



RIO DELL CITY COUNCIL AGENDA
REGULAR MEETING - 6:30 P.M.
TUESDAY, MARCH 3, 2020
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 (ADA), 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 the meeting. Assistance listening devices are now available for the hearing impaired. Please see the City Clerk for a receiver.

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CEREMONIAL MATTERS
- E. 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. As such, a dialogue with the Council or staff is not intended. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, 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 3 minutes.

- F. 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 Councilmembers 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 following action on the remaining consent calendar items.

- 1) 2020/0303.01 - Approve Minutes of the February 18, 2020 Regular Meeting **(ACTION)**

- 2) 2020/0303.02- Approve Resolution No. 1442-2020 Adopting a Policy Governing the Discontinuance of Residential Water Service for Nonpayment **(ACTION)** 8
- 3) 2020/0303.03 - Receive and file the FY 2020-2021 Budget Calendar for FY 2020-2021**(ACTION)** 14
- G. ITEMS REMOVED FROM THE CONSENT CALENDAR
- H. REPORTS/STAFF COMMUNICATIONS
 - 1) 2020/0303.04 - City Manager Staff Update **(RECEIVE & FILE)** 17
- I. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS
 - 1) 2020/0303.05 – Receive & File FY 2019-2020 Mid-Year Financial Report **(DISCUSSION/POSSIBLE ACTION)** 20
 - 2) 2020/0303.06 - Appointment of AdHoc Committee Member for Proposed Utility Rate Studies **(DISCUSSION/POSSIBLE ACTION)** 24
 - 3) 2020/0303.07 - Discussion on Untethered and/or Unattended Dogs **(DISCUSSION/POSSIBLE ACTION)** 25
 - 4) 2020/0303.08 - Update on Monument Road Slip-Out **(DISCUSSION/POSSIBLE ACTION)** 26
- J. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS
 - 1) 2020/0303.09 - Introduction and First Reading (by title only) of Ordinance No. 379-2020 repealing Section 17.30.290, Second Dwelling Units, Section 17.30.190, Medical Marijuana Regulations, establishing Section 17.30.020 Accessory Dwelling Units, and renumbering Chapter 17.30 General Provisions and Exceptions of the Rio Dell Municipal Code **(DISCUSSION/POSSIBLE ACTION)** 28
- K. COUNCIL REPORTS/COMMUNICATIONS
- L. ADJOURNMENT

*The next regular City Council meeting is scheduled for
Tuesday, March 17, 2020 at 6:30 p.m.*

**RIO DELL CITY COUNCIL
REGULAR MEETING MINUTES
FEBRUARY 18, 2020**

The regular meeting of the Rio Dell City Council was called to order at 6:30 p.m. by Mayor Garnes.

ROLL CALL: Present: Mayor Garnes, Mayor Pro Tem Woodall, Councilmembers Johnson, Strahan and Wilson

Others Present: City Manager Knopp, Chief of Police Conner, Finance Director Dillingham, Wastewater Superintendent Taylor, and City Clerk Dunham

Absent: Community Development Director Caldwell and Water/Roadways Superintendent Jensen

PUBLIC PRESENTATIONS

Nick Angeloff provided an update on Chamber of Commerce activities and announced that the River Bluff Cottages Ribbon Cutting went well and that the Chamber would be working with the County on a work program to get some of the residents working a couple of hours a week.

He reported that the lights in the trees at Memorial Park would be removed on Thursday and that both of the candidate forums for District 1 and District 2 candidates went well and that the Chamber would be holding their next mixer, with details to follow.

CONSENT CALENDAR

Mayor Garnes asked if any councilmember, staff or member of the public, would like to remove any item from the consent calendar for separate discussion. No items were removed.

Motion was made by Johnson/Woodall to approve the consent calendar including approval of minutes of the February 4, 2020 Regular Meeting, and approval of Resolution No. 1443-2020 authorizing the Mayor to sign letters of support or opposition to State and/or Federal Legislation as recommended by the League of California Cities on an urgency basis on behalf of the City Council, approval of Resolution No. 1442-2020 related to Public Agency Pilot Solar Program, approval of Resolution No. 1445-2020 amending FY 2019-2020 Budget related to Streets, and to receive and file the Check Register for January 2020. Motion carried 5-0.

REPORTS/STAFF COMMUNICATIONS

City Manager/Staff Update

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City Manager Knopp provided highlights of the staff report and said that staff was working with Nylex, the City's I/T consultants on cyber security issues and that staff would be participating in online training on Thursday.

Discussions were ongoing with Scotia CSD over future plans with regard to wastewater treatment with one option being an intertie between Rio Dell and Scotia.

Councilmember Wilson asked why the City would want to tie the wastewater treatment plant with Scotia.

City Manager Knopp pointed out the potential revenue stream and noted that the City's plant has the capacity to add those services. The primary reason for considering the tie-in would be the cost savings and long-term efficiency. He noted that there have been discussions about this for decades but it would have to make sense for both Rio Dell and Scotia.

He also announced that the Fortuna Fire District responded in a letter to LAFCo indicating that they are not interested in relinquishing the area of Northwestern Ave. to the Rio Dell Fire District. The item would be on the next agenda as a "receive and file" item.

Councilmember Wilson referred to the Police Department update and asked why Officer Landry had more calls for service than the other officers did.

Chief Conner explained that with the switch to the RIMS system, all of the calls that go through Fortuna dispatch are entered into the system by dispatch as opposed to the officers entering their own calls. In addition, Officer Landry is a good officer, is very pro-active and makes a lot of traffic stops. Working the night shift also requires less administrative duties than the day shift.

Councilmember Strahan asked for an update on the mountain lion sightings.

Chief Conner noted that the last reported sighting was about two weeks ago but they are around and have been seen in the Belleview area during daylight.

He commented that the Department of Fish and Wildlife deals with mountain lions and if they feel they are a danger to the community, they will call in a trapper.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

Discussion on Draft Policy Governing Discontinuance of Residential Water Service for Nonpayment

Finance Director Dillingham provided a staff report and said that what is before the Council is a preliminary draft template from the City Attorney governing the discontinuance of residential water service for nonpayment. SB 998, also known as the Water Shutoff Protection Act,

requires that the City have a written policy on discontinuance of water service, prohibits discontinuance until accounts are at least 60 days delinquent, requires 7 business days' notice before discontinuance and prohibits discontinuance when doing so would pose a threat to the health and safety of a resident if the customer demonstrates an inability to pay and is willing to enter into a payment agreement.

She commented that staff reviewed the draft policy and made suggested changes as noted in red. She reviewed the changes and noted that staff is working on the Right to Appeal language and Temporary Deferral of Payment language which may change with regard to the numbers. She pointed out that the length of time for amortization of an unpaid amount is included in the Rio Dell Municipal Code, which is 6 months rather than 12 months as suggested in the draft policy. The customer must keep their current bill paid on time in addition to the payment under the payment plan or they will become ineligible to participate in any alternative payment agreement. In addition, only one active alternative payment agreement may exist on an account at any given time.

Finance Director Dillingham commented that staff is facing challenges regarding returned checks at the time of water shutoffs so language was included to address that issue.

She explained that the City is required to comply with SB 998 by April 1, 2020 so the resolution would be presented to the Council for adoption, possibly at the next regular meeting.

No questions or suggested changes to the draft policy were received.

Appointment of AdHoc Committee related to the Development of a Request for Proposal for Utility Rate Studies

City Manager Knopp provided a staff report recommending the formation of an AdHoc committee related to the development of a Request for Proposal (RFP) for utility rate studies. Staff suggested the appointment of two members of the City Council to work with staff on the RFP and return to the full Council for authorization to issue the RFP within two to six months.

Councilmember Wilson asked for clarification that the purpose of the committee would be to decide what to include in the RFP as well as to simply the billing structure.

City Manager Knopp explained that the committee would review the items to be included in the RFP then take it to the Council for approval. The idea is to receive input from the City Council on the design of the RFP and not rush into issuing it. There is a lot of detail that needs to be incorporated and there should be a clear understanding of what the rate consultant does before issuing it.

Councilmember Wilson commented that the last rate study was a hurried up process and not enough thought was put into the rate structure.

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City Manager Knopp pointed out that Proposition 218 controls how rates are set up in addition to new case law that must be followed. The areas that need to be explored and included in the RFP are such things as rates for customers on private wells, and rates for RV parks versus mobile home parks. In addition, the tiered rate structure needs to be looked at more closely.

Councilmember Strahan asked if the rate consultant would come up with suggested rate structure options.

City Manager Knopp explained that working to develop a good RFP means that the City will get results that are more tailored to what the community wants. Otherwise, changes would need to be made after it is already in motion. As such, setting it up in the beginning is important.

Councilmember Wilson felt that there were mistakes made with the last rate study and that the rate consultant should know the expectations and understand the needs of the City rather than using a rate study from a larger city.

City Manager Knopp noted that the wastewater rate study was done with a paid consultant, whereas the water rate study was done with a pro-bono consultant from RCAC who assisted the City but was not necessarily available through the entire process. He noted that there is a lot of detail to work through and suggested the water and sewer rate studies are done concurrently to get the best results.

Mayor Garnes questioned the timeline to accomplish the task.

City Manager Knopp explained that the AdHoc committee would work with staff on development of the RFP and present it to the Council for approval, send the RFP out, negotiate a contract with the consultant and get it signed so there should not be too specific of a timeline set because the AdHoc committee needs to be able to work through the issues ahead of time.

