



# Planning Commission Meeting Agenda

May 05, 2026 at 6:00 PM  
Wheatland Community Center  
101 C Street, Wheatland, CA 95692

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Planning Commission meetings are held in-person and are no longer available via ZOOM.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact City Hall at (530) 633-2761. Requests must be made as early as possible and at least one full business day before the start of the meeting.

## 1. OPENING MATTERS

1.1 Call to Order and Roll Call

1.2 Pledge of Allegiance to the Flag

## 2. PUBLIC COMMENT

*At this time, the public is permitted to address the Planning Commission on non-agendized items. Comments should not exceed three (3) minutes. In accordance with State Law, however, no action or discussion may take place on any item not appearing on the posted agenda. The Commission may respond to statements made or questions asked or may request Staff to report back at a future meeting concerning the matter. Any member of the public may contact the City Clerk's Office related to the proper procedure to place an item on a future Planning Commission agenda. The exceptions under which the Commission may discuss and/or act on items not appearing on the agenda are contained in Government Code §54954.2(b) (1) (2) (3)*

## 3. CONSENT CALENDAR

[3.1](#) Minutes - October 7, 2025

## 4. PUBLIC HEARING

[4.1](#) Consideration to recommend City Council approval of the proposed Accessory Dwelling Unit Ordinance Amendment

## 5. REPORTS

## 6. ADJOURN

**AGENDA POSTING CERTIFICATION**

I, Josie Camacho, City Clerk for the City of Wheatland, do hereby declare under penalty of perjury that I caused the above agenda to be posted at City of Wheatland City Hall at 111 C Street, Wheatland, CA 95692 and on the City website at [www.wheatland.ca.gov](http://www.wheatland.ca.gov).

Date: April 28, 2026      /s/ Josie Camacho, City Clerk



# Planning Commission Meeting Minutes

October 07, 2025 at 6:00 PM

Wheatland Community Center: 101 C Street, Wheatland, CA 95692

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## 1. OPENING MATTERS

### 1.1 Call to Order and Roll Call

**PRESENT**

- David Pesenti
- Debbie Panteloglow
- Greg Hart
- Ryan Epperson

**ABSENT**

- Ken Thomason

**OTHERS PRESENT**

- City Manager, Bill Zenoni
- City Attorney, Gavin Ralphs
- Planning Director, Tim Raney
- Kevin Valente, Senior Planner

### 1.2 Pledge of Allegiance to the Flag

## 2. PUBLIC COMMENT

At this time, the public is permitted to address the Planning Commission on non-agendized items. **COMMENTS SHOULD NOT EXCEED THREE (3) MINUTES.** In accordance with State Law, however, no action or discussion may take place on any item not appearing on the posted agenda. The Commission may respond to statements made or questions asked or may request Staff to report back at a future meeting concerning the matter. Any member of the public may contact the City Clerk’s Office related to the proper procedure to place an item on a future Planning Commission agenda. The exceptions under which the Commission **MAY** discuss and/or act on items not appearing on the agenda are contained in Government Code §54954.2(b) (1) (2) (3)

None

**3. PUBLIC HEARING**

3.1 Consider recommendation to approve Ordinance Amending Section 18.09 of the Wheatland Municipal Code Relating to On-Site Cannabis Consumption to the Wheatland City Council.

Deputy City Attorney Gavin Ralphs presented the staff report to consider recommendation to approve Ordinance Amending Section 18.09 of the Wheatland Municipal Code Relating to On-Site Cannabis Consumption to the Wheatland City Council. Ralphs provided background information on the existing ordinance and the proposed amendment.

**Planning Commission Comments**

D. Panteloglew commented on dispensing and violation consequences.

**Public Comment**

None.

Motion made by Pesenti, Seconded by Epperson to adopt **Resolution No. 2025-06 Recommending the Wheatland City Council approve an Ordinance Amending Section 18.09 of the Wheatland Municipal Code Relating to On-Site Cannabis Consumption.**

Voting Yea: Pesenti, Panteloglew, Hart, Epperson. Motion carried.

3.2 Consideration to recommend City Council approval of the proposed Amendment No. 4 to the Third Amended and Restated City of Wheatland Development Agreement Concerning the Caliterra Ranch (formerly known as Jones Ranch) Subdivision and Dale Investments, LLC.

Planning Director Tim Raney presented the staff report for consideration to recommend City Council approval of the proposed Amendment No. 4 to the Third Amended and Restated City of Wheatland Development Agreement Concerning the Caliterra Ranch (formerly known as Jones Ranch) Subdivision and Dale Investments, LLC. Senior Planner Kevin Valente explained the Main Street extension alignment and the "Ring Road".

**Planning Commission Comments**

R. Epperson commented on The Water System Plan and Reimbursement of the Main Street Extension.

D. Panteloglew commented on Phase 2 of the subdivision and finishing the park.

**Public Comment**

Rick Langdon, representing the owner of the Project, stated they are willing to do whatever the amendment says.

Chris Walsh stated he agrees with the action being requested in the proposed ordinance and commented on the Water System Plan and cost of the well.

Motion made by Pesenti, Seconded by Epperson to **recommend City Council approval of the proposed Amendment No. 4 to the Third Amended and Restated City of Wheatland Development Agreement Concerning the Caliterra Ranch (formerly known as Jones Ranch) Subdivision and Dale Investment, LLC.**

Voting Yea: Pesenti, Panteloglow, Hart, Epperson

**4. REPORTS**

- K. Valente reported on the General Plan Update.
- D. Pesenti commented on the General Plan Update Ad Hoc Committee,

**5. ADJOURN**

With no other business before the Planning Commission, the meeting adjourned at 6:27 p.m.

