

A G E N D A
RIO DELL CITY COUNCIL
STUDY SESSION - 6:00 P.M.
REGULAR MEETING- 6:30 P.M.
TUESDAY, JANUARY 17, 2012
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

THE TYPE OF COUNCIL BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. STUDY SESSIONS/PUBLIC HEARINGS - 6:00 p.m.

2012/0117.01 - Street Assessment Project

E. CEREMONIAL

2012/0117.02 - Swearing in of Raymond Brady as Reserve Officer **1**

2012/0117.03 - Swearing in of Nick Angeloff as Planning Commissioner **3**

2012/0117.04 - Presentation of Proactive Policing Award to Officer Harralson **4**

F. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Items requiring Council action not listed on this agenda will be placed on the next regular agenda for consideration, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 5 minutes.

G. CONSENT CALENDAR

The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Council members if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually in the next section, "SPECIAL CALL ITEMS".

- 1) 2012/0117.05 - Approve Minutes of the January 3, 2012 Regular Meeting **(ACTION)** 5

H. SPECIAL PRESENTATIONS

- 1) 2012/0117.06 - Budget Presentation for Fiscal Year Ending June 30, 2011
(RECEIVE & FILE) 12

I. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) 2012/0117.07 - Approve Open Gym Basketball Program **(ACTION)** 15
- 2) 2012/0117.08 - Direct City Manager to Establish Fire Sprinkler Connection Policy
(ACTION) 17
- 3) 2012/0117.09 - Status Report on Rio Dell Plaza Project **(RECEIVE & FILE)**

- 1) "SPECIAL CALL ITEMS" from Consent Calendar

J. ORDINANCES/SPECIAL RESOLUTIONS

- 1) 2012/0117.10 - Second Reading (by title only) and Adoption of Ordinance No. 280-2012 Amending the Urban Residential and Suburban Residential Zones, Sections 17.20.020(2)(a) and 17.20.030(2)(b) Respectively of the Rio Dell Municipal Code by Removing Home Occupations as Conditionally Permitted Uses
(ACTION) 19
- 2) 2012/0117.11 - Second Reading (by title only) and Adoption of Ordinance No. 281-2012 Amending the Second Dwelling Unit Regulations, Section 17.25.180 of the Rio Dell Municipal Code **(ACTION)** 25
- 3) 2012/0117.12 - Introduction and First Reading (by title only) of Ordinance No. 282-2012 and Resolution No. 1141-2012 Amending the Plan and Zoning Designation of Approximately 5,050 sq. ft. from Town Center (TC) to Urban Residential (UR) **(ACTION)** 35

K. REPORTS/STAFF COMMUNICATIONS

- 1. City Manager
- 2. Finance Director - Check Register for December, 2011 **(RECEIVE & FILE)** 56
- 3. Chief of Police - Police Department Annual Report **(RECEIVE & FILE)** 62

4. Community Development Director

L. COUNCIL REPORTS/COMMUNICATIONS

M. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED CLOSED SESSION AS FOLLOWS:

2012/0117.13 - Closed Session Concerning Labor Negotiations with Labor Negotiator; the City's Designated Representative City Manager Ron Henrickson (Pursuant to Government Section 54957.6) Concerning Rio Dell Police Officer's Association, Rio Dell Employees Association, and Contract Employees

N. PUBLIC COMMENT REGARDING CLOSED SESSION

O. RECESS INTO CLOSED SESSION

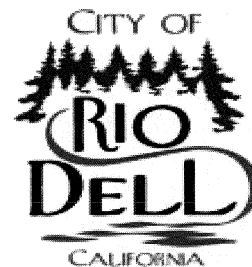
P. RECONVENE INTO OPEN SESSION

Q. ORAL ANNOUNCEMENTS

R. ADJOURNMENT

*The next Regular meeting will be on February 7, 2012
at 6:30 PM in the City Council Chambers*

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



To: Honorable Rio Dell City Council
From: Graham Hill, Chief of Police *GH*
Through: Ron Henrickson, City Manager
Date: January 17th, 2011
Subject: Swearing in of Reserve Police officer Raymond Brady

Council Action

Facilitate swearing in of Reserve Police Officer Candidate Raymond Brady

Background

Reserve officer Candidate Brady recently completed the department's background process successfully after completing an application to become a Reserve Police Officer for our department. He is well qualified and in fact worked for our department previously. He is a welcome addition and will be an asset to our department.

Budgetary Impact

While there is a slight impact in regards to equipment issued to Reserves Police Officers we currently have all of the necessary equipment on hand and will not be required to purchase additional equipment at this time. There are no other budgetary issues related to this action.

Recommendation

Take action as described.

City of Rio Dell

Oath of Allegiance for Public Employees

I, Raymond Nar'e Brady, do solemnly swear that I will support and defend the Constitution of the United States, the Constitution of the State of California, and the City of Rio Dell against all enemies, foreign and domestic; that I will bear truth, faith, and allegiance to the Constitution of the United States, the Constitution of the State of California, and the adopted ordinances and resolutions of the City of Rio Dell; that I take this obligation freely, without any mental reservation or purpose of evasion; that I will, well and faithfully discharge the duties upon which I am about to enter.

Signed _____ Date _____

Witnessed _____ Date _____

675 Wildwood Avenue
Rio Dell, Ca 95562
(707) 764-3532



OATH OF ALLEGIANCE FOR PUBLIC OFFICERS

STATE OF CALIFORNIA) ss.
COUNTY OF HUMBOLDT)

I, **Nick Angeloff** do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

SUBSCRIBED AND SWORN BEFORE ME THIS 17th day of January, 2012.

Karen Dunham, City Clerk

Signature

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



To: Honorable Rio Dell City Council
From: Graham Hill, Chief of Police *GH*
Through: Ron Henrickson, City Manager
Date: January 17th, 2012
Subject: Proactive Policing Award

Council Action

Present Proactive policing Award to Officer Kevin Harralson

Background

Internally our department does a pretty good job of recognizing our employees for exceeding performance standards, but this year we are trying to make an extra effort to give the community the opportunity to see what their police officers and department is doing.

During 2011 Officer Harralson led the department in total arrests, felony arrests, and drug related arrests. In addition Officer Harralson was tasked with addressing suspected drug activity at two specific locations in the city that the police department was experiencing an inordinate number of calls from citizens who were concerned about possible drug activity. Officer Harralson conducted a thorough investigation and ultimately arrested the individuals associated with the activity and effectively resolved the issues for the community.

While all of the members of the department did an excellent job this year, Officer Harralson's performance stood out, particularly because he was recovering from knee surgery from January until May, and only worked in field for about seven months of the year.

Budgetary Impact

None

Recommendation

Take action described

**RIO DELL CITY COUNCIL
REGULAR MEETING
JANUARY 3, 2012
MINUTES**

The Regular Meeting of the Rio Dell City Council was called to order at 6:30 p.m. by Mayor Woodall.

ROLL CALL: Present: Mayor Woodall, Councilmembers Leonard, Marks, Thompson and Wilson

Others Present: City Manager Henrickson, Finance Director Beauchaine, Chief of Police Hill, Community Development Director Caldwell, and City Clerk Dunham

Absent: Water Superintendent Jensen and Wastewater Superintendent Chicora (excused)

PUBLIC PRESENTATIONS

None

CONSENT CALENDAR

Mayor Woodall announced the items to be approved on the consent calendar and asked the staff, the public and the Council members if there was anyone who wished to have any item removed from the consent calendar for separate discussion.

