



RIO DELL CITY COUNCIL
CLOSED SESSION – 5:00 P.M.
REGULAR MEETING - 6:30 P.M.
TUESDAY, MAY 3, 2022
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

***WELCOME** - 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 and available on the City's website at cityofriodell.ca.gov. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.*

**SPECIAL PUBLIC HEALTH EMERGENCY ALTERATIONS TO MEETING FORMAT
CORONAVIRUS (COVID-19)**

Effective immediately, the City of Rio Dell will reopen City Council meetings held in City Hall Council Chambers to in-person attendance by the public. The public may also attend these meeting virtually through Zoom. The meetings will also be viewable via livestreaming through our partners at Access Humboldt via their YouTube channel or Suddenlink channels on Cable TV.

To maintain safety and minimize the health risks associated with COVID-19, participants may be required to complete an Attestation of Vaccination upon entering the City Council Chambers. Fully vaccinated participants will not be required to wear a mask. Unvaccinated participants must wear face coverings at all times while in the City Hall Council Chambers.

Public Comment by Email:

In balancing the health risks associated with COVID-19 and need to conduct government in an open and transparent manner, public comment on agenda items can be submitted via email at publiccomment@cityofriodell.ca.gov. Please note the agenda item the comment is directed to (example: Public Comments for items not on the agenda) **and email no later than one-hour prior to the start of the Council meeting**. Your comments will be read out loud, for up to three minutes.

Meeting can be viewed on Access Humboldt's website at <https://www.accesshumboldt.net/>. Suddenlink Channels 10, 11 & 12 or Access Humboldt's YouTube Channel at <https://www.youtube.com/user/accesshumboldt>.

Zoom Public Comment:

When the Mayor announces the agenda item that you wish to comment on, call the conference line and turn off your TV or live stream. Please call the toll-free number **1-888-475-4499**, enter meeting **ID 987 154 0944** and press star (*) 9 on your phone – this will raise your hand. You will continue to hear the meeting on the call. When it is time for public comment on the item you wish to speak on, the Clerk will unmute your phone. You will hear a prompt that will indicate your phone is unmuted. Please state your name and begin your comment. You will have 3 minutes to comment.

- A. CALL TO ORDER
- B. ROLL CALL
- C. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION
 - 1) 2022/0503.01 - **Conference with Legal Counsel–Anticipated Litigation**
Consider Initiation of Litigation – Three (3) Potential Cases
(Pursuant to Paragraph (4) Gov’t Code §54956.9)
 - 2) 2022/0503.02 - **Conference with Real Property Negotiators**
Property: 410 Fourth Ave., Rio Dell, California
City of Rio Dell Negotiator(s): Kyle Knopp, City Manager,
Russell Gans, City Attorney – Negotiating Parties/
Negotiating With: Linda Todd, Owner and/or Agents
Under Negotiation: Price and/or Terms of Payment
(Pursuant to Gov’t Code §54956.8)
 - 3) 2022/0503.03 - **Public Employee Appointment** – Title: Chief of Police
(Pursuant to Gov’t Code §54957)
- D. PUBLIC COMMENT REGARDING CLOSED SESSION
- E. RECESS INTO CLOSING SESSION
- F. RECONVENE INTO OPEN SESSION – 6:30 P.M.
- G. ORAL ANNOUNCEMENTS
- H. PLEDGE OF ALLEGIANCE
- I. CEREMONIAL MATTERS
- J. 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 allowed under the Ralph M. Brown Act. 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

2/3 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.

K. 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) 2022/0503.04 - Approve Minutes of the April 19, 2022 Regular Meeting
(ACTION) 1
- 2) 2022/0503.05 – Approve Resolution No. 1535-2022 Establishing and Restating Water Fees and Charges **(ACTION)** 11
- 3) 2022/0503.06 – Approve Resolution No. 1536-2022 Establishing Wastewater Fees and Charges **(ACTION)** 11
- 4) 2022/0503.07 - Approve Cost Recovery for Abatement of 483 Fourth Ave. **(ACTION)** 21
- 5) 2022/0503.08 - Authorize the Mayor to Execute a Letter to the California Public Utilities Commission Requesting Assistance with PG&E Related to Delayed Distribution Facility Upgrades **(ACTION)** 23

L. ITEMS REMOVED FROM THE CONSENT CALENDAR

M. REPORTS/STAFF COMMUNICATIONS

- 1) 2022/0503.09 - City Manager/Staff Update **(RECEIVE & FILE)** 26

N. SPECIAL PRESENTATIONS/STUDY SESSIONS

- 1) 2022/0503.10 - Presentation – Local Roadway Safety Plan Progress Report (LRSP) **(RECEIVE & FILE)** 30
- 2) 2022/0503.11 - Presentation – Dinsmore Plateau Cannabis Taxes **(DISCUSSION/POSSIBLE ACTION)** 62

O. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS/PUBLIC HEARINGS

P. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

- 1) 2022/0503.12- Adopt Resolution No. 1537-2022 Declaring the Need for Continued In-Person/Hybrid Meetings or Resuming with Virtual (Zoom) Meetings in Accordance with AB 361
(DISCUSSION/POSSIBLE ACTION) 66
- 2) 2022/0503.13 - Introduction/First Reading (by title only) of Ordinance No. 391-2022 Amending the City's Zoning Regulations Chapter 17 of the Rio Dell Municipal Code (RDMC) to be Consistent with California Government Code §65650 et. seq. (State Supportive Housing Law), 65660 et. seq. (Low Barrier Navigation Centers Law), and 65913.4 (State Streamlined Ministerial Approval Process) by Establishing Procedures for Reviewing Ministerial Approval Applications
(DISCUSSION/POSSIBLE ACTION) 74

Q. COUNCIL REPORTS/COMMUNICATIONS

R. ADJOURNMENT

*The next regular City Council meeting is scheduled for
Tuesday, May 17, 2022 at 6:30 p.m.*

**RIO DELL CITY COUNCIL
REGULAR MEETING MINUTES
APRIL 19, 2022**

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 Johnson,
Councilmembers Carter, Wilson and Woodall

Others Present: City Manager Knopp, Management Analyst Sanborn,
Water/Roadways Superintendent Jensen, Wastewater
Superintendent Taylor, Fiscal Assistant II Hamaker, City
Clerk Dunham, and City Attorney Gans

Attending remotely were Finance Director Dillingham and
Chief of Police Conner

Absent: Community Development Director Caldwell

PUBLIC PRESENTATIONS

Mayor Garnes called for public comment on non-agenda items. There were no public comments received.

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.

Councilmember Woodall removed the minutes of the April 5, 2022 regular meeting.

Motion was made by Johnson/Woodall to approve the following consent calendar items:

- 1) Resolution No. 1534-2022 authorizing the City Manager to execute agreements with the California Department of Transportation for the City of Rio Dell Clean California Local Grant Programs: 1) Rio Dell Gateway Beautification and 2) Eel River Trail Clean California
- 2) To Receive and File Check Register for March

Motion carried 5-0.

ITEMS REMOVED FROM CONSENT CALENDAR

Approve Minutes of the April 5, 2022 Regular Meeting

Motion was made by Carter/Johnson to approve the minutes of the April 5, 2022 regular meeting as submitted. Motion carried 4-0 with Councilmember Woodall abstaining.

REPORTS/STAFF COMMUNICATIONS

City Manager/Staff Update

City Manager Knopp provided highlights of the staff update and said that staff met with Caltrans representatives on the Clean California Grants and had discussions with the City engineer on moving forward with the botany study for the Eel River area as part of the required environmental work. He said that they are anxious to get the project moving and staff anticipates potentially doing a kick-off press event with Caltrans over the next week or two at their request. He said that staff also had meetings with the contractor on the street paving projects on Riverside, Cherry and Orchard Streets with anticipated work to start very soon. A city newsletter was issued, and interviews were conducted for open positions in Public Works. He also announced that the next Annual Spring Cleanup Event would be held on May 7, 2022 from 9:00 a.m. to 1:00 p.m. at Eagle Prairie Elementary School.

City Manager Knopp then turned it over to Chief Conner to provide an update on an event that occurred today.

Chief Conner reported Demetrius Coleman who was convicted in November 2020 of first-degree murder for a drive-by shooting in Rio Dell had a hearing in court today requesting a retrial which was denied. He was sentenced to life in prison without the possibility of parole including a concurrent 25 years to life sentence for the special allegation of firing a gun out of a vehicle. He was pleased to report that this brings a conclusion to the 2019 homicide case.

Mayor Garnes thanked Chief Conner for the update and for all the work put forth by he and his department on this case.

Mayor Pro Tem Johnson commented that Chief Conner was instrumental in getting the guilty verdict and expressed thanks to the Chief and his department. Councilmembers echoed those sentiments.

Mayor Garnes called for public comment regarding the staff update. There were no public comments received at this time.

SPECIAL PRESENTATIONS/STUDY SESSIONS/PUBLIC HEARINGS

Presentation by JJA CPA, Inc – Fiscal Year 2020-2021 Audited Financial Statements

Finance Director Dillingham said that what is being presented is the fiscal year 2020-2021 audited financial statements. Overall, the City's financial situation has improved which is a good thing, as the City has decades of deferred maintenance with regard to streets, the water distribution system and sewer collection system and that those monies are needed to keep the City moving forward. She commented that she was proud to report that there

were no findings or material weaknesses found with the audit and turned it over to the auditors to provide a presentation.

Brett Jones, Engagement Manager with JJA CPA, Inc. provided a power point presentation on the audited financial statements for fiscal year 2020-2021 and accompanying information.

He began by stating that the City received an unqualified opinion which is the highest opinion they can give.

He continued with review of the Management's Discussion and Analysis which provided a narrative overview and analysis of the financial activities of the City for the year ended June 30, 2021. He provided financial highlights and said that the City's net position was reported at \$31,676,649, an increase of \$1,653,921 from the prior year.

Overall, City-wide revenues from all governmental activities increased by \$349,396, primarily due to increased sales and cannabis tax revenue.

He continued with review of the actual financial statements, followed by notes including a summary of significant accounting policies. The last document was the Independent Auditor's Report to the Council which is where they would report any material weaknesses or internal control deficiencies. He commented that he was pleased to report that there was nothing to report. He noted that overall, the audit went very well and Finance Director Dillingham and staff were able to provide everything they needed to do their job without any issues. He concluded the presentation and called for questions from the Council.

Mayor Garnes and Councilmembers thanked him for preparing the audit and giving the City such a good report. The Council also expressed thanks to Finance Director Dillingham and staff for doing a great job in keeping the City's finances on track.

Mayor Garnes called for public comment on the audited financials.

City Clerk Dunham read the following public comment from Steve and Sharon Wolff:

"Since we're talking about city budget, please discuss how the proposed reductions in commercial cannabis taxes that will be discussed at the next city council meeting could impact city finances, including any impact to water/sewer fund or streets fund."

City Manager Knopp explained that what is being discussed is the audit for the prior fiscal year, not the budget. He commented that the cannabis taxes and water and sewer rates are unrelated. Water and sewer are enterprise funds which are required to operate and fund themselves, whereas cannabis taxes go to the General Fund, which primarily supports law enforcement services. He pointed out that there is a slight impact in the sense that as businesses are expanded in the community whether they are cannabis or

non-cannabis businesses, it creates a larger customer base for water and sewer which helps to defray the costs.

He said that regarding the question about cultivation versus sales taxes for dispensaries, the City Council's prior discussions were related to cultivation taxes only. He reiterated that cannabis tax is a tax that no other individual or business in the community pays unless involved in the cannabis industry or a consumer of the product.

Public Hearing and Presentation on Proposed Water and Wastewater Rate Study with Proposed Rates through Fiscal Year 2026-2027 Pursuant to Proposition 218 with Possible Continuance of Tabulation of Protest Ballots to May 3, 2022

City Manager Knopp provided a staff report and began by advising attendees of the meeting to be sure to submit any remaining protest ballots prior to the close of the public hearing.

He explained that the Council would be opening the Proposition 218 public hearing, hearing and considering all public comments received on the proposed water and wastewater rate adjustments, having been noticed more than 45 days ago and sent to all property owners and rate payers in the City of Rio Dell.

He said that over the past few years, the City has been focusing on trying to provide information to the public and coming up with a long-term plan in terms of rates. The City utilized the municipal consulting firm of Lechowicz and Tseng to do a professional water and sewer rate study. The primary objective of the rate study was to develop a five-year rate schedule for water and wastewater services that equitably distributes costs to customers and adequately funds operations, debt service, reserves and capital projects.

There were some prior major capital improvements to both the water and wastewater systems including a new water plant and water intake system, a new wastewater plant and a new backup well system with filtration. He noted that the City tries to leverage as much grant money as possible to get the state and/or federal government to pay for these improvements.

Following the 2014 drought, the City aggressively pursued grant funding for the Metropolitan Well Site to provide for a backup water source during drought conditions and were able to secure 95% of that project funded through state and federal grants. Typically grants are either not funded or are around 80% funded so pulling down anything above that is a huge success. The prior improvements to the water and wastewater facilities received significant grant funding however, the City does have some debt related to those improvements.

What remains are two main critical infrastructure issues related to the distribution and collection systems. There are a lot of aged and failing piping systems and similarly with the collection on the sewer side. There are issues that are significant that are potentially

regulatory in nature and if they are not corrected and fixed, the City could be facing fines by the State for non-environmental compliance.

The City currently has an application out with the State Water Resources Control Board for \$9 million of improvements on the water distribution system and have been spending the better part of 6 years to put together the application to make it competitive. In order to allow for that project to move forward, the State would need to fund 80-90% of the \$9 million or that cost would fall directly on the ratepayers.

City Manager Knopp reviewed the process for the Proposition 218 rate hearing and said that the public has an absolute right to submit protest ballots on the proposed rates, noting that any property owner or customer of record who is subject to the proposed utility charge may submit a written protest although only one protest ballot is allowed per parcel. The Mayor will open the public hearing, receive public testimony on the proposed rates, close the public hearing, and allow staff to begin the tabulation of the ballots. If the tabulation is unable to be completed within 30 minutes, staff's recommendation would be to continue the meeting to May 3, 2022 and to schedule an open ballot count at City Hall on Thursday, April 21st between the hours of 1-5 p.m. and if needed from 9 a.m. to 12 p.m. on Friday.

He introduced Catherine Tsang from Lechowicz and Tsang to provide a presentation on the proposed Water and Wastewater Rate Study.

Catherine proceeded with a power point presentation and began by providing an overview on the background of the City's water and wastewater rates. She noted that enterprise funds are supported from rates and charges, are separate from the General Fund and receive no revenue from taxes. The proposed rate study and rate options were presented to the City Council at their January 4, 2022 and February 15, 2022 regular meetings and covers a 5-year period through FY 2027 with rates to become effective July 1, 2022.

She continued with review of the procedural requirements of Proposition 218 which governs how property-related charges are adopted. Procedural requirements included conducting a rate study, mailing a notice to property owners and tenants, holding a public hearing at least 45 days after the notice is mailed, and not adopting new rates if more than 50% of ratepayers submit written protests.

Next was review of why rate increases are needed which is to fund the cost of providing the services including operating and maintenance costs, debt service obligations, debt service coverage covenants, capital improvements, maintaining reserve funds for emergencies and to retain a positive rating to obtain grants, loans and/or other debt financing.

Catherine continued with review of historic and current monthly water rates, water rate components including the fixed charge, consumption charge and the Dinsmore Zone charge, water net revenues, water operating expenses, water capital improvement projects, distribution system projects, water scenario comparison, water reserve fund

balance, proposed water rates, sample of water bill impacts, and proposed water low income discount.

The proposed monthly water bill for a typical residential customer using an average of 5 units of water per month represented the following charges for the 5-year period beginning July 1, 2022:

2021/22 (Current Bill)	-	\$ 65.63
2022/23	-	\$ 62.12
2023/24	-	\$ 63.47
2024/25	-	\$ 64.85
2025/26	-	\$ 66.26
2026/27	-	\$ 67.69

Catherine continued the presentation with an overview of the sewer system components and proposed sewer rates. She explained that the sewer system includes a network of collection pipes, manholes, cleanouts, and pumps that convey wastewater to the wastewater treatment plant. The City utilizes an aerated activated sludge process to provide secondary treatment of wastewater with a total sewer flow of 79,000 ccf/year. In 2013, the City completed a major plant upgrade which replaced the old conventional wastewater plant with a new activated sludge process to address nutrient removal and included construction of the irrigation field located in Metropolitan.

She provided a review of historic and current sewer rates, sewer rate components, net revenues, operating expenses, sewer capital improvement program, rate comparison, sewer reserve fund balance, proposed sewer rates, and sample sewer bill impacts.

The proposed monthly sewer bill for a typical residential/domestic strength customer using an average of 5 units of water per month represented the following:

2021/22 (Current Bill)	-	\$ 75.68
2022/23	-	\$ 80.17
2023/24	-	\$ 86.29
2024/25	-	\$ 92.91
2025/26	-	\$ 99.99
2026/27	-	\$107.60

Catherine referred to the proposed low- income discount for water and sewer customers and explained that to comply with Proposition 218, water and sewer rate revenues from one group of customers cannot be used to subsidize the rates of another group. What the City can do is utilize non-rate revenues, such as General Fund revenues, interest earnings or late fees to fund a low-income discount program. A \$3.00/month discount was proposed for both water and sewer utilizing revenue from utility billing late fees to fund the program. The eligibility would be based on PG&E's CARE program requirements with approximately 700 Rio Dell customers currently qualifying, and would be reviewed

annually to determine whether the water fund has adequate non-rate revenues to fund the program.

She also pointed out that rates will be increased on July 1 of each year beginning 2022-2026 however; the City will review each utility's financial standing annually prior to implementing any rate increases.

She recommended the City proceed with the public hearing and noted that if 653 valid protests are received, the City cannot move forward with the rate increase.

Mayor Garnes opened the public hearing at 7:28 p.m. to receive public testimony on the proposed water and wastewater rate adjustments, limiting comments to a maximum of three minutes per speaker.

Bridget Vaile addressed the Council and said that she put together a petition to hopefully get enough signatures to keep the rate increase from going through. She said that after listening to the presentation, it was even more concerning to hear that there are currently 700 customers that qualify for the PG&E CARE Program. With that many low-income customers, she didn't know how they were going to be able to pay for the water and sewer increase even with the \$6.00 discount. She said that her husband came up to City Hall today and turned in a binder with over 300 protests and assumed that they had not been counted yet. She reiterated that it is concerning that there is a large number of low-income families in the community including single parents, and people who are on a fixed income. Increasing utility bills by this much will likely come down to putting gas in their cars or paying for prescriptions or paying the water bill. She mentioned the amount the City collects in late fees and pointed out that if those people can't pay their bills on time now it's going to be even worse if the rates are increased.

She then pointed out a discrepancy in the number of customers and said that in the notice sent out to customers, it said that there are approximately 1,400 customers but the presentation said that there are 1,400 sewer customers and 1,470 water customers. She said that she came to City Hall and asked for the exact number so she would know how many protests were needed to defeat the rate increase and no one was able to tell her. She was confused as to how there could be more water customers than sewer customers. Also, when she went to City Hall she was told that every parcel was supposed to get mailed a letter but she only received one letter even though she has two parcels. When she asked why she only received one, she was told that the post office probably lost it. She noted that her cousin also owns two parcels in Rio Dell and only received one letter.

She asked the Council to take into consideration the number of low-income families that cannot afford an increase.

Angelina Lasko, 223 Belleview Ave. said in listening to the presentation, the first red flag for her was that the water rates were set to go down the first year then back up. She expressed concern that water and sewer bills would be going up to almost \$200/mo. when

there are hardly any jobs here requiring people to commute to school and work; she felt that it should be taken into consideration. With regard to the idea of creating a larger customer base, she said that she was forced to shut down her business here because the City does not allow vacation rentals in the Town Center (TC) zone. Considering everything that has been going on with COVID and the situation with people getting their water shut off because they haven't been able to pay their water bills, perhaps the City should allow more time before increasing rates so people can recover from the impacts of COVID. She mentioned that she read in the newspaper where Rio Dell has been receiving grants and doing good things so maybe it's time to do something good for the citizens. She suggested the Council increase the customer base by providing some kind of incentives that encourage businesses to come here.

James Oates, said that he owns two homes in Rio Dell with the one on Wildwood Ave. closed down because vacation rentals are not allowed in the Town Center (TC). He said that he also owns a house on Pacific Ave. and that he will pay the rate increased but felt that low-income residents will have a problem paying it. He said at the end of four years and the water bill is almost \$200.00, it will be unaffordable for most people to even pay their mortgage. He noted that grants from the State may be free for the City but its not free for the taxpayers.

Mayor Garnes asked if there were any other public comments.

City Clerk Dunham read the following public comment from Steve and Sharon Wolff:

"Is the 5% annual increase in salary/benefits cited in the water rate study above and beyond the 10% across the board salary increases approved in January?"

City Manager Knopp explained that the 10% increase for compensation that occurred in January was not part of the annual budget process for the current year. It was also not incorporated in the current rate study so the 5% is an average cost increase related to labor over two years. It also includes the cost of certain benefits that the Council has limited control over.

He said as far as the discrepancy between the number of water and sewer accounts, there are some accounts such as the Dinsmore Plateau accounts that only have water service. Conversely, there are some customers that have private wells and only subscribe to sewer.

Bridget Vaile, asked for clarification if public comments count as a protest ballot. It was explained that protest ballots must be in written form at such time a ballot was provided to a citizen to complete and submit.

An unidentified person asked if renters were allowed to protest.

Mayor Garnes explained that either the property owner or the renter could submit a protest ballot although only one protest per parcel can be counted.

Jacqui Wilson addressed the Council and expressed the importance of having good quality water.

There being no further public comment, the public hearing closed at 7:43 p.m.

Mayor Garnes called for a 30-minute recess to allow staff to begin the tabulation of protest ballots. She explained that if the tabulation is unable to be completed within 30 minutes, the meeting would be continued to May 3, 2022 and staff would continue with an open ballot count at City Hall on Thursday, April 21st between the hours of 1-5 p.m. and if needed from 9 a.m. to 12 p.m. on Friday.

City Manager announced that the Mayor would reconvene the meeting at 8:15 p.m. to report on the tabulation.

The meeting reconvened at 8:15 p.m.

City Manager Knopp announced that staff was able to tabulate the total number of submitted protest ballots which was 306. The threshold to meet the Proposition 218 state law and stop the rate increase from proceeding is 653 valid protest ballots. Based on that, and assuming that all 306 protest ballots are valid, it does not meet the requirement to stop the rate increase from proceeding.