Councilmember Johnson asked if the two rate studies and the Proposition 218 process would be done at the same time. Staff responded that they would be done together.

City Manager Knopp said that overall, the trajectories of the funds are in good shape now, unlike the last time the rate studies were done. With regard to water, there has been significant progress made in the development of capital improvement plans and the hope is to be able to leverage grant money to save ratepayers money.

Mayor Garnes called for public comment on the subject.

Nick Angeloff addressed the issue as President of the Chamber of Commerce and suggested the Council consider appointing a member of the business community to the AdHoc committee. He stressed the need to encourage new business and to have the ability to incentivize businesses by keeping the utility rates down. He commented that high utility rates in Scotia have forced out businesses.

Motion was made by Strahan/Johnson to approve the appointment of Councilmember Wilson and Mayor Pro Tem Woodall to an AdHoc committee for development of an RFP related to utility rate studies. Motion carried 5-0.

Authorize Staff to Develop and Issue Bid for Maintenance Paving

City Manager Knopp provided a staff report and explained that the Council appropriated in the 2019-2020 budget, engineering work to prepare street projects on Eeloa Ave, Fern, St., Riverside Dr. and Second Avenue. After discussing it with the City Engineer, staff is recommending moving forward with a maintenance-paving project. With the ATP project and related work on Wildwood and Eeloa, there is potential for a contractor to be able to bid lower on the contract due to mobilization costs. The northwest terminus of the project is at the edge of the ATP project and would stretch down Eeloa and Fern to Miller Court. The rough estimate of the project is \$130,000 with \$50,000 available in the current budget. If approved, the bid could be broken into three or four sections, allowing the Council to approve the completion of the full scope, or one that is within the \$50,000 budget.

Councilmember Johnson asked if the utility infrastructure was questionable within the proposed project area and if it would need to be addressed in advance.

City Manager Knopp said that he didn't believe those sections were scheduled for repair under the water capital plan and with regard to sewer, the Sanitary Sewer Evaluation Study (SSES) is still underway, so it is unknown if it includes replacement of sewer lines in that area. He indicated that it is likely that most of the streets that are paved would have sections of pavement that would have to be cut for utilities at some point.

Councilmember Wilson asked if the plan is to grind down the road.

City Manager Knopp explained that the contractor would do edge grinding and explained that maintenance-paving as recommended is more than slurry seal and would be much like the paving work recently done on Ireland Avenue. There likely would be paving fabric over the Fern St. dip area only. He noted that the \$130,000 is a very rough estimate and if approved, the project would go out to bid and the Council would then have the option to approve or deny the bid.

Councilmember Strahan asked if the scheduled slurry seal projects would still occur and in what areas.

City Manager Knopp indicated that the slurry seal projects would move forward depending on how the bids come in. The streets identified for slurry seal were mostly bus routes including Belleview, Rigby, Ireland, Painter as well as Cedar St.

ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

Second Reading (by title only) and Adoption of Ordinance No. 380-2020 Amending Chapter 13.05 Water Rates and Regulations and Chapter 13.10 Sewer Rates and Regulations of the Rio Dell Municipal Code to allow compliance with Senate Bill 998

Finance Director Dillingham provided a brief staff report and noted that the ordinance is before the Council for its second reading and adoption. She explained that the ordinance basically removes conflicting language in the existing ordinance related to residential water shutoffs and requires discontinuance of residential water service for nonpayment to be in accordance with a policy adopted by resolution.

Mayor Garnes opened the public hearing to receive public comment on the proposed ordinance. There being no public comment, the public hearing closed.

Motion was made by Wilson/Johnson to approve the second reading (by title only) and adopt Ordinance No. 380-2020 *Amending Chapter 13.05 Water Rates and Regulations and Chapter 13.10 Sewer Rates and Regulations of the Rio Dell Municipal Code to allow compliance with Senate Bill 998*. Motion carried 5-0.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Wilson reported that he would be attending the Redwood Coast Energy Authority (RCEA) meeting next week and had nothing to report at this time.

Mayor Pro Tem Woodall reported that there was no Humboldt Transit Authority (HTA) meeting held this month.

Mayor Garnes reported on a tour she took with a cannabis organization (Hakuna Matata) that is interested in coming to the Humboldt Rio Dell Business Park with state of the art practices. She said they are very professional and well informed and if the project comes to fruition, it will greatly benefit the City. She indicated that she would share a clip of their business operations at the next meeting.

City Manager Knopp commented that Hakuna Matata's project is scheduled to be heard at the next Planning Commission meeting on February 25th.

Councilmember Johnson reported that he would be attending an HCAOG meeting on Thursday and updating the Board on the Last Chance Grade project. He said that the

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Negative Declaration for Phase 2-B borings was released in December and the only comment that came back during the 30-day review period was from the Coastal Commission.

He noted that the project includes 15-17 borings, five of which will require helicopters to bring in boring equipment. One of the things that they will be doing along with the borings is run seismic refraction surveys in seven or more locations. This process determines the depth of the rock, the confirmation of the rock and how hard it is.

He added that over the past 23 years, Caltrans has spent \$85 million maintaining the existing road and the road is continuing to move. The \$10 million project going on now should be done this summer, which will raise the grade of a curve by 16 feet and straighten out a dip. The estimated \$30 million Phase 2 project will include background studies and preparation of an environmental document involving eight subcontractors, two of which are local.

Mayor Pro Tem Woodall, joined by the Council, staff and the public gave a Happy Birthday shout-out to former Planning Commissioner, Councilmember and Mayor, Bud Leonard who last week celebrated his 97th birthday.

Councilmember Johnson announced that he would not be able to attend the next two City Council meetings, as he would be on vacation.

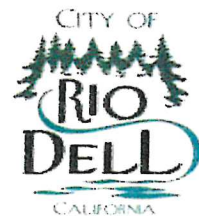
ADJOURNMENT

Motion was made by Johnson/Garnes to adjourn the meeting at 7:28 p.m. to the March 3, 2020 regular meeting. Motion carried 5-0.

Debra Garnes, Mayor

Attest:

Karen Dunham, City Clerk



675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
(707) 764-5480 (fax)

DATE: March 3, 2020

TO: Mayor and Members of the City Council

FROM: Cheryl Dillingham, Interim Finance Director

THROUGH: Kyle Knopp, City Manager *3*

SUBJECT: Resolution No. 1442-2020 Policy Governing the Discontinuation of Residential Water Service for Nonpayment

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve Resolution No. 1442-2020 Adopting a Policy Governing the Discontinuation of Residential Water Service for Nonpayment.

BACKGROUND AND DISCUSSION

Senate Bill (SB) 998, also known as the Water Shutoff Protection Act, requires that the City have a written policy on discontinuation of water service. The policy is required to include a plan for deferred payments, alternative payment schedules, a formal mechanism for a customer to appeal a bill and a telephone number for customers to call to discuss options for averting discontinuation of residential service for nonpayment. The City Attorney provided a template for the required policy and staff reviewed the policy and made some minor changes to better conform with current City practices. The draft policy was brought the Council for your preliminary review and discussion on February 18, 2020. The policy has now been finalized and it is recommended that the City Council approve Resolution No. 1442-2020 Adopting a Policy Governing the Discontinuation of Residential Water Service for Nonpayment. The City is required to comply with SB 998 by April 1, 2020.

ATTACHMENTS

Resolution 1442-2020 Policy Governing the Discontinuation of Residential Water Service for Nonpayment



RESOLUTION NO. 1442-2020
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIO DELL ADOPTING A
POLICY GOVERNING THE DISCONTINUATION OF
RESIDENTIAL WATER SERVICE FOR NONPAYMENT

WHEREAS, Senate Bill (SB) 998 was signed by the Governor on September 28, 2018; and

WHEREAS SB 998 applies to urban and community water systems, defined as public water systems that supply water to more than 200 service connections; and

WHEREAS, SB 998 requires urban and community water systems to have a written policy on discontinuation of residential water service for nonpayment.

NOW THEREFORE BE IT RESOLVED that the City of Rio Dell City Council does hereby adopt the following Policy:

Policy Governing the Discontinuation of Residential Water Service for Nonpayment

In accordance with California law, this policy is also available Spanish, Chinese, Tagalog, Vietnamese, and Korean. Please contact the City to obtain a copy in a desired language.

I. Scope and Purpose.

Under existing law, the City reserves the right to discontinue (shut-off) water service to residential and commercial properties in the event of nonpayment for water service. The purpose of this Policy is to (i) provide regulations for the manner in which residential water service may be disconnected in the event of nonpayment; (ii) to provide adequate safeguards to ensure residential customers and occupants are provided adequate notice and a fair opportunity to contest the water bill before water service is disconnected; and (iii) to provide potential alternative payment arrangements for residential customers who qualify.

This Policy does not apply or otherwise affect the City's ability to discontinue water service to nonresidential customers or to discontinue water service to residential customers for reasons other than nonpayment of rates and charges.

The City reserves the right to amend this Policy by resolution at a properly noticed meeting. Other than as may be required by the Ralph M. Brown Act, no further notice, including but not limited to individual written notice to customers, is required to amend this Policy.

This Policy is intended to be consistent with California law governing the disconnection of residential water service. To the extent there is any inconsistency between this Policy and California law, California law will control.