Councilmember Wilson asked that Item 2012/0103.03 be removed and placed under Special Call Items for separate discussion.

Motion was made by Thompson/Leonard to approve the consent calendar including approval of minutes of the December 20, 2011 regular meeting; approval of Resolution No. 1140-2012 Approving the Destruction of Records; and approval of the Wahlund Construction, Inc./Sequoia Construction Specialties Bid Extension for the Wastewater Treatment Plant Upgrade and Disposal Project. Motion carried 5-0.

SPECIAL CALL ITEMS

Authorize the City Manager to Execute Contract Amendment 2 with Winzler & Kelly on the Brownfield's Assessment Grant on the Former Eel River Sawmill Site

Councilmember Wilson stated that it was his understanding that Winzler & Kelly had already performed the work on the project but that there were no remaining grant funds to pay for the additional work; City Manager Henrickson explained that Winzler & Kelly performed Phase I and Phase II testing and remedial action planning on the site through the EPA Brownfield's

Assessment Grant and during the Phase II review process there were changes to the proposed plan which resulted in additional soil sample collections. At that time, the City authorized Winzler & Kelly to proceed with the understanding that an amendment to their contract would be approved to shift funds if additional funding was available within other areas of the project budget prior to the closure of the grant.

Councilmember Marks stated for clarification that any remaining unused grant funds would have to be returned anyway; City Manager Henrickson said that was correct.

Motion was made by Wilson/Thompson to authorize the City Manager to execute Contract Amendment 2 with Winzler & Kelly on the Brownfield's Assessment Grant on the former Eel River Sawmill site. Motion carried 5-0.

ORDINANCES/SPECIAL RESOLUTIONS

Introduction and First Reading (by title only) of Ordinance No. 280-2012 Amending the Urban Residential and Suburban Residential Zones, Sections 17.20.020(2)(a) and 17.20.030(2)(b) Respectively of the Rio Dell Municipal Code by Removing Home Occupations as Conditionally Permitted Uses

Community Development Director Caldwell stated that this item is being brought before the City Council as the result of some discrepancies identified in the Home Occupation provisions of the Rio Dell Municipal Code. He said in the current provisions, Home Occupations require a Conditional Use Permit under the development standards for the Urban Residential and Suburban Residential zones. (Sections 17.20.020 and 17.20.030). Under Section 17.30.120 *Home Occupation Businesses*, Home Occupations are clearly permitted as appurtenant and accessory uses to any residential use. He further stated that staff has historically approved Home Occupations in all residential zones provided they meet the prescribed development standards as principally permitted uses as with other jurisdictions. He said staff and the Planning Commission is recommending amending Sections 17.20.020(2)(a) and 17.20.030(2)(b) of the Rio Dell Municipal Code by removing Home Occupations as conditionally permitted uses.

A Public Hearing was opened at 6:35 p.m. to receive public comment on the proposed ordinance.

Richard Newman, 670 Second Ave. asked how the proposed revision would affect his Conditional Use Permit for his upholstery business which he conducts out of his home on Second Ave. and at 23 Center St. Community Development Director Caldwell explained that the revision would only affect new Home Occupation businesses and that the proposed amendment will actually remove Home Occupations as conditionally permitted uses.

There being no further public comment, the public hearing closed at 6:37 p.m.

JANUARY 3, 2012 MINUTES
Page 3

Councilmember Marks asked if businesses can still be conducted out of homes; Community Development Director Caldwell explained they can provided the applicant meets the prescriptive requirements; if not they can apply for an exception through the Planning Commission.

Councilmember Thompson referred to Item (j) of the Home Occupation Businesses minimum performance standards and asked for an example of a home occupation business that might “*produce offensive noise, vibration, smoke, dust, odors, or heat*”; Community Development Caldwell gave an example of a small engine repair shop and said that typically if there is a business that generates noise, the hours of operation are reduced through the CUP process.

Councilmember Thompson then referred to Item (g) which states that “*not more than 20 percent of the total floor area within the dwelling unit shall be used in connection with any home occupation*” and asked if that was enforced. Community Development Director Caldwell noted that is probably the number one exception businesses make application for.

Councilmember Wilson asked if garages are counted as part of the total square footage; Community Development Director Caldwell said garages are included in the square footage of a dwelling unit with regard to home occupation businesses.

Mayor Woodall asked if Home Occupation provisions apply to the growing of marijuana under Prop 215; Chief Hill stated it would not apply since marijuana cannot legally be sold and therefore does not qualify as a business.

Councilmember Thompson referred to the reference to the *Planning Secretary* under Item 4; Community Development Director Caldwell stated it should read *Planning Department* and agreed to make the correction.

Councilmember Marks asked Community Development Director Caldwell if he felt any of the performance standards for home occupations were unreasonable and if he thought the established hours of activity between 7:00 a.m. and 10:00 p.m. should be reduced; Caldwell stated that typically home occupations are office related businesses which don't have any adverse effect on a neighborhood.

Councilmember Thompson commented that someone giving music lessons at 10:00 p.m. might not be appreciated by the neighbors.

Motion was made by Wilson/Leonard to approve the introduction and first reading (by title only) of *Ordinance No. 280-2012 Amending the Urban Residential (UR) and Suburban Residential (SR) Zones, Sections 17.20.020(2)(a) and 17.20.030(2)(b) Respectively of the Rio Dell Municipal Code by Removing Home Occupations as Conditionally Permitted Uses*. Motion carried 5-0.

Introduction and First Reading (by title only) of Ordinance No. 281-2012 Amending the Second Dwelling Unit Regulations, Section 17.25.180 of the Rio Dell Municipal Code

Community Development Director Caldwell stated this matter was discussed at the September 28, 2011 Joint Study Session with the Planning Commission and at that time staff was directed to amend the existing second dwelling unit regulations to be consistent with State law and allow an exception process for certain performance standard requirements.

He proceeded with review of the proposed revisions as submitted under Attachment 1 of his staff report. The recommended changes included the following:

- All references to *Planning Secretary* be changed to *Planning Department*
- The owner of the property does not have to live on a lot where a second dwelling unit is located.
- The lot on which the unit is proposed totals at least 5,000 square feet.
- Entrances for attached units shall not be required to face the frontage street.
- On parcels that can be subdivided, the size of the second dwelling unit shall not be restricted, provided the applicant submits a Development Plan demonstrating that the parcel could be subdivided and both residences can be sited on separate parcels and meet setbacks and lot coverage requirements of the zone.
- A mobile home or manufactured home may be used as a second dwelling unit so long as it conforms with the provisions of Section 17.25.090 of the RDMC.
- Exceptions to the minimum lot size and dwelling size may be allowed with a Conditional Use Permit, if the Planning Commission makes the following findings, in addition to the findings required for Conditional Use Permit approval in Section 17.30.030 of the RDMC: the second unit is subordinate to the principal unit and compatible with the character of the surrounding neighborhood.

In regard to the maximum building height of a detached second dwelling unit, Caldwell stated that the suggested height limitation of 24 feet was presented to the Planning Commission at their meeting on December 14, 2011 and after discussion, the Commission concurred that 24 feet may be too restrictive. Their recommendation was to leave the maximum height at 35 feet.

A public hearing was opened at 6:55 p.m. to receive public comment on the proposed ordinance. There being no public comment, the public hearing closed.