He explained that the Council has a couple of options: 1) the Council directs staff to continue the verification and count of the protest ballots and to continue the meeting to May 3, 2022 and schedule the open count for Thursday and possibly Friday to proceed with the tabulation; or 2) for the purposes of expediency, the Council can direct that all protest ballots be considered as valid therefore, the final vote count would be 306 of the 653 threshold and the protest would not be sustained for stopping the rate adjustment. Staff would then return on May 3, 2022 with a Resolution enacting the proposed rates according to the Prop 218 hearing rate study, with rates to become effective July 1, 2022.

He said that the two fundamental questions are whether staff should continue with the tabulation and verification; or to deem all 306 ballots valid without the need for further tabulation and verification.

Motion was made by Woodall/Johnson deeming all 306 protest ballots as valid without the need for further tabulation and verification. Motion carried 5-0.

Motion was made by Johnson/Woodall to direct staff to return to Council at the meeting of May 3, 2022 with a resolution enacting the proposed water and wastewater rate adjustments. Motion carried 5-0.

COUNCIL REPORTS/COMMUNICATIONS

Mayor Pro Tem Johnson reported that several months ago, the Council authorized the cleaning out of flag pole holes on Wildwood Ave. He said that the work would take place tomorrow, weather permitting, and he and Tim Marks along with the help of the Public Works crew would be doing the work.

Councilmember Wilson reported on the last HWMA meeting and said they discussed options for handling of CRV and the consensus of the board was that HWMA not reenact the handling of CRV and that it all be handled by Hambro CRV Redemption Center in Arcata. He said that their site needs to be reserved for the processing of organic waste in accordance with AB 1383. He noted that going to universal collection would play a big part in AB 1383 because ultimately it falls on the local jurisdictions.

Councilmember Woodall announced there would be a Nuisance Advisory Committee meeting at 3:00 tomorrow at City Hall.

Councilmember Carter commented that she has seen where other cities have held informational forums related to AB1383 which may be something the Council might want to consider.

Councilmember Wilson explained that under AB 1383, people will be required to get rid of food waste that is put into the garbage that is compostable so that it doesn't end up in the landfill. In addition, it has to be kept separate from regular garbage so that it is not contaminated.

The consensus of the Council was to schedule a study session at some point related to AB 1383.

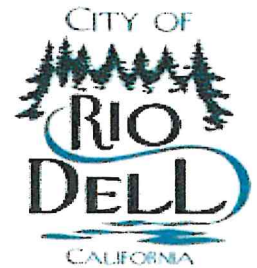
ADJOURNMENT

Motion was made by Johnson/Carter to adjourn the meeting at 8:25 p.m. to the May 3, 2022 regular meeting. Motion carried 5-0.

Debra Garnes, Mayor

Attest:

Karen Dunham, City Clerk



*Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
cityofriodell.ca.gov*

May 3, 2022

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Approval of Two Resolutions Numbered 1535-2022 and 1536-2022 Related to the Enactment of Water (1535-2022) and Wastewater (1536-2022) Rates From July 1, 2022 through June 30, 2027.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve resolutions numbered 1535-2022 and 1536-2022; or,

Take no action and provide further direction to staff.

BACKGROUND AND DISCUSSION

This item follows a required 45-day public noticing process associated with a Water and Wastewater rate study that included proposed adjustments in water and wastewater rates. A public hearing was held on April 19, 2022 and 306 protest ballots were received by the City at the conclusion of the hearing. The protest ballot submission fell below the necessary threshold to veto the proposed rate structure and the City Council opted to accept all protest ballots as valid and complete at the April 19th meeting. Lechowicz & Tseng Municipal Consultants performed and presented the rate studies. The attached resolutions are the formal adoption of the new rate structure that will be implemented on July 1, 2022 if passed by the City Council.

Wastewater system rate schedules were last adjusted on February 3rd 2015 via Resolution No. 1253-2015 and a Proposition 218 hearing was last conducted on April 15, 2014. Water system rate schedules were last adjusted on December 1, 2015 and a Proposition 218 hearing was last conducted on the same date.

On February 15, 2022 the City Council received a presentation on the Water and Sewer Rate Study and received public comment. The Council set a date of April 19, 2022 to consider rate adjustments and directed staff to mail notices in accordance to California Constitution, Proposition 218.

On April 21, 2021 the City Council of the City of Rio Dell approved the issuance of a Request for Proposal for a professional water and sewer rate study. This RFP was developed by an Ad Hoc Committee composed of Councilmember's Wilson and Johnson in conjunction with staff.

On July 6, 2021 the City Council approved the firm Lechowicz and Tseng to conduct a Water and Wastewater Rate Study on behalf of the City. On January 4, 2022 the City Council received a presentation and update on the draft water and wastewater rate study.

The primary objective of the study is to develop a five-year rate schedule for water and wastewater services that equitably distributes costs to customers and adequately funds operations, debt service, reserves and capital projects.

Water and Wastewater customers in the City of Rio Dell enjoy the benefit of prior major capital improvements to the central processing plants associated with the systems, including a new main water plant and intake, new wastewater plant and new backup well system with filtration. Additionally, some improvements have been made over the past twenty years to the main distribution system and water storage. While much of the cost of these projects was funded through State grants, the city does have some debt (its only debt) related to the main water and wastewater processing facilities.

Significant unresolved infrastructure issues in both systems currently relate to the distribution and collection systems, which have both received significant state funds to study these deficiencies and prepare the City to acquire additional grants to resolve these problems. Additionally water storage, water seismic resiliency, strict wastewater environmental requirements and qualified employee recruitment and retention remain as important issues.

City of Rio Dell utility rates are based entirely on the City's cost of operating and maintaining its water and wastewater facilities and services. Each utility is operated as an independent enterprise and all expenses and revenues for each service are accounted for in separate funds that are audited annually. State law requires that all fees collected by each utility be used within that utility and are not allowed to be used for unrelated purposes.

Attachments:

Resolution No. 1535-2022 (Water)

Resolution No. 1536-2022 (Wastewater)

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RESOLUTION 1535-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL AMENDING RESOLUTIONS 1281-2015 AND 1293-2016 ESTABLISHING AND RESTATING WATER FEES AND CHARGES FOR WATER CUSTOMERS PURSUANT TO CHAPTER 13.05 OF THE RIO DELL MUNICIPAL CODE

WHEREAS, The City of Rio Dell is authorized by the California Constitution and California Government Code to impose fees to cover expenses for the services it provides; and

WHEREAS, the City Council of Rio Dell did on November 7, 2000 adopt Water Ordinance No. 241 (Rio Dell Municipal Code Chapter 13.05) that allows for all rates, charges, fees, and penalties contained in the ordinance to be modified by resolution of the City Council of the City of Rio Dell to provide for future charges; and

WHEREAS, the City Council of Rio Dell did on May 21, 2002 adopt Ordinance No. 243-2002, amending Water Ordinance No. 241, allowing for monthly bills to be calculated as set forth by resolution duly adopted by the City Council of the City of Rio Dell; and

WHEREAS, the City Council of Rio Dell did on August 7, 2012 adopt Resolution 1168-2012 establishing water rates, charges and fees pursuant to provisions of the Rio Dell Municipal Code Chapter 13.05; and

WHEREAS, the City Council of Rio Dell did on February 18, 2014 adopt Resolution 1217-2014 restating water rates, charges, and fees pursuant to provisions of the Rio Dell Municipal Code Chapter 13.05; and

WHEREAS, the City Council of Rio Dell did on December 1, 2015 adopt Resolution 1281-2015 establishing water rates, charges, and fees pursuant to provisions of the Rio Dell Municipal Code Chapter 13.05;

WHEREAS, the City Council of Rio Dell did on April 19, 2016 adopt Resolution 1293-2016 with a limited amendment of Resolution 1281-2015 providing a base rate reduction for all recreational vehicle (R.V.) parks and mobilehome parks with significant space committed to R.V. parking;

WHEREAS, the City Council of Rio Dell did on May 16, 2017 adopt Ordinance No. 356-2017 renumbering section 13.05.230 to section 13.05.240 in Rio Dell Municipal Code Chapter 13.05 that allows for fees, rates and charges to be established by resolution of the City Council;

WHEREAS, Proposition 218 requires the City Council to conduct a public hearing not less than forty-five (45) days after mailing a notice of proposed property-related rate increases to record property owners of each identified parcel upon which the fees will be imposed and the City of Rio Dell issued said notice;

WHEREAS, a duly noticed public hearing regarding the proposed increases to rates for water service was conducted on April 19, 2022, at 6:30 P.M. in the Rio Dell City Council Chamber;

WHEREAS, Proposition 218 requires that the City Council shall not impose the proposed rates if written protests against the proposed fee are presented by a majority of record owners/ratepayers of the identified parcels;

WHEREAS, three hundred and six (306) written protests to the proposed rate increase were presented by the conclusion of said public hearing by affected property owners and/or ratepayers, less than the six hundred and fifty three (653) written protests required to establish a majority protest by record owners/ratepayers of the identified parcels; and

WHEREAS, the Rio Dell City Council, by means of written resolution, is authorized to fix and determine rates and charges for water service provided by the City to all of its users as noted above.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Rio Dell that this Resolution establishes, restates, amends and continues the water service rates and charges for residential, commercial, and institutional customers established pursuant to Resolution 1281-2015, as amended by Resolution 1293-2016, and affirms that all rates, charges, and fees thereunder shall remain levied and assessed except for the amendment to Section 6 as stated in Section 1 of this Resolution XXXX-2022, which shall take effect on and after July 1, 2022, and the amendment to Section 13 as stated in Section 2 of this Resolution 1535-2022.

SECTION 1. Amendment to Resolution 1281-2015 and Resolution 1293-2016

Resolution 1281-2015 and Resolution 1293-2016 are hereby amended as follows: Section 6 of Resolution 1281-2015 shall be amended to read as stated below, and Resolution 1281-2015 shall hereinafter be read and interpreted as if Section 6 exists and is stated therein:

SECTION 6. Charges for Service

FOR ALL RESIDENTIAL, COMMERCIAL, AND INSTITUTIONAL CUSTOMERS

1. Minimum monthly base rate effective July 1, 2022 shall be \$ 45.47
2. Usage rate by unit (100 cubic feet equals 1 Unit, or 748 gallons) \$3.33
3. DINSMORE ZONE customers will have an additional charge of \$67.63
-Dinsmore Zone is a separate pressure zone fed from the Dinsmore tank
4. The following charge represents the rate phase-in over a five-year time period:

MONTHLY WATER RATES						
	Current	2022/23	2023/24	2024/25	2025/26	2026/27
BASE RATE	\$49.48	\$45.47	\$46.62	\$47.79	\$48.98	\$50.20
CONSUMPTION RATE per ccf (1)	\$3.23	\$3.33	\$3.37	\$3.41	\$3.46	\$3.50
DINSMORE ZONE CHARGE	\$65.66	\$67.63	\$69.66	\$71.75	\$73.90	\$76.12

1 - One hundred cubic feet (ccf) = 748 gallons

SECTION 2. Amendment to Resolution 1281-2015 and Resolution 1293-2016

Resolution 1281-2015 and Resolution 1293-2016 are hereby amended as follows: The final paragraph of Resolution 1281-2015 shall be amended to read as stated below, and Resolution 1281-2015 shall hereinafter be read and interpreted as if the final paragraph exists and is stated therein:

BE IT FURTHER RESOLVED, that rates will be increased annually effective July 1st of each year as provided in Section 6.

SECTION 3. Continuation of Resolution 1281-2015 and Resolution 1293-2016

Except for the amendments created by this Resolution 1535-2022, Resolution 1281-2015 and Resolution 1293-2016 shall continue in full force and effect.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Rio Dell in the County of Humboldt, State of California, on ____ day of _____, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify that the above and foregoing to be a full, true and correct copy of Resolution 1535-2022 adopted by the City of Rio Dell on the ____ day of ____, 2022.

Karen Dunham, City Clerk, City of Rio Dell



RESOLUTION NO. 1536-2022
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL ESTABLISHING WASTEWATER FEES AND CHARGES FOR WASTEWATER CUSTOMERS PURSUANT TO CHAPTER 13.10 OF THE RIO DELL MUNICIPAL CODE

WHEREAS, the City of Rio Dell is authorized by the California Constitution and the California Government Code to charge fees to cover expenses for the services it provides; and

WHEREAS, the City Council of the City of Rio Dell did adopt Ordinance No. 207, codified in Chapter 13.10 of the Rio Dell Municipal Code, that allows for sewer rates and charges to be modified by resolution of the City Council to provide for future changes; and

WHEREAS, Ordinance No. 207 deemed reasonable and authorizes the Council for the City of Rio Dell to fix charges to pay for expenses to be incurred by the wastewater department. The expenses to be paid include: (a) salaries, office expenses and other necessary disbursements; (b) the operation expenses of the utility; (c) provisions for the appropriate funds for repairs, replacements or betterments "; and

WHEREAS, all wastewater system connections, once purchased, place a demand on the capacity of the treatment and collection system for processing and treat possible effluent whether in service or not; and

WHEREAS, the City Council of the City of Rio Dell has held public meetings pursuant to Proposition 218 to discuss the need for an increase in wastewater rates and charges;

WHEREAS, the City has entered into a funding agreement for construction of a \$12.6 million Sewer Plant and Effluent Disposal Project with the State Water Resources Control Board; and the City must earmark funds for the repayment of the loan;

WHEREAS, Proposition 218 requires the City Council to conduct a public hearing not less than forty-five (45) days after mailing a notice of proposed property-related rate increases to record property owners of each identified parcel upon which the fees will be imposed and the City of Rio Dell issued said notice;

WHEREAS, a duly noticed public hearing regarding the proposed increases to rates for wastewater service was conducted on April 19, 2022, at 6:30 P.M. in the Rio Dell City Council Chamber;

WHEREAS, Proposition 218 requires that the City Council shall not impose the proposed rates if written protests against the proposed fee are presented by a majority of record owners/ratepayers of the identified parcels;

WHEREAS, three hundred and six (306) written protests to the proposed rate increase were presented by the conclusion of said public hearing by affected property owners and/or ratepayers, less than the six hundred and fifty three (653) written protests required to establish a majority protest by record owners/ratepayers of the identified parcels;

WHEREAS, the Rio Dell City Council, by means of written resolution, is authorized to fix and determine rates and charges for wastewater service provided by the City to all of its users as noted above.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Rio Dell that this Resolution rescinds Resolution 1306-2016 and 1253-2015 and any prior resolution establishing and fixing wastewater service rates and establishes and fixes wastewater service rates and charges for residential, commercial and institutional customers and replaces the wastewater rates as previously set by Ordinance or Resolution. Wastewater rates shall include a fixed minimum charge in addition to volume rates based on winter water consumption. Wastewater rates shall meet the following conditions:

- 1) Sewer Bills. Sewer bills are based on consumption but in no case are sewer bills less than the fixed/minimum service charge that is applied to the sewer bill for an equivalent dwelling unit (EDU).
- 2) Definition of Consumption. "Consumption" shall mean a three month average of winter water use as measured and recorded at the water meter serving the same parcel or premise receiving sewer service for the months of December, January, and February. The City Manager or his designee is authorized to make adjustments to customer winter water consumption due to any of the following conditions:

Vacancy: If the water consumption readings for the three winter months indicate that the premise being served sewer service was vacant during a portion of the three winter months, the City is authorized to average the water consumption for the period the premise appeared to be occupied.

Irregularity: The City is authorized to eliminate from the calculation water readings which are clearly not representative of average monthly water use when compared to water readings for two of the three months.

New Residential Account: New residential accounts will be billed based on the city-wide residential average of 5ccf until a usage history is established.

New Commercial Account: New commercial accounts at existing locations will be billed based on prior occupant's water consumption unless the new commercial operation is significantly different from the previous commercial operation.

- 3) Definition of Customer Categories/Groups. Residential refers to single-family, multi-family residential properties and mobile home parks; Commercial refers to descriptions other than residential and mobile home parks as shown on Exhibit A.

FOR ALL R.V. PARKS AND MOBILE HOME PARKS WITH SIGNIFICANT SPACE COMMITTED TO RECREATIONAL VEHICLE PARKING

- A. Minimum monthly base rate effective July 1, 2022 shall be based on commercial customer annual EDU count;
- B. Usage rate by unit (100 cubic feet equals 1 Unit, or 748 gallons) is based on assigned strength allocations of high, medium, low, and domestic

Commercial classification eligibility for R.V. Parks and parks with 20% of spaces designated as RV Space will be based on the following conditions and definitions:

- A. Significant R.V. space is defined as being at least 20% of total spaces in the facility
 - B. EDUS for commercial customers are calculated annually with the following calculation
EDU = (Avg. units per winter month's usage/5) x (60% + (40% x strength allocation))
 - C. Total park water consumption must have average less than 90% of the average residential water consumption to maintain eligibility for this rate
 - D. Certification: Mobile home park owners or operators must file a monthly sworn statement certifying that the total number of spaces in the park and the number of spaces dedicated to recreational vehicles for the entire month met the above criteria in order to qualify as a commercial customer for reported RV spaces on the next billing cycle.
- 4) Water Consumption Measurements. Water consumption is measured in units of one hundred cubic feet (ccf). One ccf equals 748 gallons.
- 5) Winter Water Consumption Rate. Each unit of winter water consumption is billed at the volume rate for the customer category/group. Sewer fixed minimum charges and volume rates are presented in the table below representing the rate phase-in over a five-year time period:

MONTHLY WASTEWATER RATES						
	Current	2022/23	2023/24	2024/25	2025/26	2026/27
FIXED MONTHLY CHARGE per EDU (1)	\$52.78	\$54.28	\$58.34	\$62.71	\$67.39	\$72.40
VOLUME RATE per ccf (2)						
Low Strength	\$3.66	\$4.15	\$4.49	\$4.85	\$5.24	\$5.66
Domestic Strength	\$4.58	\$5.18	\$5.59	\$6.04	\$6.52	\$7.04
Medium Strength	\$6.87	\$7.73	\$8.35	\$9.02	\$9.74	\$10.52
High Strength	\$8.01	\$9.01	\$9.73	\$10.51	\$11.35	\$12.26

1 - EDU = Equivalent Dwelling Unit.

2 - One hundred cubic feet (ccf) = 748 gallons. Volume Rate is based on three-month average of winter (Dec, Jan, & Feb) water use.

Single family & multi-family residential consumption is capped at 15 ccf per month.

Customer Strength Classes:

- Low Strength: Car wash, office, retail store, school w/o cafeteria, laundromat
- Domestic Strength : Residential, hotel, school with cafeteria, motel, mobile home park, churches, auto shop, gas station, bars without dining
- Medium Strength: Beauty shop, medical office, dental office
- High Strength: Restaurant, market with food prep, bakery

- 6) Residential Water Consumption Maximum. Single family residential and multifamily residential customers shall not be billed for monthly winter water consumption in excess of 15 units.
- 7) Customer Categories/Groups. Sewer customers are classified as low strength, domestic strength, medium strength, and high strength based on the content and strength of the discharge as established by industrial standards and California State Water Resources Control Board guidelines and as determined by the City Engineer.
- 8) There shall be a new service connection fee of \$5,220 required for each individual dwelling, residence, building, or separate service to any multiple use consumer on any parcel or parcels under the same ownership. The fee shall be levied in addition to any actual costs by the City to provide the new service and shall be received into the sewer capital fund for the purpose of capital expenditures.

BE IT RESOLVED that the rates stated in this Resolution will be effective July 1, 2022; and

BE IT RESOLVED that the rates will be increased annually effective July 1st of each year as provided in this Resolution; and

BE IT RESOLVED that commercial category EDUs will be adjusted each year based on winter water usage; and

BE IT FURTHER RESOLVED that these fees and charges apply to all connections to the City of Rio Dell's wastewater collection and treatment system, once they are purchased from the City, without regard to the actual status of the connection or if the premises are occupied or unoccupied; and

PASSED AND ADOPTED at a regularly scheduled council meeting of the City of Rio Dell held on _____, 2022 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Debra Garnes, Mayor

ATTEST:

Karen Dunham, City Clerk

Exhibit A

Strength Classifications into Low, Domestic, Medium, and High Strength Dischargers

Low Strength	Banks & Financial Institutions Barber Shops Hair Salon (hair cutting only) Dry Cleaners Laundromats Offices - Business and Professional Offices - Medical/Dental (without surgery) Post Offices Retail Stores Schools without cafeteria Car Wash
Domestic Strength	Residential - All Appliance Repair Auto Dealers - without Service Facilities Nail Salons Pet Groomers Bars & Taverns - without dining Camp Ground or RV Park Churches, Halls & Lodges Fire Stations Hotels, Motels, B&Bs, and Vacation Rentals (W/O restaurant) Libraries Rest Homes Shoe Repair Shops

	Theaters
	Warehouses
	Car Washes - Self Service
	High Tech Medical Manufacturing
	Light Manufacturing/Industrial
	Mobile Home Park
	Gas Station
	Gym or Health Club
	Schools with cafeteria
	Auto Dealers - with Service Facilities
	Machine Shops
	Service Stations, Garages, Auto Repair Shops
Medium Strength	Restaurants - W/O Dish Washer & Garbage Disposal
	Coffee Shops - W/O Dish Washer & Garbage Disposal
	Mini Marts - W/O Dish Washer & Garbage Disposal
	Mini Mart with Gas Pumps - W/O Dish Washer & Garbage Disposal
	Catering - W/O Dish Washer & Garbage Disposal
	Hotel/Motel with Restaurant
	Beauty Shops (hair cutting w/additional treatments)
	Hospitals - General, Convalescent & Veterinarian
	Medical Offices - with Surgery
	Dental Offices
High Strength	Restaurants - with Dish Washer or Garbage Disposal
	Coffee Shops - with Dish Washer or Garbage Disposal
	Catering - with Dish Washer or Garbage Disposal
	Bakeries
	Butcher Shops
	Fish Market/Shop
	Markets - with Dish Washer or Garbage Disposal
	Markets - with Bakeries or Butcher Shops
	Mini Marts - with Dish Washer or Garbage Disposal
	Wineries
	Cheese Makers
	Dairy Products (milk producers, yogurt, ice cream maker)
	Specialty Foods Manufacturing (e.g., olive oil maker)
	Ice Cream Shop
	Tasting Rooms
	Spa with Various Beauty Treatments
	Funeral Homes/ Mortuary



675 Wildwood Avenue
Rio Dell, CA 95562-1597
(707) 764-5642 Hall

For Meeting of: May 3, 2022
■ Consent Item; □ Public Hearing Item

To: City Council
From: Mary Clark, Community Service Officer
Through: Kyle Knopp, City Manager
Date: April 26, 2022
Subject: Discussion of Cost Recovery for the 2 previous Abatements of 483 Fourth Avenue

Recommendation:

That the City Council review the cost recovery for the two abatements that took place on March 12, 2021 and December 28, 2021, at 483 Fourth Avenue and approve the placement of a public hearing on the Council's agenda so that a lien may be placed on the property. The hearing is tentatively scheduled for June 21, 2022. The combined costs for both abatements total \$3,632.14.