II. Discontinuation of Water Service to Residential Units.

The District reserves the right to discontinue water service to residential units, including, but not limited to, single-family dwellings, multi-unit residential structures, and mobile home parks, in the event a utility bill remains unpaid for a period of sixty (60) calendar days after it becomes delinquent. A utility bill becomes delinquent if it is not paid, in full, within twenty-six (26) days of the date printed on the water bill.

Before water service is actually discontinued, the City will attempt to contact customers and occupants by phone at least seven (7) calendar days before the date water service is discontinued **or** by mail at least ten (10) calendar days before the date water service is discontinued to provide notice of the intended date water service will be discontinued, among other important information. If the mailing is returned as undeliverable, the City will make a good faith effort to post the notice in a conspicuous place on the property where service is provided. It is the customer's obligation to ensure the City has a current mailing address on file.

The written notice will provide customers and, if applicable, occupants with the following information (among other information):

- The amount of the delinquency;
- The date by which payment or other arrangement for payment is required to avoid discontinuation of service;
- The date service will be discontinued if payment or other arrangement for payment is not in place;
- A description of the process to apply for an extension of time to pay the delinquent charges;
- A description of the procedure to petition for bill review and appeal;
- A description of the procedure by which the customer may request deferment in the delinquent payment or an alternative payment schedule;
- Information on how to restore water service after discontinuation; and
- For certain tenant occupied units in which the landlord is the customer, the tenants' have the option to avoid service disconnection by becoming a direct customer of the City.

III. Right to Appeal the Delinquent Water Bill.

If the account owner wishes to appeal all or part of the account balance, a written request for such must be presented to the City's Main Office and will be forwarded to the City Manager or designee. While an account appeal is pending, no additional Past-Due/Late Charges will be applied to the account balance. The City will also not discontinue (shut-off) water service for non-payment while the appeal is pending. (SB 998, 116908, §2b)

- a) The written request for appeal may be dropped off in person or mailed to the main office (675 Wildwood Avenue, Rio Dell, CA 95562).

- b) The written request must include the account owner's contact information, the amount requested for appeal, and the explanation/justification for the request.
- c) This request must be received within 60 days of the issuance of the bill the customer wishes to appeal and prior to the scheduled date of service discontinuance (shut-off).
- d) For purposes of the appeal, disputed water charges are presumed valid. The burden rests with the account owner to demonstrate an inaccuracy by a preponderance of the evidence.

IV. Alternative Payment Arrangements for Qualifying Customers.

Under certain qualifying conditions, customers who are facing a residential water service disconnection may be eligible to participate in alternative payment arrangements. Any and all alternative payment arrangements must be requested by the customer prior to the scheduled date of service disconnection.

The City Manager or designee will consider all circumstances surrounding the request and make a determination as to whether the payment arrangement is warranted.

Customers who are able to demonstrate **each** of the following are eligible to participate in an alternative payment arrangement:

First requirement: the customer, or a tenant of the customer, must submit to the City a certification of a primary care provider that discontinuation of residential service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where service is provided. For purposes of this requirement, a “primary care provider” means either of the following: (i) any internist, general practitioner, obstetrician-gynecologist, pediatrician, family practice physician, nonphysician medical practitioner, or any primary care clinic, rural health clinic, community clinic or hospital outpatient clinic currently enrolled in the Medi-Cal program, which agrees to provide case management to Medi-Cal beneficiaries.

Second requirement: the customer demonstrates to the satisfaction of the City a financial inability to pay for water service within the normal billing cycle. A customer is deemed financially unable to pay if any member of the household is a current recipient of CalWORKS, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Woman, Infants, and Children, or the customer declares that the household’s annual income is less than 200 percent of the federal poverty level.

Third requirement: the customer agrees in writing on a form provided by the City to comply with the alternative payment arrangement proposed by the City.

If a customer believes he or she qualifies to participate in an alternative payment plan, the customer must contact the City as soon as possible at the phone number below, but in no event after the time to appeal the water bill has expired, to inform the City that the customer intends to submit information to establish eligibility to participate in an alternative payment arrangement. After such notice is provided, the customer must submit documentation demonstrating he or she meets the first two requirements described above no later than the date set for the intended service disconnection.

It is the customer's obligation to ensure the timely submission of complete and satisfactory documentation demonstrating eligibility. If the information is not submitted in a timely manner or if the information is incomplete, the City will provide notice of a new intended disconnection date no earlier than five (5) calendar days after mailing. In such a circumstance, the only way to avoid the disconnection of service is the payment, in full, of all delinquent charges.

At its election, City may offer the following alternative payment plans for the delinquent amount. *Customers who are approved for an alternative payment plan for a delinquent amount must still keep current with ongoing water service billing or water service will be disconnected.*

Temporary deferral of payment. For delinquencies less than \$500, the City may offer customers the opportunity to temporarily defer payment of the delinquent amount to a certain date in the future. The deferment applies only to the delinquent amount and customers must still pay, when due, all current charges for water service.

Amortization of unpaid amount. The City may offer customers the opportunity to amortize the delinquent amount over a period not to exceed six (6) months at the City's election. Amortization plans must be in writing and signed by the account owner.

Only one active alternative payment agreement may exist on an account at any given time. An account owner will not be eligible to participate in any alternative payment agreement if he or she has failed to comply with the terms of a prior alternative payment arrangement within the previous twelve (12) month period.

V. Contacting the City/District and Additional Information.

City of Rio Dell
675 Wildwood Avenue
Rio Dell, CA 95532

Phone (707) 764-3532

For more information, please visit the City's website at <http://cityofriodell.ca.gov/>.

VI. Returned Payments

When a payment of any kind is not honored by a customer's bank (returned payment), the water account shall be considered unpaid and subject to possible disconnection. The City will make a reasonable, good faith effort to notify the customer by phone or mail of the returned payment.

- a) If the account is delinquent, water service will be discontinued (shut-off) if the amount of the returned payment and the returned payment charge (if applicable) are not paid on or before the date specified in the Service Discontinuation Notice(s). Only payment in the form of cash, credit card or cashier's check will be accepted to pay for the returned payment and returned payment fee (if applicable).
- b) If it is determined that a payment was made on the disconnection deadline date in order to avoid service interruption and/or a reconnection fee, and that payment is subsequently returned by the bank, a *Final Notice of Discontinuance of Service* will be issued, advising the customer that payment for the returned payment, including the returned check charge, and penalties (if applicable), must be made by the date specified on the Final Notice to avoid water service discontinuation. Payment must be made by cash, credit card or cashier's check only.
- c) In the event a customer's check is returned by the bank unpaid three (3) times within a twelve (12) month timeframe, the customer will be notified that only cash, credit card or cashier's check will be accepted as payment for a period of twelve (12) months from the most recent returned payment.
- d) Previously discontinued water service payments must be made by cash, credit card or cashier's check only.

PASSED AND ADOPTED by the City Council of the Rio Dell on this 3rd day of March, 2020 by the following vote:

Ayes:
Noes:
Abstain:
Absent:

Debra Garnes, Mayor


ATTEST:

Karen Dunham, City Clerk



675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
(707) 764-5480 (fax)

March 3, 2020

TO: Mayor and Members of the City Council
THROUGH: Kyle Knopp, City Manager 
FROM: Cheryl Dillingham, Interim Finance Director
SUBJECT: Budget Calendar for Fiscal Year 2020-21

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Receive and file the Fiscal Year (FY) 2020-21 Operating and Capital Budget Calendar Item

BACKGROUND AND DISCUSSION

The City's annual Operating and Capital Budget should be adopted by June 30 of each fiscal year to allow for expenditures starting July 1 of the new fiscal year. The FY 2020-21 proposed budget calendar reflects this directive beginning the process in March 2020 with Council adoption of the budget anticipated to be on June 16, 2020.

ATTACHMENTS:

- FY 2020-21 Proposed Budget Calendar

FY 2020-21 Proposed Budget Calendar

MARCH

- **February 24 – March 6**
 - Development of proposed staffing plan
- **March 2 – March 18**
 - Salary costs are calculated based on the proposed staffing plan
 - Revenue forecasting is completed
 - Budget worksheets are compiled
- **3/3 Tuesday, March 3rd City Council Proposed Budget Calendar on Consent Calendar**
 - Agendize budget calendar
- **3/18 Wednesday, March 18**
 - Budget Packets Distributed to Department Heads/Supervisors

APRIL

- **4/6 Monday, April 6 by 5:00 pm**
 - Department Heads/Supervisors turn in Budget Requests to Finance Director
- **4/8 Wednesday, April 8**
 - Staff budget discussions at regular staff meeting
 - Information compiled by Finance
 -
- **April 13 - April 17**
 - City Manager meets with each Department Head
 - City Manager submits revised Departmental proposals to Finance
- **4/22 Wednesday, April 22**
 - Finance finishes preparing recommended budget for City Manager approval
- **Week of April 27**
 - Final Preparations for Budget Workshop

2020/21 Proposed Budget Calendar

MAY

- **5/6 Wednesday, May 6 Budget Workshop**
 - Budget Study Session (4:00-6:00 pm)
- **5/12 Tuesday, May 12 Budget Workshop**
 - Budget Study Session (4:00-6:00 pm)
- **5/19 Tuesday, May 19 City Council Meeting**
 - City Manager presents the Recommended Operating and Capital Budget
- **May 20– May 31**
 - *Special budget meetings as necessary*

JUNE

- **6/2 Tuesday, June 2 City Council Meeting**
 - City Public Hearing- City Manager presents the revised Recommended Operating and Capital Budget
- *Special meetings as necessary*
- **6/16 Tuesday, June 16 City Council Meeting**
 - Special Presentation - Finance Director Presents the Final Operating and Capital Budget for Adoption Resolution No. _____



Staff Update – 2020-03-03

City Council

City Manager

Attended ribbon cutting for River Bluff Cottages

Discussion with area City Managers and County staff on homelessness – next overall steps and strategies under consideration.