Councilmember Thompson said that pertaining to the height limitations it was his understanding that the 35 foot height limitation was adopted with adoption of the Town Center Zoning in 2004. He expressed concern that a second dwelling unit could have a 10 foot by 10 foot floor plan and be 35 feet in height. He said he would like to keep Rio Dell Rural with 90% of the homes single story. He said if someone were to construct a 2-story dwelling between two single story dwellings, the residents with the single-story dwellings might be upset. He said that he doesn't think the environment we want is to have 3-story condominiums throughout the City. He said he would like to see a 24 foot height limitation for both primary and secondary dwellings.

JANUARY 3, 2012 MINUTES
Page 5

Community Development Caldwell noted that the height limitation for primary dwellings was not being considered at this time.

City Manager Henrickson stated one suggestion would be to limit the height to 35 feet, or not to exceed the height of the primary dwelling.

Councilmember Wilson said one issue with allowing taller second dwelling units is that it allows residents to look into the neighbors back yards; Caldwell stated that the Planning Commission may ask for larger side yard setbacks through the Conditional Use Permit process.

Councilmember Wilson suggested the height be restricted to no higher than the existing structure or 24 feet with a provision for exclusions or exceptions by the Planning Commission.

Councilmember Thompson expressed concern about minimum square footage requirements for second dwelling units; Community Development Director Caldwell said the controlling factor is open space requirements.

City Manager Henrickson stated that the Uniform Building code has minimum square footage requirements for dwellings and said he would check with the Building Official as to what that is.

Community Development Director Caldwell pointed out that the intent of the legislation enacted in 2002 was to make it easier to develop second dwelling units thus creating affordable housing.

Discussion continued regarding requirements for the location of the front door of the second unit. Community Development Director Caldwell stated the Planning Commission discussed the issue and determined that if the door does not face the frontage street, it is likely that it would be facing into a neighbors window from 5 feet away. He said the General Plan requires that the front door of a 4-plex faces the frontage street. He said Commissioner Gonzales pointed out that if you are walking down the street you will still see the door if located on the side of a second unit and therefore could still resemble a duplex.

Councilmember Thompson asked if a jurisdiction can restrict a neighborhood solely to single-family residential; Community Development Caldwell stated that State law prohibits Cities from doing so.

Councilmember Marks referred to a 3-unit development on Wildwood Ave. and asked if there could be a greater setback required between the two structures to protect the back unit from the front; Community Development Director Caldwell said that greater setbacks could be imposed although it would be more difficult to come up with typical house plans.

Councilmember Thompson asked about parking regulations for second units; Community Development Director Caldwell stated that one additional off street parking space is required for

each unit. He stated that he would be bringing forward an update of the existing parking regulations at a subsequent meeting.

Councilmember Wilson asked if parking was part of the open space and what would be required in the event the garage was converted to living space; Community Development Caldwell said parking is part of the open space and that 1 additional parking space would be required for the garage conversion.

Motion was made by Marks/Leonard to approve the introduction and first reading (by title only) of *Ordinance No. 281-2012 Amending the Second Dwelling Unit Regulations, Section 17.25.180 of the Rio Dell Municipal Code* and directing staff to amend the recommended building height standards for detached second units to not exceed the height of the existing primary structure up to a maximum of 24 feet. Motion carried 5-0.

REPORTS/STAFF COMMUNICATIONS

City Manager Henrickson reported on recent activities in the City Manager's department and stated that relative to the Rio Dell Plaza, he received a counter offer on the Todd Option Agreement and had scheduled a Closed Session for Thursday, January 5, 2012 at 5:00 p.m. to discuss the matter. He said he would follow up with a report at the next regular meeting on January 17, 2012.

He also reported that he received the judge's decision on the Baratti suit in regard to the Wastewater Upgrade and Improvement Project and the City prevailed on all counts.

Finance Director Beauchaine reported on recent activities in the finance department and provided to Council a Budget Variance Report by Department for the period ending June 30, 2011 for their review. She said she would have the item on the next agenda along with a Budget Variance Report by Fund. Also, she said she would have the Accounts Payable Distribution Report included in the next agenda packet as requested.

Chief of Police Hill reported on recent activities in the police department and provided a brief review of the Monthly Police Report as submitted. He stated he would be providing an Annual Police Report later this month. He also reported that he had sent an officer to Arcata on New Year's Eve to assist and the evening was uneventful. He also reported that there would be an officer present at the school crossing guard location one day a week to address traffic issues.

Community Development Director Caldwell reported on recent activities in the planning department and stated he would be bringing forth on the next agenda the Broussard General Plan and Zone Boundary Adjustment along with the second reading and adoption of the two ordinances presented this evening. He noted in February he would be presenting lot size modification provisions and setback averaging.

Community Development Director Caldwell stated that the City Manager had asked the department heads to define their department goals for 2012 and that he had completed his list and hoped to meet with the City Manager soon to address those goals.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Thompson reported on his attendance at Humboldt Waste Management Authority and reported on the negotiations with Arcata Recycling Center (ACRC) and stated they had reached a mutual agreement and the next day the executive director presented them with a lawsuit. He said they have until 1-6-12 to withdraw the suit or the agreement is dead. He said if the suit is withdrawn, they will need to finalize the agreement in which he would more than likely be seeking guidance from the Council..

Councilmember Leonard questioned whether the City needs to remain in the JPA with HWMA.

Councilmember Marks stated that a cost analysis was done on the operation of the ACRC facility and unless there are new commitments with all of Humboldt County, it was determined that the organization will not make a profit.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 7:40 p.m. to the January 17, 2012 Regular meeting.

Julie Woodall, Mayor

Attest:

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562



STAFF REPORT

TO: Mayor and Members of the City Council
THROUGH: Ron Henrickson, City Manager
FROM: Stephanie Beauchaine, Finance Director *SB*
DATE: January 13, 2012
SUBJECT: Budget Variance Report for the Period Ending June 30, 2011

RECOMMENDATION
Receive and File

BACKGROUND AND DISCUSSION

Please find attached the revised Budget Variance Reports by Department and Fund Type for the period ending 06/30/2011. Budget details and variances will be presented at the Council Meeting.

**City of Rio Dell
Budget Variance Report
by Fund Group
Period Ending 06/30/2011**

Fund	YTD		YTD		Variance	%
	2010-2011	2010-2011	2010-2011	2010-2011		
	Revenue Budget	Revised Revenue Budget	Revenue Actual			
General Fund	\$ 711,695	\$ 753,177	\$ 852,913	\$	99,736	120%
Streets Funds	\$ 163,000	\$ 163,000	\$ 192,575	\$	29,575	118%
Sewer Funds	\$ 641,292	\$ 641,292	\$ 739,029	\$	97,737	115%
Special Revenue Funds	\$ 143,287	\$ 101,805	\$ 114,418	\$	12,613	80%
Water Funds	\$ 539,630	\$ 539,630	\$ 578,788	\$	39,158	107%
Total	\$ 2,198,904	\$ 2,198,904	\$ 2,477,723	\$	278,819	113%

Fund	YTD		YTD		Variance	%
	2010-2011	2010-2011	2010-2011	2010-2011		
	Expenditure Budget	Revised Expenditure Budget	Expenditure Actual			
General Fund	\$ 749,007	\$ 790,489	\$ 776,488	\$	14,001	98%
Streets Funds	\$ 164,612	\$ 206,288	\$ 169,529	\$	36,759	82%
Sewer Funds	\$ 679,261	\$ 688,729	\$ 691,924	\$	(3,195)	100%
Special Revenue Funds	\$ 160,730	\$ 131,958	\$ 123,414	\$	8,544	94%
Water Funds	\$ 542,010	\$ 542,010	\$ 473,631	\$	68,379	87%
Total	\$ 2,295,620	\$ 2,359,474	\$ 2,234,986	\$	124,488	95%