Background and Discussion

In September of 2020, the City conducted an abatement of the trash and solid waste located at 483 Fourth Avenue in the City of Rio Dell. The cost recovery for that abatement has been approved and a lien placed on the property. However, this did not modify the behavior of the occupants of that property and trash soon began to accumulate again. Consequently, on March 12, 2021, the Public Works Department and Community Service Officer Jolene Matthews conducted a second abatement, removing the solid waste and trash from the front yard. The City's costs for the abatement were determined to be \$790.74.

However, trash continued to accumulate in the front and side yards of the property. On December 22, 2021, a third abatement warrant was sought from the court due to the reoccurring violations on the property. On December 28, 2021 a crew from Redwood Adult and Teen Challenge and Community Service Officer Mary Clark conducted the abatement, removing the solid waste and trash throughout the entire property. The City's costs for the third abatement were determined to be \$2,841.40.

Both cost assessments were sent via certified mail to the property owner on February 16, 2022. The property owner has not made any attempt to pay or make a plan with the City for this debt. Rio Dell Municipal Code (RDMC) Sections 8.10.310 through 8.10.330 cover the cost recovery

process. RDMC Section 8.10.330 references the California Government Code Section 38773.5 which spells out the process for establishing taxes and assessments. This process requires two meetings, a public meeting followed by a public hearing. The public hearing is anticipated to be held on June 21, 2022.

Attachment(s): Cost recovery assessment



*Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
cityofriodell.ca.gov*

May 3, 2022

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Authorize the Mayor to Execute a Letter to the California Public Utilities Commission Requesting Assistance with Pacific Gas & Electric Related to Delayed Distribution Facility Upgrades

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Authorize the mayor to execute the attached letter; or,

Take no action.

BACKGROUND AND DISCUSSION

Staff has met with community investors who have expressed extreme concern about Pacific Gas & Electric's delayed and confused process with upgrading electrical services necessary for their developments. On March 22, 2022 Mayor Debra Garnes presented the City's concerns verbally during a virtual meeting of CPUC representatives. The attached letter is hoped to further encourage action on the part of Pacific Gas & Electric to act on this issue which stymies City and regional economic development.

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*Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
cityofriodell.ca.gov*



May 3, 2022

Alice Busching Reynolds, President
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

RE: Request for Assistance with Pacific Gas & Electric Related to Delayed Distribution Upgrades that are Harming Economic Development in a Disadvantaged Community.

Dear President Reynolds,

I am writing this letter on behalf of the City of Rio Dell to express extreme concerns over the inaction of Pacific Gas and Electric related to upgrade of substandard electrical distribution and substation facilities. Inaction on this issue is creating real harm to the economic development in the City of Rio Dell and Humboldt County generally.

In just one example, a development of \$4.5 million is being stymied by PG&E's lack of action to provide power. This project has had completed and approved designs since 2019 and would generate over \$44,000.00 annually in direct tax revenue to the City for local services, not to mention the job generation. The developer has reported that PG&E stated recently that no power is currently available and has provided no timeline of when services would be upgraded and provided. This lack of clarity from PG&E risks the developer pulling the project and potentially locating out of this region.

In 2018 representatives of PG&E reported to the City that the company "was in the business of selling power" and represented a timeline of three years to make certain upgrades. Today in 2022, that timeline is completely up in the air and seemingly no progress has been made at all. This is unacceptable. It is further baffling considering that Rio Dell is located just one mile away from one of California's largest green biomass power plants rated at 28 MW with distribution lines running through the community.

We ask that you understand that this is an issue of paramount importance to the City of Rio Dell and no doubt to many other entities and individuals in Humboldt County. We do request a reply to this letter soon that will include actions CPUC will take and/or that CPUC recommends the city take to expedite these important upgrades.

Sincerely,

Debra Garnes, Mayor
City of Rio Dell

Cc: CPUC Commissioners
Patricia K. Poppe, CEO of PG&E
Governor Gavin Newsom
Senator Mike McGuire, Majority Leader State Senate & Rio Dell's Senator
Assembly Member Jim Wood
Humboldt County Board of Supervisors
Rachel Peterson, CPUC Executive Director



Staff Highlights – 2022-05-03

City Council

City Manager

Chief of Police Interviews.

Submission of materials for 2022 slurry seal project related to streets.

Discussions with CalTrans regarding bridge retrofit/replacement of NB Muffet Bridge.

Attended a Solid Waste Local Task Force meeting.

FEMA Questions and follow-up on Hazard Mitigation Grant submissions.

City Clerk

Processed Two (2) Building Permit Applications:

75 Redwood Ave. – Ag-Exempt Barn
290 Willow Lane – Two Sewer Cleanouts

Processed Three (3) Business License Applications:

Times-Standard – Coin Operated Newspaper Sales
Parker Hall - Tractor Work
Rio Vista Farmhouse – Vacation Rental

Misc:

Submitted CHF/CIRB Building Permit Activity Report for March

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 April 13 to April 26, 2022. This period of time saw an average number of calls for service, but lower than average numbers for reports and arrests. The summation of Calls for Service may be greater than the total as multiple officers can now be assigned to the same call for service. There may also be administrative calls for service that are not documented below.

Officer	Calls for Service	Reports	Arrests
Conner	24	3	0
Beauchaine	22	1	1
Landry	62	8	6
Burns	50	3	0
Johnson	49	6	3
Fielder	15	0	0
Clark	28	0	N/A
Totals	207	21	10
Averages	14.8 per day	10.5 per week	5.0 per week
2021 Yearly Average	15.6 per day	14.2 per week	5.7 per week

Calls for Service at 355 Center Street

Type	Date	Time	Location	Primary Unit	Case #
459A	4/15/22	20:11	355 CENTER ST	R618	
415	4/16/22	23:18	355 CENTER ST	R618	
SUSP	4/17/22	19:56	355 CENTER ST	R618	
415	4/21/22	5:57	355 CENTER ST	R615	
VI	4/22/22	13:51	355 CENTER ST	R615	
415V	4/25/22	14:54	355 CENTER ST	6S2	
415	4/25/22	15:18	355 CENTER ST	6S2	
TS	4/25/22	20:30	355 CENTER ST	R618	22-0000222

- 459A – Burglar alarm
- VI – Vehicle investigation
- 415V – Verbal argument
- 415 – Generic disturbance
- SUSP – Suspicious circumstances
- TS – Traffic Stop

- R615 – Officer Liam Burns
- 6S2 – Corporal Crystal Landry



R618 – Officer Russell Johnson

During the period of April 13 to April 26, 2022, there were two calls for service related to animal control issues. No animals were transported to Miranda's Rescue. Chief Conner checked on an elderly dog that was reported to dying. Chief Conner was familiar with the dog and was aware that he appeared emaciated. Chief Conner found the dog on his feet, however, and doing what old dogs do. He was unable to contact the owner. Later, Chief Conner noticed that the dog, along with his two companions, had been removed from public view.

On April 15, 2022, Officer Burns was advised of a possible DUI on Wildwood. He located the car speeding in circles around the gas pumps at the Shell Station. As he approached, the car headed north on Wildwood before entering the parking lot of a business. The female driver then repeatedly opened her door into the side of the building, before returning to her car and beginning to drive off as Officer Burns made a traffic stop. The driver stopped her car and began to get out when Officer Burns persuaded her to stay inside. The woman was talking rapidly and without any rational logic train. She was initially detained as it was suspected that she was under the influence of a drug causing her to hallucinate. However, Officer Burns contacted several persons and learned that the woman was in the midst of a mental crisis. Rather than transport her to jail, Officer Burns took her to the hospital and assisted staff there until his presence was no longer necessary.

On April 19, 2022, Corporal Landry and Officer Fielder responded to a call where a woman had barricaded herself in a room to escape from her abusive boyfriend. When Corporal Landry arrived, the woman climbed out of a window. The boyfriend, a parolee, was detained without incident. Corporal Landry interviewed the woman and learned that she was the alleged victim of multiple incidents of domestic violence including an episode where her partner had held her underwater in the bathtub until she lost consciousness. He had choked her multiple times, including to the point where she had lost consciousness. The parolee was arrested and transported to the station. There he was interviewed and claimed that his girlfriend was the instigator of what little violence had occurred between them. He was then transported to the jail and booked on charges of domestic violence, assault with a deadly weapon, and false imprisonment. He made bail later that night.

On April 23, 2022, Officer Johnson spotted a car that he believed had been used in a high-speed pursuit the previous month. Later that night, he spotted the car run a stop sign. As the car approached him, he recognized the driver from previous law enforcement contacts. He attempted to stop the car, but the driver refused to yield and headed north on the freeway at speeds of over 105 mph. Officer Johnson initiated a pursuit, but when the driver crossed the median and headed south, Officer Johnson terminated the pursuit. A declaration in support of an arrest warrant will be sent to the District Attorney's Office.

Code Enforcement

During the period of April 13 to April 26, 2022, the Department opened ten new code enforcement cases dealing with junk or inoperable vehicles and closed five. Of the closed cases, four were moved by their owners while the remaining car was towed by the City. At the end of this reporting period, there were twelve open cases involving junk vehicles.



During the period of April 13 to April 26, 2022, the Department opened three new cases and closed one. Two of the new cases deal with solid waste and junk vehicles. The third is a short-term rental that is operating without a permit. The closed case was abated by the property owner who removed a considerable amount of vegetation and trash from her property as well as an inoperable motorhome. There were 38 open cases at the end of this reporting period.

Community Development Department

Intergovernmental

Humboldt-Rio Dell Business Park

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



DATE: May 3, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Travis Sanborn, Management Analyst

THROUGH: Kyle Knopp, City Manager

SUBJECT: LOCAL ROADWAY SAFETY PLAN PROGRESS REPORT

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Receive the Local Roadway Safety Plan (LRSP) progress report presentation and provide staff with feedback, if any, regarding the LRSP Project.

BACKGROUND:

Federal regulations require that each state have a Strategic Highway Safety Plan (SHSP). A SHSP is a statewide data-driven traffic safety plan that coordinates the efforts of a wide range of organizations to reduce traffic accident fatalities and serious injuries on all public roads. In coordination with federal, state, local and private sector safety stakeholders, the SHSP establishes goals, objectives, and emphasis (or challenge) areas. The SHSP addresses the 5 Es of traffic safety: Engineering, Enforcement, Equity, Education, and Emergency Medical Services.

A Local Roadway Safety Plan (LRSP) attempts to establish goals, objectives, and emphasis areas in a similar manner for local conditions. An LRSP provides a framework for organizing stakeholders to identify, analyze, and prioritize roadway safety improvements on local and rural roads while contributing to the success of the SHSP. The process of developing an LRSP can be tailored to local protocols, needs and issues.

The process of preparing an LRSP creates a framework to systematically identify and analyze safety problems and recommend safety improvements. Preparing an LRSP facilitates the development of local agency partnerships and collaboration, resulting in a prioritized list of improvements and actions that can demonstrate a defined need and contribute to the statewide plan. An LRSP offers a proactive approach to addressing safety needs and demonstrates agency responsiveness to safety challenges.

An LRSP will be a requirement for Rio Dell to be eligible to apply for federal funds, such as the upcoming Highway Safety Improvement Program (HSIP) Cycle 11. In 2019 and 2020 the California Transportation Commission (CTC) allocated \$10 million and \$8 million respectively for the purpose of assisting local agencies in developing their LRSPs.

As of September 14th, 2021, a list of funded projects for developing a Local Roadway Safety Plan funding was made available by the state for agencies to prepare an LRSP. The City of Rio Dell was notified and awarded up to \$19,620 in funding with a minimum of \$2,180 of required match for the preparation of an LRSP (LRSP ID: LRSP188). On January 26, 2022, a Project Supplemental Agreement was executed with the California Department of Transportation (CalTrans).

DISCUSSION:

Development of Rio Dell's LRSP includes a data driven analysis of the City's safety issues supported by feedback from key stakeholders knowledgeable in some aspect of the 5 Es. In preparing the LRSP, city staff will continue to analyze historical collision data, identify potential roadway hazards related to the collisions, receive stakeholder feedback, recommend safety improvements, demonstrate the City's responsiveness to safety challenges, and offer a proactive approach to addressing roadway safety needs for the entire transportation network. City staff has been gathering and analyzing data, a summary of which will be presented to the City Council at the May 3rd initial presentation for discussion and feedback.

Stakeholder feedback is critical to help inform the preparation of the LRSP. City staff will engage the community for feedback through a project website accessible through the City's website: cityofriodell.ca.gov. Currently, residents can review collision history and submit comments regarding areas of concern. On April 19th, a survey was made available for Rio Dell residents and stakeholders alike to provide input on the City of Rio Dell website.

Focus group feedback is another essential part of the process. The focus group will consist of public safety and education stakeholders from the Rio Dell fire department, Rio Dell Police Department, Rio Dell School District, and Rio Dell Public Works Department.

City staff will continue to gather data and feedback for analysis, develop emphasis areas, and recommend goals and objectives. Staff anticipates presenting the LRSP Progress Report to Council at the May 3rd City Council meeting to present the initial findings and recommendations for the LRSP, and to seek Council feedback at that time.

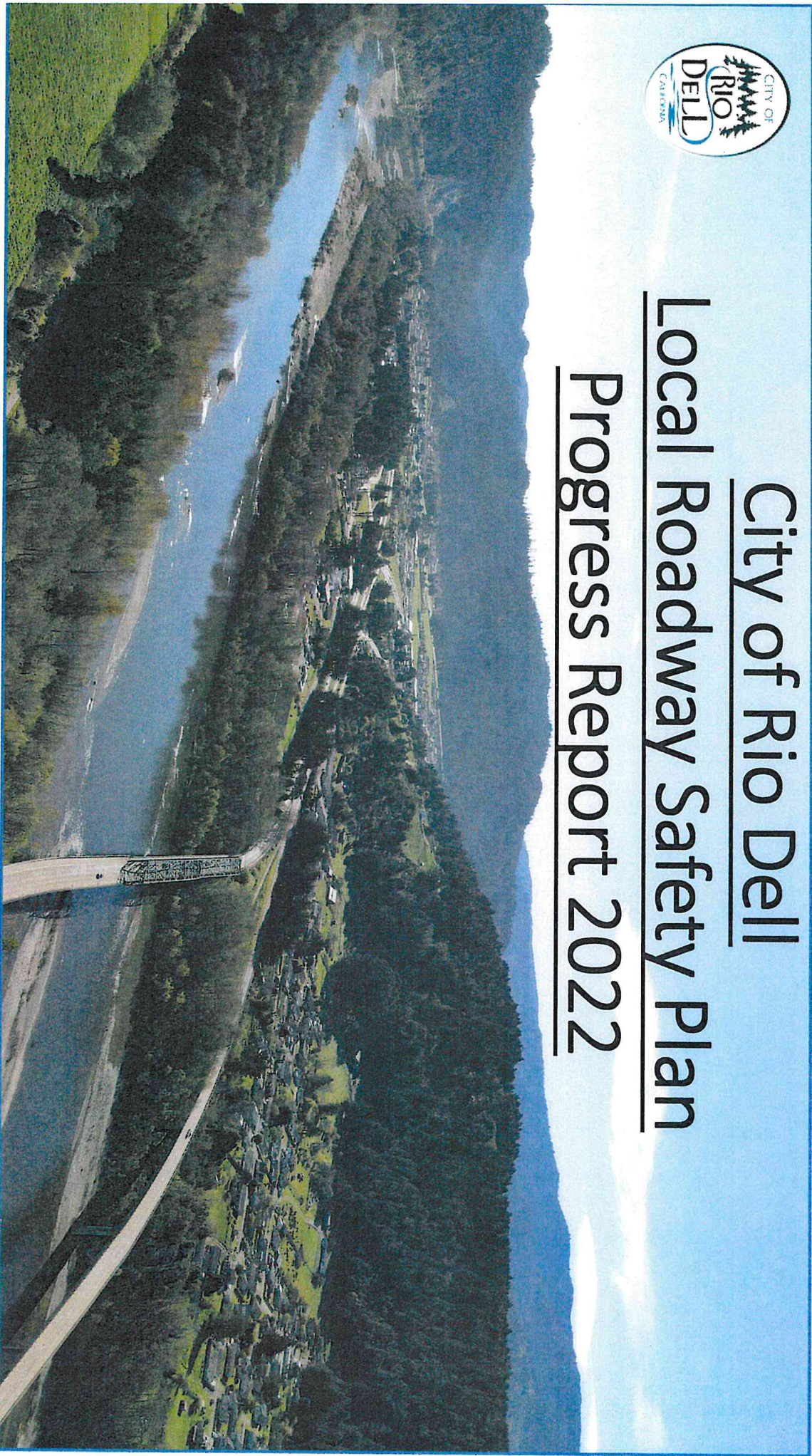
It is staff's recommendation that the City Council receive the Local Roadway Safety Plan (LRSP) progress report presentation and provide staff with feedback, if any, regarding the LRSP Project.

ATTACHMENTS:

LOCAL ROADWAY SAFETY PLAN PROGRESS REPORT



City of Rio Dell Local Roadway Safety Plan Progress Report 2022





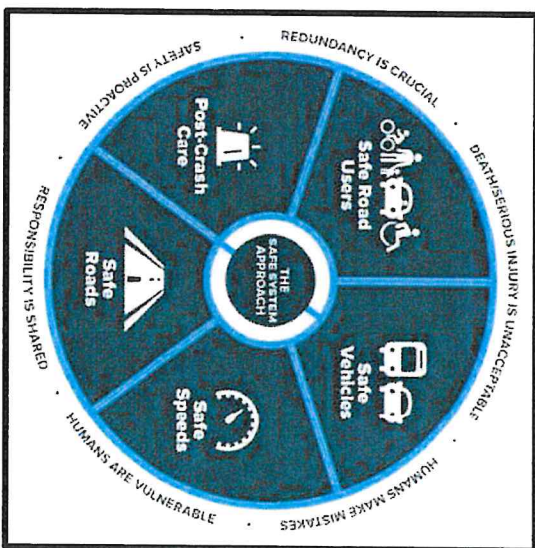
Progress Report Outline

- 1) Vision Statement
- 2) Safety Data Analysis
- 3) Collision Profiles
- 4) Community Engagement
- 5) Priority Emphasis Areas



Why complete an LRSP?

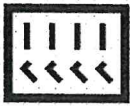
- LRSP's provide a framework for organizing stakeholders to **identify, analyze, and prioritize** roadway safety improvements on local and rural roads.
- Implementing a LRSP will be a **requirement** for agencies to apply for Caltrans Highway Safety Improvement Program (HSIP) Cycle 11 funds, to be released Spring 2022.
- Employing a systemic analysis allows the City to leverage a proactive safety approach that focuses on **evaluating an entire roadway network** using a defined set of criteria reliant upon context rather than raw number of crashes alone.
- This LRSP aspires toward **zero fatalities and severe injuries** with a Safe System approach, focusing on safe vehicle, speeds, road users, road design, and post crash care.





What is an LRSP

Strategic Planning



Discussion of Existing Efforts



Strategies for Evaluation and Implementation



Partnerships



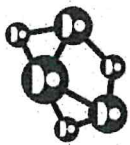
Systemic and Data-Driven Analysis



High-Injury Network (HIN) Identification



Public Outreach



Strategies for Education, Enforcement, and Emergency Services



Project Prioritization or Location Specific Engineering Recommendations



1) Vision Statement



Vision Statement

“The City of Rio Dell is fully committed to ending traffic-related deaths and injuries on City streets. By taking a systemic safety approach, the city will utilize targeted enforcement, improved street design, and public collaboration to achieve meaningful results in preventing traffic collisions.”