Attended DHHS training on services provided by the County.

Worked with League of California Cities on Rio Dell as host for division meeting.

Attended Climate Action Plan meeting in Eureka.

Met with County to discuss Monument Road slipout (Discussion has been agendized)

Submitted requests to adjacent property owners for property access agreements to explore water main realignment away from Caltrans Bridge.

City Clerk

Processed seven (7) Building Permits

366 Dixie St. – Re-Roof Residence

529 Gunnerson Lane – PV Solar

590 Gunnerson Lane – PV Solar

174 Belleview Ave. – Backflow Device

590 Gunnerson Lane – Re-Roof Residence

470 Painter St. – Pergola/Carport

483 Second Ave. – Wood Stove

Misc.

Completed and submitted SCORE Crime Insurance Update

Completed and submitted SCORE Property Insurance Renewal Package

Participated in PACE Board meeting Webinar

Submitted Annual Form 700's to Fair Political Practices Commission (FPPC)

City Attorney



Human Resources, Risk & Training

Finance Department

Public Works Water

Public Works Wastewater

Public Works Streets, Buildings and Grounds

Public Works City Engineer

Public Works Capital Projects

Police Department

The Department had the following statistics for the period of February 12, 2020 to February 25, 2020. This period of time saw an above average number of calls for service, a lower than average number of reports, and a lower than average number of arrests compared to last year. The homicide investigation continues to consume a significant portion of Chief Conner's time during this reporting period. The summation of Calls for Service is greater than the total as multiple officers can now be assigned to the same call for service. The question was asked as to why some officers have significantly higher totals. In some cases this is because they work cover shifts and are always working with another officer. Hence the two officers often respond together to calls.

Officer	Calls for Service	Reports	Arrests
Conner	23	1	0
Beauchaine	20	1	0
Landry	63	6	1
Mitchell	59	5	4
Valk	20	4	1
Fielder	16	0	0
Totals	188	17	6
Averages	13.4 per day	8.5 per week	3.0 per week
2019 Yearly Average	6.4 per day	10.3 per week	4.6 per week

During the period February 12, 2020, to February 25, 2020, there were eight calls for service related to animal control issues. Two puppies were transported to Miranda's Rescue during this reporting period.

Officer Landry attended perishable skills training at College of the Redwoods. This includes modules on first aid and CPR; emergency vehicle operation; weaponless defense; use of force; and a legal update.

There were no noteworthy incidents in this reporting period.



Code Enforcement

During the period of February 12, 2020, through February 25, 2020, the Department opened one new junk vehicle case and did not close any. There are two open cases at the end of the time period that this report covers.

During the period of February 12, 2020, to February 25, 2020, the Department opened one new case and did not close any. The new case dealt with construction without permits. There are 54 open cases at the end of this reporting period.

Community Development Department

Intergovernmental

Humboldt-Rio Dell Business Park



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March 3, 2020

TO: Rio Dell City Council
THROUGH: Kyle Knopp, City Manager 
FROM: Cheryl Dillingham, Interim Finance Director
SUBJECT: Fiscal Year 2019-20 Mid-Year Financial Report

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Receive and file the Fiscal Year (FY) 2019-20 Mid-Year Financial Report.

BACKGROUND AND DISCUSSION

The Finance Director provides reports on the budget to keep the Rio Dell City Council and the public informed on the status of the City's finances. The attached Mid-Year Financial Report for FY 2019-20 summarizes budgeted versus actual amounts as of December 31, 2019 and describes any significant variances. At the time of the mid-year review staff did not see or project any substantial discrepancies in revenues or expenditures at both the department and fund levels.

ATTACHMENTS

1. FY 2019-20 Mid-Year Financial Report
2. Consolidated Balance Sheet with Prior Year Comparison
3. Notes to accompany Consolidated Balance Sheet with Prior Year Comparison

MID-YEAR FINANCIAL REPORT

Mid-Year FY 2019-20

This Mid-Year Financial Report provides a review of the City's financial condition as of December 31, 2019. The report describes the revenues received and expenditures incurred and explains any significant budget variances at mid-year or projected to occur at the end of the fiscal year.

Police expenditures will end the year equal to or slightly below budget.

The following table shows budget versus actual amounts by department and current and prior year variances at mid-year.

SUMMARY

The FY 2019-20 adopted budget for the City of Rio Dell was \$4.43 million with estimated revenues of \$4.13 million. Total City revenues received at mid-year were \$1,802,624 which exceeded total expenditures of \$1,559,036 by \$243,588.

Revenues: The major funds of the City had received 42% of revenues as of mid-year. This compares to 44% for the same period last year. The primary change is the SLESF fund which had received 82% of revenues last year with nothing received in the current year as of December 2019. This variance is due to delays in the funds being received from the County and the full budgeted amount is expected to be received by year-end.

REVENUES BY FUND			
	BUDGET	MID-YEAR ACTUAL	% RECEIVED
GENERAL FUND	1,159,773	241,442	21%
STREETS	339,203	118,773	35%
SLESF	143,000	-	0%
BUILDING FUND	45,735	22,204	49%
SEWER	1,213,894	669,199	55%
WATER	1,188,893	647,015	54%
TOTAL	4,090,498	1,698,633	42%

Expenditures: City wide \$1.5 million (35%) of \$4.4 million in budgeted appropriations were spent as of mid-year. Operating expenses were 41% of budget for the current year compared to 38% last year. Police expenditures were 46% this year compared to 25% last year. This is primarily the result of the department being fully staffed for the first half of the year. It is anticipated that

EXPENDITURES BY DEPT.				
OPERATING	BUDGET	MID-YEAR ACTUAL	% EXPENDED	% PRIOR YEAR
Building	100,206	39,725	40%	47%
City Council	33,438	6,752	20%	34%
City Manager	294,582	128,509	44%	45%
Finance	429,951	164,600	38%	41%
Planning	53,748	19,533	36%	46%
Police	866,629	395,138	46%	25%
General Government	95,612	12,358	13%	32%
Recycling	14,600	3,555	24%	25%
Sewer	643,150	275,917	43%	45%
Water	570,163	211,711	37%	41%
Streets	225,744	112,193	50%	45%
Buildings & Grounds	112,966	56,145	50%	41%
Total Operating	3,440,789	1,426,136	41%	38%
Capital Projects	990,031	128,255	13%	18%
TOTAL	4,430,820	1,554,391	35%	35%

GENERAL FUND

As of December 31, 2019 General Fund revenues received were \$241,442 and expenditures were \$438,242.

Revenues: At mid-year 21% of budgeted revenues had been received. Property tax and In Lieu VLF funds are received from the County in February which is why revenues are below estimates at mid-year. Revenues are anticipated to be at, or above, budgeted amounts by year-end. Cannabis revenues have the potential to significantly exceed budgeted levels, with an input of \$100,000 being possible by year end.

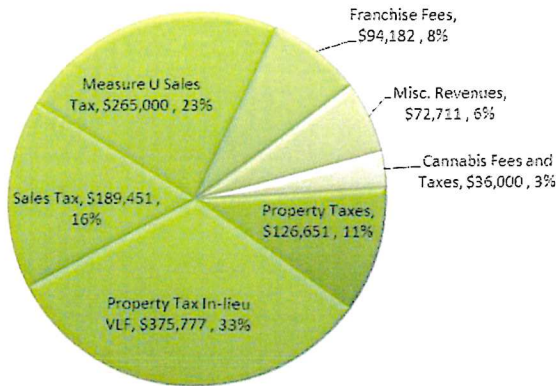
MID-YEAR FINANCIAL REPORT

Mid-Year FY 2019-20

GENERAL FUND REVENUES	BUDGET	MID-YEAR ACTUAL	% RECEIVED
Property Tax In Lieu VLF	375,777	-	0%
Local Sales Tax Measure U	265,000	91,393	34%
Sales Tax	189,451	68,453	36%
Property Tax	126,651	-	0%
Franchise Fees	94,182	13,700	15%
Cannabis	36,000	35,819	99%
Transient Occupancy Tax	13,152	4,517	34%
Other Revenues	59,560	27,560	46%
TOTAL	1,159,773	241,442	21%

The top three revenue sources in the General Fund are Property Tax In Lieu of Vehicle License Fees, Retail Sales Tax and Property Tax.

General Fund Budgeted Revenues By Type



Expenditures: Budgeted appropriations for the General Fund for FY 2019-20 total \$1,330,080. This includes \$309,000 for capital and special projects. Total appropriations spent at mid-year were \$438,242 or 33%.

STREETS FUNDS

Revenues: FY 2019-20 Gas Tax estimates released by California City Finance in January 2020 for the City of Rio Dell were \$2,880 or 3% lower than prior estimates used to develop the budget. Revised estimates for SB1 RMRA revenues were \$6,300 or 11% higher than budgeted.