Respectfully submitted,  
Kevin Valente, AICP  
Senior Planner

Any writings or documents provided to a majority of the Wheatland Planning Commission after distribution of the agenda packet are available for public inspection on the City’s website, [www.wheatland.ca.gov](http://www.wheatland.ca.gov)

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# Planning Commission Meeting Staff Report

Meeting Date: May 5, 2026

**SUBJECT:** Consideration to recommend City Council approval of the proposed Accessory Dwelling Unit Ordinance Amendment.

**PREPARED BY:** Tim Raney, Community Development Director

**RECOMMENDATION:**

Staff recommends that the Wheatland Planning Commission conduct a public hearing on proposed amendment to the Wheatland Municipal Code relating to Accessory Dwelling Units, and upon close of the public hearing, adopt the attached resolution recommending that the City Council adopt the ordinance amending Chapter 18.78 and Sections 18.06.010 and 18.60.010 (see Attachment 1). A notice of this public hearing has been published in the local newspaper and has been posted on the City of Wheatland website.

**BACKGROUND:**

On July 27, 2021, the Wheatland City Council adopted Ordinance adding new Sections 18.78 to, amending Sections 18.06.010, 18.60.010, and 18.63.040, and repealing Section 18.60.100 and Subdivision (c) of Section 18.60.350 of the Wheatland Municipal Code relating to Accessory Dwelling Units (ADU). Since the adoption of the City’s local ADU ordinance, the City of Wheatland has approved one ADU within the City limits.

In addition, on May 27, 2025, consistent with Assembly Bill (AB) 1332, the Wheatland City Council directed staff to include a link on the City of Wheatland website to the Yuba County Building Department for pre-approved ADU plans. Yuba County currently includes eight pre-approved ADU plans, consisting of two 496-square-foot (sf) options, three 599-sf options, and three 750-sf options. The 750-sf options include two bedrooms and one bathroom, and the 599-sf and 496-sf options include one bedroom and one bathroom. All eight plans could include a smooth stucco or board and batten exterior.

**DISCUSSION:**

On December 5, 2025, the City of Wheatland received a letter from the California Department of Housing and Community Development (HCD) requesting that the City make updates to the existing ADU requirements (see Attachment 2). Given the numerous changes to State ADU law

since the adoption of the City’s 2021 Ordinance, the current City of Wheatland Municipal Code needed revisions for compliance with the State’s current ADU law. Therefore, staff has prepared the attached ordinance amending multiple sections of the Wheatland Municipal Code (see **Attachment ‘1’, Exhibit ‘A’**).

A strike-through and underlined version of the proposed text changes has been included as Attachment 3 to this staff report.

**CONCLUSION:**

Based on the information contained in the staff report, staff recommends that the Planning Commission adopt the attached resolution recommending City Council approve the attached ordinance amending Chapter 18.78 and Sections 18.06.010 and 18.60.010 of the City of Wheatland Municipal Code.

**ATTACHMENTS:**

- 1. Resolution w/Exhibit
- 2. HCD Request Letter dated December 5, 2025.
- 3. Proposed Text Changes Strike-through and Underlined

Attachment '1'

**RESOLUTION NO. 26-\_\_\_**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WHEATLAND  
RECOMMENDING CITY COUNCIL ADOPTION OF THE ORDINANCE  
AMENDING CHAPTER 18.78 AND SECTION 18.06.010  
OF THE WHEATLAND MUNICIPAL CODE  
RELATING TO ACCESSORY DWELLING UNITS**

WHEREAS, on July 13, 2021, the City Council voted to introduce and waive the first reading of the attached ordinance adding new Chapter 18.78 to, amending Sections 18.06.010, and Chapter 18.78 of the Wheatland Municipal Code to create consistency with State law regarding the California Accessory Dwelling Unit Incentive Program; and

WHEREAS, the City of Wheatland, as lead agency, has determined the project is determined to be exempt from environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines, the Common-Sense exemption and Minor Alterations in Land Use Limitations; and

WHEREAS, the Wheatland Planning Commission duly gave notice of public hearing as required by law and on February 3, 2026, duly held a public hearing, received and considered evidence, both oral and documentary.

NOW THEREFORE, BE IT RESOLVED that the Wheatland Planning Commission hereby make the following findings for recommendation to the City Council for approval of the proposed amendments to Chapter 18.78 and Section 18.06.010 of the Wheatland Municipal Code related to Accessory Dwelling Units as set forth in **Exhibit 'A'**, which is attached hereto and incorporated by reference:

1. The proposed Ordinance is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15305, Minor Alterations in Land Use Limitations.
2. The proposed Ordinance is consistent with the General Plan, as it carries out the purposes of the General Plan and is consistent with the land use and development designation in such plans.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Commission recommends the City Council adopt the Ordinance amending Chapter 18.78 and Section 18.06.010 of the Wheatland Municipal Code, in the form attached as **Exhibit 'A'**, subject to such changes as may be approved by the City Council.

The foregoing resolution was introduced and adopted by the Planning Commission of the City of Wheatland at a regular meeting held on the 5<sup>th</sup> day of May 2026, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing resolution is hereby approved.

\_\_\_\_\_  
Gregory Hart, Chair

ATTEST:

\_\_\_\_\_  
Josie Camacho, City Clerk

Exhibit 'A'

**ORDINANCE NO. 26-\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF WHEATLAND, CALIFORNIA,  
AMENDING CHAPTER 18.78, SECTION 18.06.010, AND SECTION 18.60.010  
OF THE WHEATLAND MUNICIPAL CODE  
RELATING TO ACCESSORY DWELLING UNITS**

The City Council of the City of Wheatland does ordain as follows:

SECTION 1. Purpose and Authority. The purpose of this ordinance is to amend Chapter 18.78 and Sections 18.06.010 and 18.60.010 of the Wheatland Municipal Code to ensure compliance with recent changes in California law governing the City’s regulation of accessory dwelling units (“ADUs”). This ordinance is adopted pursuant to Article XI, Section 7 of the California Constitution, Chapter 18.85 of the Wheatland Municipal Code, and other applicable laws.

