to reference. This ordinance, if adopted by City Council, will restrict the use of containers to prohibit shipping containers in residential zones.

Specifically, this draft ordinance states:



*Shipping containers shall not be allowed in any residential zoning district, including all R districts or where there is an applicable PUD overlay district with a residential use, except in conjunction with active construction as allowed under Section*

Approval of this project would be contrary to the City's intentions to restrict shipping containers in residential zone.

*Building Permit for Permanent Shipping Containers:*

In the event the site plan application is approved the six shipping containers would need to be brought up to compliance with Building and other applicable codes such as Chapter 5.52, Flood Damage Prevention.

## **ENVIRONMENTAL DETERMINATION**

The project qualifies as exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15303 of the CEQA Guidelines, as new construction of a small structure. This Class II exemption consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small. The more significant potential impact from this project may be aesthetic impacts, whereas the shipping containers and other such site appearance changes could be considered to have a significant aesthetic impact as per CEQA Checklist that asks the following:

**I. AESTHETICS.** *Except as provided in Public Resources Code Section 21099, would the project:*

*a) Have a substantial adverse effect on a scenic vista?*

*b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

*c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

Should the Commission find that the project does not result in significant aesthetic impacts as noted from the CEQA Checklist above, the Commission will need to concur with issuing a Notice of Exemption as part of the project approval.

## **PUBLIC AND AGENCY COMMENT**

The project was reviewed by City staff, including the City Engineer and Fire Chief to provide technical evaluation and to consider design requirements by code. Project plans were also submitted to various local agencies for comment between April 14 and April 28. The following comments have been received to the date this report was prepared:

**Building Official:** All shipping containers would be required to comply with related building and safety codes, including installation of engineered foundation systems. If these shipping containers were to be used for any habitation, such as for residential, or retail, additional requirements would be needed such as fire sprinklers.

**Fire Chief:** As long as the shipping containers used for any habitation and used strictly for storage as referenced in the applicant's project description, I have not problems with the project. However, a more detailed inspection of a fire safety plan would be required to determine locations of fire hydrants and potentially additional hydrants may be required.

*City Engineer:* The following will be required for approval by the City Engineer to meet minimum public safety requirement:

1. Water plan.
2. Sanitation plan.
3. Grading and drainage plans.
4. Flood damage and prevention plan in compliance with Municipal Code 5.52, Flood Damage Prevention – Elevation and Floodproofing.

## **FINDINGS AND CONDITIONS**

Attachment A of this staff report consists of Planning Commission Resolution PC 002-23 which includes a number of findings and conditions necessary for the Commission’s approval of this project.

## **ALTERNATIVES**

The Planning Commission may:

1. Adopt Resolution approving Site Plan Review SPR 23-01 with required findings and with conditions of approval (see Alternative Resolution 1). Action may be appealed to the City Council.
2. Adopt Resolution denying Site Plan Review SPR 23-01 with findings (see Alternative Resolution 2). Action may be appealed to the City Council.
3. Defer further review of this project to the City Council for review due to City Council’s pending review of Draft Ordinance No. 2022-03 regarding regulations pertaining to shipping containers. This deferral could include a recommendation from the Planning Commission as to whether or not to approve the site plan application.
4. Continue the application with direction to staff and the applicant for any additional information or revised plans to address the Commission’s concerns. Please note that the applicant must concur with a continuance on this matter.

## **ATTACHMENTS**

Exhibit 1-Resolution 1-Approving Site Plan Review SPR 23-01  
2-Resolution 2-Denying Site Plan Review SPR 23-01

Attachment A-Vicinity Map

Attachment B-Aerial Photo of Site

Attachment C-Site Plan Sections (larger version available for review at City Hall)

Attachment D-General Plan Land Use Map

Attachment E-Zoning Map

Attachment F- Photo Documentation of Site (taken June 21, 2022)

Attachment G- Applicant’s Statements and Report

Attachment H-Draft Ordinance No. 2022-003 regulating shipping containers

**Exhibit A: Resolution of Approval**

**RESOLUTION PC002-23**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF ISLETON APPROVING MICHELLE BURKE  
SITE PLAN REVIEW SPR 23-01**

**APPROVING PLANTING OF TREES, GARDENS, OFF-STREET PARKING, SOME LIGHTING,  
SIX SHIPPING CONTAINERS FOR STORAGE AND OTHER RELATED IMPROVEMENTS AT  
502 6<sup>TH</sup> STREET, ISLETON, CA**

The Planning Commission of the City of Isleton hereby finds as follows:

**WHEREAS**, on Michelle Burke (“Applicant”) submitted a planning application to the City of Isleton for Site Plan Review SPR 23-01 for planting trees, installing gardens, constructing parking, installing lighting, installing six shipping containers for storage and other related improvements at 502 6<sup>th</sup> Street, in the R, One Family Residence District, Assessor’s Parcel No. 157-004 (“Project”); and

**WHEREAS**, the Project application was submitted in accordance with the Section 1501 of the Zoning Code, based on a determination made by the Planning Commission on August 2, 2022, that the uses on the site are allowed since they were similar in use to Section 603 of the Zoning Code for R, One-Family Residence District to other permitted uses; and

**WHEREAS**, for the purposes of defining shipping containers that have been installed on the project site, a shipping contain is defined as a container that was originally designed as an intermodal freight container that could be transported by ships, trains, planes and trucks; and

**WHEREAS**, in accordance with Section 1501 of the Zoning Code, the Planning Commission has determined that the project is consistent with the General Plan, in compliance with the Zoning Code, and meets the purpose of Site Plan Review purposes and intent; and

**WHEREAS** the project is exempt from environmental review in accordance with Section 15303 of the California Environmental Quality Act Guidelines, as new construction of small structures; and

**WHEREAS**, on May 2, 2023, the Planning Commission meeting on this item was cancelled due to flooding conditions at City Hall and was moved to May 9, 2023; and

**WHEREAS**, on May 9, 2023, the Planning Commission meeting conducted a meeting to consider this project.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Isleton Planning Commission that:

**Section 1.** The Planning Commission adopts the above Recitals as its findings with respect to the Project; and

**Section 2.** The Planning Commission approves Site Plan Review SPR 23-01 for the project based on the findings made above and subject to the Conditions of approval: Michelle Burke, for planting trees, installing gardens, constructing parking, installing lighting, installing six shipping containers for storage and other related improvements at 502 6<sup>th</sup> Street, in the R, One Family Residence District, Assessor’s Parcel No. 157-004 (“Project”).

**Planning Commission Conditions of Approval for Site Plan Review SPR 01-23**

1. Within six (6) months of this approval, the following shall be completed:

- a. Secure building permits for all improvements, including installation of the six shipping containers previously located on the site.
  - b. Secure approval of any fire safety requirements of the Fire Chief, if any are required. City
  - c. Water plan subject to approval by the City Engineer.
  - d. Sanitation plan subject to approval by the City Engineer.
  - e. Grading and drainage plans subject to the approval of the City Engineer.
  - f. Flood damage and prevention plan in compliance with Municipal Code 5.52, subject to approval by the City Engineer.
2. No additional shipping containers shall be permitted on the project site.
  3. All shipping containers on the site:
    - a. Shall not Incorporate any signs or advertising.
    - b. Shall be maintained free of graffiti.
    - c. Shall be limited to storage of equipment and materials associated with gardening as the main use of the property, not to be used for any human occupancy.
    - d. Not have separate sewer, water or electrical services except for needed lighting purposes.