STREETS REVENUES	BUDGET	ACTUAL	% RECEIVED
020 GAS TAX	94,614	45,444	48%
021 SB1 RMRA	55,746	21,531	39%
024 TDA	164,343	51,798	32%
026 RSTP	24,500	-	0%
TOTAL	339,203	118,773	35%

Expenditures: Actual expenditures were 42% of budgeted appropriations in the Streets funds at mid-year. It is anticipated that expenses will not exceed appropriations at year end but some budget adjustments between the Streets funds may be required.

ENTERPRISE FUNDS

SEWER FUNDS

Revenues: The Sewer funds total budgeted revenues for FY 2019-20 were \$1.2 million. This amount includes all fees, charges, penalties and new connections for sewer service. Actual revenues received at mid-year were \$669,193 or 54% of the budget. Last year at this time revenues were \$674,583, the decrease in the current year is due to higher connection fees last year. Revenues are on target to end the year as estimated or slightly higher.

SEWER REVENUES	BUDGET	MID-YEAR ACTUAL	% RECEIVED
050 SEWER OPERATIONS	829,649	446,458	54%
052 SEWER CAPITAL	102,076	59,000	58%
054 SEWER DEBT SVC.	302,899	163,735	54%
TOTAL	1,234,624	669,193	54%

Expenditures: Total Sewer expenditures at mid-year were \$712,870 which is 52% of the budgeted amount. Expenditures in the Sewer Operating fund were slightly below half at 42%. Sewer Debt Service was 100% expended because the annual payment is made in October. The treatment plant loan of \$6.6 million will be paid off in 2043.

MID-YEAR FINANCIAL REPORT

Mid-Year FY 2019-20

SEWER EXPENDITURES	BUDGET	MID-YEAR ACTUAL	% RECEIVED
050 SEWER OPERATIONS	941,357	396,713	42%
052 SEWER CAPITAL	117,200	13,224	11%
054 SEWER DEBT SVC.	302,899	302,933	100%
TOTAL	1,361,456	712,870	52%

WATER FUNDS

Revenues: The Water funds revenues are meeting expectations at mid-year (55%). Projections for the entire fiscal year typically follow a pattern of high use in the summer months and lower use in the winter and spring. It is anticipated that revenues will end the year as estimated.

WATER REVENUES	BUDGET	MID-YEAR ACTUAL	% RECEIVED
060 WATER OPERATIONS	756,946	428,022	57%
061 WATER DEBT SVC.	207,383	107,519	52%
062 WATER CAPITAL	164,319	91,326	56%
063 METRO WELLS	17,006	9,020	53%
064 DINSMORE ZONE	22,509	11,128	49%
TOTAL	1,168,163	647,015	55%

Expenditures: Total Water expenditures at mid-year were \$434,087 which is 40% of the amount budgeted. Costs in the Operating fund appear to be running slightly lower budgeted if this trend continues no reserves will need to be utilized.

WATER EXPENDITURES	BUDGET	MID-YEAR ACTUAL	% RECEIVED
060 WATER OPERATIONS	854,470	332,715	39%
061 WATER DEBT SVC.	136,000	68,000	50%
062 WATER CAPITAL	81,700	29,996	37%
063 METRO WELLS	11,300	1,832	16%
064 DINSMORE ZONE	2,600	1,544	59%
TOTAL	1,086,070	434,087	40%

BUDGET OUTLOOK

Actual beginning fund balances for FY 2019-20 were higher than estimated for most funds. The estimate used for budget development was \$5,173,865 and the actual amount was \$6,518,860. The mid-year review shows that predominantly revenues are coming at budgeted levels or slightly higher and expenditures are on target.

There are a few items that could negatively impact the budget outlook:

- There is the potential for additional costs in the Sewer funds to comply with State mandated water quality regulations.
- Streets revenues are still not sufficient to cover maintenance costs.
- Pending salary survey study.
- An economic downturn is becoming much more likely.
- Overall revenues into the city are at historic highs, however operating costs continue to grow (dispatch, animal care, public safety software).



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March 3, 2020

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager 

SUBJECT: Appointment of Ad Hoc Committee Related Development of a Request for Proposal Related to Utility Rate Studies

IT IS RECOMMENDED THAT THE CITY COUNCIL:

The Mayor should make a recommendation as to the appointment and then seek a motion for approval of the Council. Appoint replacement member of the City Council to work with staff on development of an RFP for utility rate studies and return to the full Council for authorization to issue the RFP within six months.

BACKGROUND AND DISCUSSION

Councilmember Julie Woodall has resigned from the Utility Rate Ad Hoc Committee due to time constraints. While Councilmember Johnson is not going to be available for this council meeting, staff contacted him and he reported being willing to serve on the committee.

2.10.210 Commissions/Committees.


(1) Ad Hoc Committees. Ad hoc committees are formed on an as-needed basis with a clearly defined purpose and term. Ad hoc committees will consist of two Council members recommended by the Mayor and concurred with motion by the full Council.

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March 3, 2020

TO: Rio Dell City Council
FROM: Kyle Knopp, City Manager 
SUBJECT: Discussion on untethered and/or unattended dogs

IT IS RECOMMENDED THAT THE CITY COUNCIL:

No action required.

BACKGROUND AND DISCUSSION


The Mayor requested this discussion be agendaized.

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March 3, 2020

TO: Rio Dell City Council
FROM: Kyle Knopp, City Manager 
SUBJECT: Update on Monument road Slip-out

IT IS RECOMMENDED THAT THE CITY COUNCIL:

No action required.

BACKGROUND AND DISCUSSION

During the winter storm events of February 2017, a slip out developed on Monument Road along the boundary of the City of Rio Dell and unincorporated County. The storm events have been declared federal and state disasters. The damage is estimated to span 260 feet in total, of which approximately half is within the City. On April 6, 2017 City and County staff met with representatives of FEMA at Rio Dell City Hall to conduct a kickoff meeting. It was advised that one agency take the lead on this issue. The City and County agreed the project would best be handled by the County.

The City Manager met with County staff on February 26th 2020 to discuss the slip-out on Monument Road that resulted from the February 2017 winter storms, which were declared both a state and federal disaster. Under this scenario the county and city would be responsible for a 6.25% share of the total repair costs. Current estimates for the repair, top to bottom, are in the \$3,000,000 range putting Rio Dell's 50% local cost share at roughly \$93,750.

The repair is currently scheduled to be constructed over the summer of 2021. Staff will invite the County and engineers to present the plans to the Council once they have passed the 35% complete level and a more accurate cost estimate can be provided.

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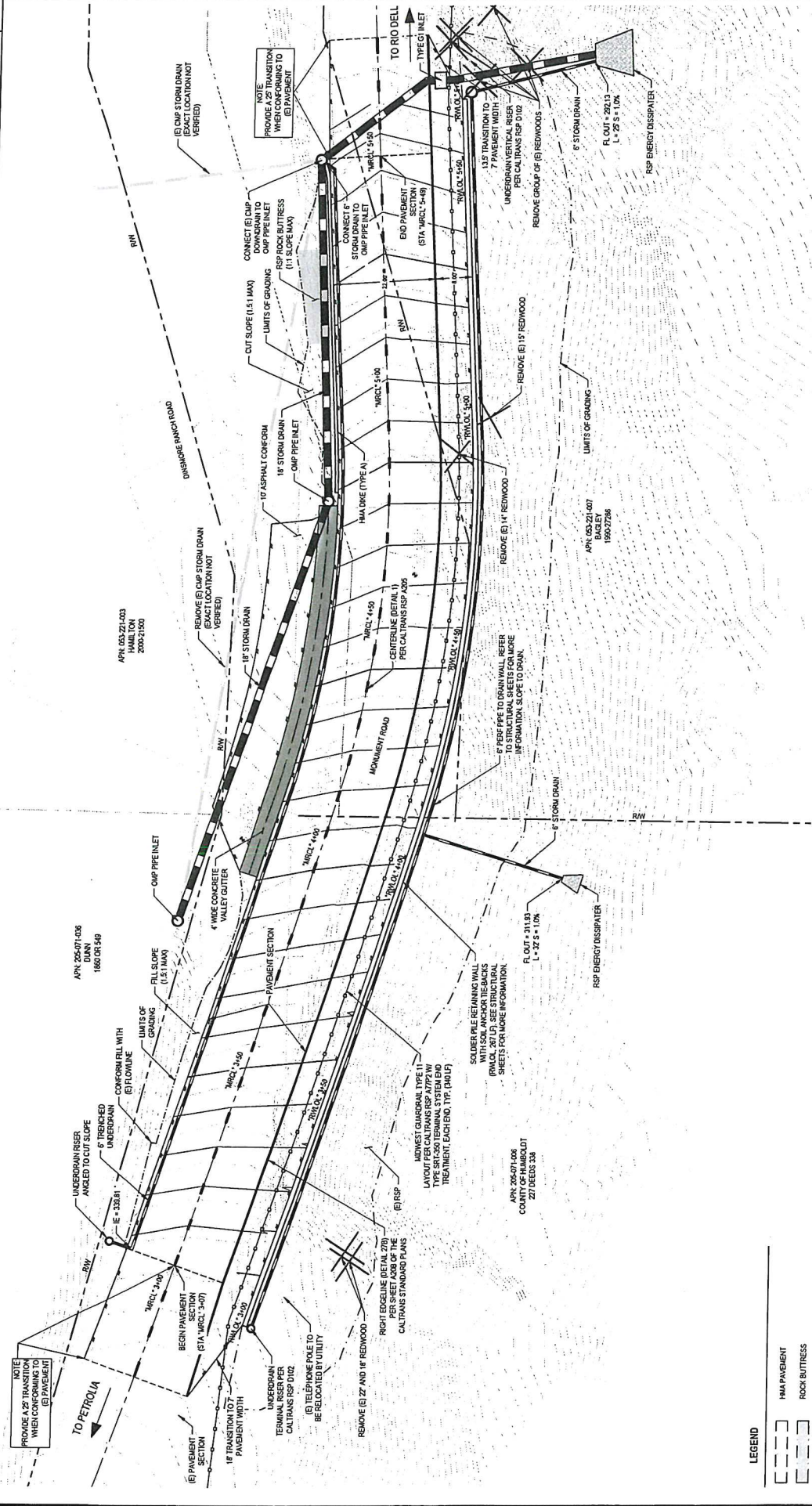
35% DESIGN SUBMITTAL - 2/7/2020