SECTION 2. Findings. The City Council finds and determines as follows:

- A. The City of Wheatland administers zoning provisions within the City’s boundaries consistent with the City’s General Plan as provided for in Title 18 of the Wheatland Municipal Code.
- B. Government Code sections 66310 and following, the State ADU law, authorize the City to adopt an ordinance articulating the City’s procedures for and administration of the State ADU law within the City’s boundaries.
- C. On \_\_\_\_\_, 2026 the City Council held a duly noticed public meeting concerning the adoption of a proposed ordinance to carry out the State ADU law (proposed ADU Ordinance).
- D. The proposed ADU Ordinance is consistent with the policies of the City of Wheatland General Plan and with the Wheatland Municipal Code.
- E. The City Council finds it necessary to pass and implement the proposed ADU Ordinance, and that it will comply with state ADU law as well as promote and protect the public health, safety, comfort, morals, convenience and general welfare of the residents within the City.

SECTION 3. Amendments.

A. Chapter 18.78 of Title 18 of the Wheatland Municipal Code shall be amended as follows:

18.78.020     Applicable zoning districts.

The provisions of this chapter shall be known as the "accessory dwelling unit regulations" and shall apply to all lots zoned to allow residential uses that include an existing or proposed single-family dwelling. ADUs and JADUs may exceed the allowable density for the lot upon which the ADU or JADU is located, and are considered a residential use that is consistent with the existing General Plan and Zoning designation for the lot. An ADU or JADU that contains less than 500 square feet of interior livable space shall not increase assessable space. A homeowner shall be allowed to create "any of the following": one converted or attached ADU; one detached, new construction ADU; and one JADU.

18.78.030 Accessory dwelling unit development standards.

The following standards shall apply to the establishment of ADUs:

- A. ADUs within Existing Space. An ADU within an existing space including the primary buildings, attached or detached garage or other accessory buildings shall be permitted ministerially with a building permit regardless of all other standards within the section if complying with:
  - 1. Building and safety codes;
  - 2. Independent exterior access; and
  - 3. Side and rear setbacks sufficient for fire and safety.
- B. Accessory dwelling units are required to comply with the following:
  - 1. The ADU may be rented separate from the primary residence for a minimum of 30 days, but may not be sold or otherwise conveyed separate from the primary residence unless the lot is subdivided pursuant to all applicable laws and local ordinances.
  - 2. The lot is required to be zoned to allow residential uses that include an existing or proposed dwelling.
  - 3. The ADU shall be located on the same lot as the existing dwelling.
  - 4. If there is an existing or proposed primary dwelling, the floor space of an attached ADU shall not exceed fifty percent of the proposed or existing primary dwelling living area or 1,200 square feet, whichever is less.
  - 5. The total area of floor space for a detached ADU shall not exceed 1,200 square feet.
  - 6. A passageway shall not be required in conjunction with the construction of an ADU.

7. No setback shall be required for an existing garage that is converted to an accessory dwelling, and a setback of no more than four feet from the side and rear lot lines shall be required for an ADU that is constructed above a garage.
8. An ADU shall not be required to provide fire sprinklers if they are not required for the primary residence and may employ alternative methods for fire protection.
9. If an ADU is detached, a setback of no more than four feet from the side and rear lot lines shall be required.
10. If an ADU is detached, a five-foot separation between the primary residence and the secondary residence is required.
11. ADUs shall not be considered when calculating the maximum lot coverage allowed.
12. One additional vehicle parking space shall be required per ADU, except in any of the following instances:
  - a. The accessory dwelling unit is located within one-half mile walking distance of public transit.
  - b. The accessory dwelling unit is located within an architecturally and historically significant historic district.
  - c. The accessory dwelling unit 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 accessory dwelling unit.
  - e. When there is a car share vehicle located within one block of the accessory dwelling unit.
13. When a garage or carport structure is demolished in conjunction with the construction of an accessory dwelling unit, no parking replacement spaces shall be required. Any other required on-site parking spaces shall be maintained for the principal unit, and may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces.
14. The City shall not require the applicant to install a new or separate utility connection or impose a related connection fee or capacity charge for ADUs that are contained within an existing residence or accessory buildings.
15. The height of a one-story detached ADU shall not exceed 16 feet, and a detached two-story ADU shall not exceed 25 feet.

- 16. Mobile homes do not meet the requirements of an ADU. A manufactured home is permitted as a detached ADU.
- 17. The ADU shall be constructed in accordance with provisions of the latest adopted editions of the building codes.
- 18. Owner occupancy shall not be required for any ADU.
  - i. The rental or leasing of a separate interest ADU in a common interest development shall be allowed, notwithstanding governing documents that otherwise appear to prohibit renting or leasing of a unit, and without regard to the date of the governing documents.
- 19. The ADU shall not be offered for sale apart from the principal unit, except when it meets the qualifications listed under Government Code Section 66341.
- 20. A certificate of occupancy for an accessory dwelling unit shall not be issued before the local agency issues a certificate of occupancy for the primary dwelling, except when the ADU is constructed when City of Wheatland is subject to a proclamation of a state of emergency made by the Governor, even if the primary dwelling has not yet been issued a certificate of occupancy, if both of the following requirements are met, even if the primary dwelling unit has not yet been issued a certificate of occupancy:
  - i. The primary dwelling was substantially damaged or destroyed by an event referenced in the state of emergency proclamation issued by the Governor.
  - ii. The accessory dwelling unit has been issued construction permits and has passed all required inspections.

18.78.040 Junior accessory dwelling unit criteria.

The following criteria shall apply to the establishment of JADUs:

- A. A JADU shall be contained entirely within an existing single-family structure.
- B. A JADU shall be located within the walls of an existing or proposed single-family residence.
- C. A JADU shall include its own discrete entrance, separate from the main entrance to the structure. A permitted JADU may include an interior entry to the main living area, and may include a second interior doorway for sound attenuation.
- D. The JADU shall include an efficiency kitchen, which shall include all of the following: sink, cooking appliance, food preparation counter, refrigerator, and storage cabinets that are of reasonable size in relation to the size of JADU.