**PASSED AND ADOPTED** by the Planning Commission of the City of Isleton this 9<sup>th</sup> day of May, 2023 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**Exhibit B: Resolution of Denial**

**RESOLUTION PC002-23**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF ISLETON DENYING MICHELLE BURKE  
SITE PLAN REVIEW SPR 23-01**

**APPROVING PLANTING OF TREES, GARDENS, OFF-STREET PARKING, SOME LIGHTING,  
SIX SHIPPING CONTAINERS FOR STORAGE AND OTHER RELATED IMPROVEMENTS AT  
502 6<sup>TH</sup> STREET, ISLETON, CA**

The Planning Commission of the City of Isleton hereby finds as follows:

**WHEREAS**, on Michelle Burke (“Applicant”) submitted a planning application to the City of Isleton for Site Plan Review SPR 23-01 for planting trees, installing gardens, constructing parking, installing lighting, installing six shipping containers for storage and other related improvements at 502 6<sup>th</sup> Street, in the R, One Family Residence District, Assessor’s Parcel No. 157-004 (“Project”); and

**WHEREAS**, the Project application was submitted in accordance with the Section 1501 of the Zoning Code, based on a determination made by the Planning Commission on August 2, 2022, that the uses on the site are allowed since they were similar in use to Section 603 of the Zoning Code for R, One-Family Residence District to other permitted uses; and

**WHEREAS**, for the purposes of defining shipping containers that have been installed on the project site, a shipping contain is defined as a container that was originally designed as an intermodal freight container that could be transported by ships, trains, shipping planes and trucks; and

**WHEREAS**, the Planning Commission has determined that the project, primarily due to the permanent use of shipping containers on the project site, the project is not consistent with the General Plan in that this conflicts with the following from the General Plan:

1. Conflicts with Goal 3; that shipping containers do not contribute to the character of the community.
2. Conflicts with Policy 6: that shipping containers do not enhance visual and functional quality expected from new development.
3. Does not meet the objectives for Low Density Residential since it may preclude the future development of housing in the City; and

**WHEREAS**, the Planning Commission has determined that the project, primarily due to the permanent use of shipping containers on the project site, the project is not in compliance with the Zoning Code, in that the shipping containers used on the property does not meet the purpose of the R, One Family Residence District (Article 6 of the Zoning Code) purpose which are to provide a suitable environment for family life and to provide space for community facilities needed to complement urban residential areas, and for institutions which require a residential environment and is not consistent with the purpose of Site Plan Review (Article 15 of the Zoning Code),to avoid unsightly, inharmonious, development, and to encourage originality in site design and development in a manner, which will enhance the physical appearance and attractiveness of the community; and

**WHEREAS**, the Planning Commission has determined that the project conflicts with draft Ordinance No. 2022-003 regulating shipping containers, and that approving the project that includes permanent installation of shipping containers on a residential zoned property would be in conflict with the City Councils intention to prohibit shipping containers in residential zones; and

**WHEREAS**, on May 2, 2023, the Planning Commission meeting on this item was cancelled due to flooding conditions at City Hall and was moved to May 9, 2023; and

**WHEREAS**, on May 9, 2023, the Planning Commission meeting conducted a meeting to consider this project.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Isleton Planning Commission that:

**Section 1.** The Planning Commission adopts the above Recitals as its findings with respect to the Project to deny Site Plan Review SPR 23-01 for the project based on the findings made above for Michelle Burke, for planting trees, installing gardens, constructing parking, installing lighting, installing six shipping containers for storage and other related improvements at 502 6th Street, in the R, One Family Residence District, Assessor's Parcel No. 157-004 ("Project").

**PASSED AND ADOPTED** by the Planning Commission of the City of Isleton this 9<sup>th</sup> day of May, 2023 by the following vote:

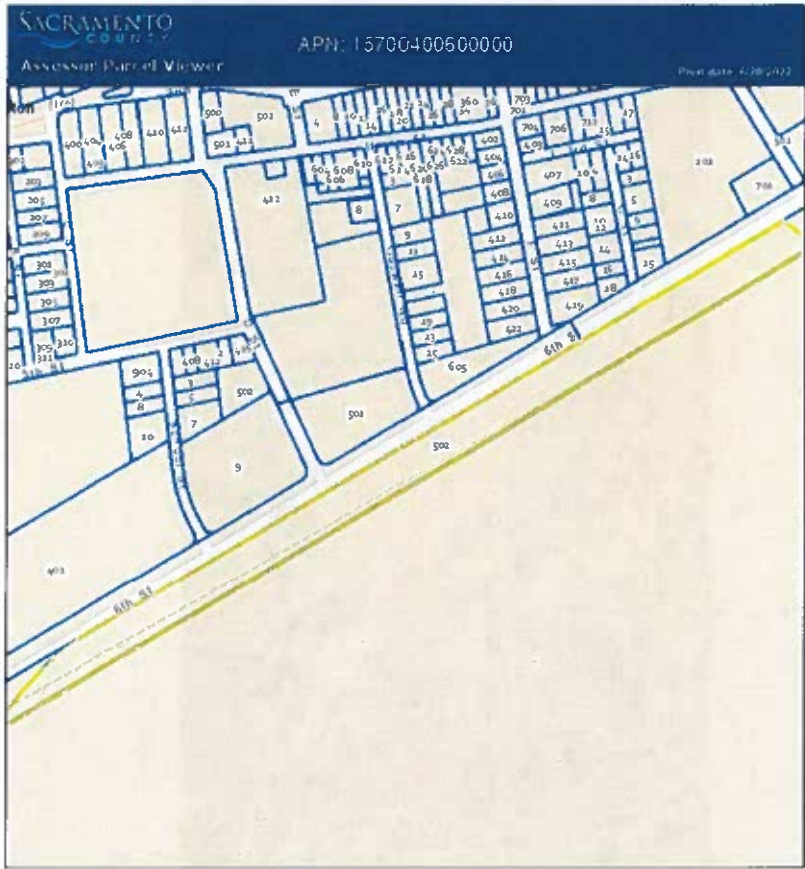
**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**Attachment A: Vicinity Map/Parcel Viewer**



Street Number Labels: Level 17, 14,600

- Sacramento County Boundary
- Parcel Boundaries: Level 16, 17, 18, 19, 20

N  
1" = 298'

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**Attachment B: Aerial Photo**



**Attachment C: Site Plan Sections (larger version available for review at City Hall)**



# Legend

-  6th St. Centerline
-  6 ft Screen Fencing
-  Open Fencing
-  Gate
-  Property Line
-  Setback
-  Roadway
-  Permeable rock or wood chips
-  Portable Foot Bridge
-  Low Voltage LED Landscaping Lights

Fruit forested areas of the property will be predominantly within the front yard. Provide a park like setting along 6th Street. Edible trees and other perennial plants include guava, white sapote, beach rose, elderberry, mulberry, fig, grape, pear, nectarine, cherry. The goal is to eventually have a 20' deep food forest of about 2000 plants. 6th St. Full extent is dependent on water distribution, tractor health, and other factors.

Semi-tropical horticultural specialties are shielded from wind and frost by the roofbeams and temporary frost shielding. Current collection includes dragon fruit, grass, ashitaba, and several others. I can't spell without looking them up. Pollinator, perennial vegetable, and annual food crop gardens will expand as the property is developed.