CH2M HILL
 311 THE DALY
 EAST OAKLAND, CA 94612
 TEL: 415.774.1000 FAX: 415.774.1001
 WWW.CH2MHILL.COM



ROAD NAME: MONUMENT ROAD
 ROAD NO.: 2020
 DATE PLOTTED: 03/09
 DESIGNER: JACOB J. ...
 CHECKER: ...
 DRAWN BY: JAC/JF
 APPROVED BY: ...

COUNTY OF HUMBOLDT
 DEPARTMENT OF PUBLIC WORKS
 STORM DAMAGE REPAIR MONUMENT ROAD PM 0.00
 ROADWAY PLAN
 SHEET 4 OF 8



NOTE
 PROVIDE A 25' TRANSITION
 WHEN CHANGING TO
 (E) PAVEMENT

- LEGEND
- [Symbol] HMA PAVEMENT
 - [Symbol] ROCK BUTTRISS
 - [Symbol] RSP ENERGY DISSIPATER
 - [Symbol] CONCRETE VALLEY GUTTER



MONUMENT ROAD PM 0.00 PLAN VIEW


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



For Meeting of: March 3, 2020

To: City Council

From: Kevin Caldwell, Community Development Director

Through: Kyle Knopp, City Manager 

Date: February 26, 2020

Subject: Ordinance No. 379-2020 repealing Section 17.30.290, Second dwelling units, Section 17.30.190, medical marijuana regulations, establishing Section 17.30.020 Accessory Dwelling Units, and renumbering Chapter 17.30 General Provisions and Exceptions of the Rio Dell Municipal Code (RDMC).

Recommendation:

That the City Council:

1. Introduce (first reading) Ordinance No. 379-2020 regarding repealing Section 17.30.290, Second Dwelling Units, Section 17.30.190, Medical Marijuana regulations, establishing Section 17.30.020 Accessory Dwelling Units, and renumbering Chapter 17.30 General Provisions and Exceptions of the Rio Dell Municipal Code (RDMC); and
2. Open the public hearing, receive public input and deliberate; and
3. Continue consideration, approval and adoption of the proposed Ordinance to your meeting of March 17, 2020 or the next regularly scheduled Council meeting for the second reading and adoption.

Discussion

In October of 2019, Governor Newsom signed five bills of legislation into law to further relax restrictions on the development of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in California. The State regulations, Section 65852.2 of the Government Code, are included as Attachment 1.

The legislation further limits the abilities of municipalities to restrict ADUs. In particular, the legislation: 1) requires that an ordinance allow a minimum 850 square foot ADU for a one bedroom ADU; 2) requires a minimum 1,000 square foot ADU if the unit contains more than one bedroom; 3) precludes a municipality from requiring an owner occupancy requirement for either the primary unit or the ADU/JADU; 4) prevents a jurisdiction from requiring off-street replacement parking spaces when a garage, carport, or covered parking is converted to an ADU or demolished in conjunction with the construction of an ADU (there are exceptions based on traffic flow and public safety); 5) requires approval, by right, of an accessory dwelling unit that is up to 800 square feet and at least 16 feet in height with a 4 foot side setback and 4 foot side yard setback without consideration of lot coverage, floor area ratio, open space, or minimum lot size for either attached or detached ADUs; 6) requires local jurisdictions to permit the creation of both one ADU and one JADU on each residentially zoned parcel with a proposed or existing single family dwelling; and 7) requires local jurisdictions to permit the creation of ADU(s) on each residentially zoned parcel that includes a multi-family dwelling.

In response to the State legislation, staff is recommending repealing the City's existing Second Dwelling Unit regulations and establishing Accessory Dwelling Unit and Junior Accessory Dwelling Unit regulations consistent with the State's regulations. The recommended changes are included in Ordinance 379-2020, Attachment 2.

The term "Junior Accessory Dwelling Unit" is generally used to identify a specific type of second unit that results from the conversion of an existing bedroom within an existing single family structure. This is in contrast to a more traditional type of second unit, created through the addition of new floor area and either attached or detached to an existing structure. JADUs are further differentiated from traditional second units by less stringent planning, building and utility requirements placed upon them and a maximum size limitation of 500 square feet.

The State regulations do allow local jurisdictions to deviate from the State requirements based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. Based on comments from the Fire Protection District, staff is recommending that current parking standards be applied in the "Avenues" neighborhood, and that a Conditional Use Permit be required for accessory dwelling units on the Dinsmore Plateau and the Rio Vista neighborhood based on dead end road access, road widths and lack of fire hydrants.

Staff originally recommended that a Conditional Use Permit be required for accessory dwelling units (new structures) in the Belleview/Ogle neighborhood due to flooding during storm events.

Staff's recommendation would have required applicant's to incorporate on-site retention/detention drainage facilities so there is no net increase in stormwater runoff.

Staff contacted HCD and was informed that they believe the drainage issues do not affect public safety. They did say, if the City applied a moratorium on all new impervious development in the area, we could then apply it to ADU's as well. Staff and the Planning Commission does not recommend this alternative.

Staff is also recommending that the Medical Marijuana Regulations be repealed as well. The Medical Marijuana Regulations were established prior to the City Commercial Cannabis Land Use Ordinance which incorporated both medical and adult use State regulations. The Commercial Cannabis Land Use Ordinance addresses both medical and adult cannabis regulations within the City.

Zone Reclassification Required Findings

1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.

There are no polices in the General Plan which would prohibit amending the zoning regulations to reflect changes in State law regarding Accessory Dwelling Units.

2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15303, New Construction or Conversion of Small Structures 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 in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed amendments and Section 15303 of the CEQA Guidelines, staff believes there is no evidence to suggest that the amendments will have a **significant** effect on the environment.

Attachments

Attachment 1: Section 65852.2 of the Government Code.

Attachment 2: Draft Ordinance No. 379-2020 repealing Section 17.30.290, Second dwelling units, Section 17.30.190, Medical Marijuana regulations, establishing Section 17.30.020 Accessory Dwelling Units, and renumbering Chapter 17.30 General Provisions and Exceptions of the Rio Dell Municipal Code (RDMC).



GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 1. PLANNING AND ZONING [65000 - 66301] (*Heading of Division 1 added by Stats. 1974, Ch. 1536.)*

CHAPTER 4. Zoning Regulations [65800 - 65912] (*Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)*

ARTICLE 2. Adoption of Regulations [65850 - 65863.13] (*Article 2 added by Stats. 1965, Ch. 1880.)*

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50

percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall

thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, including any owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in

height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

- (1) The accessory dwelling unit is located within one-half mile walking distance of public transit.
- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

- (i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
- (ii) The space has exterior access from the proposed or existing single-family dwelling.
- (iii) The side and rear setbacks are sufficient for fire and safety.
- (iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

- (i) A total floor area limitation of not more than 800 square feet.
- (ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for

the primary residence.

(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(5) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) "Local agency" means a city, county, or city and county, whether general law or chartered.

(6) "Neighborhood" has the same meaning as set forth in Section 65589.5.

(7) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(8) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(9) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(10) "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.

(11) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot,

lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

(Amended by Stats. 2019, Ch. 659, Sec. 1.5. (AB 881) Effective January 1, 2020. Repealed as of January 1, 2025, by its own provisions. See later operative version added by Sec. 2.5 of Stats. 2019, Ch. 659.)

ORDINANCE NO. 379-2020



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL REPEALING SECTION 17.30.290, SECOND DWELLING UNITS, SECTION 17.30.190, MEDICAL MARIJUANA REGULATIONS, ESTABLISHING SECTION 17.30.020 ACCESSORY AND JUNIOR ACCESSORY DWELLING UNITS, AND RENUMBERING CHAPTER 17.30 GENERAL PROVISIONS AND EXCEPTIONS OF THE RIO DELL MUNICIPAL CODE

WHEREAS, In October of 2019, Governor Newsom signed five bills of legislation into law to further relax restrictions on the development of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in California; and

WHEREAS, The most significant pieces of legislation include Assembly Bills 68 and 881 as well as Senate Bill 13 changed the minimum/maximum sizes for Accessory Dwelling Units, owner occupancy requirements, applicable impact fees, setbacks, height limitations, and more; and

WHEREAS, Accessory Dwelling Units are also known as second dwelling units, in-law units, granny flats, and/or mother-in-law quarters; and

WHEREAS, ADUs are defined as complete independent dwelling units that have permanent provisions for living, sleeping, eating, cooking, and sanitation located on the same property as a single-family home; and

WHEREAS, ADUs may either be attached or detached from the primary home and/or include a conversion of existing legal space on the property; and

WHEREAS, ADUs/JADUs provide housing opportunities in a flexible manner to address the unmet demand for affordable housing for the Hayward community, including but not limited to, students, young professionals, small families, disabled individuals, senior citizens, etc. while

also assisting homeowners to offset the cost of homeownership and maintenance by renting out ADUs as an additional source of income; and

WHEREAS, the existing Second Dwelling Unit regulations will be replaced with the new Accessory Dwelling Unit regulations; and

WHEREAS, the Medical Marijuana regulations were replaced with the Commercial Cannabis regulations and therefore need to be repealed; and

WHEREAS, the recommended changes necessitate the renumbering of Chapter 17.30, General Provisions and Exceptions of the Rio Dell Municipal Code.