- E. JADUs have no parking requirement.
- F. The JADU shall not be offered for sale apart from the principal unit. A deed restriction, which shall run with the land, shall be filed with the City and shall include both of the following:
  - 1. A prohibition on the sale of the JADU separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers; and
  - 2. A restriction on the size and attributes of the JADU that conforms with this section.
- G. For the purposes of any fire or life protection ordinance or regulation, JADUs shall not be considered a separate or new dwelling unit. Accordingly, JADUs shall not be required to provide fire sprinklers if they are not required for the primary residence.
- H. For the purposes of providing service for water, sewer, or power, including a connection fee, a JADU shall not be considered a separate or new dwelling unit.
- I. A JADU created under this chapter shall be maintained with the provisions of this chapter and shall not be destroyed or otherwise converted to any other use (including reverting to a portion of the primary residence) except with approval of the Community Development Director. In considering such requests, the Community Development Director shall consider the length of time such permit has been in force, the conditions of approval, the exceptions granted for the permit, and the impact on the City's affordable housing supply. As a condition of termination, the Community Development Director shall require the owner to make modifications to the property to: (1) comply with current building code requirements and (2) comply with current development standards in effect at the time of the request to terminate the use of the JADU.
- J. If a JADU has shared sanitation facilities with the existing single-family residence, owner-occupancy in the single-family residence is required. The owner may reside in either the remaining portion of the structure or the newly created JADU. Owner-occupancy is not required if the JADU has separate sanitation facilities, or if the owner is another governmental agency, land trust, or housing organization.
- K. The rental of JADUs shall be for a term longer than 30 days.

18.78.050 Permitting requirements.

ADUs and JADUs shall be permitted ministerially, in compliance with this chapter, within 60 days of a completed application. The building official shall determine whether an application for an ADU or JADU is complete and provide written notice of the determination not later than 15 business days after the permitting agency received the application. If the building official determines an application is incomplete, the building official shall provide the applicant with a list of incomplete items and a description of how the application can be made complete in the written notice. The applicant shall be authorized to cure and address the application, as specified, if it is determined that an application is incomplete. An application for the creation of an ADU or JADU shall be deemed approved if the building official has not approved or determined the application is incomplete within 60 days. The building official shall issue a building permit to establish an ADU or JADU in compliance with this chapter if all applicable requirements above are met. The Community Development Director may approve an ADU or JADU that is not in compliance with the above requirements as set forth in the review process below. Homeowners' associations (HOAs), as a third party, shall not influence the approval of an application to create an ADU. No other local ordinance, policy, or regulation shall be the basis for the delay or denial of an ADU or JADU building permit or a use permit under this ordinance.

The building official shall not deny a permit for an unpermitted ADU or JADU that was constructed before January 1, 2020, for building code violations, unless the City of Wheatland makes a finding that correcting the violation is necessary to comply with conditions that would otherwise deem a building substandard.

The building official shall be required to, upon application and approval, delay enforcement against a qualifying substandard ADU for five years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the City.

B. Section 18.06.010 of the Wheatland Municipal Code is amended to read as follows:

“Accessory dwelling unit” means an attached or detached dwelling unit which provides complete independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking, and sanitation sited on the same parcel as the primary dwelling unit.

“Junior accessory dwelling unit” means a unit that is contained entirely within an existing single-family structure and that is no more than 500 square feet of livable space. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

“Family” means one or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit.

“Livable Space” means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

“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.

C. Section 18.60.010 of the Wheatland Municipal Code is amended to read as follows:

18.60.010 Accessory buildings.

- A. In any residential zone district, accessory buildings are permitted, subject to all of the following:
  - 1. Accessory buildings include any buildings that are customarily incidental to a residence and garage including greenhouse, storage shed, studio, pool-house, workshop, detached deck and patio and similar structure that is over 18 inches in height. Buildings with less than 120 square feet of roof area that are less than eight feet in height, are not subject to this section.
  - 2. The number of accessory buildings on any individual lot shall be limited to three.
  - 3. The combined floor area of accessory buildings on any individual lot shall not exceed 1,200 square feet of floor area.
  - 4. The maximum height of any accessory building is 18 feet for a detached ADU on a lot with an existing or proposed single family dwelling unit. An additional two feet in height shall also be allowed to accommodate a roof pitch on the detached ADU that is aligned with the roof pitch of the primary dwelling unit. A maximum height of 25 feet or the height limitation established in the City of Wheatland zoning ordinance that applies to the primary dwelling, whichever is lower, shall be allowed for an ADU that is attached to a primary dwelling.
  - 5. Any accessory building shall have a minimum four-foot separation between the primary residence and/or any other accessory building. Any accessory building shall have a minimum setback four feet from the side and rear lot lines.
  - 6. Accessory buildings shall not be considered when calculating the maximum lot coverage allowed.
  - 7. Accessory buildings that differ from the standards provided above may be approved with a site plan review permit, provided the Community Development Director makes the findings required by Section 18.78.060 of the Wheatland Municipal Code.

- B. Accessory buildings may not encroach on any recorded easement.
- C. Garden shelters, greenhouses, storage shelters and covered patios are permitted as accessory buildings and need not meet the requirements for Accessory Dwelling Units if they are not proposed to be used for living quarters.

SECTION 4. Exemption from CEQA. The proposed Accessory Dwelling Unit Ordinance is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15305, Minor Alterations in Land Use Limitations.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held by a court of competent jurisdiction to be invalid or unconstitutional, that portion shall be deemed a separate, distinct and independent provision, and the holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. Effective Date. This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption.