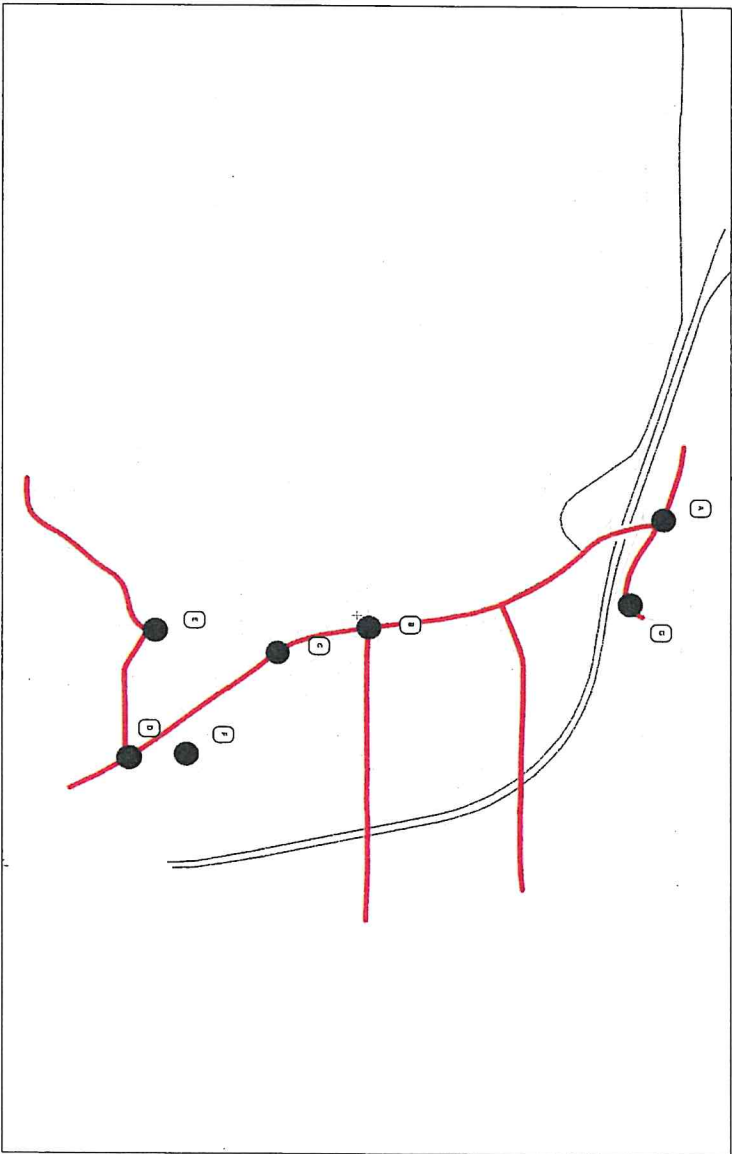
Top Collision Locations

Key Collision Locations

- a. Wildwood Avenue and Eeloa Avenue
- b. Wildwood Avenue and Davis Street
- c. Wildwood Avenue and Dixie Street
- d. Wildwood Avenue and Monument Road
- e. Monument Road and Pacific Avenue
- f. Berkeley Street and First Avenue
- g. Eeloa Avenue and Fern Street

Key Collision Corridors

- Wildwood Avenue: Eeloa Ave to Eagle Prairie Bridge
- Monument Road: Wildwood Ave to City Limits
- Davis Street: Wildwood Ave to Gunnerson Lane
- Painter Street: Wildwood Ave to Rigby Ave
- Eeloa Avenue: N. Pacific Ave to Riverside Drive





2021-2016 Collision Locations

Collision Report Details

84 Accidents:

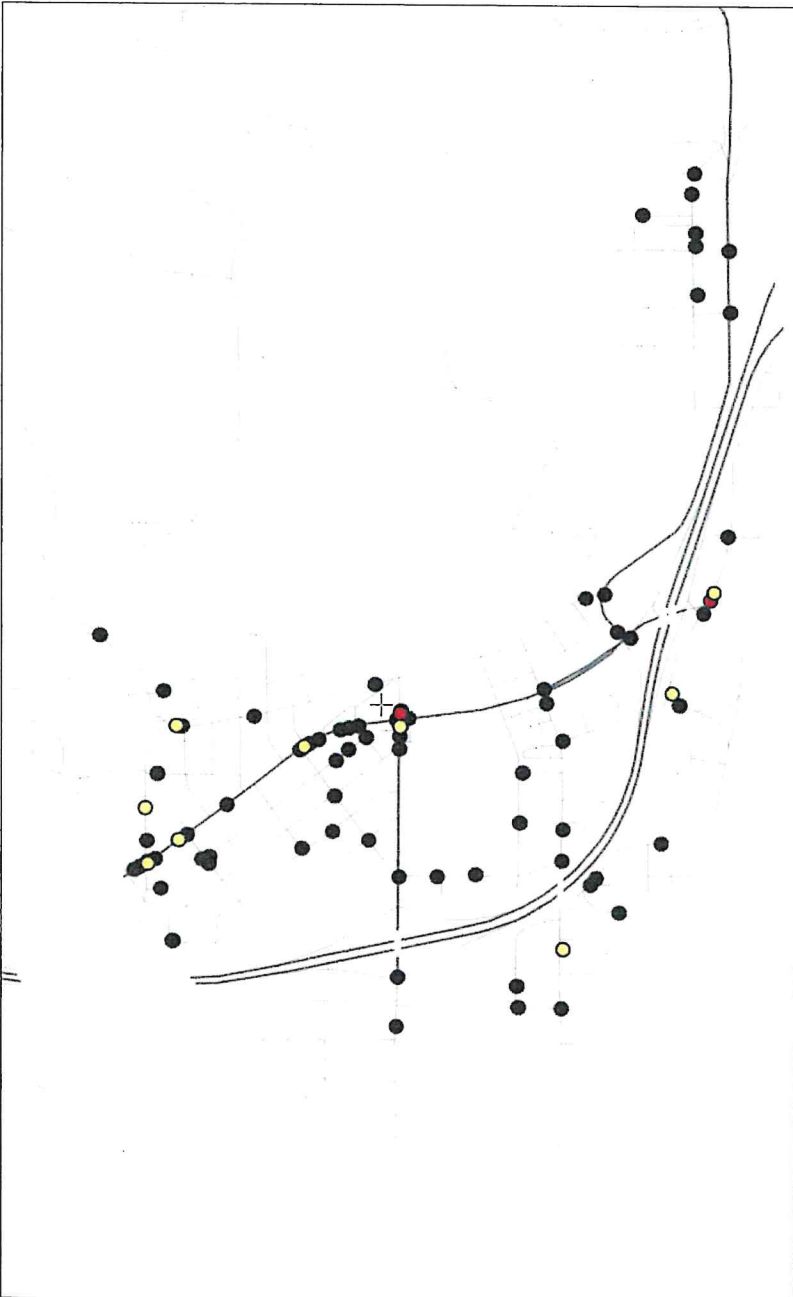
> **2 Major Injuries**

- o 1241 Eeloa Avenue
- o Davis / Wildwood

> **9 Minor Injuries**

- o 200 Block Wildwood Avenue
- o Eeloa Avenue / Fern Street
- o Orchard / Pacific Avenue
- o 75 Wildwood Avenue
- o 541 Wildwood Avenue
- o 100 Monument Road
- o 300 Painter Street
- o Davis / Wildwood
- o 1241 Eeloa Avenue

Data Source: Rio Dell's 2021-2016 Annual Traffic Accident Report provided by the Rio Dell Police Department and available collision data from California Highway Patrol's Statewide Integrated Traffic Records System (SWITRS) and Transportation Injury Mapping System (TIVS)



● Yellow - Minor Injuries ● Red - Major Injuries

2) Safety Data Analysis



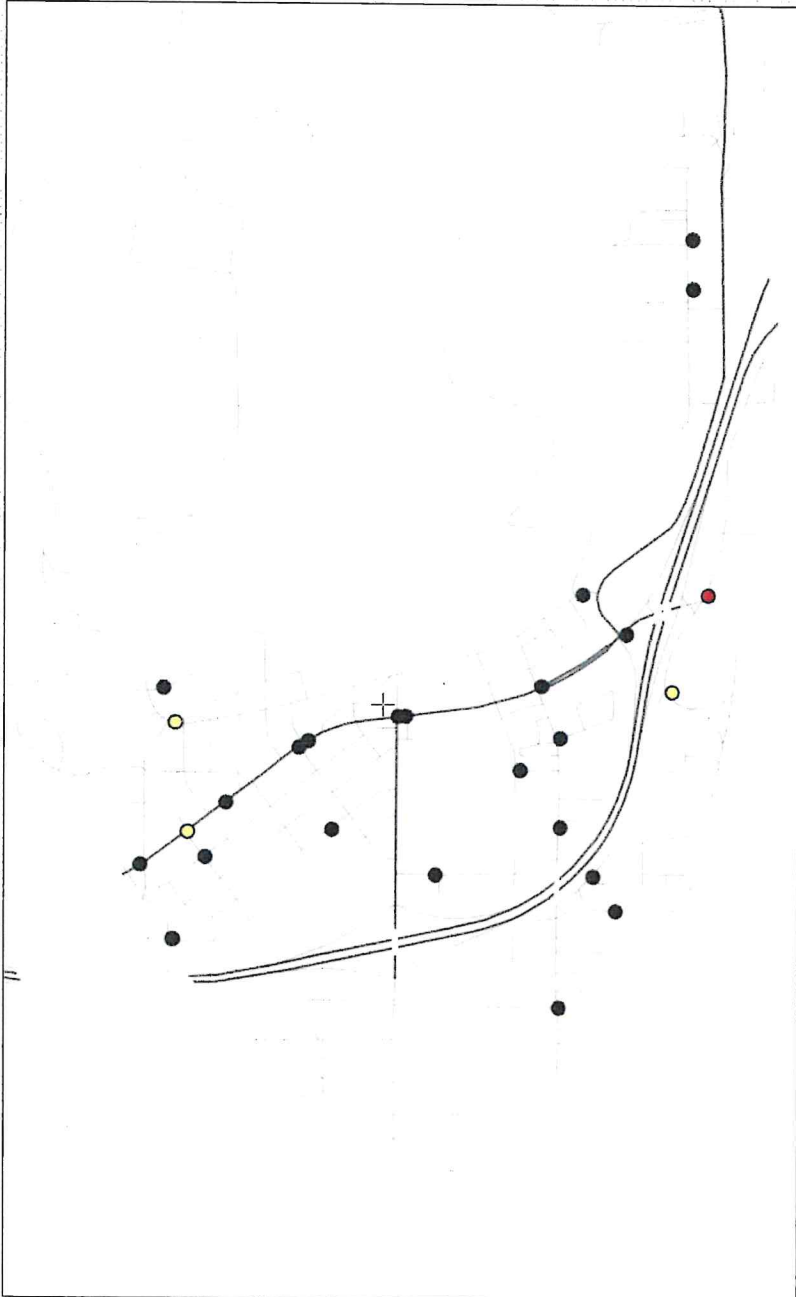
2021 Collision Locations

2021 Report

26 Accidents:

- 1 Major Injury
 - 1241 Eeloa Avenue
- 3 Minor Injuries
 - 200 Block Wildwood Avenue
 - Eeloa Avenue / Fern Street
 - Orchard / Pacific Avenue

Data Source: Rio Dell's 2021-2016 Annual Traffic Accident Report provided by the Rio Dell Police Department and available collision data from California Highway Patrol's statewide Integrated Traffic Records System (SWITRS) and Transportation Injury Mapping System (TIMS).



- Yellow - Minor Injuries
- Red - Major Injuries



2020 Collision Locations

2020 Report

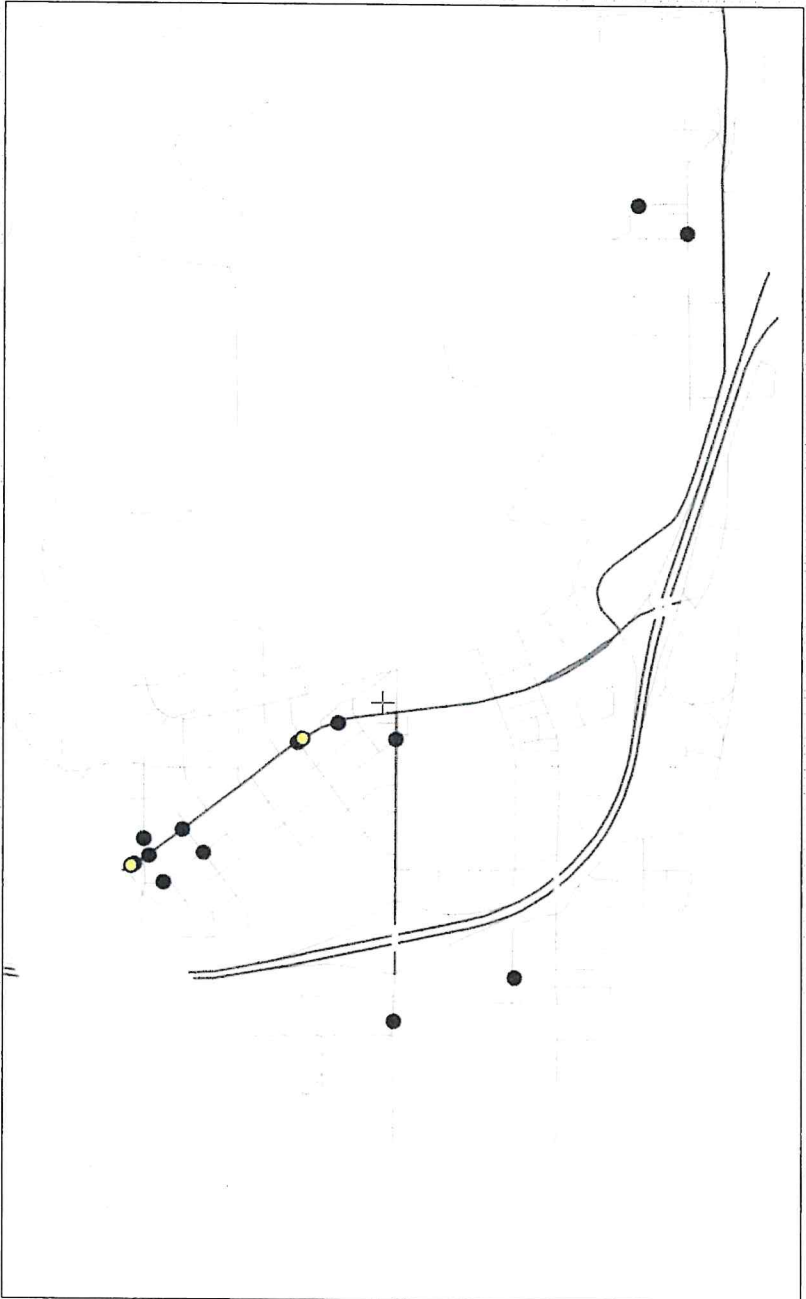
16 Accidents:

➤ 0 Major Injuries

➤ 2 Minor Injuries

- 75 Wildwood Avenue
- 541 Wildwood Avenue

Data Source: Rio Dell's 2021-2016 Annual Traffic Accident Report provided by the Rio Dell Police Department and available collision data from California Highway Patrol's Statewide Integrated Traffic Records System (SWITRS) and Transportation Injury Mapping System (TIMS)



● Yellow- Minor Injuries ● Red- Major Injuries

2) Safety Data Analysis



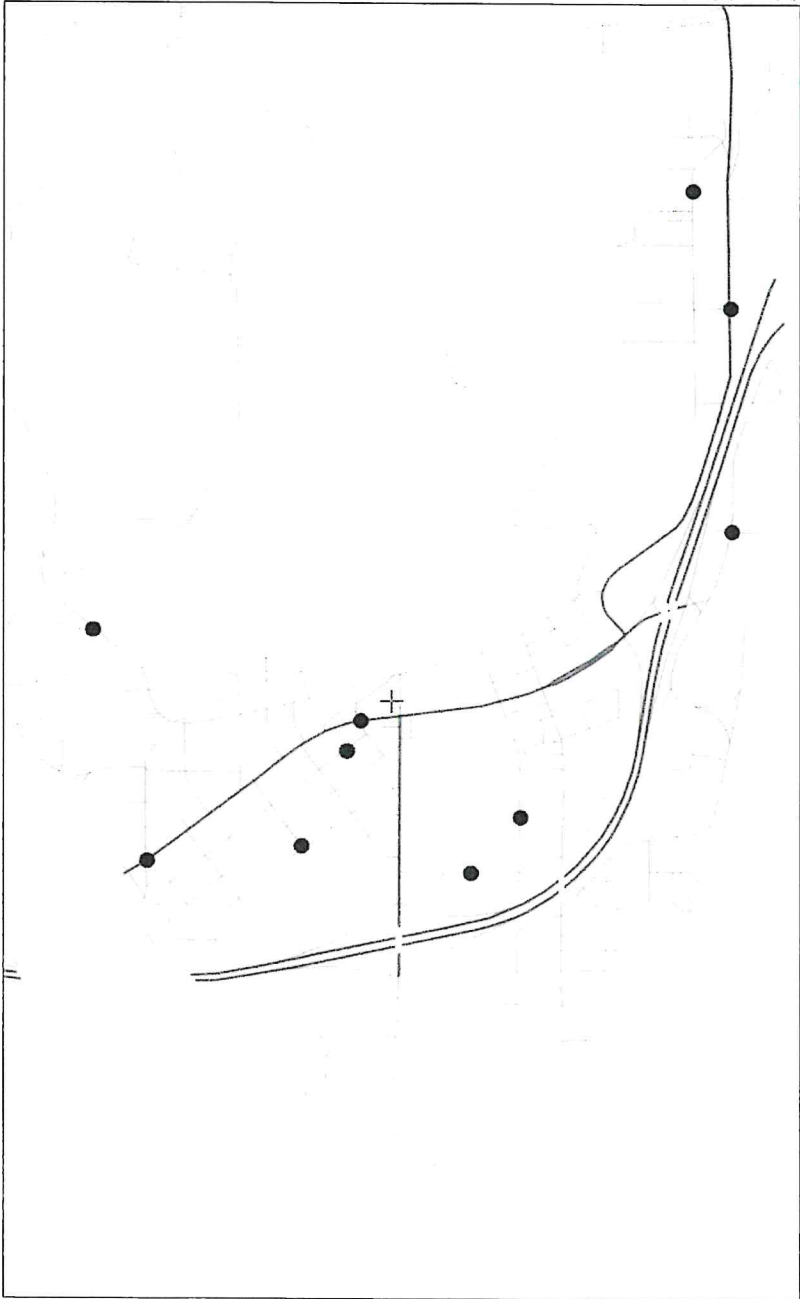
2019 Collision Locations

2019 Report

10 Accidents:

- > 0 Major Injuries
- > 0 Minor Injuries

Data Source: Rio Dell's 2021-2016 Annual Traffic Accident Report provided by the Rio Dell Police Department and available collision data from California Highway Patrol's Statewide Integrated Traffic Records System (SWITRS) and Transportation Injury Mapping System (TIMS)



- Yellow - Minor Injuries
- Red - Major Injuries

2) Safety Data Analysis



2018 Collision Locations

2018 Report

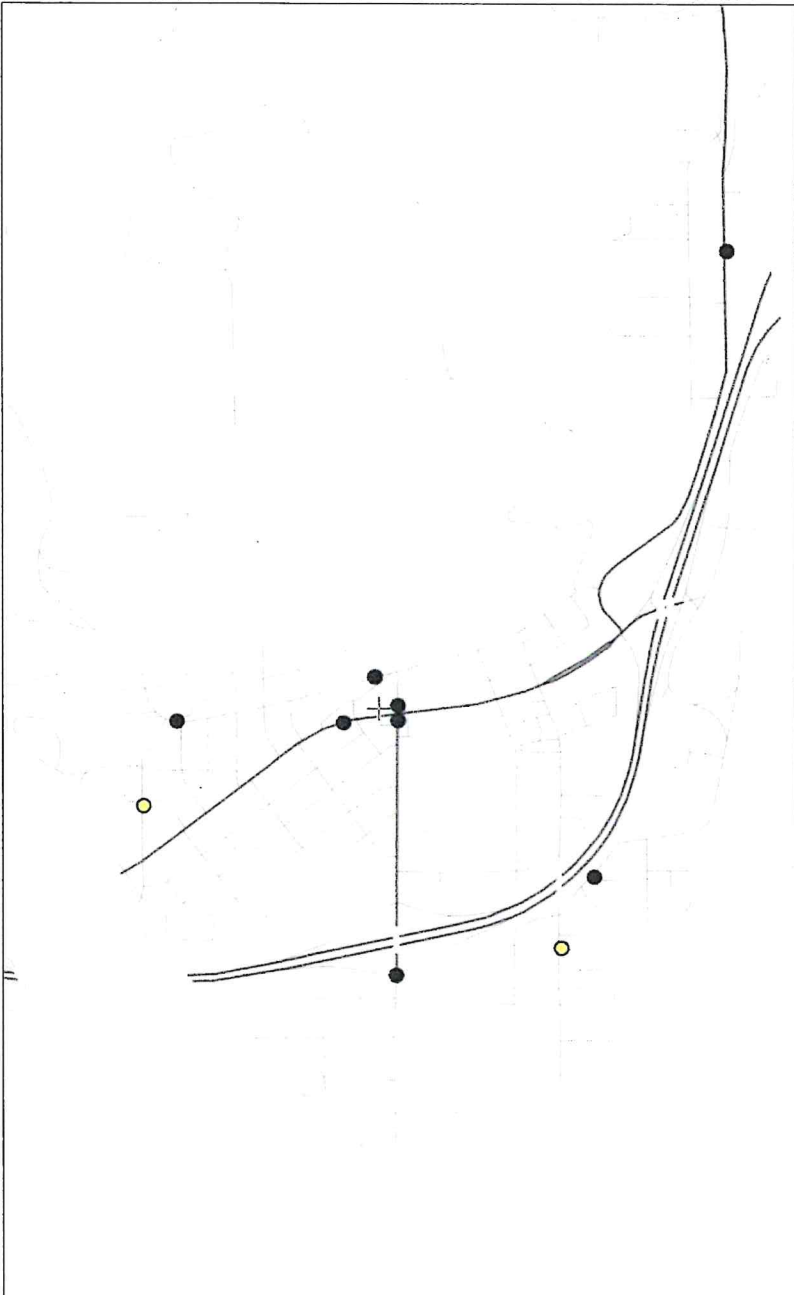
10 Accidents:

➤ 0 Major Injuries

➤ 2 Minor Injuries

- 100 Monument Road
- 300 Painter Street

Data Source: Rio Dell's 2021-2016 Annual Traffic Accident Report provided by the Rio Dell Police Department and available collision data from California Highway Patrol's Statewide Integrated Traffic Records System (SWITRS) and Transportation Injury Mapping System (TIMS).