Storage units are shipping containers.  
 6 ea 8' x 40'  
 1 ea 8' x 20'  
 No structural modifications that hinder picking up and moving with conventional equipment.

6 foot tall Screen fencing will become 4 foot tall open fencing as the trees and plants grow in.

0 STREET

**Storage**  
Covers ~0.8% of total lot area.

Includes but not limited to:  
Gardening tools, Mechanical tools, Garden machinery and parts, Greenhouse and Shade structure coverings and parts, Tractor parts and maintenance supplies, Plant cloning equipment, Plant propagation supplies, Plant pots and Trays, Irrigation equipment and supplies, Fencing tools and supplies, PPE, etc.

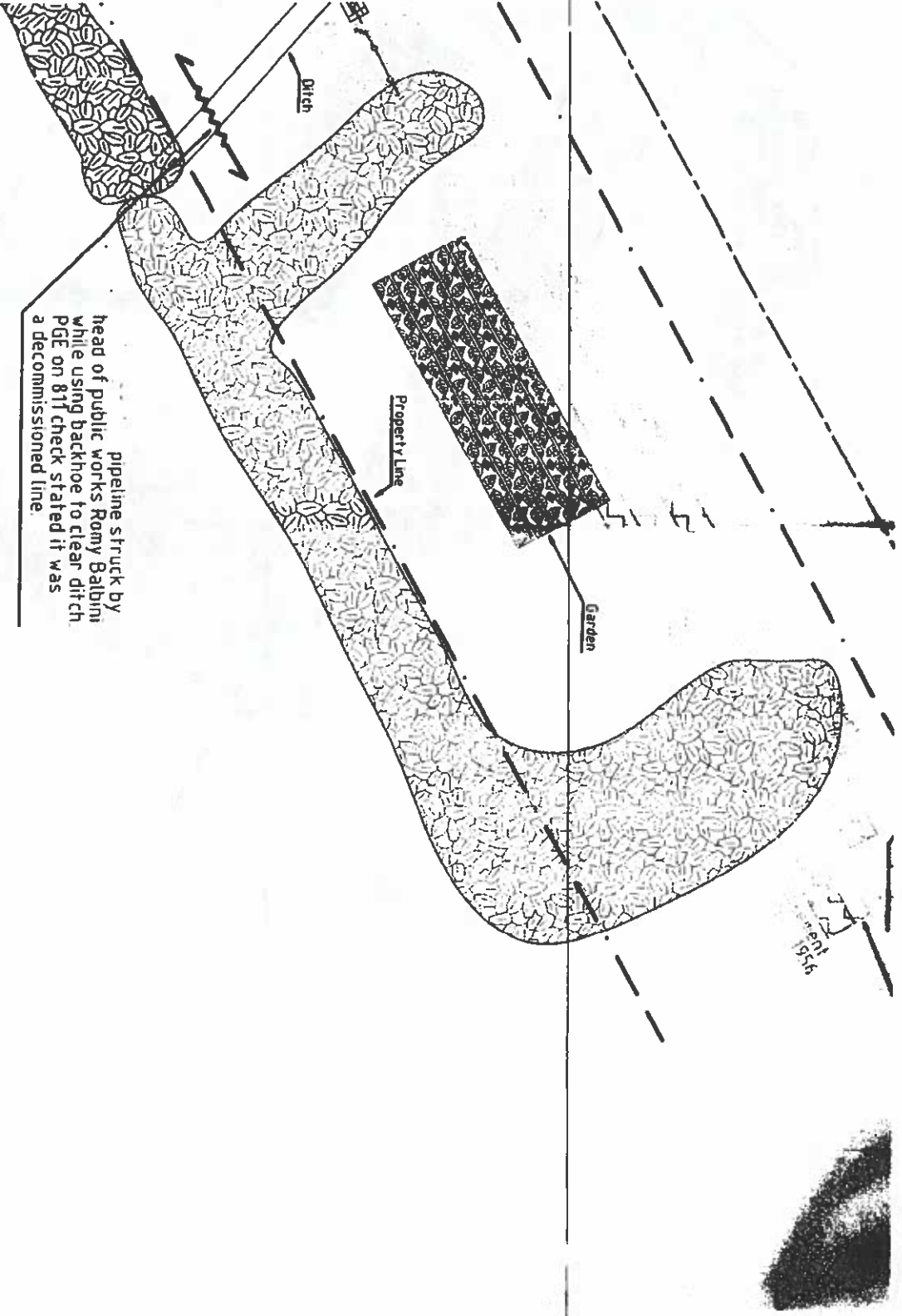
**Zoning R-1-7**

**ARTICLE 6 - R ONE-FAMILY RESIDENTIAL DISTRICTS**  
602 - Permitted uses

- B. Raising of fruit and nut trees, vines, vegetables and horticultural specialties on a non-commercial basis.
- G. Garden structures in accordance with subsection 604.F.
- I. Accessory structures and uses located on the same site with a permitted use.

**Documented Easements:**

- PGE easement - 2104-03-0201 recorded 21 Oct, 1940
- PGE easement - 2104-03-0206 recorded 10 Feb, 1956
- PGE easement - 2104-03-0624 recorded 14 Oct, 2014
- GTCA easement - R/W W.O. 506-21-68 506-71027C Recorded 14 Jan, 1969



pipeline struck by  
head of public works Romy Balbin  
while using backhoe to clear ditch  
PGE on 8/17 check stated it was  
a decommissioned line.

pipeline struck by  
head of public works Romy Balbini  
while using backhoe to clear ditch.  
PGE on 811 check stated it was  
a decommissioned line.