SECTION 7. Posting. Within fifteen (15) days from the date of passage of this ordinance, the City Clerk shall post a copy of it in at least three public places in the City.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Wheatland, held on the \_\_\_\_ of \_\_\_\_\_, 2026, and adopted at a regular meeting held on the \_\_\_\_ of \_\_\_\_\_, 2026, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing ordinance is hereby approved.

\_\_\_\_\_  
Lisa McIntosh, Mayor

ATTEST:

\_\_\_\_\_  
Josie Camacho, City Clerk

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

651 Bannon Street, Suite 400  
Sacramento, CA 95811  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



December 5, 2025

Tim Rainey  
Planning Director  
City of Wheatland  
111 C Street  
Wheatland, CA 95692

Dear Tim Rainey:

**RE: City of Wheatland– Accessory Dwelling Unit (ADU) Ordinance Updates – Letter of Technical Assistance**

The most recent ADU ordinance on file for Wheatland with the California Department of Housing and Community Development (HCD) is from 2021. Given the numerous changes to State ADU Law since the adoption of the ordinance, the ordinance may be outdated and out of compliance with State ADU Law. If HCD's records are incorrect, and a new ordinance has been adopted, please submit it to the [ADU Portal](#) for HCD's review.

Below are the changes to State ADU Law that have occurred in recent years and may warrant an update to the Wheatland's ADU ordinance:

**Updates to the [ADU Handbook \(2025\)](#)**

- Clarifies that ADU Law prohibits deed restrictions on ADUs. A deed restriction would be an “additional standard” and thus cannot be imposed on ADUs (Gov. Code, § 66315).
- Clarifies that homeowners' associations (HOAs), as a third party, cannot influence the approval of an application to create an ADU. Third party reviews by an HOA or their representatives or agents would violate State ADU Law. (Gov. Code, § 66315.) No other local ordinances, policies, or regulations may be applied in the approval or denial of an ADU or junior ADU (JADU) permit application (Gov. Code, § 66317, subd. (c)).
- Clarifies that a local agency may not require parking as a condition to permitting a JADU, even when the JADU is converted from an attached garage (Gov. Code, § 66334, subd. (a)).

**Changes to ADU Law in 2025:**

- Specifies that if a JADU has shared sanitation facilities with the primary structure, owner-occupancy will be required. If the JADU does *not* have shared sanitation facilities, owner-occupancy will *not* be required (Gov. Code, § 66333, subd. (b)).
- Require rental terms for JADUs for terms longer than 30 days (Gov. Code, § 66333, subd. (g)).
- Specifies that if a local agency fails to submit an adopted ADU ordinance to HCD within the 60-day timeline or fails to respond to HCD’s findings regarding their ordinance within the 30-day timeline, that ordinance is null and void and the local agency must only apply State ADU Law when permitting ADUs (Gov. Code, § 66326, subd. (d)).
- Revises the definition of a “junior accessory dwelling unit” to require the size of a JADU to be no more than 500 square feet of interior livable space (Gov. Code, § 66313, subd. (d)).
- Revises the limitations on impact fees to, instead, prohibit impact fees upon the development of an ADU that has 750 square feet of interior livable space or less or a JADU that has 500 square feet of interior livable space or less, and to require that any impact fee on an ADU that has more than 750 square feet of interior livable space be charged proportionately in relation to the square footage of the primary dwelling unit (Gov. Code, § 66311.5, subds. (a) – (d)).
- Requires a permitting agency to determine whether an application for an ADU or JADU is complete and provide written notice of the determination not later than 15 business days after the permitting agency received the application (Gov. Code, § 66317, subd. (a)(2)(A)).
- Requires the permitting agency to provide the applicant with a list of incomplete items and a description of how the application can be made complete in the written notice and authorizes the applicant to cure and address the application, as specified, if it is determined that an application is incomplete (Gov. Code, § 66317, subd. (a)(2)(B)).
- Requires the permitting agency to provide a process for the applicant to appeal a denied application, as provided, and requires the permitting agency to provide a final written determination by not later than 60 business days after receipt of the written appeal if a permit application is determined to be incomplete or is denied (Gov. Code, § 66317, subd. (d)(1)).
- Specifies that an ADU or JADU that contains less than 500 square feet of interior livable space does not increase assessable space.
- Revises size limitations to be based on the square footage of interior living space of the ADU (Gov. Code, § 66321, subds. (b)(2)(A), (b)(2)(B), and (b)(3)).
- Specifies the number of allowable ADUs per lot with a proposed or existing single-family dwelling (Gov. Code, § 66323, subd. (a)).

- Clarifies that fire sprinklers are not required for a JADU if the primary residence does not have fire sprinklers and that the addition of a JADU cannot trigger the requirement for fire sprinklers (Gov. Code, § 66323, subd. (d)).
- Adds section 66333.5, which specifies that if a local agency fails to submit an adopted JADU ordinance to HCD within the 60-day timeline or fails to respond to HCD’s findings regarding their ordinance within the 30-day timeline, that ordinance is null and void and the local agency must only apply State ADU Law when processing applications for ADUs.
- Requires a local agency to issue a certificate of occupancy for an ADU constructed in a county that is subject to a proclamation of a state of emergency made by the Governor on or after February 1, 2025, even if the primary dwelling has not yet been issued a certificate of occupancy, if certain requirements are met, including that the primary dwelling was substantially damaged or destroyed by an event referenced in the state of emergency proclamation (Gov. Code, § 66328).
- Creates an exception to areas that fall under the California Coastal Act by requiring a local government or the Coastal Commission, as specified, to either approve or deny a coastal development permit application for an ADU within 60 days of receiving a completed application (Gov. Code, § 66329, subd. (a).)
- Specifies that no reimbursement is required for school service charges, fees, or assessments sufficient to pay for the program or level of service within the meaning of Government Code section 17556 (Gov. Code, § 66329).
- Specifies that reasonable restrictions in covenants, restrictions, and conditions, as described in the Civil Code, shall not include any fees or other financial requirements (Civil Code, § 714.3, subd. (b)).