● Yellow - Minor Injuries ● Red - Major Injuries

2) Safety Data Analysis

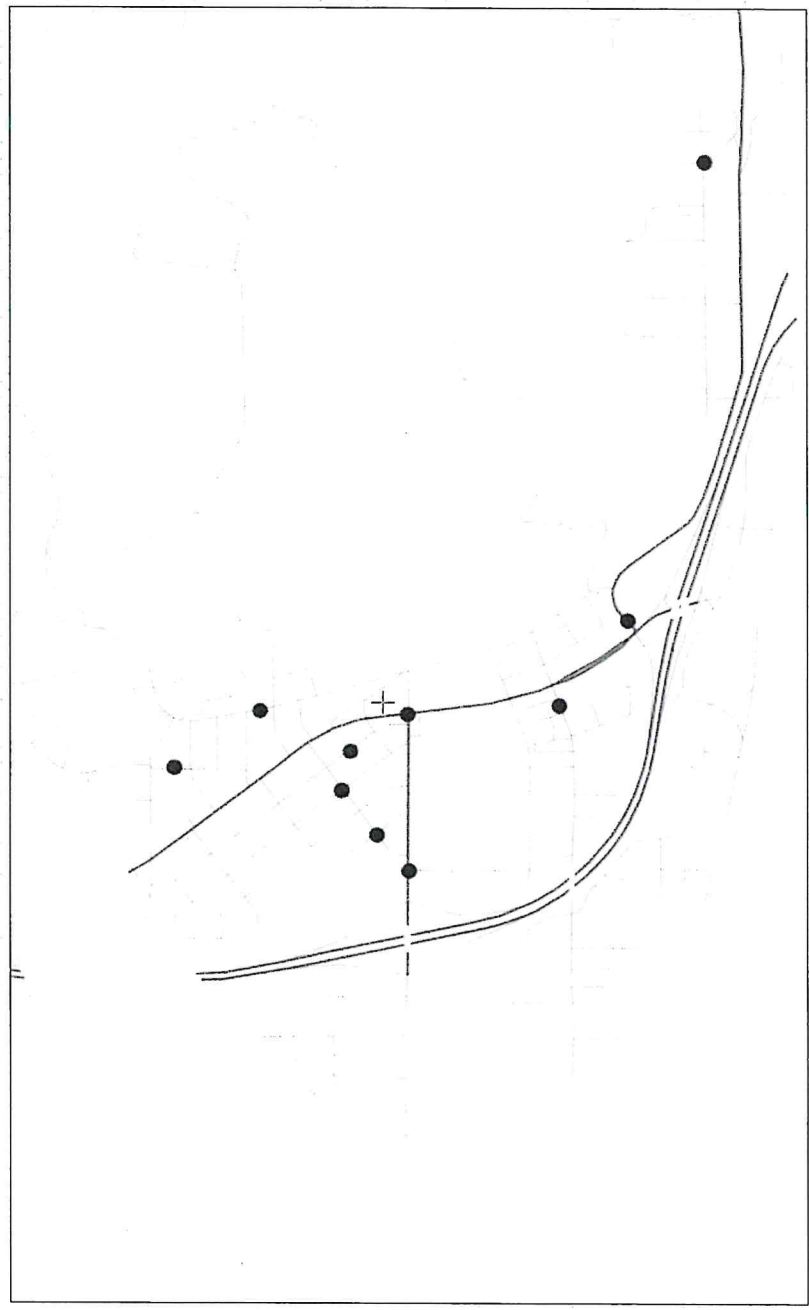


2017 Collision Locations

- 2017 Report**
- 10 Accidents:

 - 0 Major Injuries
 - 0 Minor Injuries

Data Source: Rio Dell's 2021-2016 Annual Traffic Accident Report provided by the Rio Dell Police Department and available collision data from California Highway Patrol's statewide Integrated Traffic Records System (SWITRS) and Transportation Injury Mapping System (TIMS).



2) Safety Data Analysis



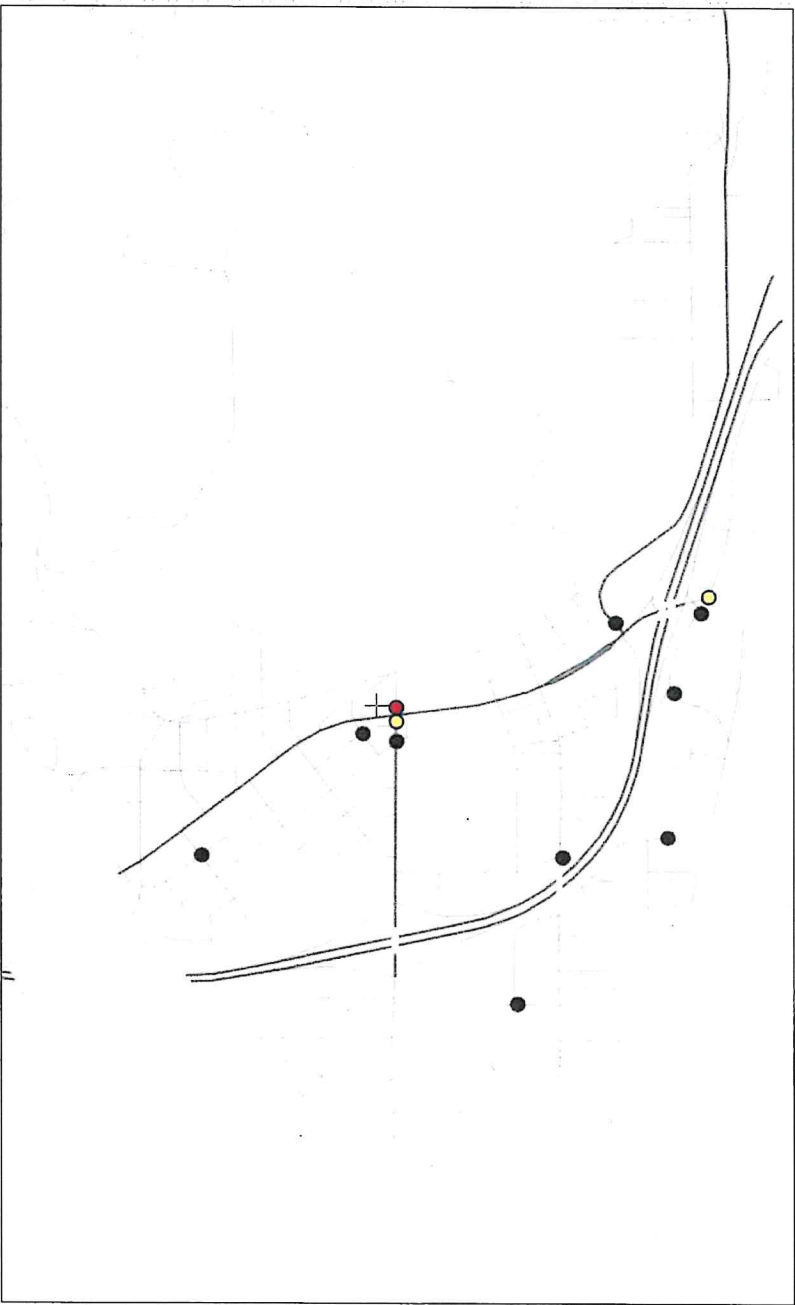
2016 Collision Locations

2016 Report

10 Accidents:

- 1 Major Injury
 - Davis / Wildwood
- 2 Minor Injuries
 - Davis / Wildwood
 - 1241 Eeloa Avenue

Data Source: Rio Dell's 2021-2016 Annual Traffic Accident Report provided by the Rio Dell Police Department and available collision data from California Highway Patrol's Statewide Integrated Traffic Records System (SWITRS) and Transportation Injury Mapping System (TIMS)



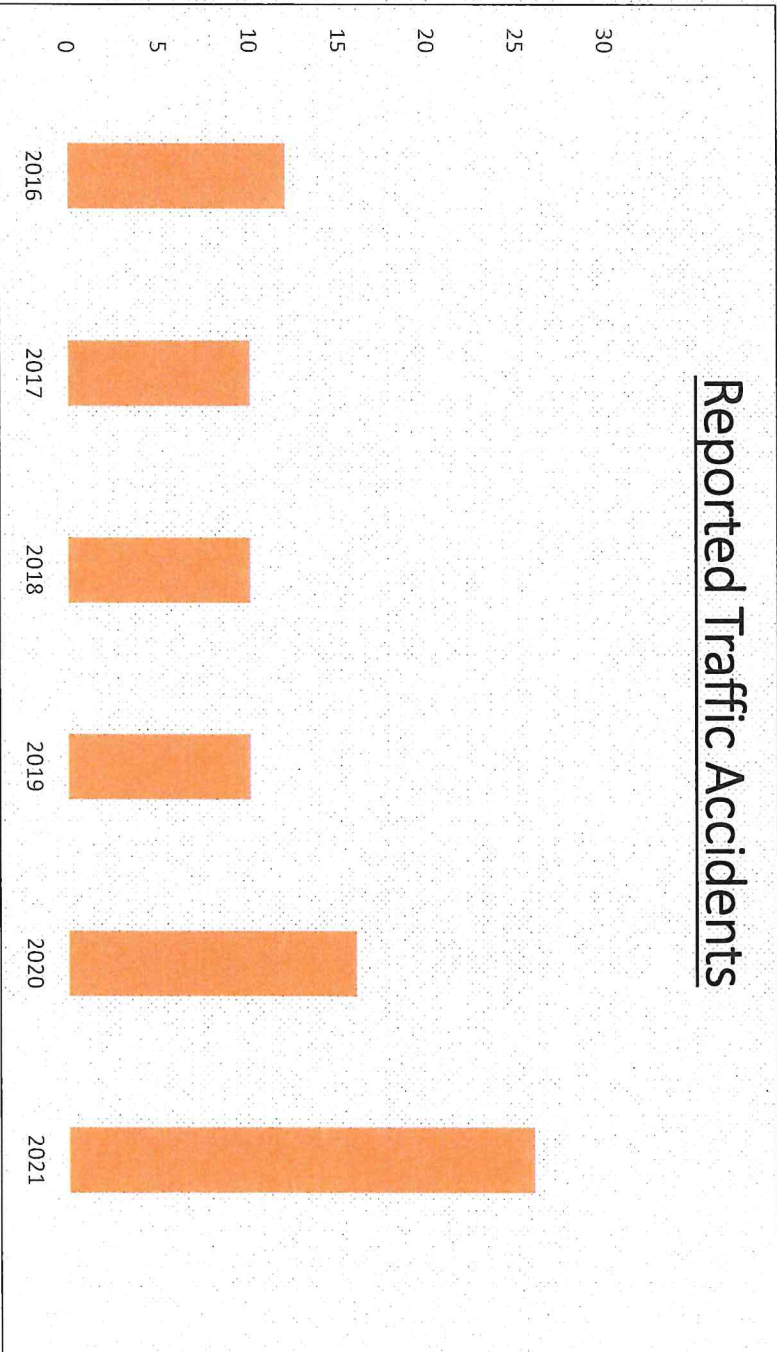
● Yellow - Minor Injuries ● Red - Major Injuries

2) Safety Data Analysis



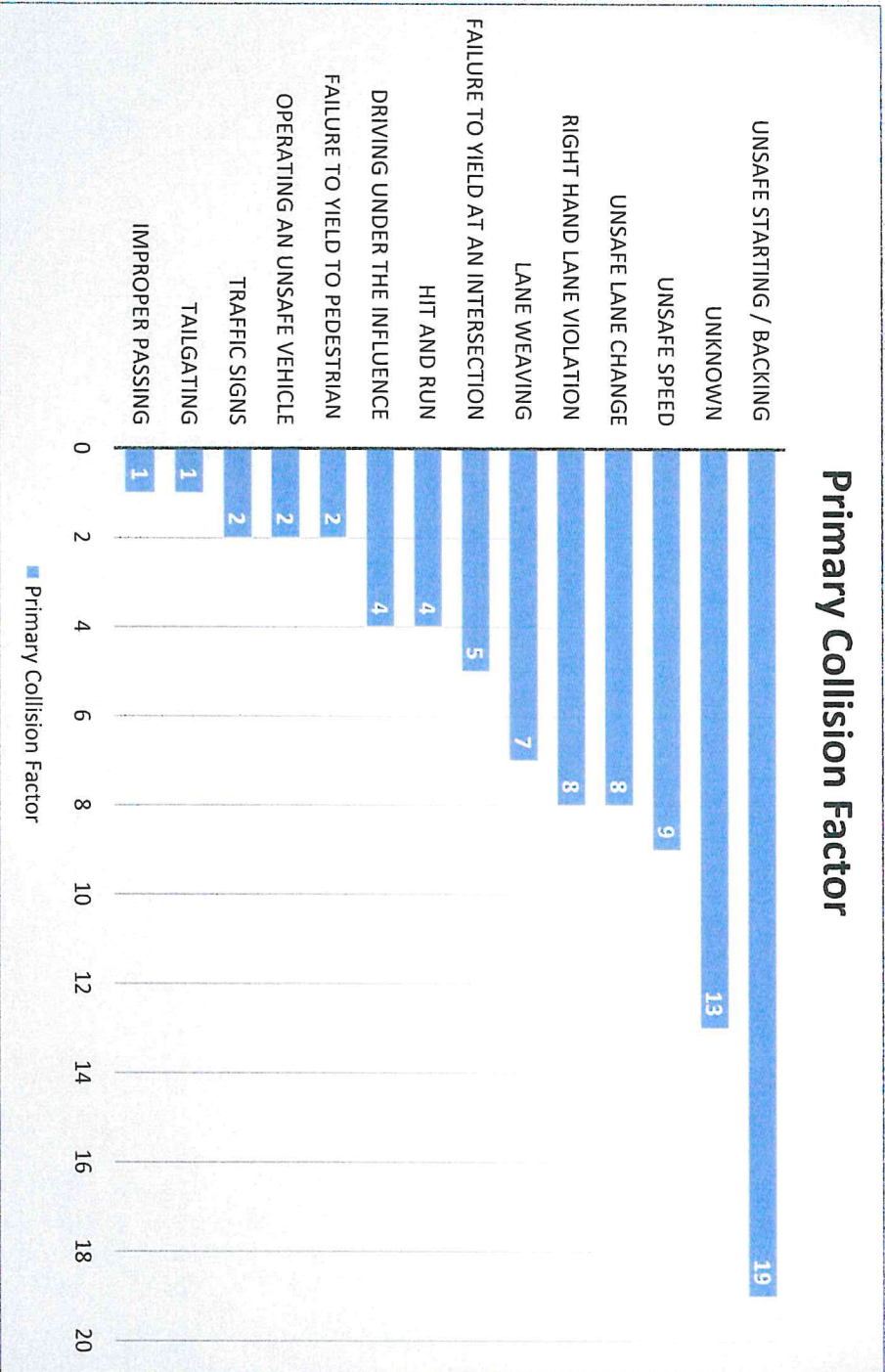
Traffic Accidents by Year

Reported Traffic Accidents



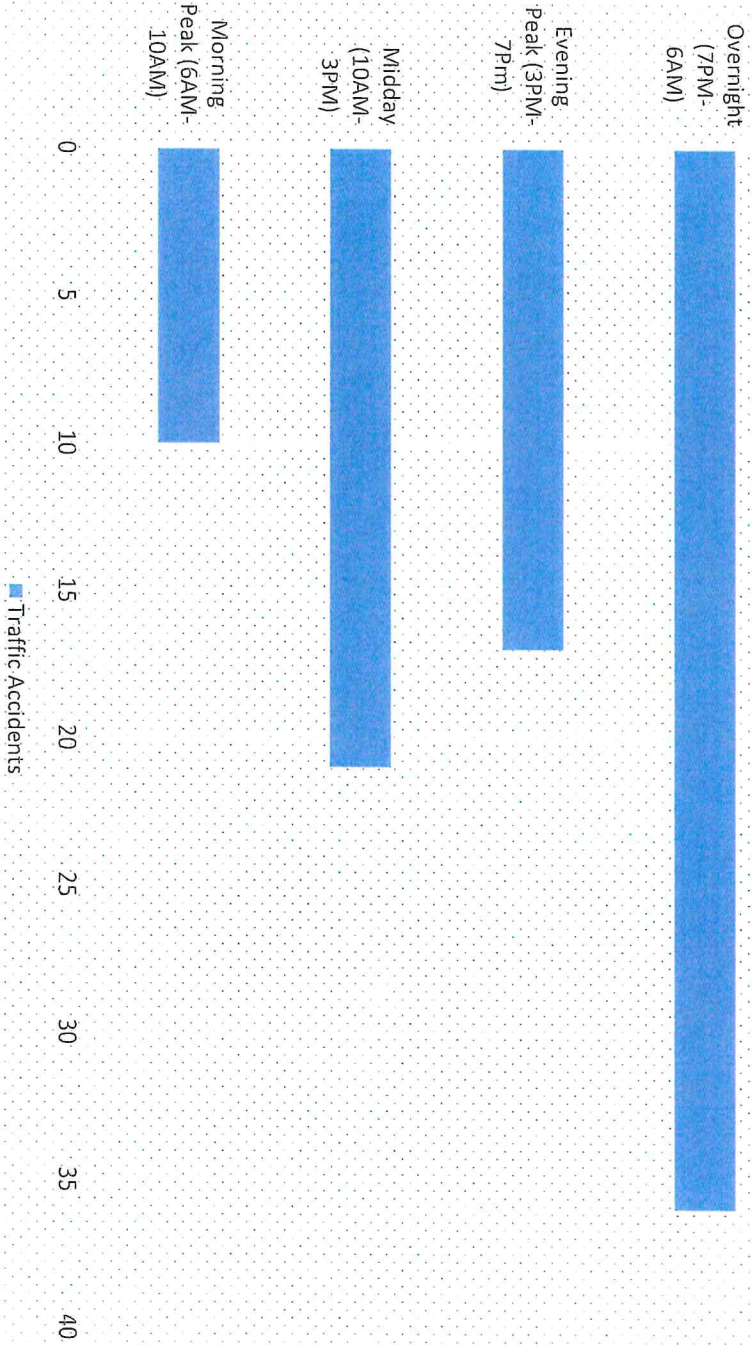


Traffic Accident Primary Collision Factor





Traffic Accidents Time of Day

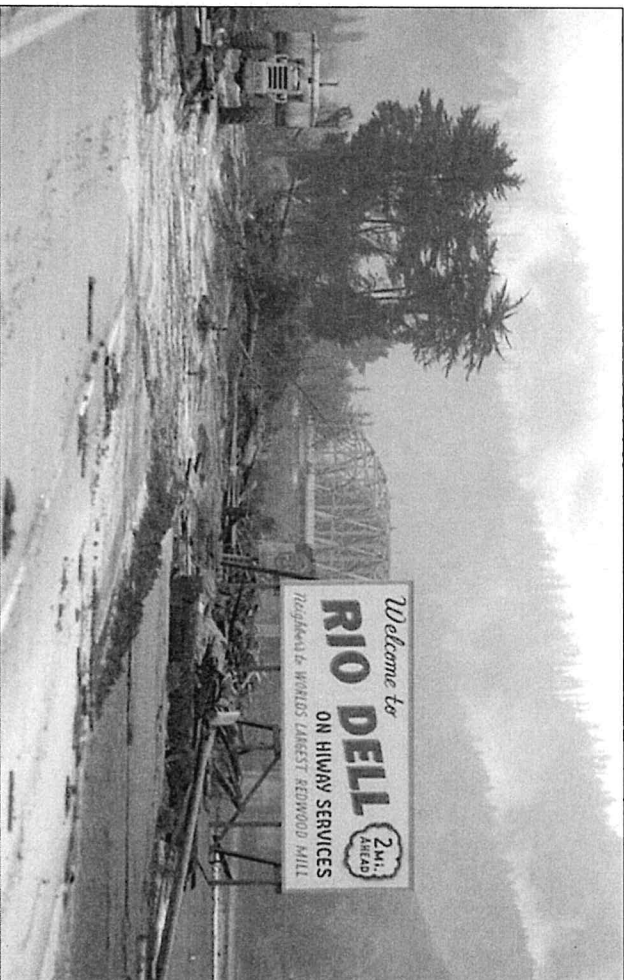




Safety Data Analysis Summary

- A completed LRSP ensures the City continues to **MEET ELIGIBILITY REQUIREMENT** to apply for and receive HSIP funds.
- During the analysis period **2016-2021**, there have been a total of **84 reported Traffic Accidents** in Rio Dell.
 - 2 Major Injuries Reported (2%)
 - 9 Minor Injuries Reported (11%)
 - 4 Accidents were a result of a DUI (5%)
- The top **PRIMARY COLLISION FACTORS** include:
 - Unsafe Starting / Backing
 - Unsafe Speed
 - Unsafe Lane Change
 - Right Hand Lane Violation
- The **TIME OF DAY** accidents were most likely to occur
 - Overnight hours (7PM – 6AM) 36 reported accidents (43%)

2) Safety Data Analysis





What is a Collision Profile?

- Based on the analysis of the 5 years of data (2016-2021) provided by the Rio Dell Police Department's Annual Traffic Report, and available collision data from California Highway Patrol's Statewide Integrated Traffic Records System (SWITRS) and Transportation Injury Mapping System (TIMS), Collision Profiles describe the *collision characteristics* and contextual factors associated with notable collision types occurring in Rio Dell.
- Identifying profiles is part of a systemic process to proactively identify locations which have similar contexts but may have experienced few collisions to date.
- Individual collisions may fall under multiple collision profiles
 - For instance, a collision may be both speed related and involving a DUI



Preliminary Rio Dell Collision Profiles

1) Unsafe Speed

2) Failure to Yield to Pedestrian / Intersection

3) Driving Under the Influence

Number of cumulative collisions: 20 (24%)

Number of Major Injuries: 1 (100%)

Number of Minor Injuries: 5 (56%)

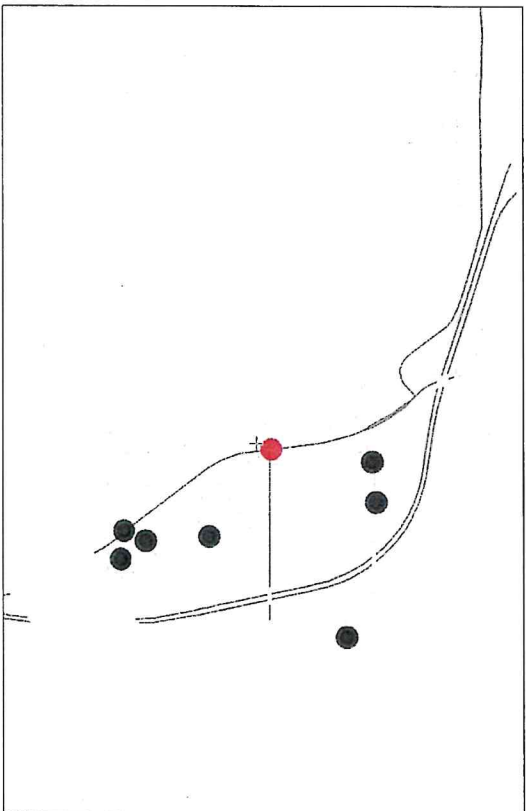


3) Collision Profiles



Unsafe Speeds

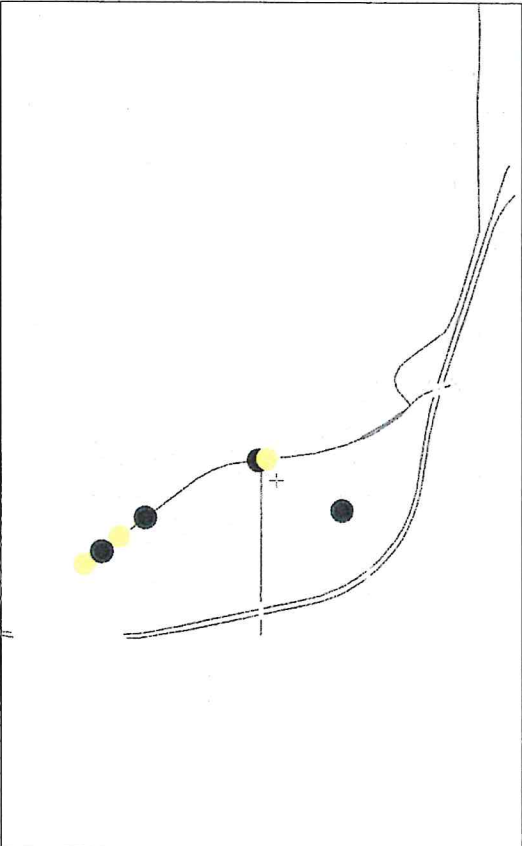
- Description: Vehicles involved in collisions where speed is identified as a contributing factor
- Factors: Unsafe Speed Identified
- Number of Collisions: 9 (11%)
 - 1 Major Injury (Davis / Wildwood)
- Potential Countermeasures: Vehicle Speed Feedback Sign, Traffic Calming (Speed Bumps or Raised Crosswalks), Protected Bikeways, Lane Reduction or Narrowing