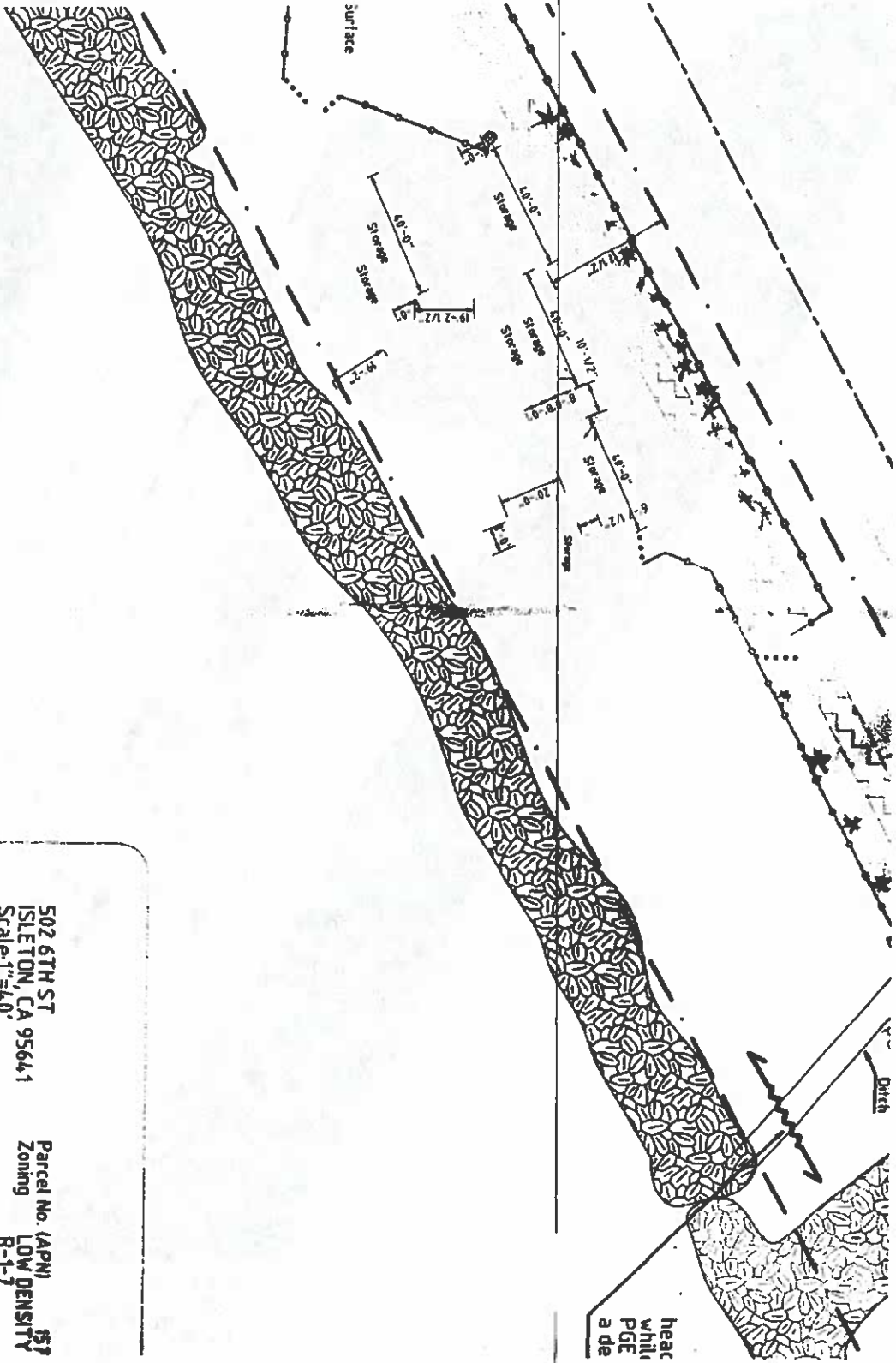
Property Line

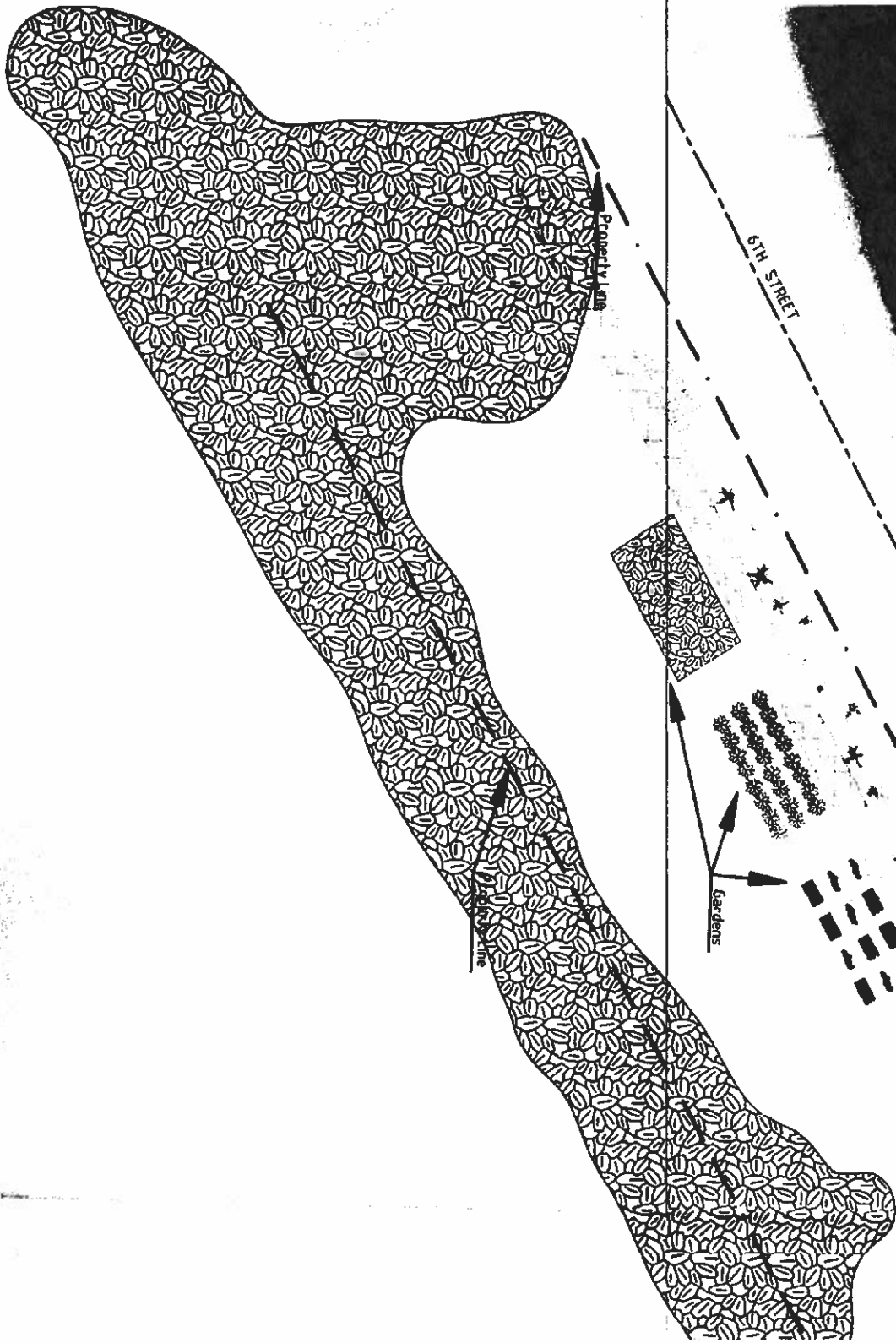
Garden



502 6TH ST  
SLETON, CA 95661  
Scale: 1"=40'