**Changes to ADU Law in 2024:**

- SB 477 (Chapter 7, Statutes of 2024) made changes to the numbering of the sections of the Government Code for State ADU and JADU Laws.
- Prohibits a local agency from denying a permit for an unpermitted ADU or JADU that was constructed before January 1, 2020, for building code violations, unless the local agency makes a finding that correcting the violation is necessary to comply with conditions that would otherwise deem a building substandard (Gov. Code, § 66332, subs. (a)-(c)).
- Defines “livable space” as a space in a dwelling intended for human habitation, as the term appears in Government Code sections 66313, subdivision (e), and 66323, subdivision (a)(3)(A).
- Provides that uncovered, off-street parking spaces demolished in conjunction with the construction of an ADU do not need to be replaced (Gov. Code, § 66314, subd. (d)(11)).

- Changes the allowable number of detached ADUs on a lot with an existing multifamily dwelling to eight detached ADUs, provided that the number of ADUs does not exceed the number of existing units on the lot (Gov. Code, § 66323, subd. (a)(4)(A)(ii)).
- Prohibits a local agency from imposing any objective development standards on 66323 Units that are not authorized by the provisions of Government Code section 66323, subdivision (a) (Gov. Code, § 66323, subd. (b)).

**Changes to ADU Law in 2023:**

- Sunsets a former prohibition on a local agency imposing an owner occupancy requirement on any ADU and instead prohibits a local agency from requiring owner occupancy for an ADU (Gov. Code, § 66315).
- Allows a local agency to adopt a local ordinance to allow the separate conveyance of the primary dwelling unit and ADU(s) as condominiums, subject to certain conditions (Gov. Code, §§ 66340-66342).

**Changes to ADU Law in 2021:**

- Allows a local agency to permit the separate conveyance of ADUs from the primary dwelling under Government Code section 66341 in certain circumstances.

**Changes to ADU Law in 2020:**

- Requires that an application for the creation of an ADU or JADU is deemed approved (not just subject to ministerial approval) if the local agency has not approved or denied the completed application within 60 days (Gov. Code, § 66317, subd. (a)).
- Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create one ADU and one JADU per lot (not one or the other), within the proposed or existing single-family dwelling, if certain conditions are met (Gov. Code, § 66323, subd. (a)(1)(A)).
- Allows for rental or leasing of a separate interest ADU or JADU in a common interest development, notwithstanding governing documents that otherwise appear to prohibit renting or leasing of a unit, and without regard to the date of the governing documents (Civ. Code, §§ 4740, subd. (a); 4741, subd. (a)).
- Allows a homeowner to create “any of the following”: one converted or attached ADU; one detached, new construction ADU; and one JADU (Gov. Code, § 66323, subs. (a)(1)-(2)). More information can be found in HCD’s 2025 ADU Handbook.

## Changes to ADU Law in

### 2019:

- Prohibits a local agency from including requirements on minimum lot size in development standards for ADUs (Gov. Code, § 66314, subd. (b)(1)).
- Allows a local agency to designate areas where ADUs may be located based on the adequacy of water and sewer services, as well as on impacts on traffic flow and public safety (Gov. Code, § 66314, subd. (a)).
- Eliminates all owner occupancy requirements by a local agency for ADUs approved between January 1, 2020, and January 1, 2025 (Gov. Code, § 66315).
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom and requires approval of a permit to build an ADU of up to 800 square feet (Gov. Code, § 66321, subds. (b)(2), (b)(3)).
- Prohibits a local agency from requiring replacement of off-street parking spaces for ADUs created through the conversion of a garage, carport, or covered parking structure (Gov. Code, § 66314, subd. (d)(11)).
- Reduces the maximum ADU and JADU application review time from 120 days to 60 days (Gov. Code, §§ 66317, subd. (a); 66335, subd. (2)).
- Clarifies that “public transit” includes various means of transportation that charge set fees, run on fixed routes, and are available to the public (Gov. Code, § 66313, subd. (m)).
- Adds impact fee exemptions and limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees, and ADUs that are 750 square feet or larger may be charged impact fees, but those fees must be proportional in size (by square foot) to fees charged for the primary dwelling unit (Gov. Code, § 66324, subd. (c)(1)).
- Defines of an “accessory structure” to mean a structure that is accessory and incidental to a dwelling on the same lot (Gov. Code, § 66313, subd. (b)).
- Permits JADUs even where a local agency has not adopted an ordinance expressly authorizing them (Gov. Code, § 66320).
- Allows for a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom and an interior entry into the single-family residence (Gov. Code, § 66333, subd. (d)).
- Requires, upon application and approval, a local agency to delay enforcement against a qualifying substandard ADU for five years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency (Gov. Code, § 66331; HSC, § 17980.12).

- Makes covenants, conditions, and restrictions that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use void and unenforceable (Civ. Code, § 4751)).

If an existing ADU ordinance fails to meet the requirements of State ADU Law, the ordinance is “null and void” and the local jurisdiction must apply the standards set forth in State ADU Law until it adopts an ordinance that complies with state law (Gov. Code, § 66316). HCD recommends that a local jurisdiction with a noncompliant ADU ordinance repeal the ordinance to provide clarity for ADU applicants who may otherwise rely on the outdated ordinance.

HCD requests a response by January 4, 2026 with either (1) a description of how the ADU ordinance continues to comply with State ADU Law despite the changes to the law, or (2) a plan and timeline to either repeal the current ordinance or adopt an amended, compliant ordinance and submit it to HCD for review.

If you have any questions or need additional information, please contact Shasta Garcia at [Shasta.garcia@hcd.ca.gov](mailto:Shasta.garcia@hcd.ca.gov).