Failure to Yield to Pedestrian/ Intersection

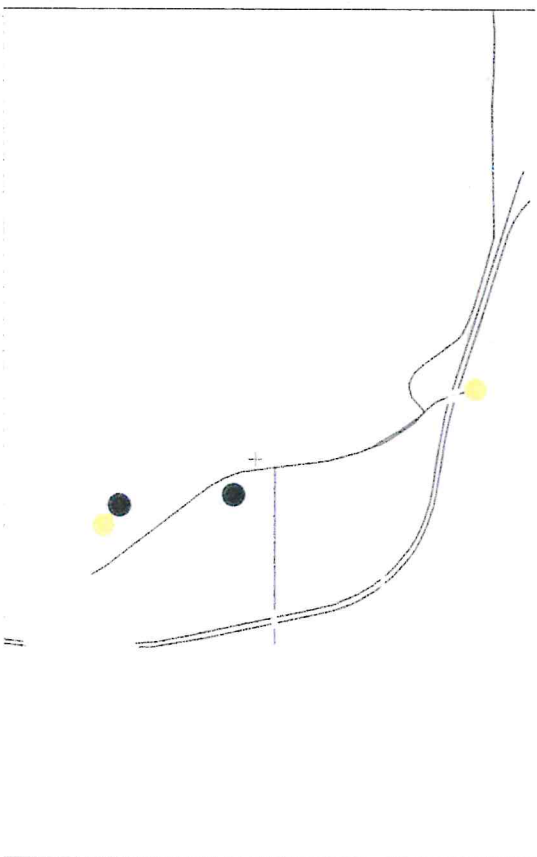
- Description: Pedestrians who are crossing at crosswalks or vehicles required to yield involved in collisions
- Factors: Pedestrians and vehicles both involved parties, location has marked crosswalk (midblock or at intersection, signalized or unsignalized)
- Number of Collisions: 7 (8%)
 - 3 Minor Injuries:
 - 200 Block Wildwood
 - 75 Wildwood
 - Davis / Wildwood
- Potential Countermeasures: Curb Extensions, Pedestrian Refuge Island and Median, Flashing Beacons, High Visibility Crosswalk





Driving Under the Influence (DUI)

- Description: Vehicles involved in collisions due to driving under the influence of alcohol or drugs
- Factors: Vehicle is involved party, at least one party was under the influence of alcohol or drugs
- Number of Collisions: 4 (5%)
 - 2 Minor Injuries:
 - 100 Monument Road
 - 1241 Eeloa Avenue
- Potential Countermeasures: Education, Enforcement, Vehicle Speed Feedback Sign, Traffic Calming (Speed Bumps or Raised Crosswalks)






LRSP Community Engagement

- **Project Webpage:**
 - <https://cityofriodell.ca.gov/>
 - Latest News
 - Updates and reports
- **Community LRSP Survey**
 - Safety concerns and locations
- **Updates with LRSP Safety Partners**
 - Rio Dell Fire Department, Rio Dell Police Department, Rio Dell School District, Rio Dell Public Works
- **Rio Dell Newsletter Article**

4) Community Engagement



Community · Govern

Online Survey for the Local Road Safety Plan (LRSP)

Submitted by *anacdi* on Tue, 04/16/2020, 3:36pm

City of Rio Dell Local Road Safety Survey

The City of Rio Dell is preparing a Local Road Safety Plan to address and address traffic safety issues throughout the City. This survey will provide critical community feedback to inform decisions made on the Plan.

Please answer the following questions as they pertain to your experience within the City of Rio Dell.

*Required

*Optional

How important is traffic safety (including motorist, pedestrian, and bicyclist safety) to the well-being of the Rio Dell community? *

Very Important
 Somewhat Important
 Important
 Not Important

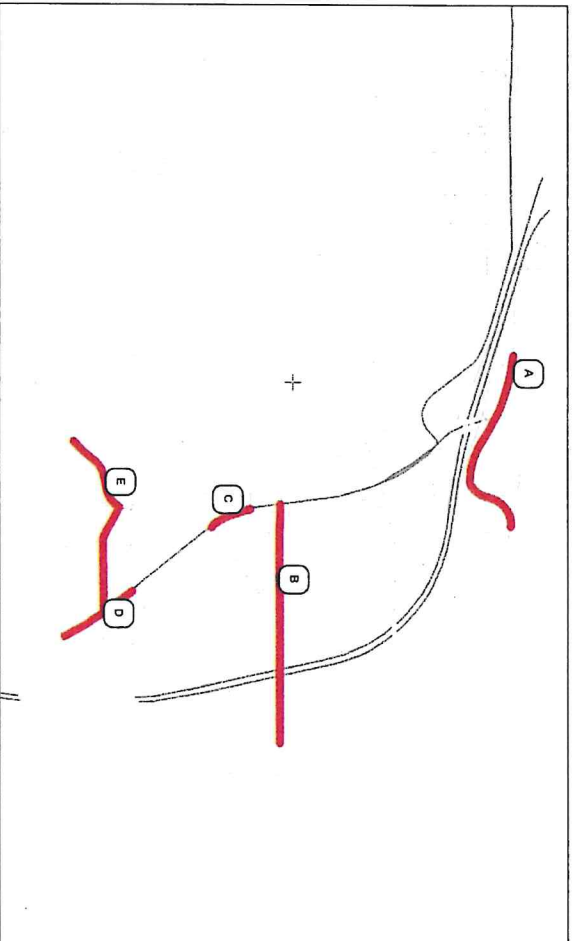
What are your biggest traffic safety concerns? Please rank from Most (1) to Least Concerning (5): *

	Emergency response and ambulance	Spending on infrastructure	Visibility and signage	Speed limits and enforcement	Shoulder safety and maintenance	Pedestrian safety and signage	Bicyclist safety and signage
1	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Draft Priority Emphasis Areas

- A. Eeloa Avenue: N. Pacific Ave to Riverside Drive
- B. Davis Street: Wildwood Ave to Gunnerson Lane
- C. Wildwood Avenue: Elko Street to Dixie Street
- D. Wildwood Avenue: Berkeley Street to Eagle Prairie Bridge
- E. Monument Road: Wildwood Avenue to Redwood Avenue





Eeloa Avenue: N. Pacific Ave to Riverside Drive

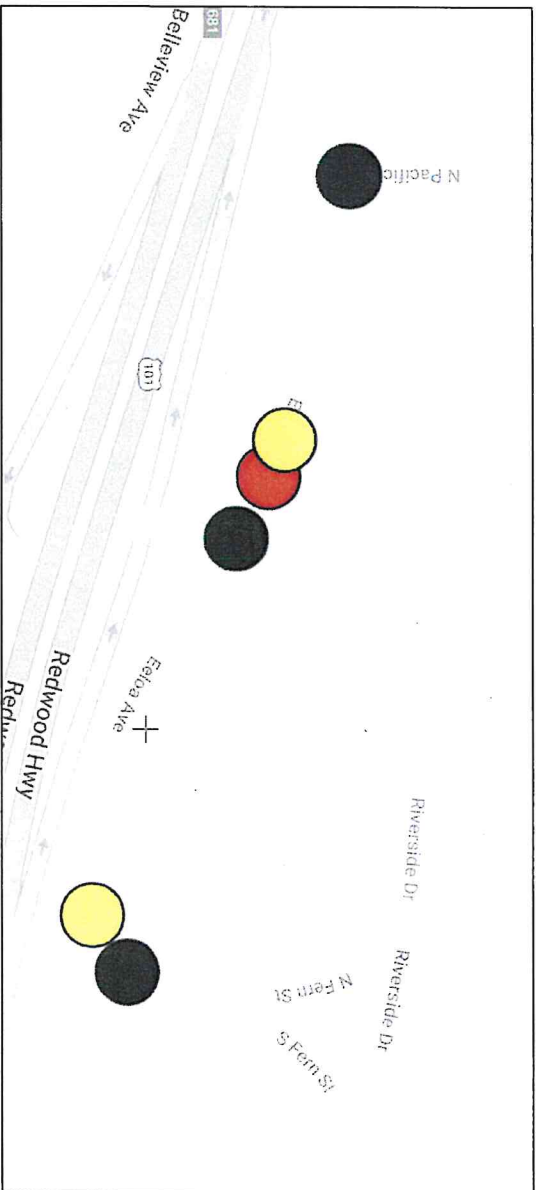
- Total Collisions Reported: 6

- Injury Collision Factors

- ❖ **1 Major Injury-**
 - 1241 Eeloa Avenue - DUI
- ❖ **2 Minor Injuries-**
 - 1241 Eeloa Avenue – Unknown
 - Eeloa Avenue / Fern Street –Lane Weaving

- Non-Injury Collision Profiles

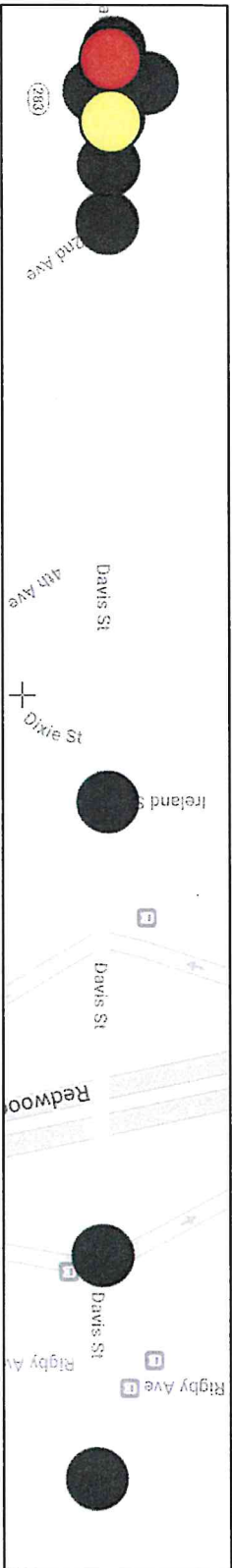
- Unsafe starting / backing
- Misdemeanor Hit and Run



5)Priority Emphasis Areas



Davis Street: Wildwood Ave to Gunnerson Lane



Total Collisions Reported: 11

• Injury Collision Factors

- ❖ **1 Major Injury-**
 - Davis / Wildwood Avenue – UNSAFE SPEED
- ❖ **1 Minor Injury-**
 - Davis / Wildwood Avenue – FAILURE TO YIELD AT INTERSECTION

• Non-Injury Collision Profiles

- Misdemeanor Hit and Run
- Unsafe Lane Change
- Failure to Yield at Intersection
- Operating an Unsafe Vehicle
- Unsafe Lane Change

5)Priority Emphasis Areas



Wildwood Avenue: Elko Street to Dixie Street

• Total Collisions Reported: 7

• Injury Collision Factors

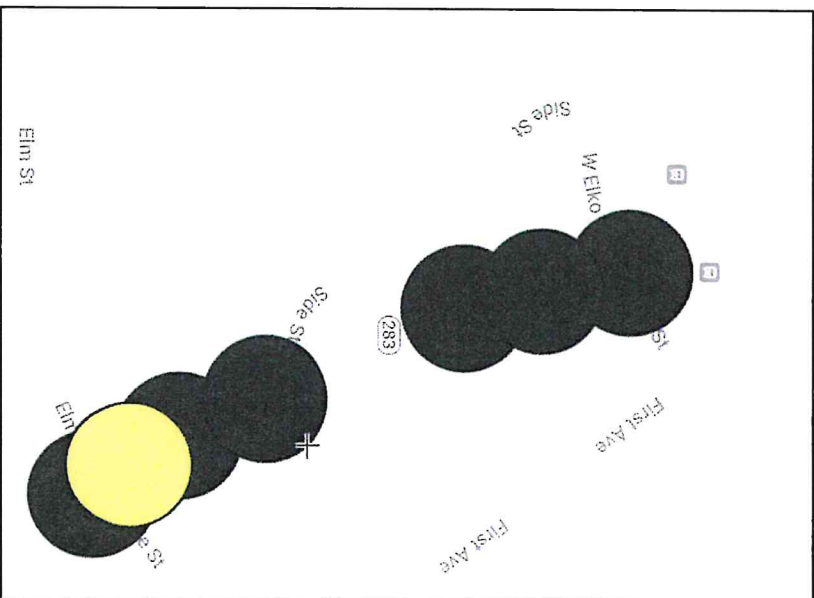
❖ **1 Minor Injury-**

- 541 Wildwood Avenue – RIGHT HAND LANE VIOLATION

• Non-Injury Collision Profiles

- Unsafe starting / backing
- Misdemeanor Hit and Run
- Right Hand Lane Violation

5) Priority Emphasis Areas





Wildwood Avenue: Berkeley Street to Eagle Prairie Bridge

- Total Collisions Reported: 7

- Injury Collision Factors

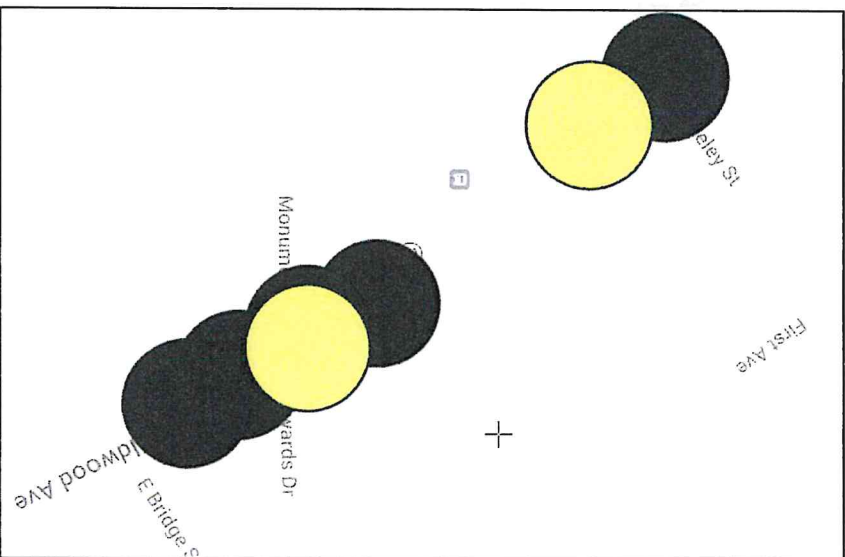
- **2 Minor Injuries-**

- 75 Wildwood Avenue – FAILURE TO YIELD TO PEDESTRIAN AT CROSSWALK
- 200 Block Wildwood Avenue – FAILURE TO YIELD TO PEDESTRIAN AT CROSSWALK

- Non-Injury Collision Profiles

- Unsafe starting / backing
- Misdemeanor Hit and Run
- Right Hand Lane Violation
- Failure to Yield at Intersection
- Unsafe Speed

5) Priority Emphasis Areas





Monument Road: Wildwood Avenue to Redwood Avenue

- Total Collisions Reported: 6

- Injury Collision Factors

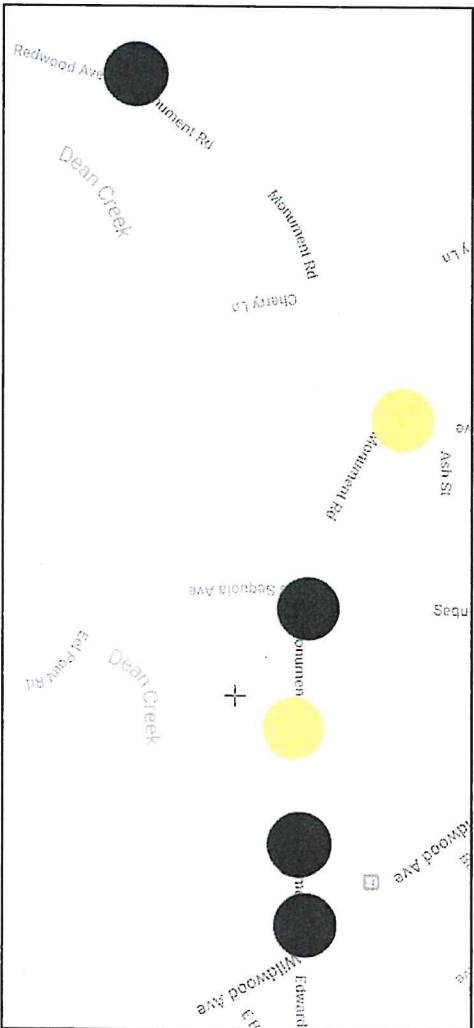
- 2 Minor Injuries-

- Pacific/Orchard/Monument – Unsafe Lane Change
- 100 Monument Road – DUI

- Non-Injury Collision Profiles

- Unsafe starting / backing
- Failure to Yield at Intersection

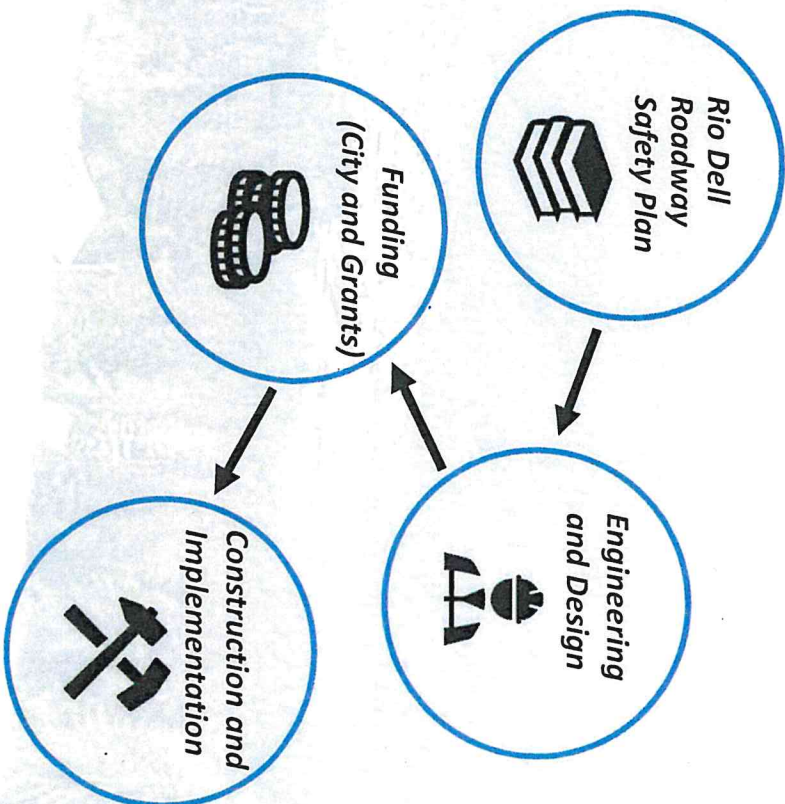
5) Priority Emphasis Areas





Next Steps

- Continue Community Engagement
- Identify suitable countermeasures for Priority Emphasis Areas
- Conduct walk audits to discuss countermeasures
- Complete LRSP report documentation
- Beyond the LRSP: Engineering and Design, Project Funding, Construction



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



For Meeting of: May 3, 2022

Consent Item; Public Hearing Item

To: City Council
From: Kevin Caldwell, Community Development Director
Through: Kyle Knopp, City Manager
Date: April 28, 2022
Subject: Dinsmore Plateau Cannabis Taxes

Recommendation:

That the City Council:

1. Receive a brief presentation regarding the Council's direction to return to the Council with a Resolution to reduce the cultivation tax for non-electrified cannabis cultivation on the Dinsmore Plateau from \$2.00 a square foot to \$.50 a square foot for the 2022 growing season (Fiscal Year 2022/2023); and
2. Open the public hearing, receive public input, close the public hearing; and
3. Do not make any changes to the current cannabis cultivation tax rate of \$2.00 per square foot.

Background and Discussion

At your meeting of March 15th, your Council directed staff to prepare a Resolution temporarily reducing the cultivation tax **for non-electrified cannabis cultivation** on the Dinsmore Plateau from \$2.00 a square foot to \$.50 a square foot for the 2022 growing season (Fiscal Year 2022/2023). The Council's action was at the request of the Dinsmore Plateau farmers based on the current market price of cannabis.

In reviewing the State licenses for the three approved farms on the Dinsmore Plateau, all three farms have either a Mixed-Light Tier 1 license (Dinsmore Plateau Farms & Rio's Diamond Farm) or Mixed-Light Tier 2 license (Sweet Grass). A Mixed-Light Tier 1 license is for the use of artificial light at a rate of six watts per square foot or less. The Mixed-Light Tier 2 license is for the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot.

It's clear that the intent of the Council's direction was to provide financial relief to those farmers on the Dinsmore Plateau that do not use electricity (artificial light). Farmers that do not use supplemental lighting grow one crop annually. Mixed-Light farms typically produce two, sometimes three crops annually. Indoor farmers can produce at least four and sometimes five crops annually depending on the strain.

In reviewing cultivation tax rates throughout the state, many jurisdictions have a tiered approach, Outdoor (no artificial lighting), Mixed-Light and Indoor. Of course, there are a lot of jurisdictions that only allow indoor cultivation. The tiered tax approach is based on the number of expected harvests per year based on the cultivation technique. A significant number of jurisdiction's tax rates are based on gross receipts and others are based on a per square foot rate. Jurisdictions imposing a gross receipt tax have expressed regret due to the potential of under reporting gross receipts and necessary audits associated with a gross receipt tax.

Mixed-Light cultivation taxes range from Humboldt County's recently approved reduction from \$2.00 per square foot to \$.30 a square foot for the 2022 growing season to the Cities of Coachella and Gonzalez tax rates of \$15.00 per square foot. It should be noted that Calaveras County recently reduced their Mixed-Light tax from \$2.00 per square foot to \$1.20 a square foot. The City of Adelanto's Mixed-Light tax rate is \$1.25 per square foot.