Parcel No. (APN) 57  
Zoning LOW DENSITY  
R-1-7  
Lot Area 251,734 SF





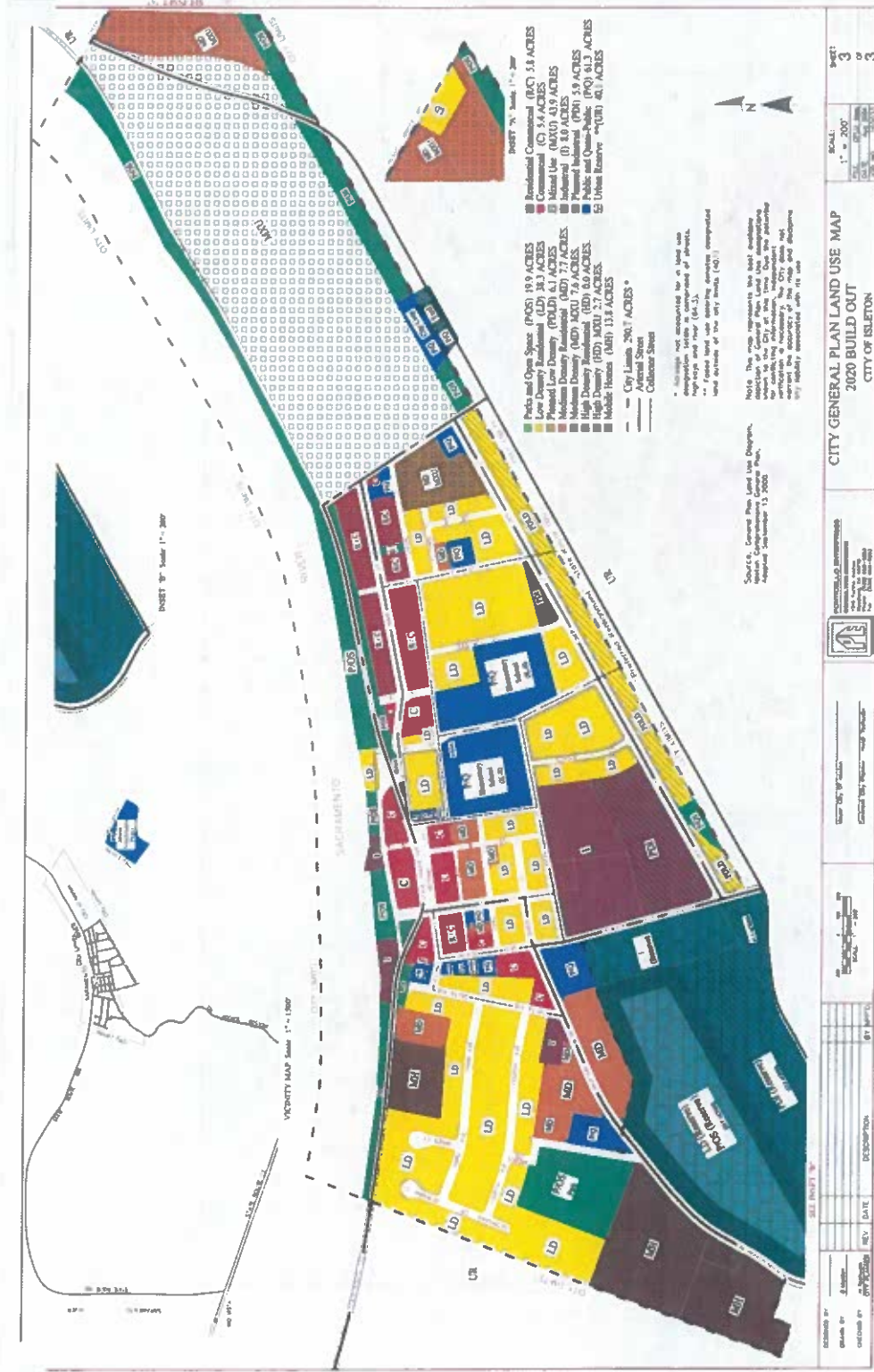
Boothby Ln

6TH STREET

Gardens



# Attachment D: General Plan Land Use Map



NO.	DATE	DESCRIPTION	BY	DATE

DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 DATE: [Date]

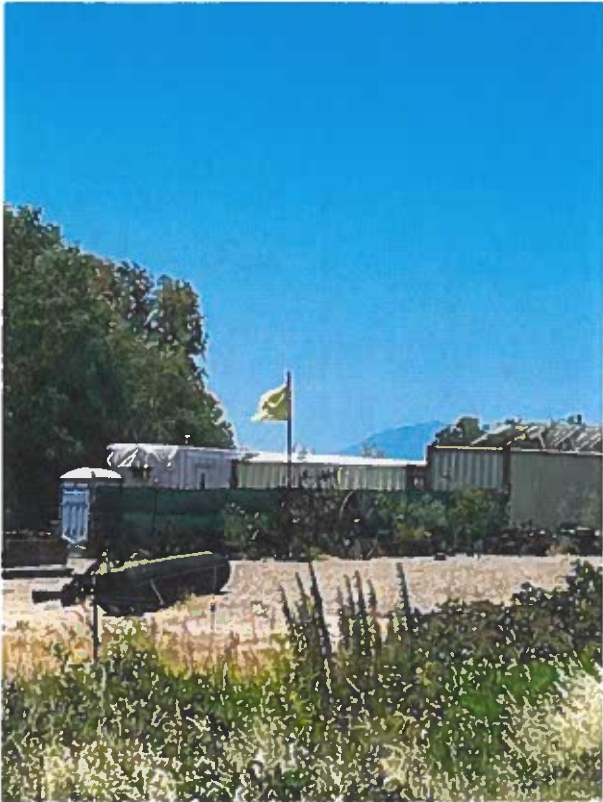
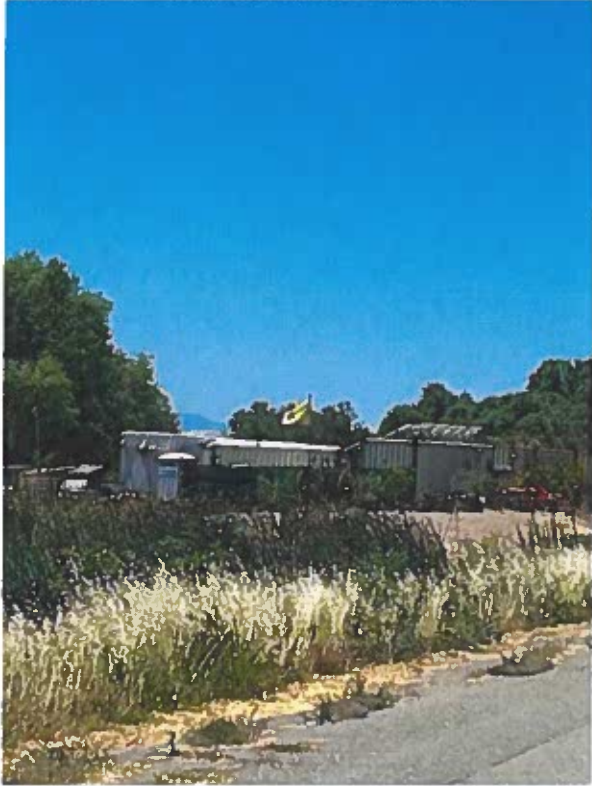
SCALE: 1" = 200'  
 SHEET: 3 OF 3