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

SECTION 1.

PURPOSE OF THE ZONING REGULATION AMENDMENTS

The Rio Dell Municipal Code is hereby amended to be consistent with California Government Code Section 68582.2 with respect to Accessory Dwelling Units. The ordinance also repeals Section 17.30.290, Second Dwelling Units, Section 17.30.190, Medical Marijuana Regulations, establishes Section 17.30.020, Accessory Dwelling Units and renumbers Chapter 17.30, General Provisions and Exceptions, to accommodate the text amendments.

SECTION 2.

Section 17.30.290, Second Dwelling Units is hereby repealed.

SECTION 3.

Section 17.30.190, Medical Marijuana regulations is hereby repealed.

SECTION 4.

Chapter 17.30 is hereby renumbered as follows:

Chapter 17.30
GENERAL PROVISIONS AND EXCEPTIONS

Section	Existing Provision	Section	Changes Provision
17.30.010	Applicability	17.30.010	Applicability
17.30.020	Accessory uses and buildings.	17.30.020	Accessory dwelling units
17.30.030	Adult entertainment.	17.30.030	Accessory uses and buildings.
17.30.040	Airports.	17.30.040	Adult entertainment.
17.30.050	Animals and animal shelters.	17.30.050	Airports.
17.30.060	Assemblages of persons and vehicles.	17.30.060	Animals and animal shelters.
17.30.070	Camping.	17.30.070	Assemblages of persons and vehicles.
17.30.080	Cottage industry.	17.30.080	Camping.
17.30.090	Density bonus.	17.30.090	Commercial cannabis land use regulations.
17.30.100	Emergency shelter/transitional housing regulations	17.30.100	Cottage industry.
17.30.110	Environmentally sensitive habitat areas (ESHAs)	17.30.110	Density bonus.
17.30.120	Fences, walls and screening.	17.30.120	Emergency shelter/transitional housing regulations
17.30.130	Flag lots.	17.30.130	Environmentally sensitive habitat areas (ESHAs)
17.30.140	Flood zone regulations.	17.30.140	Fences, walls and screening.
17.30.150	Home occupation businesses and address of convenience.	17.30.150	Flag lots.
17.30.160	Lot size modifications.	17.30.160	Flood zone regulations.
17.30.170	Manufactured/mobile homes on individual lots.	17.30.170	Home occupation businesses and address of convenience.
17.30.180	Manufactured/mobile home park development standards.	17.30.180	Lot size modifications.
17.30.190	Medical marijuana regulations.	17.30.190	Manufactured/mobile homes on individual lots.
17.30.195	Commercial cannabis land use regulations.	17.30.200	Manufactured/mobile home park development standards.
17.30.200	Nonconforming uses.	17.30.210	Nonconforming uses.
17.30.210	Repealed.	17.30.220	Parking regulations.
17.30.220	Parking regulations.	17.30.230	Parkland dedication.

17.30.230	Parkland dedication.	17.30.240	Personal cannabis cultivation regulations.
17.30.240	Personal cannabis cultivation	17.30.250	Public uses.
17.30.250	Public uses.	17.30.260	Public utility buildings and uses.
17.30.260	Public utility buildings and uses.	17.30.270	Quasi-public uses.
17.30.270	Quasi-public uses.	17.30.280	Recreational vehicle park development standards.
17.30.280	Recreational vehicle park development standards.	17.30.290	Removal of natural materials.
17.30.290	Removal of natural materials.	17.30.300	Second dwelling units.
17.30.300	Second dwelling units.	17.30.310	Signs and nameplates.
17.30.310	Signs and nameplates.	17.30.320	Street dedication and improvement.
17.30.320	Street dedication and improvement.	17.30.330	Swimming pools.
17.30.330	Swimming pools.	17.30.340	Tract offices.
17.30.340	Tract offices.	17.30.350	Vacation dwelling units.
17.30.350	Vacation dwelling units.		Yards.
17.30.360	Yards.		

SECTION 5.

Section 17.30.020, Accessory Dwelling Units, of the Rio Dell Municipal Code is hereby established as follows

17.30.020 ACCESSORY DWELLING UNITS

(1) PURPOSE

The purpose of these regulations is to be consistent with California Government Code Section 68582.2 with respect to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs).

Accessory dwelling units may be principally permitted in any zone that allows single family or multifamily dwelling residential use and includes a proposed or existing dwelling, if the General Provisions in Section 17.30.020(2) are met, and the ADU and/or JADU meets the Development Regulations and Standards of Section 17.30.030(3).

ADUs and/or JADUs may be excluded or may require a Conditional Use Permit in certain designated areas (ADU Conditional Use Permit Area) as described in Section 17.30.020(4) based

on adequacy of water and sewer services, drainage and the impact of accessory dwelling units on traffic flow and public safety. Outside the ADU and/or JADU Conditional Use Permit Area, an ADU and/or JADU that cannot meet all the criteria in Sections 17.30.020(3) and 17.30.020(4) may still be permitted with a Conditional Use Permit under certain circumstances.

The City shall act on the building permit application for an accessory dwelling unit within 20 days from the date the completed application is received if there is an existing single-family or multifamily dwelling on the lot.

No certificate of occupancy will be issued for an accessory dwelling unit constructed concurrently with a primary dwelling, before a certificate of occupancy is issued for the primary dwelling.

(2) GENERAL PROVISIONS THAT APPLY TO ALL ADUS. The following provisions apply to all ADUs.

(a) One ADU and one JADU per lot.

One ADUs is permitted per lot developed or proposed to be developed with a single-family or multifamily dwelling.

(b) Ownership.

An ADU and/or JADU shall not be sold separately from the principal dwelling.

(c) Renting Permitted.

The ADU and/or JADU may, but need not be, rented.

(d) Short-term Lodging Prohibited.

The ADU and/or JADU shall not be rented for periods of 30 days or less.

(e) Building Type.

The ADU and/or JADU may be within, attached to, or detached from, the existing or proposed principal residence and may be over a garage. An ADU may also be a manufactured home as defined in Section 18007 of the Health and Safety Code subject to the development standards in Section 17.30.190.

(f) Sewer and Water Service.

All new ADUs and/or JADU within 300 feet of existing wastewater facilities shall connect to City's public wastewater systems. Parcels greater than 300 feet from existing wastewater facilities shall comply with all applicable County Health Department requirements for sewage disposal. All new ADU's shall connect to the City's public water system.

(g) Existing Single-Family Residence

Where one single-family dwelling unit exists on a lot, a larger home may be constructed as the principal dwelling unit, and the existing unit treated as the ADU, provided all other development regulations and standards can be met for both units.

(h) ADU and JADU Configurations within Residential and Mixed Use Zones

For purposes of this Section, a junior accessory dwelling unit is an attached unit as defined in Govt. Code Section 65852.22. A building permit shall be ministerially approved for creation of any of the following, within a residential or mixed use zone:

(i) ADU or JADU within Existing Single Family Structure

(ii) One accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(III) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(IV) The space has separate exterior access from the proposed or existing single-family dwelling.

(V) The side and rear setbacks are sufficient for fire and safety as established either by the local fire authority, for fire response.

(VI) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(i) New Detached ADU

One detached, new construction, accessory dwelling unit with minimum **four-foot side and rear yard setbacks** for a lot with a proposed or existing single-family dwelling. The detached accessory dwelling unit may be combined with an accessory dwelling unit or a junior accessory dwelling unit within an existing single family structure or accessory structure as described in subsection 17.30.020(2)(h) if:

(i) The attached ADU or JADU contains no more than 500 square feet of floor space; and

(ii) The detached ADU contains no more than 800 square feet of floor space, and its height is no more than 16 feet. See Section 17.30.020(3)(b), Total Floor Area for detached ADUs that exceed 800 square feet.

(j) ADUs in Existing Multifamily Structures

Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. At least one accessory dwelling unit is allowed within an existing multifamily dwelling, and up to 25 percent of the existing multifamily dwelling units may be allowed.

(k) Detached ADUs with Existing Multifamily Structures

Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling, subject to a **height limit of 16 feet and four foot rear yard and side setbacks.**

(3) DEVELOPMENT REGULATIONS, STANDARDS, AND APPLICABLE CODES.

The following development regulations and standards shall apply to all ADUs:

(a) Utilities.

Utilities may be shared in common with or separate from the main dwelling unit, whichever method may afford compliance with the applicable requirements of the Municipal Code, including the currently effective versions of the California Building Codes, except that:

(i) Connection and Capacity Fees

An accessory dwelling unit shall not be considered to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, except for water and sewer services as set forth in Section 17.30.020(3)(a)(iv) unless the accessory dwelling unit was constructed with a new single-family dwelling.