* The budget figures presented represent all financial activity through the period ending 06/30/2011, which is

**City of Rio Dell
Budget Variance Report
by Department
Period Ending 06/30/2011**

Department	YTD 2010-2011 Budget	YTD 2010-2011 Revised Budget	YTD 2010-2011 Actual	Variance	Percentage
Operating Budget					
Revenue	\$ 2,198,904	\$ 2,198,904	\$ 2,477,723	\$ 278,819	113%
Bad Debt			\$ 17,540		
City Manager	\$ 231,538	\$ 234,021	\$ 233,016	\$ (1,005)	100%
Finance Department	\$ 326,391	\$ 333,771	\$ 326,357	\$ (7,414)	98%
Recycling Department	\$ 16,371	\$ 16,371	\$ 12,099	\$ (4,272)	74%
General Government Department	\$ 66,000	\$ 66,000	\$ 1,665	\$ (64,335)	3%
Police Department	\$ 653,939	\$ 666,650	\$ 647,267	\$ (19,383)	97%
Public Works Department	\$ 904,406	\$ 945,706	\$ 838,323	\$ (107,383)	89%
Planing Department	\$ 40,980	\$ 40,980	\$ 108,987	\$ 68,007	266%
Building Department	\$ 51,375	\$ 51,375	\$ 48,307	\$ (3,068)	94%
City Council	\$ 4,600	\$ 4,600	\$ 1,425	\$ (3,175)	31%
Expenditure Subtotal	\$ 2,295,600	\$ 2,359,474	\$ 2,234,986	\$ (124,488)	95%
Net Revenue in Excess of Expenditures	\$ (96,696)	\$ (160,570)	\$ 242,737	\$ 403,307	
Capital Budget					
Revenue	\$ 3,080,856	\$ 3,080,856	\$ 2,246,454	\$ (834,402)	73%
Expenditures	\$ 3,476,812	\$ 4,529,276	\$ 3,904,607	\$ (624,669)	86%
Net Revenue in Excess of Expenditures	\$ (395,956)	\$ (1,448,420)	\$ (1,658,153)		

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



To: Honorable Rio Dell City Council
From: Graham Hill, Chief of Police 
Through: Ron Henrickson, City Manager
Date: January 17th, 2012
Subject: Open Gym Basketball Program

Council Action:

Approve Open Gym Basketball Program as Described

Introduction: In November the Police Department held a department wide meeting and we discussed issues facing the department and came up with ideas to improve our community policing efforts and to improve our interaction with the community. One of the issues that has come up in the past and came up during the meeting, is a lack of programs in our community for youths and young adults. We talked about several different programs and one of the ideas that we elected to pursue is an open gym basketball program.

History: In the mid 1990's, under Police Chief Rick Shipley, I supervised an open gym basketball program that occurred at the Rio Dell Middle School gymnasium. The program was part of the Rio Dell Police Activities League. We had a wrestling program and the open gym basketball program. The wrestling program had a lack of participants and ceased. The open gym program ran two nights per week and had as many as 70 participants ranging from age 12 to about 21 years old. In many cases some of the kids and young adults that officers would have been dealing with on patrol for various reasons were participants in the program and being supervised. The program ended, but not due to a lack of participation, but because we only had one officer handling the program.

Summary: I would like to revisit the open gym program and I have spoken conceptually with Superintendent Mary Varner about the idea. She felt like the program would be very well received by the School Board and she supported it. The police department currently has one volunteer and has had two other persons interested, with backgrounds pending. At least one of our existing volunteers is interested, and capable, of handling supervision at the school, along with me. Officers would be welcome to participate on a voluntary basis; however participation in this program would not be a work requirement or an expectation. We are shorter staffed than we

have been in previous years, however it is my intention to run this program without relying on Police Officer participation, and thereby not impact our current patrol schedule. If officers were to choose to participate on a voluntary basis or spend some of their shift time observing the program I would not discourage them from doing so.


Program Description: The school would require a certificate of insurance from the city in the amount of one million dollars. We would require a waiver from participants (or their parent or guardian) holding the City of Rio Dell and the School etc. harmless for any issues arising as a result of participation. (Previously when this program was run we had one minor injury.) We would also require a waiver from our volunteers and volunteers would have a background completed by the Police Department ensuring there are not pre existing issues with regards to volunteering in such a setting. We would also provide CPR certification for people supervising the program.

General information would be provided to each participant concerning program rules and some general information about the risks associated with participation and the capabilities of volunteers. Initially we would run the program for one evening per week and gauge participation and community interest and adjust accordingly. During the first several months we would measure the participation level as well as any other impacts that we may identify and report back the status. I would like to start the program in March after the school basketball season has ended.

Financial Impact: The financial impact of the program would consist of the purchase of four to five basketballs, a couple whistles and several t-shirts that would clearly identify supervisory staff to participants. The estimated impact would be about than \$300.00 initially and would have an annual operating cost of about \$150.00 to replace shirts and equipment as needed.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



TO: Honorable Rio Dell City Council
FROM: Ron Henrickson, City Manager 
DATE: January 17, 2012
SUBJECT: Fire Sprinkler Connection

Council Action:

By motion direct the City Manager to establish policy to:

- A. Require a separate water meter for residential fire sprinklers.
- B. Allow use of a single meter for both domestic water and fire sprinklers.

Background:

The State of California has now required all new single family homes have a fire sprinkler system. The question before the Council is whether the City should require a separate water meter.

If the City allows use of one meter for both domestic water and fire sprinkling, should the domestic water be shut off then the fire sprinkler system no longer functions. This would not be the case if separate meters were required.

However, separate meters are more expensive and the fire sprinkler meter requires a back flow preventer which is an additional cost.

The City Attorney indicates separate meters are not required and it is a policy decision for each city. The Attorney does recommend red tagging a residence if only one meter is required and the domestic water is shut off.

Financial impact:

Most of the financial impact would be to the residence if two meters were required, however, the City would receive a fee for connection of the second meter. The home owner would also incur an annual cost of testing the back flow preventer.



City Manager Recommendation:

The City Manager recommends the City allow use of one meter. Note that a back flow preventer is required even with one meter if it serves a three story structure.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



FOR MEETING OF: JANUARY 17, 2012

To: City Council
From: Kevin Caldwell, Community Development Director 
Through: Ron Henrickson, City Manager 
Date: January 4, 2012
Subject: Urban and Suburban Residential Zones & Home Occupation Permits

Recommendation:

That the City Council:

1. Open the public hearing, receive public input and deliberate;
2. Approve the recommended amendments and adopt Ordinance No. 280-2012 amending Sections 17.20.020(2)(a) and 17.20.030(2)(b) of the Rio Dell Municipal Code by removing Home Occupations as a conditionally permitted use.
3. Direct the City Clerk, within 10 days after adoption of the Ordinance, to post the post adoption summary of the Ordinance with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance pursuant to Section 36933(a) of the California Government Code (C.G.C).

Summary

At your meeting of January 3, 2012 your Council introduced Ordinance No. 280-2012 which amends the City's Urban Residential and Suburban Residential zones to eliminate the requirement of a Conditional Use Permit (CUP) for Home Occupations. The Home Occupation provisions, Section 17.25.080 of the Rio Dell Municipal Code (RDMC), clearly allows Home Occupations as an accessory use in all residential zones, provided the Home Occupation meets the development or performance standards contained therein.