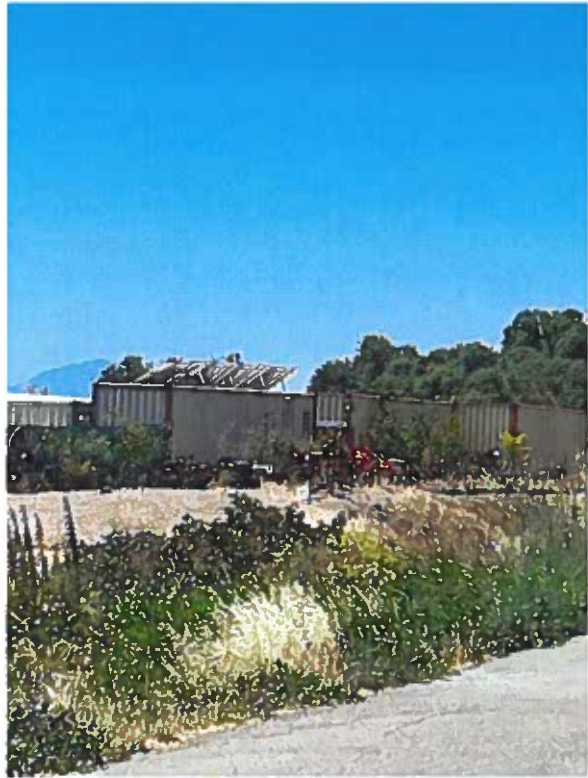
**CITY GENERAL PLAN LAND USE MAP**  
**2020 BUILD OUT**  
**CITY OF ESLETON**





**Attachment F: Photo Documentation of Site (taken June 21, 2022)**





**Attachment G: Applicant's Statements and Report**

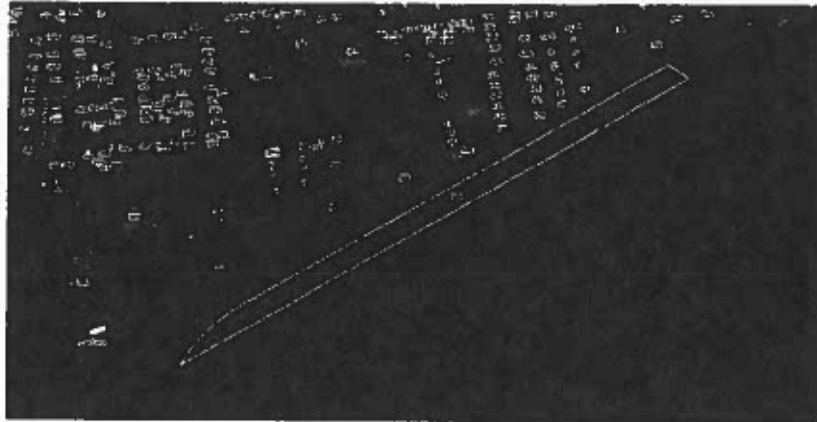
1 **Report in support of a Site Plan Review as per Article 15 of Isleton Zoning**  
2 **Code for 502 6<sup>th</sup> St, Isleton CA for consideration by The Isleton Planning**  
3 **Commission**

4  
5 Isleton Muni Code, APPENDIX A - ZONING CODE, Article 6 – RESIDENTIAL USES,  
6 Sec. 602 – PERMITTED USES.

7 602 (b) - Raising of fruit and nut trees, vines, vegetables and horticultural specialties on a  
8 non-commercial basis.

9 602 (I) - Accessory structures and uses located on the same site with a permitted use.

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**Summary**

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Michelle Burke, owner of a 5.78 acre lot located at 502 6th St, Isleton CA 95641 submits this application for a site plan review. The lot is zoned R-1-7. The planned uses are permitted primary uses as per Zoning Codes 602 (b) and 602 (I). The lot is surrounded by 51.7% Agricultural land, 27.1% Non-residential land and 21.2% residential land(See Appendix A - Photographs).

As per the attached site plan, we are planning on planting fruit and nut trees, vines, vegetables and horticultural specialties on a non-commercial basis(602 (b)). We are also using 6 shipping

- 22 containers as accessory structures for storage of the tools, support equipment and supplies necessary  
23 for the raising of trees, gardens and cultivation of and development of horticulture specialties(602 (j)).  
24  
25 1. Placement of the trees, gardens, accessory structures are in compliance with Zoning Code 604 –  
26 Property Development Standards.  
27 a) The fence line within the required front yard setback is an open fence, 7' or less.  
28 b) No accessory structures within any front, rear or side yard required setback.  
29 c) No accessory structures within 10 feet of any single family dwelling unit.  
30 d) No structures are more than 35' tall.  
31 2. Provisions for parking in compliance with Zoning Code 1102 – Off Street Parking Facilities  
32 Required.  
33 a) Subsection (d) - For a use not specified or covered by the above parking schedule, the same  
34 number of spaces shall be provided, as determined by the planning commission as are  
35 required for similar use.  
36 b) Parking areas will be covered with wood chips or permeable paving for dust control as  
37 allowed by the PGE easements.  
38 3. This usage will not impact water runoff.  
39 a) There are no impenetrable surfaces.  
40 b) There is no substantial grading.  
41 4. This use will not generate any additional traffic, in fact it will reduce traffic as the need to keep  
42 trucking in water will be eliminated.  
43 5. The ingress/egress location preexisted(See Site Plan).  
44 6. All shipping containers have been painted in neutral colors and as the trees grow in and the net  
45 trellises fill out will be masked from view.(See attachment B – Detail Photographs)  
46 7. As the trees grow in, we will remove the fence screens as they won't be needed.  
47 8. We intend on installing one water faucet for irrigation. Building/Plumbing permit applied for.  
48 9. All irrigation for the trees and gardens will be micro-processor controlled drip or micro-  
49 irrigation.  
50 10. The use of the land should be CEQA Exempt under the following categorical exceptions.  
51 a) § 15303 - New Construction or Conversion of Small Structures  
52 b) § 15304 - Minor Alterations to Land

- 53 c) Everything on the site represents minor use of lands as nothing has a permanent foundation,  
54 all can be moved with relatively minimal effort without creating damage.  
55 d) None of the uses preclude the property from being developed for residential use at a later  
56 time.
- 57 11. All lighting is low voltage, warm tone landscape lighting or LEDs(See Attachment B).
- 58 12. There are at least 5 shipping containers located on neighboring properties, mostly  
59 unpainted(See attachment A).

**Appendix A**

Photographs in support of a Site Plan Review as per Article 15 of Isleton Zoning Code for 502 6th St, Isleton CA for consideration by The Isleton Planning Commission

Properties across street

502 6th St side of street



	Decimal	DMS
Latitude	38.16116	38°9'40" N
Longitude	-121.603608	121°36'12" W

	Decimal	DMS
Latitude	38.161453	38°9'41" N
Longitude	-121.603431	121°36'12" W



	Decimal	DMS
Latitude	38.160671	38°9'38" N
Longitude	-121.604628	121°36'16" W

	Decimal	DMS
Latitude	38.160761	38°9'38" N
Longitude	-121.604566	121°36'16" W



	Decimal	DMS
Latitude	38.160634	38°9'38" N
Longitude	-121.605021	121°36'18" W

	Decimal	DMS
Latitude	38.160467	38°9'37" N
Longitude	-121.605537	121°36'19" W



	Decimal	DMS
Latitude	38.160411	38°9'37" N
Longitude	-121.605477	121°36'19" W

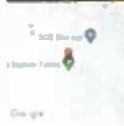


	Decimal	DMS
Latitude	38.160137	38°9'36" N
Longitude	-121.606102	121°36'21" W

Two painted containers on site



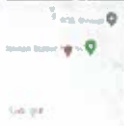
	Decimal	DMS
Latitude	38.159986	38°9'35" N
Longitude	-121.606415	121°36'23" W



	Decimal	DMS
Latitude	38.159774	38°9'35" N
Longitude	-121.606789	121°36'24" W



	Decimal	DMS
Latitude	38.159425	38°9'33" N
Longitude	-121.60754	121°36'27" W



	Decimal	DMS
Latitude	38.159347	38°9'33" N
Longitude	-121.6076	121°36'27" W

One unpainted container on site



	Decimal	DMS
Latitude	38.159131	38°9'32" N
Longitude	-121.608012	121°36'28" W



	Decimal	DMS
Latitude	38.159207	38°9'33" N
Longitude	-121.60815	121°36'28" W

One unpainted container on site



	Decimal	DMS
Latitude	38.158929	38°9'32" N
Longitude	-121.608594	121°36'30" W



	Decimal	DMS
Latitude	38.159123	38°9'32" N
Longitude	-121.608524	121°36'30" W



	Decimal	DMS
Latitude	38.1584	38°9'30" N
Longitude	-121.609765	121°36'35" W

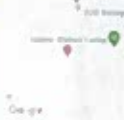


	Decimal	DMS
Latitude	38.158469	38°9'30" N
Longitude	-121.609577	121°36'34" W





	Decimal	DMS
Latitude	38.158084	38°9'29" N
Longitude	-121.610695	121°36'38" W



	Decimal	DMS
Latitude	38.159123	38°9'32" N
Longitude	-121.608524	121°36'30" W

**Appendix B**

Detail and illustration photographs for 502 6th St.