Staff has identified fifteen (15) jurisdictions throughout the State that allow and tax mixed-light based on square footage. The average tax rate is \$4.91 per square foot. Staff has also identified twenty-five (25) jurisdictions that tax indoor cultivation. The average tax rate for those jurisdictions is \$7.36 per square foot. Attachment 1 includes a list of those jurisdictions contacted by staff that impose cultivation taxes based on square footage. Please note that it is very likely the list is not all inclusive. As mentioned at the Councils of April 19th, the operators of Humboldt 454, believe the City current tax rate of \$2.00 per square foot is fair and very reasonable.

Furthermore, the City's cannabis tax regulations allow the Finance Director to adjust the amount of taxes owed based on undue burdens (hardships) and/or crop loss. As the Council is aware, all three farmers on the Dinsmore Plateau were/are in arrears regarding current cannabis taxes owed the City. This was/is due to the current state of the industry and reported crop damage (mold). The Finance Director has met with all three farmers on the Dinsmore Plateau and has negotiated preliminary agreements with them. The agreements call for waiving the current late fees and reducing the taxes by 50% to \$1.00 a square foot. In the case of Dinsmore Plateau Farms this reduced their tax payments by almost \$90,000.

Because the City's tax rate is one of the lowest in the State and the fact that the City's cannabis tax regulations allow the Finance Director to adjust the amount of taxes owed based on undue burdens (hardships) and/or crop loss, staff is recommending that the cultivation tax not be changed at this time.

Attachments

Attachment 1: List of California jurisdictions imposing cannabis taxes based on square footage.

Cannabis Tax Rates Per Square Foot
City of Rio Dell Cannabis Tax \$2.00 Per Square Foot

Mixed-Light		
	Jurisdiction	Tax Rate
1	Humboldt County	\$.30 (\$2.00)
2	Calaveras County	\$1.20 (\$3.00)
3	Adelanto	\$1.25
4	Lake County	\$2.10
5	Williams	\$2.75
6	Redding	\$3.00
7	Monterey County	\$3.00 (\$5.00)
8	El Dorado County	\$4.00
9	Hanford	\$4.00
19	California City	\$5.00
11	San Benito County	\$5.00
12	San Jacinto	\$5.00
13	Coalinga	\$7.00
14	Coachella	\$15.00
15	Gonzales	\$15.00
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
	AVERAGE	\$4.91

Indoor	
Jurisdiction	Tax Rate
Humboldt County	\$.45 (\$3.00)
Adelanto	\$1.25
Calaveras County	\$1.60 (\$4.00)
Willits	\$2.50
Williams	\$2.75
Del Norte County	\$3.00
Redding	\$3.00
Lake County	\$3.15
Grover Beach	\$5.00
San Benito County	\$5.00
Sonoma County	\$5.06
California City	\$7.00
Coalinga	\$7.00
El Dorado County	\$7.00
Hanford	\$7.00
Monterey County	\$7.00 (\$8.00)
Cathedral City	\$10.00
Palm Springs	\$10.00
San Jacinto	\$10.00
Watsonville	\$10.00
Desert Hot Springs	\$10.20 (\$25.00)
Long Beach	\$13.41
Coachella	\$15.00
Gonzales	\$15.00
Greenfield	\$15.00
Salinas	\$15.00
	AVERAGE
	\$7.36

*675 Wildwood Avenue
Rio Dell, CA 95562*



TO: Mayor and Members of the City Council

FROM: Karen Dunham, City Clerk

THROUGH: Kyle Knopp, City Manager

DATE: May 3, 2022

SUBJECT: Resolution Declaring the Need for Continued In-Person/
Hybrid Meetings or Resolution Resuming with Virtual
(Zoom) Meetings in Accordance with AB 361

RECOMMENDATION

Adopt Resolution No. 1537-2022 (Version 1) declaring the need for continued in-person/hybrid City Council and Commission meetings during declared State of Emergency pursuant to Gov't Code Section 54953 (AB 361); or

Adopt Resolution No. 1537-2022 (Version 2) declaring the need to resume with virtual (Zoom) meetings.

BACKGROUND AND DISCUSSION

At the March 1, 2022 regular meeting, the City Council adopted Resolution No. 1528-2022 declaring the need to discontinue virtual meetings and resume with in-person/virtual (hybrid) meetings effective March 1, 2022. Staff was directed to return to the Council at the April 5, 2022 meeting to reconsider the circumstances of the emergency and either vote to continue with in-person/virtual (hybrid) meetings or resume with virtual (Zoom) meetings. The Council voted to continue with in-person/virtual (hybrid) meetings and to revisit the need every 30 days.

The Humboldt County Public Health Division reported **137 new cases** for the seven-day period ending April 26 (19.57 per day avg.) in Humboldt County. This number is up from last month's total of 24 confirmed cases. However, there

were **no new reported deaths or hospitalizations** for Humboldt County during this same time frame.

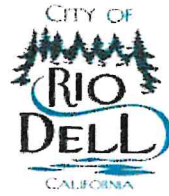
California's indoor mask mandate expired on February 15, 2022 for anyone who is fully vaccinated. Humboldt County aligned with the state and also lifted the mandate. Those who are unvaccinated are encouraged to wear masks in all indoor spaces although it is no longer a requirement.

The latest data (April 26) from the Centers for Disease Control and Prevention (CDC) reported the COVID-19 community levels for Humboldt County remain as "Low" risk which means that people should only wear masks based on personal preference and personal level of risk.

With passage of Resolution 1537-2022 to continue conducting City Council meetings in-person/virtually, staff will bring the item back at the June 7, 2022 regular meeting to reconsider the circumstances of the emergency and, if appropriate, make findings to continue to hold in-person/virtual (hybrid) meetings, or to resume with virtual (Zoom) meetings.

Attachments:

Resolution No. 1537-2022 - Continuing with In-Person/Virtual Meetings
Resolution No. 1537-2022 - Resuming with Virtual (Zoom) meetings



RESOLUTION NO. 1537-2022

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL
DECLARING THE NEED TO CONTINUE CONDUCTING CITY
COUNCIL AND COMMISSION MEETINGS IN-PERSON/VIRTUALLY
DURING DECLARED STATE OF EMERGENCY PURSUANT TO
GOVERNMENT CODE SECTION 54953 (AB 361) RESCINDING
RESOLUTION NO. 1531-2022**

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, as a result of Executive Order N-29-20, staff set up Zoom meetings for all City Council and Commission meetings; and

WHEREAS, on March 27, 2020, the City Council adopted Resolution No. 1449-2020 declaring a local emergency due to COVID-19; and

WHEREAS, on November 8, 2022, the Humboldt County Health Department extended the order requiring all individuals to wear face coverings when indoors in workplaces and public settings, with limited exceptions; and

WHEREAS, on September 16, 2021 Governor Newsom signed AB 361 which allows cities to continue to meet remotely during proclaimed states of emergency under modified Brown Act requirements that are similar but not identical to the rules and procedures established by the previous Executive Brown Act Orders; and

WHEREAS, on October 5, 2021 the City Council adopted Resolution No. 1505-2021 declaring the need for virtual City Council and Commission meetings

during declared State of Emergency pursuant to Government Code Section 54953 (AB 361) and continued extending the declaration through April 2022; and

WHEREAS, on March 1, 2022 the City Council adopted Resolution No. 1528-2022 declaring the need to discontinue virtual (Zoom) meetings and resume with in-person/virtual (hybrid) meetings effective immediately; and

WHEREAS, the State and the County no longer have social distancing guidance; and

WHEREAS, the latest data from the Centers for Disease Control and Prevention (CDC) reported the COVID-19 community levels for Humboldt County as “Low” risk which means that people should only wear masks based on personal preference and personal level of risk; and

WHEREAS, the City Council reviewed the findings and determined that the state of local emergency does not continue to directly impact the ability of the City Council and its Commissions, as well as staff and members of the public from meeting safely in person; and

WHEREAS, AB 361 provides that, if the state of emergency remains active for more than 30 days, a local agency must make certain findings by majority vote every 30 days to continue using the bill’s exemption to the Brown Act teleconferencing rules; and

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Rio Dell declares the following:

- a. The City Council has reconsidered the circumstances of the state of emergency; and
- b. The state of local emergency does not continue to directly impact the ability of the City Council and its Commissions, as well as staff and members of the public from meeting safely in person; and
- c. The State and County of Humboldt no longer have social distancing guidance but urges all unvaccinated individuals in public spaces to maintain social distancing; and the City can maintain those social distancing requirements for unvaccinated Councilmembers, Commissioners, staff and the public in the meeting spaces.

City Council and Commission meetings will continue as in-person/virtual (hybrid) meetings until such time the order is rescinded, superseded or amended by the Rio Dell City Council.

Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk of the City of Rio Dell, certify that the foregoing Resolution was introduced at a regular meeting of the City Council held on May 3, 2022 and was adopted thereafter by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Karen Dunham, City Clerk



RESOLUTION NO. 1537-2022

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL
DECLARING THE NEED TO RESUME WITH VIRTUAL ((ZOOM))
CITY COUNCIL AND COMMISSION MEETINGS DURING DECLARED
STATE OF EMERGENCY PURSUANT TO GOVERNMENT CODE
SECTION 54953 (AB 361) RESCINDING RESOLUTION NO. 1531-2022**

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, as a result of Executive Order N-29-20, staff set up Zoom meetings for all City Council and Commission meetings; and

WHEREAS, on March 27, 2020, the City Council adopted Resolution No. 1449-2020 declaring a local emergency due to COVID-19; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N08-21, which placed an end date of September 30, 2021, for agencies throughout the state and requiring local agencies to observe all the usual Brown Act requirements as they existed prior to the issuance of the orders; and

WHEREAS, since issuing Executive Order N-08-21, the Delta variant has emerged, causing a spike in COVID-19 cases throughout the state; and

WHEREAS, on August 6, 2021, in response to the Delta variant, the Humboldt County Health Department ordered all individuals to wear masks when inside public spaces and maintain social distancing; and

WHEREAS, on November 8, 2022, the Humboldt County Health Department extended the order requiring all individuals to wear face coverings when indoors in workplaces and public settings, with limited exceptions; and

WHEREAS, on September 16, 2021 Governor Newsom signed AB 361 which allows cities to continue to meet remotely during proclaimed states of emergency under modified Brown Act requirements that are similar but not identical to the rules and procedures established by the previous Executive Brown Act Orders; and

WHEREAS, on October 5, 2021 the City Council adopted Resolution No. 1505-2021 declaring the need for virtual City Council and Commission meetings during declared State of Emergency pursuant to Government Code Section 54953 (AB 361) and;

WHEREAS, the City Council extended the declaration through November, 2021 with passage of Resolution No. 1509-2021 and continued the declaration through April, 2022; and;

WHEREAS, the City Council on March 1, 2022 then declared the need to resume with in-person/virtual (hybrid) meeting effective immediately; and

WHEREAS, AB 361 provides that, if the state of emergency remains active for more than 30 days, a local agency must make certain findings by majority vote every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules.

WHEREAS, the City Council reviewed the findings and determined that social distancing requirements cannot be maintained for the public, staff, Councilmembers, and Commissioners in their respective meeting locations.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Rio Dell declares the following:

- a. The City Council has reconsidered the circumstances of the state of emergency; and
- b. The state of local emergency continues to directly impact the ability of the City Council and its Commissions, as well as staff and members of the public from meeting safely in person; and
- c. County of Humboldt Health Department orders recommends all individuals in public spaces to maintain social distancing; and the City cannot maintain those social distancing requirements for the

Councilmembers, Commissioners, staff and the public in the meeting spaces.

City Council and Commission meetings will resume as virtual (Zoom) meetings effective on May 19, 2022 in accordance with AB 361 and extend through the month of May or until such time the order is rescinded, superseded or amended by the Rio Dell City Council.

Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk of the City of Rio Dell, certify that the foregoing Resolution was introduced at a regular meeting of the City Council held on May 3, 2022 and was adopted thereafter by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Karen Dunham, City Clerk

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



For Meeting of: May 3, 2022

Consent Item; Public Hearing Item

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: April 21, 2022

Subject: Amending the City's Zoning Regulations Chapter 17 of the Rio Dell Municipal Code (RDMC) to be consistent with California Government Code Section 65650 et seq. (State Supportive Housing Law), 65660 et seq. (Low Barrier Navigation Centers Law), and 65913.4 (State Streamlined Ministerial Approval Process) by establishing procedures for reviewing ministerial approval applications.

Recommendation:

That the City Council:

1. Introduction of Ordinance No. 391-2022 amending the City's Zoning Regulations Chapter 17 of the Rio Dell Municipal Code (RDMC) to be consistent with California Government Code Section 65650 et seq. (State Supportive Housing Law), 65660 et seq. (Low Barrier Navigation Centers Law), and 65913.4 (State Streamlined Ministerial Approval Process) by establishing procedures for reviewing ministerial approval applications; and
2. Open the public hearing, receive public input and deliberate; and
3. Close the public hearing; and

4. Continue the hearing to the meeting of May 17, 2022 for the second reading, approval and adoption of Ordinance No. 391-2022 amending the City's Zoning Regulations Chapter 17 of the Rio Dell Municipal Code (RDMC) to be consistent with California Government Code Section 65650 et seq. (State Supportive Housing Law), 65660 et seq. (Low Barrier Navigation Centers Law), and 65913.4 (State Streamlined Ministerial Approval Process) by establishing procedures for reviewing ministerial approval applications.

BACKGROUND

State Legislative Summary

Since 2016, the State Legislature, then-Governor Brown, and now-Governor Newsom have taken increased interest in reforming state housing policy and local control over development to facilitate housing production. In 2017 Governor Brown signed, SB 35 and AB 2162. In 2019, Governor Newsom signed AB 101, AB 1485, and AB 1763.

SB 35 creates a State Streamlined Ministerial Approval Process for certain urban multifamily projects. Among other requirements, projects must meet the following criteria:

- Have at least 2/3 of the floor area be dedicated to residential uses;
- Set aside a share of proposed residential units as affordable to households earning below 80% AMI;
- Meet objective local development standards;
- Not demolish any deed restricted or rent controlled rental housing that has been occupied in the last 10 years;
- Pay prevailing wages if it is not entirely a public work; and
- Use a skilled and trained workforce if the project has at least 75 units and is not 100% subsidized affordable housing.

Local governments must determine if a project is eligible for the streamlined process within 60 or 90 days depending on project size. Review of eligible projects must be complete within 90 or 180 days, depending on project size. This law was amended by AB 1485, which expands the ministerial approval process to include projects that include higher income levels, clarifies the 2/3 residential floor area requirement, and extends the effective period of ministerial approvals, among other smaller adjustments.

AB 2162 establishes supportive housing – housing for formerly homeless residents that is linked to housing and health-related services – as a use by right in multifamily and mixed-use zones,

including nonresidential zones where multifamily uses are permitted. To qualify, projects must meet the following criteria:

- Be 100% subsidized and affordable to lower income households;
- 25% -- or 12 units, whichever is greater -- of units must be supportive housing (projects with less than 12 units must be entirely supportive housing), provide onsite supportive services;
- Set aside 3% of nonresidential floor area (or 90 square feet for projects with 20 or fewer units) for that purpose;
- Units must include at least one bathroom and kitchen; and
- Comply with objective development standards that apply to other multifamily development within the same zone.

Local governments must notify applicants if the application is complete within 30 days of receiving the application and complete review in 60 or 120 days, depending on project size.

AB 101 establishes low barrier navigation centers – shelters focused on moving formerly homeless occupants into permanent housing while case managers connect them to services – as a use by right in multifamily and mixed-use zones, including nonresidential zones where multifamily uses are permitted. Qualifying navigation centers must be housing first, oriented around moving people into permanent housing, be equipped with information systems, and have reduced barriers to entry. Local governments must notify applicants if the application is complete within 30 days of receiving the application and complete review in 60 days.

Adopting the recommended Ordinance will facilitate the implementation of State law. The recommended ordinance conforms with State law requirements, and as analyzed below, it integrates the ministerial approval process into the City's development review framework.

ANALYSIS

Additional Permitted Uses

In compliance with State law, supportive housing and low barrier navigation centers are added as permitted uses in the Urban Residential (UR), Residential Multifamily (RM) and commercial, zoning districts where mixed use or multifamily uses are allowed and consistent with the General Plan.

Ministerial Approval Provisions

Revisions to Chapter 17.35 codifies the City's process for granting ministerial approvals as

required by State law. To avoid discrepancies between State law requirements and the City's regulations, Chapter 17.35 as amended, ties municipal requirements to State law and future amendments.

Development Standards

The recommended revisions to Chapter 17.35 require that ministerially approved housing developments and navigation centers meet all objective standards site, design, and construction standards from the Municipal Code, and projects must also comply with all objective design standards included in applicable specific plans or otherwise adopted by the City Council.

Application

Chapter 17.35 as recommended empowers the Community Development Director to create a ministerial approval application form. The form will gather the following information needed from developers to determine eligibility for ministerial approval:

1. A brief description of the proposed project, including a breakdown of units.
2. The current zoning district(s) and general plan land use designation(s) and assessor's parcel number(s) of the project site.
3. A vicinity map and site plan, drawn to scale, including building footprints, driveway, and parking layout.
4. Indication if the applicant also seeks a density bonus, incentive, waiver, or modification pursuant to the same Chapter. While density bonuses are not required to determine eligibility, a project that is eligible for ministerial approval is also likely eligible for a density bonus. Including this information on the ministerial approval application will facilitate review by staff.
5. A site plan showing the location of different types of units within the project.
6. If the applicant applies under the provisions of the State Supportive Housing Law, a plan for providing supportive services, with documentation demonstrating that the onsite supportive services provided meet the requirements of the Supportive Housing Law.
7. If a reduction in supportive housing units is requested under the State Supportive Housing Law, documentation in accordance with the Law's requirements.
8. Level of affordability of any deed-restricted affordable units and proposed method to ensure affordability.
9. If the applicant applies under the provisions of the State Streamlined Ministerial Approval

Process and the project is not entirely a public project, certification that the project will pay prevailing wages.

10. If the applicant applies under the provisions of the State Streamlined Ministerial Approval Process and the project meets the conditions specified in the Process, certification that the project will employ a skilled and trained workforce.

Application Review and Approval

Amended Chapter 17.35 confirms that, per State law, the responsible City decision maker must make the following findings, based on evidence in the record, before making a ministerial approval:

1. The housing development or navigation center is eligible for ministerial approval.
2. If applicable, a finding that all the requirements for a supportive housing development that are specified in the State Supportive Housing Law have been or will be met.
3. If applicable, a finding that all the requirements for a low barrier navigation center that are specified in the State Low Barrier Navigation Centers Law have been or will be met.
4. If applicable, a finding that all the requirements for a housing development approval that are specified in the State Ministerial Approval Process have been or will be met.
5. If applicable, a finding that all the requirements for density bonuses and/or other incentives that are specified in Chapter 17.35 have been or will be met.

Chapter 17.35 confirms that the City will only deny an application for ministerial approval as allowed by State law and only upon making the findings required by State law for denial. It also specifies requirements and a 3-year time limit for construction, unless otherwise required by State law or adjusted at the discretion of the Community Development Director.

General Plan Conformance: Housing Element Objectives

HCD certified the City's Housing Element for the 2019-2027 planning period on November 3, 2020. Part of the Housing Element's objective is to provide housing throughout the City in a range of residential densities and types to address the needs of an economically diverse population.

One of the Housing Element's Programs, B-2, requires the City to update our zoning regulations to be consistent with State law. The amendments to Chapter 17.35 are required by State law.

The General Plan aims to create vibrant, complete communities with a mix of commercial, retail, civic, and residential uses. A major challenge to maximizing this type of environment is ensuring that there are housing options for a range of household incomes. This ordinance, as

required by state law, will expedite the development of affordable units and supportive housing units.

Zone Amendment Required Findings:

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

The proposed amendments will facilitate the implementation of State law and integrates the ministerial approval process into the City’s development review framework.

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

HCD certified the City’s Housing Element for the 2019-2027 planning period on November 3, 2020. Part of the Housing Element’s objective is to provide housing throughout the City in a range of residential densities and types to address the needs of an economically diverse population.

One of the Housing Element’s Programs, B-2, requires the City to update our zoning regulations to be consistent with State law. The amendments to Chapter 17.35 are required by State law.

The General Plan aims to create vibrant, complete communities with a mix of commercial, retail, civic, and residential uses. A major challenge to maximizing this type of environment is ensuring that there are housing options for a range of household incomes. This ordinance, as required by state law, will expedite the development of affordable units and supportive housing units.

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

There is no evidence to suggest that the proposed State mandated amendments would be detrimental to the public health, safety or welfare.

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

The proposed amendments are consistent with the CEQA Initial Study and subsequent Negative Declaration of Environmental Impact (SCH# 2019069048) adopted by the City for the City’s Housing Element for the 2019-2027 planning period. As such, staff believes the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment.

Attachments:

Attachment 1: Affordable Housing Projects – Ministerial Approval Process Handout

Attachment 2: SB35 Affordable Housing – Streamlined Approval Process Handout

Attachment 3: Affordable Housing - Tribal Application Handout

Attachment 4: Ordinance No. 391-2022 amending to Chapter 17.35 Rio Dell Municipal Code (RDMC) to be consistent with California Government Code Section 65650 et seq. (State Supportive Housing Law), 65660 et seq. (Low Barrier Navigation Centers Law), and 65913.4 (State Streamlined Ministerial Approval Process) by establishing procedures for reviewing ministerial approval applications.



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Affordable Housing Projects – Ministerial Approval Process

GETTING MORE HOMES APPROVED FASTER

Since 2018, California has enacted three laws that require cities to evaluate certain housing projects through a "streamlined ministerial process." This means:

- *Streamlining* - Projects must be approved or denied within a specified time limit.
- *Ministerial* - Projects must be approved if they meet the state law requirements, without any subjective judgment from planners.

This webpage provides an overview of these laws and the City of San José's process that implements these laws locally.