Sincerely,



Jamie Candelaria  
Section Chief, ADU Policy  
Housing Accountability Unit

Chapter 18.78

ACCESSORY DWELLING UNIT REGULATIONS

Sections:

- 18.78.010 Purpose.
- 18.78.020 Applicable Zoning Districts.
- 18.78.030 Accessory Dwelling Unit Development Standards.
- 18.78.040 Junior Accessory Dwelling Unit Criteria
- 18.78.050 Permitting Requirements.
- 18.78.060 Accessory Dwelling Units Not Complying with Development Standards.

18.78.010 Purpose.

The purpose and objective of this chapter is to contribute needed housing to the community housing stock and establish reasonable standards for the development of accessory dwelling units and junior accessory dwelling units on all lots that already contain one legally created residential unit, consistent with Government Code Section 66310 and following. For purposes of this chapter, an accessory dwelling unit is referred to as an "ADU", and a junior accessory dwelling unit is referred to as a "JADU."

18.78.020 Applicable zoning districts.

The provisions of this chapter shall be known as the "accessory dwelling unit regulations" and shall apply to all lots zoned to allow residential uses that include an existing or proposed single-family dwelling. ADUs and JADUs may exceed the allowable density for the lot upon which the ADU or JADU is located, and are considered a residential use that is consistent with the existing General Plan and Zoning designation for the lot. An ADU or JADU that contains less than 500 square feet of interior livable space shall not increase assessable space. Except as authorized within the portions of existing multi-family dwelling structures, no more than one ADU and one JADU shall be placed on the same lot or parcel. A homeowner shall be allowed to create "any of the following": one converted or attached ADU; one detached, new construction ADU; and one JADU.

18.78.030 Accessory dwelling unit development standards.

The following standards shall apply to the establishment of ADUs:

- A. ADUs within Existing Space. An ADU within an existing space including the primary buildings, attached or detached garage or other accessory buildings shall be permitted ministerially with a building permit regardless of all other standards within the section if complying with:
  1. Building and safety codes;
  2. Independent exterior access; and
  3. Side and rear setbacks sufficient for fire and safety.

B. Accessory dwelling units are required to comply with the following:

1. The ADU may be rented separate from the primary residence for a minimum of 30 days, but may not be sold or otherwise conveyed separate from the primary residence unless the lot is subdivided pursuant to all applicable laws and local ordinances.
2. The lot is required to be zoned to allow residential uses that include an existing or proposed dwelling.
3. The ADU shall be located on the same lot as the existing dwelling.
4. If there is an existing or proposed primary dwelling, the floor space of an attached ADU shall not exceed fifty percent of the proposed or existing primary dwelling living area or 1,200 square feet, whichever is less.
5. The total area of floor space for a detached ADU shall not exceed 1,200 square feet.
6. A passageway shall not be required in conjunction with the construction of an ADU.
7. No setback shall be required for an existing garage that is converted to an accessory dwelling, and a setback of no more than four feet from the side and rear lot lines shall be required for an ADU that is constructed above a garage.
8. An ADU shall not be required to provide fire sprinklers if they are not required for the primary residence and may employ alternative methods for fire protection.
9. If an ADU is detached, a setback of no more than four feet from the side and rear lot lines shall be required.
10. If an ADU is detached, a five-foot separation between the primary residence and the secondary residence is required.
11. ADUs shall not be considered when calculating the maximum lot coverage allowed.
12. One additional vehicle parking space shall be required per ADU, except in any of the following instances:
  - a. The accessory dwelling unit is located within one-half mile walking distance of public transit.

- b. The accessory dwelling unit is located within an architecturally and historically significant historic district.
  - c. The accessory dwelling unit 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 accessory dwelling unit.
  - e. When there is a car share vehicle located within one block of the accessory dwelling unit.
13. When a garage or carport structure is demolished in conjunction with the construction of an accessory dwelling unit, no parking replacement spaces shall be required. Any other required on-site parking spaces shall be maintained for the principal unit, and may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces.
14. The City shall not require the applicant to install a new or separate utility connection or impose a related connection fee or capacity charge for ADUs that are contained within an existing residence or accessory buildings.
15. The height of a one-story detached ADU shall not exceed 16 feet, and a detached two-story ADU shall not exceed 25 feet.
16. Mobile homes do not meet the requirements of an ADU. A manufactured home is permitted as a detached ADU.
17. The ADU shall be constructed in accordance with provisions of the latest adopted editions of the building codes.
18. Owner occupancy shall not be required for any ADU.
- i. The rental or leasing of a separate interest ADU in a common interest development shall be allowed, notwithstanding governing documents that otherwise appear to prohibit renting or leasing of a unit, and without regard to the date of the governing documents.
19. The ADU shall not be offered for sale apart from the principal unit, except when it meets the qualifications listed under Government Code Section 66341.
20. A certificate of occupancy for an accessory dwelling unit shall not be issued before the local agency issues a certificate of occupancy for the primary dwelling, except when the ADU is constructed when City of Wheatland is subject to a proclamation of a state of emergency made

by the Governor, even if the primary dwelling has not yet been issued a certificate of occupancy, if both of the following requirements are met, even if the primary dwelling unit has not yet been issued a certificate of occupancy:

- i. The primary dwelling was substantially damaged or destroyed by an event referenced in the state of emergency proclamation issued by the Governor.
- ii. The accessory dwelling unit has been issued construction permits and has passed all required inspections.