Painted neutral color.



Plant walls for container screening.



Low voltage lighting.



Trees on street  
side of property  
screen as well



ORDINANCE NO. 2022-003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ISLETON TO AMEND APPENDIX A OF THE ISLETON MUNICIPAL CODE ADDING ARTICLE 24 REGULATING SHIPPING CONTAINERS AND PORTABLE STORAGE CONTAINERS

WHEREAS, shipping containers and portable storage containers are a risk to the public health, safety, and welfare as well as the aesthetic appearance of the City for reasons including, but not limited to, they restrict sight lines, restrict emergency response pathways due to their bulk and immobility, are havens for vermin, rodents, and pests, are targets for graffiti and tagging, encourage hoarding, increase fire risks due to poor ventilation, and are bulky and industrial-looking accessory structures incompatible with nearly all surrounding uses; and

WHEREAS, the City wishes to update and amend the Isleton Municipal Code related to shipping containers and portable storage containers in order to protect the public health, safety, and welfare as well as the aesthetic appearance of the City and preserve property values; and

WHEREAS, the proposed Ordinance is exempt from review under the California environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA"), pursuant to CEQA Guidelines section 15308 (Actions by Regulatory Agencies for the Protection of the Environment) where the shipping and storage container standards are promulgated in order to assure the maintenance, restoration, enhancement and protection of the environment specifically as it relates to visual blight and public health and safety by regulating the placement and maintenance of shipping containers in locations incompatible with surrounding uses.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ISLETON HEREBY ORDAINS AS FOLLOWS:

Section 1. Purpose and Authority. The purpose of this Ordinance is to establish minimum development standards for governing the placement and maintenance of shipping containers and portable storage containers within the City to protect the public health, safety and welfare as well as the aesthetic appearance of the city and preserve property values.

Section 2. Enactment. Article 24 of the Isleton Municipal Code is hereby added to the Isleton Municipal Code as follows:

APPENDIX A Zoning

ARTICLE 24 PORTABLE STORAGE CONTAINERS AND SHIPPING CONTAINERS

- XX.XX Purpose and scope.
- XX.XX Definitions.
- XX.XX Allowed uses of shipping containers and portable storage containers.
- XX.XX Development standards – portable storage containers.
- XX.XX Development standards – shipping containers.
- XX.XX Temporary use of shipping containers.
- XX.XX Non-storage uses – shipping containers.
- XX.XX Non-conforming uses – portable storage and shipping containers.

## **XX.XX Purpose and scope.**

The purpose of this chapter is to establish minimum development standards for the placement and maintenance of shipping containers and portable storage containers within the city in order to maintain the aesthetic appearance of the city, preserve property values, and protect the public health, safety and welfare. These standards are in addition to federal, state, and local laws and regulations. Wherever there is a conflict between this chapter and other laws or regulations, the more restrictive standard shall apply.

## **XX.XX Definitions.**

For the purposes of this chapter, the following definitions shall apply.

A. "Portable storage container" means a container no larger than 8 feet by 8.5 feet by 16 feet and transported to a designated location for temporary storage purposes. Examples include, but are not limited to, Portable On Demand Storage ("PODS") and U- Haul U-Box containers.

B. "Shipping container" means an industrial, portable vessel not greater than forty (40) feet in length intended for the large-scale shipping or transportation of goods or commodities, generally designed to be mounted on a rail car, truck, or ship.

## **XX.XX Allowed uses of shipping containers and portable storage containers.**

The use of portable storage containers and shipping containers shall comply with the regulations applicable to the zoning district in which they are used. Failure to abide by these regulations shall be subject to fine pursuant to chapter **XX.XX** and nuisance abatement pursuant to chapter **XX.XX Residential Districts**.

1. Shipping containers shall not be allowed in any residential zoning district, including all R districts or where there is an applicable PUD overlay district with a residential use, except in conjunction with active construction as allowed under Section **XX.XX**.

**Portable storage containers shall be permitted in any residential zoning district with an approved temporary use permit from the city and subject to the standards set forth in Section **XX.XX****

### **B. Commercial Districts.**

1. Shipping containers shall be permitted as an accessory use in any commercial zoning district, including C-1, C-2, C-2A, C-3-I, and C-H districts, with an approved administrative site and architectural review permit from the city, and subject to the standards set forth in Section **XX.XX**.

2. Portable storage containers shall be permitted in any commercial zoning district, including C-1, C-2, C-2A, C-3-I, and C-H districts, with an approved temporary use permit from the city, and subject to the standards set forth in Section **XX.XX**.

C. Industrial Districts.

1. Shipping containers shall be permitted as either an accessory use or a Principal Use in any industrial zoning district, including I-P-I, B-P, M-G and A-B districts, with an approved administrative site and architectural review permit from the city, and subject to the standards set forth in Section **XX.XX**.

2. Portable storage containers shall be permitted in any industrial zoning district, including I-P-I, B-P, M-G and A-B districts, with an approved temporary use permit from the city, and subject to the standards set forth in Section **XX.XX**.

D. Other Districts. Shipping containers and portable storage containers are prohibited unless expressly allowed.

E. Vacant Properties. Shipping containers and portable storage containers shall not be allowed on otherwise vacant parcels in any zoning district except when used in conjunction with construction executed in compliance with an approved building permit from the city, placed on the same parcel as the construction, and subject to standards set forth in **XX.XX Municipal Uses**. Notwithstanding any other provision of this chapter, shipping containers and portable storage containers used by the city and for a municipal purpose shall not be subject to the standards of this chapter.

**XX.XX Development standards – portable storage containers.**

Use of portable storage containers shall be subject to the following limitations and approval of a temporary use permit from the city.

A. Frequency. No more than one (1) portable storage container shall be placed on a single lot or parcel of land within a residential zone. No more than two (2) portable storage containers shall be placed on a single lot or parcel in any other zone.

B. Location. Portable storage containers shall be placed on private property, and not within the public right-of-way. If the subject property does not have a driveway, a portable storage container may be placed in the public right-of-way with an approved encroachment permit from the city.

C. Duration. Portable storage containers placed on private property shall not remain longer than sixty (60) consecutive calendar days. Portable storage containers placed within the public right-of-way with an approved encroachment permit shall not remain longer than fourteen (14) consecutive calendar days. Under no circumstances may a portable storage container be allowed on the same lot or parcel for more than eighty (80) total days in a calendar year.