At the January 3, 2012 meeting Councilman Thompson correctly pointed out that the Home Occupation regulations actually refer to the Planning Secretary, when in fact the City does not have a Planning Secretary and the Zoning Regulations do not include a definition of the Planning Secretary. As such, staff will prepare an amendment to the Home Occupation regulations

eliminating the reference o the Planning Secretary and replacing it with Planning Department. Staff anticipates scheduling the amendment for the Planning Commission meeting of January 25, 2012 and then the City Council meeting of February 7, 2012 for the Ordinance introduction and first reading by title.

As required by Section 36933(c)(1) of the California Government Code, on December 22, 2011 staff posted the pre-adoption summary at least ten (10) calendar days prior to the January 3, 2012 City Council meeting. Within ten (10) days after adoption staff will post the post adoption summary as required by Section 36933(a) of the California Government Code.

Required Findings

Section 65855 of the California Government Code (C.G.C.) requires that zone amendments be consistent with the adopted General Plan. There are no policies or goals that would conflict with or prohibit Home Occupations as principally permitted residential accessory or appurtenant uses in the Urban Residential and Suburban Residential zone.

California Environmental Quality Act (CEQA).

Typically, amendments to the Rio Dell Municipal Code (RDMC) are subject to the California Environmental Quality Act (CEQA). The primary purpose of CEQA is to inform the decision makers and the public of potential environmental effects of a proposed **project**. Pursuant to Section 15378 of the CEQA Guidelines, "Project means the whole of an action, which has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment." The proposed amendments correct an inconsistency within the Rio Dell Municipal Code and do not result in the creation or elimination of any regulations or provisions. Therefore, staff believes the amendments do not constitute a project and is thereby not subject to CEQA.

If it were argued that the proposed amendments are considered a "project" subject to CEQA, based on the nature of the amendments, staff has determined the amendments would be Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Where it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment, the project is not subject to CEQA. Staff is not aware of any evidence that would suggest that the proposed amendments could result in a **significant** effect on the environment

Attachments

Attachment 1: Ordinance No. 280-2012 amending Sections 17.20.020(2)(a) and 17.20.030(2)(b) of the Rio Dell Municipal Code by removing Home Occupations as a conditionally permitted use.

Attachment 2: Pre-Adoption Summary for Posting.

Attachment 3: Post-Adoption Summary for Posting.

ORDINANCE NO. 280 - 2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL AMENDING THE URBAN RESIDENTIAL (UR) AND SUBURBAN RESIDENTIAL (SR) ZONES, SECTIONS 17.20.020(2)(A) AND 17.20.030(2)(B) RESPECTIVELY OF THE RIO DELL MUNICIPAL CODE BY REMOVING HOME OCCUPATIONS AS CONDITIONALLY PERMITTED USES

THE CITY COUNCIL OF THE CITY OF RIO DELL DOES ORDAIN AS FOLLOWS:

WHEREAS it was recently brought to staff's attention that Home Occupations require a Conditional Use Permit in the Urban Residential and Suburban Residential zones; and

WHEREAS the Home Occupation provisions, Section 17.25.080 of the Rio Dell Municipal Code (RDMC) clearly allows Home Occupations as an accessory use in residential zones which meet the development standards contained therein; and

WHEREAS staff has historically approved Home Occupations in all residential zones (i.e. Urban Residential (UR), Suburban Residential (SR), Suburban (S), Suburban Medium (SM) and Rural (R)) that meet the prescribed development standards in Section 17.25.080 of the Rio Dell Municipal Code (RDMC) as principally permitted uses; and

WHEREAS the City has reviewed and processed the proposed minor text amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and process the proposed text amendments in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed minor text amendments are deemed to be in the public interest; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed text amendments are consistent and compatible with a comprehensive view of the General Plan and any implementation programs that may be affected; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed text amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed text amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the City has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

WHEREAS pursuant to the requirements of state and local law, the Planning Commission conducted a duly noticed public hearing on December 14, 2011 to consider the proposed text amendment, at which time all interested person were given an opportunity to be heard; and

WHEREAS the Planning Commission following said public hearing recommends that the City Council approve and adopt the recommended amendments; and

WHEREAS the City Council approves the recommended text amendment amending the Urban Residential (UR) and Suburban Residential (SR) zones, Sections 17.20.020(2)(a) and 17.20.030(2)(b) respectively of the Rio Dell Municipal Code by removing Home Occupations as conditionally permitted uses; and

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1. Urban Residential Zone

Sections 17.20.020(2)(a) of the Rio Dell Municipal Code is hereby repealed and amended by removing Home Occupations as conditionally permitted uses

Section 2. Suburban Residential Zone

Sections 17.20.030(2)(b) of the Rio Dell Municipal Code is hereby repealed and amended by removing Home Occupations as conditionally permitted uses

Section 3. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 4. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 5. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on January 3, 2012 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 17th day of January 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



SUMMARY FOR POSTING PRIOR TO ADOPTION OF ORDINANCE

(The summary shall be published or posted at least 10 calendar days prior to the City Councils meetings)

Summary

On **January 17, 2012** at a regularly scheduled City Council meeting, the Rio Dell City Council is scheduled to approve and adopt Ordinance 280 -2012 amending the Urban Residential (UR) and Suburban Residential (SR) zones Sections 17.20.020(2)(a) and 17.20.030(2)(b) respectively of the Rio Dell Municipal Code by removing Home Occupations as conditionally permitted uses.

A certified copy of the full text of the Ordinance is posted in the office of the City Clerk. General questions regarding the Ordinance, the planning process, submission of materials and information not specific to this project may be obtained from the City, 675 Wildwood Avenue, Rio Dell, CA. 95562; telephone (707) 764-3532.

Posted January 6, 2012

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



SUMMARY FOR POSTING AFTER ADOPTION OF ORDINANCE

(The summary shall be published or posted within 10 calendar days after the adoption of the ordinance)

Summary



On **January 17, 2012** at a regularly scheduled City Council meeting, the Rio Dell City Council approved and adopted Ordinance 280 -2012 amending the Urban Residential (UR) and Suburban Residential (SR) zones Sections 17.20.020(2)(a) and 17.20.030(2)(b) respectively of the Rio Dell Municipal Code by removing Home Occupations as conditionally permitted uses.

A certified copy of the full text of the Ordinance is posted in the office of the City Clerk. General questions regarding the Ordinance, the planning process, submission of materials and information not specific to this project may be obtained from the City, 675 Wildwood Avenue, Rio Dell, CA. 95562; telephone (707) 764-3532.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



FOR MEETING OF: JANUARY 17, 2012

To: City Council
From: Kevin Caldwell, Community Development Director 
Through: Ron Henrickson, City Manager 
Date: January 4, 2012
Subject: Second Unit Ordinance

Recommendation:

That the City Council:

1. Open the public hearing, receive public input and deliberate;
2. Adopt Ordinance No, 281-2012 amending the Second Unit regulations, Section 17.25.180 of the Rio Dell Municipal Code.
3. Direct the City Clerk, within 10 days after adoption of the Ordinance, to post the post adoption summary of the Ordinance with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance pursuant to Section 36933(a) of the California Government Code.