18.78.040 Junior accessory dwelling unit criteria.

The following criteria shall apply to the establishment of JADUs:

- A. A JADU shall be contained entirely within an existing single-family structure.
- B. A JADU shall be located within the walls of an existing or proposed single-family residence.
- C. A JADU shall include its own discrete entrance, separate from the main entrance to the structure. A permitted JADU may include an interior entry to the main living area, and may include a second interior doorway for sound attenuation.
- D. The JADU shall include an efficiency kitchen, which shall include all of the following: sink, cooking appliance, food preparation counter, refrigerator, and storage cabinets that are of reasonable size in relation to the size of JADU.
- E. JADUs have no parking requirement.
- F. The JADU shall not be offered for sale apart from the principal unit. A deed restriction, which shall run with the land, shall be filed with the City and shall include both of the following:
  - 1. A prohibition on the sale of the JADU separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers; and
  - 2. A restriction on the size and attributes of the JADU that conforms with this section.
- G. For the purposes of any fire or life protection ordinance or regulation, JADUs shall not be considered a separate or new dwelling unit. Accordingly, JADUs

shall not be required to provide fire sprinklers if they are not required for the primary residence.

- H. For the purposes of providing service for water, sewer, or power, including a connection fee, a JADU shall not be considered a separate or new dwelling unit.
- I. A JADU created under this chapter shall be maintained with the provisions of this chapter and shall not be destroyed or otherwise converted to any other use (including reverting to a portion of the primary residence) except with approval of the Community Development Director. In considering such requests, the Community Development Director shall consider the length of time such permit has been in force, the conditions of approval, the exceptions granted for the permit, and the impact on the City's affordable housing supply. As a condition of termination, the Community Development Director shall require the owner to make modifications to the property to: (1) comply with current building code requirements and (2) comply with current development standards in effect at the time of the request to terminate the use of the JADU.
- J. If a JADU has shared sanitation facilities with the existing single-family residence, owner-occupancy in the single-family residence is required. The owner may reside in either the remaining portion of the structure or the newly created JADU. Owner-occupancy is not required if the JADU has separate sanitation facilities, or if the owner is another governmental agency, land trust, or housing organization.
- K. The rental of JADUs shall be for a term longer than 30 days.

18.78.050 Permitting requirements.

ADUs and JADUs shall be permitted ministerially, in compliance with this chapter, within 60 days of a completed application. The building official shall determine whether an application for an ADU or JADU is complete and provide written notice of the determination not later than 15 business days after the permitting agency received the application. If the building official determines an application is incomplete, the building official shall provide the applicant with a list of incomplete items and a description of how the application can be made complete in the written notice. The applicant shall be authorized to cure and address the application, as specified, if it is determined that an application is incomplete. An application for the creation of an ADU or JADU shall be deemed approved if the building official has not approved or determined the application is incomplete within 60 days. The building official shall issue a building permit to establish an ADU or JADU in compliance with this chapter if all applicable requirements above are met. The Community Development Director may approve an ADU or JADU that is not in compliance with the above requirements as set forth in the review process below. Homeowners' associations (HOAs), as a third party, shall not influence the approval of an application to create an ADU. No other local ordinance, policy, or regulation shall be the basis for the delay or denial of an ADU or JADU building permit or a use permit under this ordinance.

The building official shall not deny a permit for an unpermitted ADU or JADU that was constructed before January 1, 2020, for building code violations, unless the City of Wheatland makes a finding that correcting the violation is necessary to comply with conditions that would otherwise deem a building substandard.

The building official shall be required to, upon application and approval, delay enforcement against a qualifying substandard ADU for five years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the City.

18.78.060 Accessory dwelling units not complying with development standards.

An ADU or JADU that does not comply with the applicable standards listed in this article may be permitted with a site plan review permit at the discretion of the Community Development Director subject to the findings listed in the section below.

Findings.

1. The project would not be detrimental to the public health and safety.
2. That the project will have no adverse effect upon other properties including unreasonable privacy impacts.
3. That the project is consistent with the objectives and policies of the general plan and that granting the waiver will meet the purposes of this chapter.

To the discretion of the Community Development Director, Planning Commission approval of the site plan review permit may be required for an ADU or JADU that does not comply with the applicable standards listed in this article.

A. Section 18.06.010 of the Wheatland Municipal Code is amended to read as follows:

“Accessory dwelling unit” means an attached or detached dwelling unit which provides complete independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking, and sanitation sited on the same parcel as the primary dwelling unit.

“Junior accessory dwelling unit” means a unit that is contained entirely within an existing single-family structure and that is no more than 500 square feet of livable space. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

“Family” means one or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit.

“Livable Space” means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

“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.

B. Section 18.60.010 of the Wheatland Municipal Code is amended to read as follows:

18.60.010 Accessory buildings.

A. In any residential zone district, accessory buildings are permitted, subject to all of the following:

1. Accessory buildings include any buildings that are customarily incidental to a residence and garage including greenhouse, storage shed, studio, pool-house, workshop, detached deck and patio and similar structure that is over 18 inches in height. Buildings with less than 120 square feet of roof area that are less than eight feet in height, are not subject to this section.
2. The number of accessory buildings on any individual lot shall be limited to three.
3. The combined floor area of accessory buildings on any individual lot shall not exceed 1,200 square feet of floor area.
4. The maximum height of any accessory building is 1846 feet for a detached ADU on a lot with an existing or proposed single family dwelling unit. An additional two feet in height shall also be allowed to accommodate a roof pitch on the detached ADU that is aligned with the roof pitch of the primary dwelling unit. A maximum height of 25 feet or the height limitation established in the City of Wheatland zoning ordinance that applies to the primary dwelling, whichever is lower, shall be allowed for an ADU that is attached to a primary dwelling.
5. Any accessory building shall have a minimum four-foot separation between the primary residence and/or any other accessory building. Any accessory building shall have a minimum setback four feet from the side and rear lot lines.
6. Accessory buildings shall not be considered when calculating the maximum lot coverage allowed.
7. Accessory buildings that differ from the standards provided above may be approved with a site plan review permit, provided the Community Development Director makes the findings required by Section 18.78.060 of the Wheatland Municipal Code.

B. Accessory buildings may not encroach on any recorded easement.

C. Garden shelters, greenhouses, storage shelters and covered patios are permitted as accessory buildings and need not meet the requirements for Accessory Dwelling Units if they are not proposed to be used for living quarters.