D. Use. Portable storage containers shall only be used for the storage of goods, materials, equipment, or property. Portable storage containers shall not be used to store or transport hazardous materials or substances, including but not limited to the following: solid waste, hazardous materials, explosives, or unlawful substances or materials. Non-storage use of portable storage containers is not allowed.

E. Permittee Responsibilities. The permittee shall be responsible for ensuring that the portable storage container is removed in accordance with his or her temporary

use permit and in a safe manner and that no debris or materials remain on or around the portable storage container site.

**XX.XX Development standards – shipping containers.**

Use of shipping containers in the city shall be subject to the following limitations.

**A. General Standards.**

1. Use. Shipping containers shall only be used for the storage of goods, materials, equipment, or property associated with the Principal Use of the parcel on which the container is located. Shipping containers shall not be used to store or transport hazardous materials or substances, including but not limited to the following: solid waste, hazardous materials, explosives, or unlawful substances or materials. Non-storage use of shipping containers may be allowed if approved pursuant to Section **XX.XX**.

2. Maximum Height. If not stacked, shipping containers shall not exceed ten (10) feet in height. Stacked shipping containers shall not be more than two (2) containers high, or a maximum of twenty (20) feet, and placed on a surface that can withstand its weight.

3. Location. Shipping containers shall be placed on the parcel and proximate to other structures on the parcel pursuant to city fire code regulations and this code, including setbacks from property lines and other location requirements for accessory structures. Deviations from setback or similar requirements shall only be allowed if the applicant can establish that such use will not be detrimental to the community welfare or safety of the property and surrounding uses.

4. Signage. No advertising is allowed on or otherwise in conjunction with a shipping container; provided, however, if the manufacturer's name is printed on the container, it may remain.

5. Exterior Façade. Shipping containers shall not display signage beyond that required by law and shall be kept free of graffiti. Any graffiti shall be removed within seven (7) calendar days of discovery.

**B. Commercial Districts.**

1. Frequency. A maximum of two (2) containers on a single lot or parcel of land. Stacking is prohibited.

2. Buffer from Residential Districts. Shipping containers shall not be located within two-hundred (200) feet of an existing residential district.

3. Screening. Shipping containers shall be fully screened, as approved by the planning department. Screening may include, but is not limited to, an opaque fence or fast-growing landscaping. Chain link fencing alone shall not be an approved type of screening.

**C. Industrial Districts.**

1. Frequency.

a. Principal Use. Where the Principal Use of the parcel is a business that sells, leases, or places shipping containers at locations and does not provide on-site storage of goods or commodities as a service there is no frequency limit, provided the shipping containers meet the standards set forth in this chapter. Stacking is permitted with height not to exceed twenty (20) feet.

b. Accessory Use.

1. A shipping container shall not be allowed on as an accessory use on a single lot or parcel that is less than one (1) acre.

2. No more than ten (10) shipping containers shall be allowed as an accessory use on a single lot or parcel that is at least one (1) acre and less than seven (7) acres.

3. No more than fifteen (15) shipping containers shall be allowed as an accessory use on a single lot or parcel that is seven (7) acres or greater. Stacking is permitted with height not to exceed twenty (20) feet.

c. A parcel may contain more shipping containers than permitted by obtaining a conditional use permit approved by the planning commission, who, when approving such permit, shall make the following findings:

1. The shipping containers shall not pose a threat to the public health, safety, or welfare due to their placement, frequency, or condition.

2. The shipping containers shall be placed in accordance with city fire and building code standards.

3. The shipping containers are, and shall remain, in good repair such that no container, due to its structural condition, contents, immediate surroundings, or other condition, contributes to visual blight or nuisance conditions.

4. The applicant has identified improvements to the shipping containers that shall reduce any potential for visual blight or nuisance conditions and shall implement and maintain those improvements at all times. Such improvements may include any enhancements deemed acceptable and appropriate by the city.

2. Setbacks. Stacked shipping containers shall be placed at least one hundred (100) feet from any public right-of-way. Non-stacked shipping containers shall be placed at least fifty (50) feet from any public right-of-way.

3. Buffer from Residential Districts. Shipping containers shall not be placed within five hundred (500) feet of an existing residential district.



**XX.XX Temporary use of shipping containers.**

Shipping containers shall be allowed in all zones on a temporary basis subject to approval of a Temporary Use Permit when utilized during construction operations for the parcel pursuant to an approved building permit from the city and when utilized solely for the storage of supplies and equipment used for such construction operations. Removal of the container shall occur either upon occupancy of the building or expiration of the construction permit, whichever occurs first.

**XX.XX Non-conforming uses – portable storage and shipping containers.**

A. Unless otherwise provided by this chapter, all illegal, nonconforming uses of shipping containers and portable storage containers within the city as of the date of the adoption of this chapter are prohibited and may be subject to citation, fine, or abatement pursuant to chapter **XX.XX**, or other civil or criminal penalties.

B. A shipping container constructed or placed prior to the date of adoption of this chapter shall be allowed to continue provided that the shipping container meets the following conditions:

1. The shipping container is on a parcel in an Industrial Zone.
2. The shipping container, nor use of the container, is not modified, increased, enlarged, or extended beyond that in existence on the date of adoption of this chapter.

Section **XX.XX** of the Isleton Municipal Code is hereby amended as follows:

**XX.XX Applicability—Administrative review.**

**XX.XX** Site and architectural review by community development department staff shall be conducted for the following:

- A. Signs not part of an application for a building or site otherwise reviewed by the planning commission;
- B. For any new single-family residence, second dwelling unit or any addition to an existing single-family residence;
- C. For any permitted nonresidential use proposed for a residential district;
- D. In any district except for R-1, for the reconstruction or alteration of existing buildings except for addition or maintenance of landscaping, when the alteration

affects the exterior appearance of the building, where such reconstruction and alteration is exempted from planning commission review in Section **XX.XX**;

- E. Construction drawings and permit applications shall be reviewed for compliance with approved plans, elevations and conditions of approval prior to issuance of building, grading, encroachment or other construction permits;
- F. Shipping container construction, or placement, and use pursuant to chapter **XX.XX**; and
- G. Any project which is found by staff to be architecturally incompatible with either the existing structure or the surrounding neighborhood or district.

**Section 3. Severability.**

The provisions of this Ordinance are hereby declared to be severable if any provision, clause, word, sentence or paragraph of sections, or the application thereof to any person, establishment, or circumstances, shall be held invalid. Such invalidity shall not result in the invalidity of the entire Ordinance which can be given effect without the invalid provision or application. The Isleton City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

**Section 4. Effective Date and Publication.**

This Ordinance shall take effect thirty (30) days after its adoption. The Deputy City Clerk is hereby directed to publish a summary of the Ordinance within fifteen (15) days after passage in a newspaper of general circulation published in the City of Isleton.

**I, YVONNE ZEPEDA, DEPUTY CITY CLERK OF THE CITY OF ISLETON, HEREBY CERTIFY**

this Ordinance was introduced at a regular meeting of the Isleton City Council on **April 26, 2022** and **PASSED and ADOPTED** by the City Council of the City of Isleton at a regular meeting on \_\_\_\_\_, **2022**.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN**

**:**

\_\_\_\_\_

**Eric Pene, Mayor**

**ATTEST:**

**Deputy City Clerk**

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