Summary

At your meeting of January 3, 2012 your Council introduced Ordinance No. 281-2012 which amends the City's Second Unit regulations. After discussing the recommended changes, your Council directed staff to amend the recommended building height standards for detached second units to not exceed the height of the existing primary unit up to a maximum of 24 feet. Included as Attachment 1 is the existing and amended language of the City's second unit regulations. Attachment 2 is the implementing Ordinance.

As required by Section 36933(c)(1) of the California Government Code, on December 22, 2011 staff posted the pre-adoption summary at least ten (10) calendar days prior to the January 3, 2012 City Council meeting. Within ten (10) days after adoption staff will post the post adoption summary as required by Section 36933(a) of the California Government Code.

California Environmental Quality Act (CEQA).

Second units approved ministerially are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15268 of the CEQA Guidelines and Section 21080(b)(1) of the Public Resources Code. In addition, second units are categorically exempt from CEQA pursuant to Sections 15301 and 15303 of the CEQA Guidelines and Section 21083 and 21087 of the Public Resources Code.

Based on the nature of the amendments and the exemptions found in the CEQA Guidelines and Public Resources Code, staff has determined the amendments would be Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Where it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment, the project is not subject to CEQA. Staff is not aware of any evidence that would suggest that the proposed amendments could result in a **significant** effect on the environment

Attachments

Attachment 1: Existing and amended second unit regulations.

Attachment 2: Draft Ordinance No. 281 – 2012 amending Title 17, Section 17.25.180 of the Rio Dell Municipal Code.

Attachment 3: Pre-Adoption Summary for Posting.

Attachment 4: Post-Adoption Summary for Posting.



17.25.180 Second Dwelling Units.

All second dwelling units, as defined herein, shall be subject to the following regulations:

- (1) Applications for second dwelling units shall be considered ministerially, without discretionary review.
- (2) No more than one second dwelling unit may be constructed on any site.
- (3) The Planning Secretary Department ~~may~~ shall grant a permit for a second dwelling unit which was created prior to the effective date of the ordinance codified in this section, if the Planning Secretary Department finds that the second dwelling unit complies with all of the regulations specified in this section.
- (4) The Planning Secretary Department ~~may~~ shall grant a permit for a new second dwelling unit, if the Planning Secretary Department finds that the second dwelling unit conforms with all the following regulations:
 - (a) ~~One of the dwelling units on the site is owner-occupied.~~ The owner of the property does not have to live on a lot where a second dwelling unit is located.
 - (b) The lot on which the unit is proposed totals at least 6,000 5,000 square feet, ~~except for existing lots 5,000 square feet or more in the town center.~~
 - (c) The second dwelling unit contains a separate entrance, kitchen, and bathroom; both the existing dwelling and the second unit comply with all requirements of the current City of Rio Dell building code in effect at the time of building construction.
 - (d) The second dwelling unit maintains the scale of adjoining residences and blends into the existing setting by use of appropriate building form, height, materials, color and landscaping appropriate to that setting.
 - (e) The second dwelling unit does not overload the capacity of the neighborhood to absorb it or cause a concentration of units sufficient to change the character of the general area.
 - (f) The parking on the site conforms with the requirements set forth in RDMC 17.25.130.
- (g) Maximum Size
 - (i) Parcels that cannot be subdivided. The size of the second dwelling unit shall not exceed 50 percent of the size of the primary dwelling unit up to a maximum of 1,200 square feet, except for second dwelling units located within the suburban and rural zones where the second dwelling unit shall not exceed 50 percent of the primary dwelling unit.
 - (ii) Parcels that can be subdivided. The size of the second dwelling unit shall not be restricted, provided the applicant submits a Development Plan demonstrating that the parcel could be subdivided and both residences can be sited on separate parcels and meet setback and lot coverage requirements of the zone.
- (h) ~~The second dwelling unit shall not be a manufactured/mobile home.~~ A mobile home or manufactured home may be used as a second dwelling unit so long as it conforms with the provisions of Section 17.25.090.

(i) The detached second unit maintains a minimum separation from the main building of 10 feet.

(j) The second dwelling unit shall be subject to the minimum yard requirements of the zoning district in which it is located.

(k) The maximum building height of a detached second dwelling unit shall be 35 feet less than the existing dwelling up to a maximum of 24 feet except as follows: ~~a detached second dwelling unit which is located within any portion of a required rear yard setback shall not exceed one story or 16 feet in height, whichever is less.~~ [Ord. 252 § 6.17.5, 2004.]

(l) Exceptions to the minimum lot size, dwelling size and height limitations may be allowed with a Conditional Use Permit, if the Planning Commission makes the following findings, in addition to the findings required for Conditional Use Permit approval in Section 17.30.030 of the RDMC:

(i) The second unit is subordinate to the principal unit and compatible with the character of the surrounding neighborhood.

ORDINANCE NO. 281 - 2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL AMENDING THE
SECOND DWELLING UNIT REGULATIONS, SECTION 17.25.180 OF THE RIO DELL
MUNICIPAL CODE:

WHEREAS at the City Council, Planning Commission joint study session of September 28, 2011, staff was directed to amend the existing second unit regulations to be consistent with State law and allow an exception process for certain performance standard requirements; and

WHEREAS the City's second unit provisions were adopted (Ordinance 252) in 2004 as part of the adoption of the current zoning regulations; and

WHEREAS the State has determined that second units are a valuable form of housing and second units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others; and

WHEREAS in 2002 the Legislature enacted provisions (Assembly Bill 1866) to further encourage the development of second units by making the approval of second units a ministerial act, not subject to discretionary review or a hearing; and

WHEREAS the City has reviewed and processed the proposed text amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed text amendments in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed text amendments are deemed to be in the public interest; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed text amendments are consistent and compatible with a comprehensive view of the General Plan and any implementation programs that may be affected; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed text amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed text amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the City has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

ATTACHMENT 2

WHEREAS pursuant to the requirements of state and local law, the Planning Commission conducted a duly noticed public hearing on November 2, 2011 to consider the proposed text amendment, at which time all interested person were given an opportunity to be heard; and

WHEREAS the Planning Commission following said public hearing recommends that the City Council approve and adopt the recommended flag lot regulations; and

WHEREAS the City Council approves the amending the second dwelling unit regulations, Section 17.25.180 of the Rio Dell Municipal Code; and

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1. 17.25.180 Second Dwelling Units.

All second dwelling units, as defined herein, shall be subject to the following regulations:

(1) Applications for second dwelling units shall be considered ministerially, without discretionary review.

(2) No more than one second dwelling unit may be constructed on any site.

(3) The Planning Secretary Department ~~may~~ shall grant a permit for a second dwelling unit which was created prior to the effective date of the ordinance codified in this section, if the Planning Secretary Department finds that the second dwelling unit complies with all of the regulations specified in this section.

(4) The Planning Secretary Department ~~may~~ shall grant a permit for a new second dwelling unit, if the Planning Secretary Department finds that the second dwelling unit conforms with all the following regulations:

(a) ~~One of the dwelling units on the site is owner-occupied. The owner of the property does not have to live on a lot where a second dwelling unit is located.~~

(b) The lot on which the unit is proposed totals at least 6,000 5,000 square feet, ~~except for existing lots 5,000 square feet or more in the town center.~~

(c) The second dwelling unit contains a separate entrance, kitchen, and bathroom; both the existing dwelling and the second unit comply with all requirements of the current City of Rio Dell building code in effect at the time of building construction.