(ii) Impact Fees.

The City shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" as defined in subdivision (b) of Govt. Code Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(iii) No New Connections in Existing Structures

No new or separate utility connection is shall be required between the ADU and the utility, and no related connection fee or capacity charge shall be imposed if the ADU is contained within the existing space of a single family residence or accessory structure and meets conditions in Section 17.30.020(2)(h) unless the accessory dwelling unit was constructed with a new single family dwelling.

(iv) New Detached Units.

For an accessory dwelling unit that is not contained within the existing space of a single family residence or existing accessory structure or does not meet conditions in Section 17.30.020(2)(h) will require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section Govt. Code Section 66013, the connection may be subject to a connection fee or capacity charge that is proportionate to the burden of the proposed accessory dwelling unit upon the water or sewer system, based upon either size or the number of plumbing fixtures, its size in square feet or its drainage fixture unit (DFU) values, as defined in the California Plumbing Code which is based on the International Association of Plumbing and Mechanical Officials. This fee or charge shall not exceed the reasonable cost of providing this service.

(b) Total Floor Area.

Accessory dwelling units shall be subject to the following floor area requirements:

(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.

(c) Sprinklers

Accessory dwelling units are not required to provide fire sprinklers if they are not required for the primary residence.

(d) Setbacks

No setback shall be required for an ADU or a portion of an ADU, converted from an existing living area or accessory structure, or a structure constructed in the same location and to the same setbacks as an existing structure. A setback of no more than four feet from the side and rear lot lines shall be required for a new ADU.

(e) Parking

Each ADU requires one (1) parking space. These spaces may be provided in tandem on a driveway. Off street parking shall be permitted in setback areas or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(i) Exceptions to Parking Standards. Parking standards for an ADU shall not apply if the ADU is (1) located within one-half mile walking distance of public transit; (2) located within an architecturally and historically significant district; (3) part of the proposed or existing primary residence or an existing accessory structure; or (4) when on-street parking permits are required but not offered to the occupant of the ADU; or (5) when there is a car share vehicle located within one block of the accessory dwelling unit.

(ii) Avenues Neighborhood. Because of the existing on street parking problems and narrow roads affecting traffic flow and/or public safety conditions in the Avenue Neighborhood, there are no exceptions to the parking standards in Section 17.30.220.

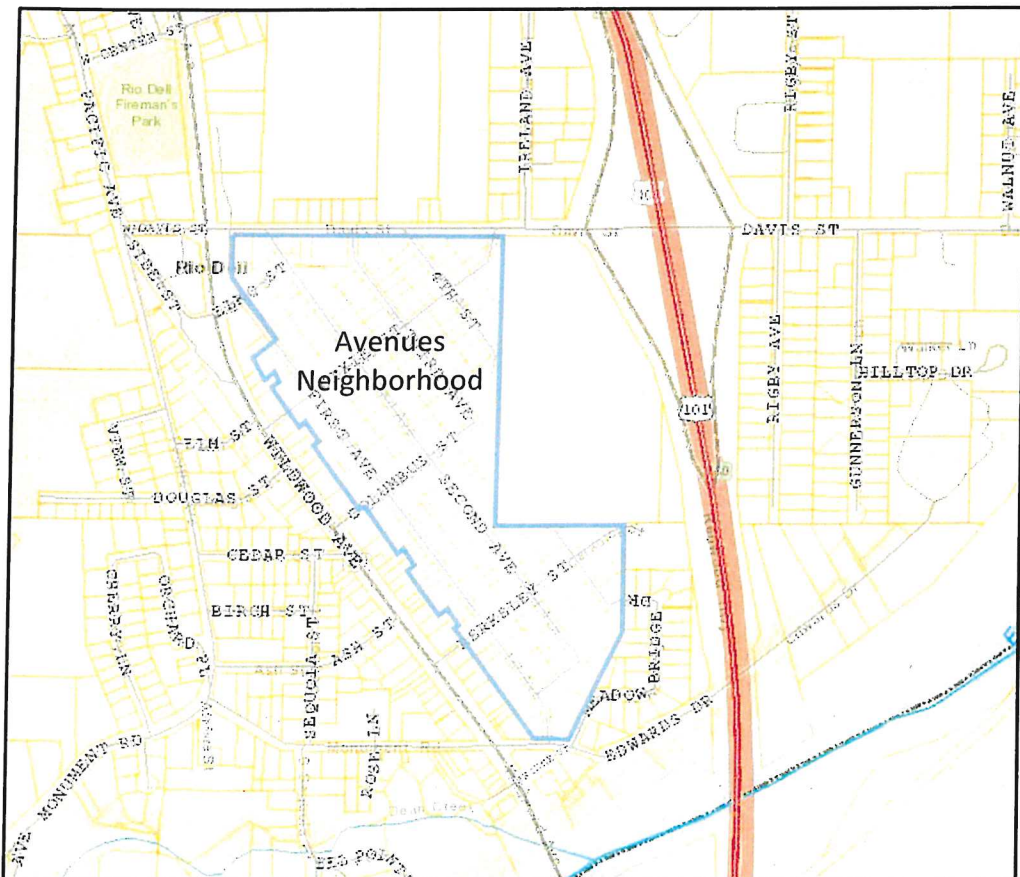


Figure 1
Avenues Neighborhood

(4) ADU CONDITIONAL USE PERMIT AREAS.

Parcels located on the Dinsmore Plateau, including the Rio Vista neighborhood are subject to development constraints, including dead-end roads, adequate road widths and lack of fire hydrants. Because of these public safety conditions, an ADU may be allowed on the Dinsmore Plateau and in the Rio Vista neighborhood with a Conditional Use Permit provided the concerns of the Fire District are satisfied. An ADU may be allowed in the Belleview/Ogle neighborhood provided there is no net increase in stormwater. These areas are identified in Figure 2.

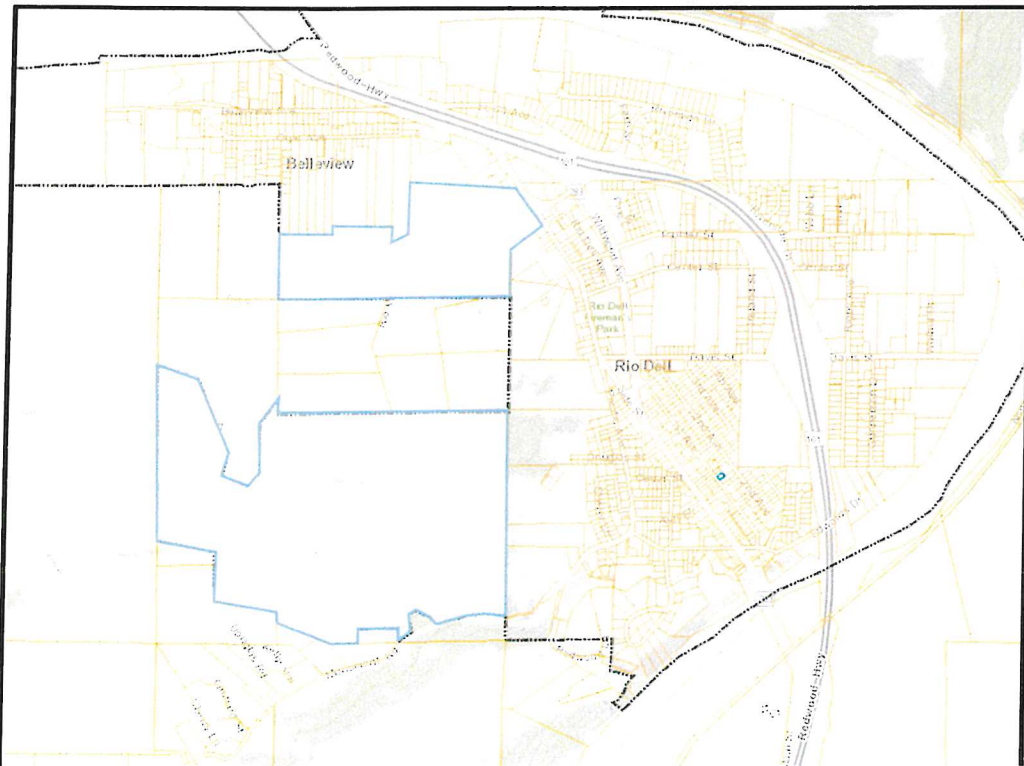


Figure 2
Dinsmore Plateau and Rio Vista neighborhood.

SECTION 6. DEFINITIONS

Chapter 17.10, Definitions, of the Rio Dell Municipal Code is hereby amended as follows:

“Accessory Dwelling Unit” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons, that includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot where a single family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes a manufactured home, as defined in Section 18007 of the Health and Safety Code.

SECTION 7. 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 8. CEQA COMPLIANCE

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15303, New Construction or Conversion of Small Structures and Section 15061(b)(3) of the CEQA Guidelines.

SECTION 9. EFFECTIVE DATE

This ordinance becomes effective thirty (30) days after the date of its 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 March 3, 2020 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell on March 17, 2020 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Debra Garnes, Mayor

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and forgoing to be a full, true and correct copy of Ordinance No. 379-2020 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell on March 17, 2020.

Karen Dunham, City Clerk, City of Rio Dell