(d) The second dwelling unit maintains the scale of adjoining residences and blends into the existing setting by use of appropriate building form, height, materials, color and landscaping appropriate to that setting.

(e) The second dwelling unit does not overload the capacity of the neighborhood to absorb it or cause a concentration of units sufficient to change the character of the general area.

(f) The parking on the site conforms with the requirements set forth in RDMC 17.25.130.

(g) Maximum Size

(i) Parcels that cannot be subdivided. The size of the second dwelling unit shall not exceed 50 percent of the size of the primary dwelling unit up to a maximum of 1,200 square feet, except for second dwelling units located within the suburban and rural zones where the second dwelling unit shall not exceed 50 percent of the primary dwelling unit.

(ii) Parcels that can be subdivided. The size of the second dwelling unit shall not be restricted, provided the applicant submits a Development Plan demonstrating that the parcel could be subdivided and both residences can be sited on separate parcels and meet setback and lot coverage requirements of the zone.

(h) The second dwelling unit shall not be a manufactured/mobile home. A mobile home or manufactured home may be used as a second dwelling unit so long as it conforms with the provisions of Section 17.25.090.

(i) The detached second unit maintains a minimum separation from the main building of 10 feet.

(j) The second dwelling unit shall be subject to the minimum yard requirements of the zoning district in which it is located.

(k) The maximum building height of a detached second dwelling unit shall be 35 feet less than the existing dwelling up to a maximum of 24 feet except as follows: a detached second dwelling unit which is located within any portion of a required rear yard setback shall not exceed one story or 16 feet in height, whichever is less. [Ord. 252 § 6.17.5, 2004.]

(l) Exceptions to the minimum lot size and dwelling size may be allowed with a Conditional Use Permit, if the Planning Commission makes the following findings, in addition to the findings required for Conditional Use Permit approval in Section 17.30.030 of the RDMC:

(i) The second unit is subordinate to the principal unit and compatible with the character of the surrounding neighborhood.

Section 2. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 3. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 4. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on January 3, 2012 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 17th day of January, 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



SUMMARY FOR POSTING PRIOR TO ADOPTION OF ORDINANCE

(The summary shall be published or posted at least 10 calendar days prior to the City Councils meetings)

Summary

On **January 17, 2012** at a regularly scheduled City Council meeting, the Rio Dell City Council is scheduled to adopt Ordinance 280 -2012 amending the Second Dwelling Unit regulations, Section 17.25.180 of the Rio Dell Municipal Code.

A certified copy of the full text of the Ordinance is posted in the office of the City Clerk. General questions regarding the Ordinance, the planning process, submission of materials and information not specific to this project may be obtained from the City, 675 Wildwood Avenue, Rio Dell, CA. 95562; telephone (707) 764-3532.

Posted January 6, 2012

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



SUMMARY FOR POSTING AFTER ADOPTION OF ORDINANCE

(The summary shall be published or posted within 10 calendar days after the adoption of the ordinance)

Summary

On **January 17, 2012** at a regularly scheduled City Council meeting, the Rio Dell City Council adopted Ordinance 280 -2012 amending the Second Dwelling Unit regulations, Section 17.25.180 of the Rio Dell Municipal Code.

A certified copy of the full text of the Ordinance is posted in the office of the City Clerk. General questions regarding the Ordinance, the planning process, submission of materials and information not specific to this project may be obtained from the City, 675 Wildwood Avenue, Rio Dell, CA. 95562; telephone (707) 764-3532.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: January 17, 2012

To: City Council
From: Kevin Caldwell, Community Development Director
Through: Ron Henrickson, City Manager
Date: January 3, 2012
Subject: Broussard General Plan and Zone Boundary Adjustment

Recommendation:

That the City Council:

1. Receive staff's report regarding the proposed General Plan and Zone boundary adjustment to reflect the approved lot line adjustment;
2. Open the public hearing, receive public input and deliberate;
3. Introduce Ordinance No. 282-2011 and Resolution No. 1141-2012 amending the plan and zoning designation of approximately 5,050 square feet from Town Center (TC) to Urban Residential (UR).
4. Continue consideration of the proposed Ordinance and Resolution to your meeting of February 7, 2012 for second reading and adoption.

Background and Discussion

On August 25, 2010 the Planning Commission approved a lot line adjustment between APN's 053-115-004 & 006. APN 053-115-004 is designated Urban Residential (UR) and APN 053-115-006 is designated Town Center (TC). A portion (5050+/- sq. ft.) of APN 053-115-006 is proposed to be adjusted to APN 053-115-004. As a condition of approval the applicants had to either: (1) grant an access easement through APN 053-115-004 to the adjusted area; or (2) apply for a General Plan and Zone boundary adjustment to re-designate the adjusted area from Town Center (TC) to Urban Residential (UR).

The condition to grant an access easement is not enforceable and unnecessary. A property owner cannot grant access easements to themselves. Furthermore, there is no logical reason to grant an easement to one's own back yard. The applicant's submitted the General Plan and Zone boundary adjustment application on April 5, 2011, fulfilling the required condition. However, the condition to re-designate the adjusted area from Town Center (TC) to Urban Residential (UR) is appropriate in order to avoid a parcel with mixed-designations.

The Planning Commission considered the proposed amendments at their meeting of July 27, 2011. The Commission approved the amendments and recommends that the City Council approve the proposed amendments. A condition of the Planning Commission's approval was to complete the proposed lot line adjustment. The required Notice of Lot Line Adjustment and Certificate of Subdivision Compliance was recorded on December 8, 2011 and staff received a copy of the recorded document on December 29, 2011.

Procedures for Plan Amendments

California Government Code § 65350-65362 contains the following procedural requirements to amend a general plan:

- The Planning Commission shall hold at least one public hearing before approving a recommendation on the amendment;
- The Planning Commission shall make a written recommendation on the amendment;
- Prior to amending the general plan, the City Council shall hold at least one public hearing;
- The City Council shall amend the general plan by resolution, which shall be adopted by not less than a majority of the legislative body;
- City Council may approve, modify, or disapprove planning commission recommendations, however any substantial modifications not previously considered by the planning commission shall first be referred to the planning commission for its recommendation;
- Copies of the adopted general plan amendment shall be made available for inspection by the public one working day following adoption;
- Within two working days after a request, copies shall be furnished to those so requesting;
- Any specific plan or other plan of the City that is applicable to the same areas or matters affected by a general plan amendment shall be reviewed and amended as necessary to make the specific or other plan consistent with the General Plan;

Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.30.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.30.010(3), or by action of the Planning Commission, or the City Council.

- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.30.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Plan and Zone Amendment Required Findings:

1. The proposed amendments are deemed to be in the public interest.

The proposed minor plan and zone boundary adjustment to reflect an approved lot line adjustment can be found in the public interest because:

- The proposed amendments will eliminate a mixed-zoned parcel.
- Mixed-zoned parcels make it very difficult on the property owners and the City when applying zone specific development standards.
- The area to be adjusted is on the back half of the parcel which limits visibility and the use of that portion of the parcel for commercial uses.
- The loss of 5050+/- square feet of land designated Town Center represents less than .0025 percent of the 48 acres designated Town Center.
- The use of property lines or other physical or topographic features establishes clear boundaries between land use designations.

2. The proposed amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.

The proposed minor plan and zone boundary adjustment to reflect an approved lot line adjustment is consistent and compatible with the General Plan. One of the primary purposes of any general plan is to encourage and facilitate planned orderly development. The use of property lines or other physical or topographic features establishes clear boundaries between land use designations encouraging and facilitating planned orderly development.

One of the General Plan's goals is to retain the commercial center along South Wildwood Avenue. The area to be re-designated will have an insignificant and likely unnoticeable impact on the commercial character of the surrounding area. The area to be re-designated does not front on Wildwood Avenue, nor does it provide the access or visibility necessary to encourage a successful commercial. The current and historical use of both parcels is residential. Therefore the adjusted area will not have an impact on any existing commercial activity on or adjacent to the parcels.

Section 2.2.2 of the General Plan contains Economic Activity policies to encourage economic and commercial uses in the City. Below is a copy of the policies:

- P2.2.2-1** Encourage the creation and retention of employment opportunities that provide sustainable wages and benefits for Rio Dell residents by promoting a thriving local retail, personal services, and commercial sector.
- P2.2.2-2** Encourage the use of public/private partnerships as a means of redeveloping and revitalizing selected areas and analyze the use of such techniques as business improvement districts, redevelopment areas and assessment districts.
- P2.2.2-3** Provide sufficient land for business expansion and attraction of new employers by designating a mixed use corridor along Wildwood Avenue and in the Town Center.
- P2.2.2-4** Promote economic development in Rio Dell through preparation and implementation of an Economic Development Strategy.

Staff believes the proposed minor amendments will not impact or be contrary to the General Plan's economic policies. Based on the above information, staff believes the proposed amendments are consistent and compatible with the rest of the General Plan and its implementation policies and programs.

3. The potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.

There is no evidence to suggest that the proposed minor amendments will be detrimental to the public health, safety or welfare.

4. The proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).

State law requires that any amendment of a general plan comply with the California Environmental Quality Act (CEQA). The primary purpose of CEQA is to inform the decision

makers and the public of potential environmental effects of a proposed project. As part of the General Plan update the City prepared a Program Environmental Impact Report (PEIR) to evaluate the potential impacts associated with the General Plan. The proposed minor amendments are consistent with an overall comprehensive view of the General Plan.

Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California

Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Where it can be seen with certainty that there is no possibility that the project, a plan and zone boundary adjustment in this case, in question may have a significant effect on the environment, the project is not subject to CEQA.

Financial Impact

The applicant is responsible for the costs associated with the proposed amendments.

Alternatives

The City Council may choose not to approve the proposed boundary amendments. Staff does not recommend this alternative.

Attachments

Attachment 1: Planning Commission Resolution No. PC 040 - 2011 recommending approval to the City Council.

Attachment 2: Draft Ordinance No. 282-2012 approving the Zone boundary adjustment and amending Section 17.15.030 (Zoning Map) of the Rio Dell Municipal Code.

Attachment 3: Draft City Council Resolution No. 1141-2012 approving the General Plan boundary adjustment and amending the General Plan Land Use Diagram to reflect the approved Broussard lot line adjustment.

Attachment 4: Maps of proposed amendments.

Attachment 5: Pre-Adoption Summary for Posting.

Attachment 6: Post-Adoption Summary for Posting.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



**Broussard
General Plan and Zone Boundary Adjustment**

RESOLUTION NO. PC 040 - 2011

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
RECOMMENDING APPROVAL OF THE BROUSSARD MINOR PLAN AND ZONE
BOUNDARY ADJUSTMENT:**

WHEREAS on August 25, 2010 the Planning Commission approved a lot line adjustment between APN's 053-115-004 & 006; and

WHEREAS APN 053-115-004 is designated Urban Residential (UR) and APN 053-115-006 is designated Town Center (TC); and

WHEREAS a portion (5050+/- sq. ft.) of APN 053-115-006 is proposed to be adjusted to APN 053-115-004; and

WHEREAS as a condition of approval of the lot line adjustment the applicants had to either: (1) grant an access easement through APN 053-115-004 to the adjusted area; or (2) apply for a General Plan and Zone boundary adjustment to re-designate the adjusted area from Town Center (TC) to Urban Residential (UR); and

WHEREAS Garyn and Jason Broussard submitted an application for the required Plan and Zone boundary adjustment on April 5, 2011; and

WHEREAS the City has reviewed and processed the proposed Plan boundary adjustment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and process the proposed Zone boundary adjustment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendments are deemed to be in the public interest; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the City has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell recommends that the City Council approve the Broussard minor plan and zone boundary adjustment.

PASSED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of July 27, 2011 by the following vote:

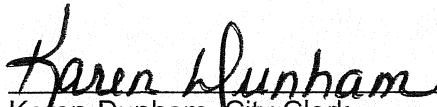
The motion was made by COMMISSIONER Chapman and seconded by COMMISSIONER Millington.

AYES:	Commissioners: Gonzales, Sweaney, Chapman, Millington
NOES:	Commissioners:
ABSENT:	Commissioners: Johnson
ABSTAIN:	Commissioners:



Dave Gonzales, Chair

ATTEST:



Karen Dunham, City Clerk

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**Broussard
General Plan and Zone Boundary Adjustment**

ORDINANCE NO. 282-2012

Amending Section 17.15.030 Zoning Map of the Rio Dell Municipal Code

THE CITY COUNCIL OF THE CITY OF RIO DELL DOES ORDAIN AS FOLLOWS:

WHEREAS on August 25, 2010 the Planning Commission approved a lot line adjustment between APN's 053-115-004 & 006; and

WHEREAS APN 053-115-004 is designated Urban Residential (UR) and APN 053-115-006 is designated Town Center (TC); and

WHEREAS a portion (5050+/- sq. ft.) of APN 053-115-006 is proposed to be adjusted to APN 053-115-004; and

WHEREAS as a condition of approval of the lot line adjustment the applicants had to either: (1) grant an access easement through APN 053-115-004 to the adjusted area; or (2) apply for a General Plan and Zone boundary adjustment to re-designate the adjusted area from Town Center (TC) to Urban Residential (UR); and

WHEREAS Garyn and Jason Broussard submitted an application for the required Plan and Zone boundary adjustment on April 5, 2011; and

WHEREAS the City has reviewed and processed the proposed Plan boundary adjustment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and process the proposed Zone boundary adjustment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendments are deemed to be in the public interest; and

WHEREAS the Planning Commission held a duly noticed public hearing on July 27, 2011 and conditionally approved the proposed amendments and adopted Resolution No. 40-2011 recommending approval to the City Council; and

WHEREAS the applicant's fulfilled the condition by recording the required Notice of Lot Line Adjustment and Certificate of Subdivision Compliance on December 8, 2011; and

WHEREAS the City received a copy of the recorded Notice of Lot Line Adjustment and Certificate of Subdivision Compliance on December 29, 2011; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the City has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

WHEREAS pursuant to the requirements of state and local law, the Planning Commission conducted a duly noticed public hearing to consider the proposed zone boundary adjustment, at which time all interested person were given an opportunity to be heard; and

WHEREAS the Planning Commission following said public hearing recommends that the City Council approve and adopt the recommended zoning and land use map amendments; and

WHEREAS the City Council approves the recommended zoning and land use map amendments

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1. Zoning Map Amendment

Section 17.15.030 (Zoning Map) of the Rio Dell Municipal Code is hereby amended to re-designate the adjusted area (5050+/- square feet) from APN 053-115-006 from Town Center (TC) to Urban Residential (UR).

Section 2. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 3. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 4. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on January 17, 2012 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 7th day of February 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

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**Broussard
General Plan and Zone Boundary Adjustment**