TABLE: COMPARISON OF STATE LAWS FOR STREAMLINED MINISTERIAL PROCESS

State law requirements	SB 35	AB 2162	AB 101
Type of Housing	Residential and mixed-use projects with at least 50% affordable housing	100% affordable housing projects with at least 25% (or 12 units, whichever is greater) set aside for supportive housing.	Low barrier navigation centers
Additional Requirements	<p>If project is not a public work: The project must pay prevailing wages.</p> <p>If project has at least 75 units and is not 100% affordable: The project must use skilled and trained workforce.</p>	On-site supportive services, units with bathrooms and private cooking facilities, developer supportive services plan	"Housing First," on-site services, and coordinated entry and client information systems

State law requirements	SB 35	AB 2162	AB 101
Areas where project is allowed	Urbanized infill site, General Plan or zoning allows for residential	Areas where multifamily and mixed uses are allowed	Areas zoned for mixed-use and nonresidential zones that permit multifamily uses
Areas where project is excluded	Farmland, wetlands, fire hazard zone, hazardous waste site, earthquake fault zone, flood hazard area, floodways, conservation lands and easements, protected habitat, and mobile home parks	N/A	N/A
Anti-Demolition Requirements	Project must not require demolition of deed-restricted housing; rent-controlled housing; a registered historic structure; or where site was tenant-occupied within the last 10 years.	Existing or demolished units must be replaced as required by the State Density Bonus Law .	N/A
City Development Standards	All laws require projects to comply with City objective development standards		
Parking Reduction	Parking not required if project is near transit, in a historic district, has required but not offered on-street parking permits, or is near car share	Parking not required for supportive housing units if project is near transit stop	N/A
Tribal Consultation	Required	Not required	Not required

State law requirements	SB 35	AB 2162	AB 101
Determination of Eligibility Time Limit	Up to 150 units: 60 calendar days Over 150 units: 90 calendar days	30 days	30 days
Time Limit for Application Review	Up to 150 units: 90 calendar days Over 150 units: 180 calendar days	Up to 50 units: 60 days Over 50 units: 120 days	60 days

About SB 35

[SB 35](#) (2017), as amended by [AB 1485](#) (2019), creates a State Streamlined Ministerial Approval Process for urban infill projects that are multifamily or mixed-use where at least two-thirds of the square footage is for residential use.

The affordable housing percentage required to qualify depends on the local jurisdiction's progress toward meeting their Regional Housing Needs Allocation (RHNA) targets. Rio Dell is on track to meet its very-low or low-income RHNA requirement. At least 50% of the units must be affordable to households that make at or below 80% of the Area Median Income (AMI).

Projects that are not a public work are further required to pay prevailing wages, and projects with at least 75 units and are not 100%-subsidized affordable housing must use a skilled and trained workforce to complete the development. However, projects are not required to pay prevailing wages or use a skilled and trained workforce if they have 10 or fewer units and are not a public work.

Eligibility. To qualify for SB 35, the site must meet all of these conditions:

- Within the City boundary;
- At least 75% of the perimeter is surrounded by defined urban uses; and
- Has a General Plan or zoning designation that allows for residential or mixed-use development.
- The site does not include:
 - A coastal zone (does not exist in Rio Dell)
 - State-designated prime farmland or farmland of statewide importance
 - Federal Fish and Wildlife Service-designated wetlands
 - State-defined very high fire hazard severity zone

- State-designated hazardous waste site
- State-delineated earthquake fault zone
- FEMA-designated special flood hazard area subject to inundation by a 1% annual chance flood
- FEMA-designated regulatory floodway
- Conservation lands
- Habitat for state- or federally-identified protected species
- Lands under conservation easement

Anti-Demolition. SB 35 cannot be used if the project would require the demolition of deed-restricted affordable housing, rent-controlled housing, or a historic structure placed on a national, state, or city historic register; or if the site had tenant-occupied housing within the last 10 years.

Parking. Parking is not required in SB 35 projects if:

- The project is within ½ mile of public transit;
- The project in an architecturally or historically significant historic district;
- On-street parking permits are required but not offered to project residents; or
- A car share vehicle is located within 1 block of the project.

Submitting an application under SB 35. Before submitting an application, developers must first submit a [Tribal Consultation Per AB 168 Application](#) to the City. The City then will initiate a scoping consultation with the Wiyot tribe. The City has 30 days to provide formal notice to the local Wiyot tribe. The City typically refers the Notice of Intent within five (5) working days of receiving the Notice of Intent.

The goal is to determine if there are any tribal cultural resources that could be affected by the proposed development. If such cultural resources are identified, the project is not eligible for SB 35 unless an enforceable agreement on tribal cultural resource treatment is documented between the tribe and the City.

The applicant next submits a formal SB 35 application. Depending on project size, the City has 60 or 90 days to determine if the project is eligible for SB 35.

- *If deemed eligible* - The City has 90 or 180 days (depending on project size) to complete public oversight and approve the project. Although the use is considered principally permitted, the project is subject to the [City's Design Review regulations, Section 17.25.050 of the Rio Dell Municipal Code](#).
- *If deemed not eligible* - The City will provide the applicant with a written list and explanation of how the project does not comply with the required standards.

About AB 2162

[AB 2162](#) (2018) requires that affordable housing projects with a supportive housing component be permitted through a ministerial process in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses.

Eligibility. To be eligible, projects must meet the following requirements:

- 100% of units (excluding managers' units) are affordable to lower income households.
- At least 25% of units are supportive housing (or 12 units, whichever is greater; if the project has less than 12 units, then all non-managers' units in the project must be supportive housing).
- This amount can be reduced at the request of the project owner if rental assistance or operating subsidy for the supportive housing units is terminated through no fault of the project owner and 1) the owner has demonstrated a good-faith effort to find other financial support, 2) the reduction in supportive housing units is the minimum necessary to maintain financial feasibility, and 3) any change in occupancy minimizes tenant disruption and is only made following unit vacancy.
- If the project has more than 20 units, 3% of nonresidential floor area is for onsite supportive services (including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens). If the project has up to 20 units, at least 90 square feet is for onsite services.
- Units excluding managers' units must include at least one bathroom and kitchen or other cooking facilities, including, at a minimum, a stovetop, sink, and refrigerator.
- The applicant must provide the City with a plan that documents and describes the services provided on site for supportive housing residents including 1) the name of service providers, 2) funding sources, and 3) staffing levels.

Anti-Demolition. Applicants using AB 2162 are required to replace any deed-restricted, rent-controlled, or low or very low income-occupied units demolished by the project or demolished within the last 5 years. Units must be replaced at equivalent size and affordable rent to the households that previously occupied them. For more information, refer to the unit replacement provisions of the [State Density Bonus Law](#).

Parking. Parking is not required for supportive housing units if the project is located within ½ mile of a transit stop.

- **Submitting an application under AB 2162.** Unlike SB 35, tribal consultation is not required prior to submittal of an application. The City has 30 days to determine if an application

is complete. Following determination of completion, the City has 60 or 120 days depending on project size to complete review. Although the use is considered principally permitted, the project is subject to the [City's Design Review regulations, Section 17.25.050 of the Rio Dell Municipal Code](#).

About AB 101

[AB 101](#) (2019) requires that low-barrier navigation centers be permitted through a ministerial process in areas zoned for mixed-use and nonresidential zones permitting multifamily uses.

Eligibility. To be eligible, projects must:

- Be "Housing First" and have lowered barriers to entry such as, but not limited to, allowing partners if the site is not population-specific (domestic violence, women, youth, etc.), allowing pets, having places to store possessions, and privacy (partitions around beds, or private rooms);
- Offer services to connect residents to permanent housing through a services plan that identifies staffing; and
- Be connected to coordinated entry and client information systems.

Submitting an application under AB 101. Regardless of unit count, the City has 30 days from receiving a AB 101 application to determine if the application is complete and 60 days to approve or deny the project based on the above requirements and objective development standards. Although the use is considered principally permitted, the project is subject to the [City's Design Review regulations, Section 17.25.050 of the Rio Dell Municipal Code](#)

APPLICATION FORMS

All forms are also found on the [City's website](#).

For SB 35, applicants should submit an [SB 35 Streamlined Ministerial Project Application](#) with accompanying documentation.

For AB 2162 and AB 101 projects, applicants should submit a [Site Development Permit](#) application with accompanying documentation and should specify which law they intend to apply under in Box 2.a.

For SB 35 projects, the first step is to submit a [Tribal Consultation Per AB 168 Application](#). Follow the submittal instructions on the form.

For more information on how to submit an application, please contact the City.



675 Wildwood Avenue
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cityofriodell.ca.gov

SB35 Affordable Housing: Streamlined Approval Process

WHAT IS SB35 AFFORDABLE HOUSING STREAMLINED APPROVAL?

SB-35 allows qualifying development projects with certain minimum affordable housing guarantees to move more quickly through the local government review process and restricts the ability of local governments to reject these proposals. This is a voluntary program that a project sponsor may elect to pursue, provided that certain eligibility criteria are met. The bill was signed into law in 2017 and became effective on January 1, 2018.

The bill created a streamlined approval process for infill developments in localities that have failed to meet their regional housing needs allocation (RHNA). The bill amends Government Code Section 65913.4 to require local entities to streamline the approval of certain housing projects by providing a ministerial approval process, removing the requirement for CEQA analysis, and removing the requirement for discretionary entitlements granted by the Planning Commission. Although the use is considered principally permitted, the project is subject to the [City's Design Review regulations, Section 17.25.050 of the Rio Dell Municipal Code](#).

IS MY PROJECT ELIGIBLE FOR SB35 AFFORDABLE HOUSING STREAMLINED APPROVAL?

In order to be eligible for streamlining, the project must meet all of the following criteria:

- **Affordability:** At least 50% of the proposed residential units must be dedicated as affordable to households at 80% AMI for either rental or ownership projects. In order to assure that the affordable units remain so dedicated, applicants will be required to execute an Affordable Housing Agreement with regard to monitoring, enforcement, and procedures for eligibility.
- **Number of Units:** The development must contain at least two or more net new residential units.
- **Zoning and Residential Uses:** The development must be located on a legal parcel or parcels that are zoned for residential uses. At least 2/3 of the floor area of the proposed development must be dedicated to residential uses.
- **Location:** The development must be located on a property that is not within a coastal zone, prime farmland, wetlands, a high fire hazard severity zone, hazardous waste site, a delineated earthquake fault zone, a flood plain, a floodway, a community conservation plan area, a habitat for protected species, or under a conservation easement.

- **Demolition of Residential Units:** The project does not demolish any housing units that have been occupied by tenants in the last 10 years; are subject to any form of rent or price control, or are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low incomes.
- **Historic Buildings:** The project does not demolish a historic structure that has been placed on a national, state, or local historic register.
- **Consistent with Objective Standards:** The project must meet all objective standards of the Zoning Code at the time of SB-35 application submittal. Such objective standards are those that require no personal or subjective (discretionary) judgment, such as objective dimensional requirements, and as otherwise set forth below.
- **Prevailing Wages:** If the development is not in its entirety a public work, as defined in Government Code Section 65913.4 (a)(8)(A), all construction workers employed in the execution of the development must be paid at least the general prevailing rate of per diem wages for the type of work and geographic area.
- **Skilled and Trained Workforce provisions:** A skilled and trained workforce, as defined in Government Code Section 65913.4 (a)(8)(B)iii, must complete the development if the project consists of 50 or more units.
- **Subdivisions:** The development did not or does not involve a subdivision of a parcel that is subject to the California Subdivision Map Act, unless the development either (i) receives a low-income housing tax credit and is subject to the requirement that prevailing wages be paid, or (ii) is subject to the requirements to pay prevailing wages and to use a skilled and trained workforce.
- **Notification to California Native American tribes:** After providing notice of the intent to develop the site to California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed development site, a determination by the City that: the development site is not a tribal or cultural resource on a national, state, tribal or local historic register list; that the parties to a scoping consultation have documented an enforceable agreement on methods, measures, and conditions for tribal cultural resource treatment; or that the parties to the scoping consultation do not disagree as to whether a potential tribal cultural resource will be affected by the proposed development.

WHAT IS THE PROCESS FOR STREAMLINED APPROVAL?

Prior to accepting an application for SB-35 approval, the City must notify relevant California Native American tribes about the proposed development. A notice of intent to submit an SB-35 application shall include a Project Application, SB-35 Application Supplemental, State Density Bonus application supplemental (if required), a Preliminary Application pursuant to SB-330, and architectural plans. If there is no response to the notification of intent or there is an agreement

reached in a scoping consultation and the project application is deemed complete and eligible for SB-35 review, the project is eligible for SB-35 (ministerial) approval. If there is no agreement reached, a project is not eligible for SB-35 approval. Provided that the notification and scoping session result in either an agreement or no response, SB-35 timelines shall commence provide a building permit is submitted.

Projects that elect to take advantage of streamlining stipulated in SB-35 must submit a building permit application and an SB-35 Streamlined Development application demonstrating the project's eligibility.

CEQA review is not required for SB-35 eligible projects because they are subject to a ministerial approval process. The building permit will not be subject to any applicable neighborhood notice requirements in the Zoning Code, and the Department will not accept Discretionary Review applications for these projects because they are subject to a ministerial approval process.

SB-35 includes timelines for streamlined review. Planning staff must determine if a project is eligible for streamlining within 60 days of application submittal for projects of 150 or fewer units, and 90 days for projects containing more than 150 units.

If the Department provides written comments to an Applicant detailing how a project is not SB-35 eligible as proposed, or requests additional information to make such a determination, then the 60 or 90 day timeline will restart upon submittal of a revised development application in response to that written notice.

Any design review or public oversight must be completed in 90 days for 150 or fewer units and 180 days for projects with more than 150 units, measured from the date of the SB-35 application submittal.

State Density Bonus Projects under CA Govt. Code Section 65915

Projects that use the State Density Bonus Program and meet all other eligibility requirements above qualify for streamlining under SB-35. Any waivers, concessions, or incentives, conferred through the State Density Bonus Law are considered code-complying, and therefore are consistent with the objective standards of the Zoning Code. In addition, qualifying 100% affordable projects may qualify for the State Density Bonus set forth in CA Govt. Code Section 65915



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SB 35 Affordable Housing Projects Tribal Consultation Per AB 168 Notice of Intent to Submit an Application

[SB 35](#) (2017), as amended by [AB 1485](#) (2019), created a State Mandated Streamlined Ministerial Approval Process for urban infill projects that are multifamily or mixed-use where at least two-thirds of the square footage is for residential use. The first step of the process is to consult with the Wiyot tribe to determine if a Cultural Resource Study will be required.

WHAT IS A TRIBAL CONSULTATION PER AB 168?

Pursuant to AB 168 passed in 2020, this form serves as a Notice of Intent to submit an application for an affordable housing development project under the [SB 35 ministerial review process](#). After the applicant submits this Notice of Intent to the City, the City has 30 days to provide formal notice to the local native American tribes. The City typically refers the Notice of Intent within five (5) working days of receiving the Notice of Intent. For more information, please refer to the Governor's Office of Planning and Research publication, [AB 168: Tribal Scoping Requirements for Projects Seeking Review Under the Streamlined Ministerial Approval Process](#).

INSTRUCTIONS

As directed by the City Planner, complete this application form and submit it with all items outlined in the application package below.

FEES

A deposit of \$75.00 must be paid at the time of submittal. The applicant is required to pay for staff's time based on the current adopted burdened rates. Review of your submittal will not begin until the deposit is paid.

APPLICATION PACKAGE

HOW TO SUBMIT. Drop off the application at City Hall, 675 Wildwood Avenue.

WHAT TO SUBMIT. Please include the following in your application package:

PROPERTY OWNER AFFIDAVIT

The owner of each property involved must provide a signature to verify the Preliminary Application is being filed with their knowledge. Staff will confirm ownership based on the records of the County Assessor. In the case of partnerships, corporations, LLCs or trusts, the agent for service of process or an officer of the ownership entity so authorized may sign as stipulated below.

Ownership Disclosure. If the property is owned by a partnership, corporation, LLC or trust, a disclosure identifying the agent for service or process or an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25 percent interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.

Letter of Authorization (LOA). A LOA from a property owner granting someone else permission to sign the Preliminary Application form may be provided if the property is owned by a partnership, corporation, LLC or trust, or in rare circumstances when an individual property owner is unable to sign the Preliminary Application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized to file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items 1-3 below. In the case of partnerships, corporations, LLCs or trusts, the LOA must be signed by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.

Grant Deed. Provide Copy of the Grant Deed if the ownership of the property does not match local records. The Deed must correspond exactly with the ownership listed on the application.

Multiple Owners. If the property is owned by more than one individual (e.g., John and Jane Doe, or Mary Smith and Mark Jones) signatures are required of all owners.

1. I hereby certify that I am the owner of record of the herein previously described property located in THE CITY OF RIO DELL which is involved in this Preliminary Application, or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC, or trust as evidenced by the documents attached hereto.
2. I hereby consent to the filing of this Preliminary Application on my property for processing by THE CITY OF RIO DELL PLANNING DIVISION for the sole purpose of vesting the proposed housing project subject to the Planning and Zoning ordinances, policies, and standards adopted and in effect on the date that this Preliminary Application is deemed complete.
3. Further, I understand that this Preliminary Application will be terminated and vesting will be forfeited if the housing development project is revised such that the number of residential units or square footage of construction increases or decreases by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision, and/or an application requesting approval of an entitlement is not filed with THE CITY OF RIO DELL PLANNING DIVISION within 180 days of the date that the Preliminary Application is deemed complete.
4. By my signature below, I certify that the foregoing statements are true and correct.

SB 35 Affordable Housing Projects
Tribal Consultation Per AB 168
Notice of Intent to Submit an Application

Property Owner Signature

Date [MM/DD/YYYY]

Property Owner Signature

Date [MM/DD/YYYY]

Property Owner Signature

Date [MM/DD/YYYY]

Property Owner Signature

Date [MM/DD/YYYY]

ORDINANCE NO. 391-2022



**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING THE CITY'S ZONING REGULATIONS CHAPTER 17 OF THE RIO DELL
MUNICIPAL CODE (RDMC) TO BE CONSISTENT WITH CALIFORNIA GOVERNMENT
CODE SECTION 65650 ET SEQ. (STATE SUPPORTIVE HOUSING LAW), 65660 ET
SEQ. (LOW BARRIER NAVIGATION CENTERS LAW), AND 65913.4 (STATE
STREAMLINED MINISTERIAL APPROVAL PROCESS) BY ESTABLISHING
PROCEDURES FOR REVIEWING MINISTERIAL APPROVAL APPLICATIONS.**

WHEREAS since 2016, the State Legislature, then-Governor Brown, and now-Governor Newsom have taken increased interest in reforming state housing policy and local control over development to facilitate housing production; and

WHEREAS in 2017 Governor Brown signed, SB 35 and AB 2162. In 2019, Governor Newsom signed AB 101, AB 1485, and AB 1763.; and

WHEREAS SB 35 creates a mandated Streamlined Ministerial Approval Process for certain urban multifamily projects; and

WHEREAS AB 2162 establishes supportive housing – housing for formerly homeless residents that is linked to housing and health-related services – as a use by right in multifamily and mixed-use zones, including nonresidential zones where multifamily uses are permitted; and

WHEREAS AB 101 establishes low barrier navigation centers – shelters focused on moving formerly homeless occupants into permanent housing while case managers connect them to services – as a use by right in multifamily and mixed-use zones, including nonresidential zones where multifamily uses are permitted; and

WHEREAS qualifying navigation centers must be housing first, oriented around moving people into permanent housing, be equipped with information systems, and have reduced barriers to entry; and

WHEREAS local governments must notify applicants if the application is complete within 30 days of receiving the application and complete review in 60 days; and

WHEREAS adopting the recommended Ordinance will facilitate the implementation of State law; and

WHEREAS the recommended ordinance conforms with State law requirements, and integrates the ministerial approval process into the City's development review framework; and

WHEREAS the project was evaluated for compliance with the City's Zoning Regulations, General Plan and compliance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell finds:

1. The proposed amendment are in the public interest and are required by State law.

The proposed amendments will facilitate the implementation of State law and integrates the ministerial approval process into the City's development review framework.

2. The proposed amendments are consistent and compatible with the General Plan and the State approved Housing Element.

HCD certified the City's Housing Element for the 2019-2027 planning period on November 3, 2020. Part of the Housing Element's objective is to provide housing throughout the City in a range of residential densities and types to address the needs of an economically diverse population.

One of the Housing Element's Programs, B-2, requires the City to update our zoning regulations to be consistent with State law. The amendments to Chapter 17.35 are required by State law.

The General Plan aims to create vibrant, complete communities with a mix of commercial, retail, civic, and residential uses. A major challenge to maximizing this type of environment is ensuring that there are housing options for a range of household incomes. This ordinance, as required by state law, will expedite the development of affordable units and supportive housing units.

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

The proposed amendments are consistent with the CEQA Initial Study and subsequent Negative Declaration of Environmental Impact (SCH# 2019069048) adopted by the City for the City's Housing Element for the 2019-2027 planning period. As such, staff believes the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment.

NOW, THEREFORE, BE IT FURTHER 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 purpose of the amendments is to be consistent with California Government Code Section 65650 et seq. (State Supportive Housing Law), 65660 et seq. (Low Barrier Navigation Centers Law), and 65913.4 (State Streamlined Ministerial Approval Process) by establishing procedures for reviewing ministerial approval applications.

Section 2. Amendments to Chapter 17.35 of the Rio dell Municipal Code

Chapter 17.30 of the Rio Dell Municipal Code is hereby amended as follows:

Chapter 17.35
AMENDMENTS, VARIANCES, ~~AND~~ USE PERMITS AND MINISTERIAL APPROVALS

Sections:

17.35.010 Amendments.

17.35.020 Variances.

17.35.030 Use permits.

17.35.040 Ministerial approvals.

17.35.040 ~~050~~ Revocation of variances and use permits.

17.35.050 060 Appeals.

17.35.010 Amendments.

- (1) This title may be amended consistent with the following City procedures.
- (2) An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in subsection (3) of this section, or by action of the Planning Commission, or the City Council.
- (3) The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, and shall be accompanied by a filing fee adopted by resolution of the City Council, and by plans and other information as may be required to describe fully the proposed amendment.
- (4) Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- (5) Notice of the time and place of the hearing shall be given at least 10 calendar days before the hearing by publication once in a newspaper of general circulation printed and published in the City, or by posting in at least three public places in the City.
- (6) At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- (7) Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefor.
- (8) Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in subsection (5) of this section.
- (9) At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- (10) The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council. The failure of the Planning Commission to report within 40 days after the reference of such proposed change shall be deemed to be approval of the proposed change. [Ord. 252 §§ 7.01 – 7.10, 2004.]

17.35.020 Variances.

(1) A variance from the strict application of the terms of these regulations, other than regulations directly pertaining to the use of land and buildings which are not existing nonconforming uses, may be granted upon a finding that:

(a) The location, shape, size, surroundings, topography, or other condition, applicable to the subject property, represent special circumstances, and that strict application of this title would deny the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district;

(b) The variance is necessary for the enjoyment and preservation of substantial property rights enjoyed by other property owners in the same vicinity and zoning district; and

(c) The variance is consistent with the general plan.

(2) Application for a variance shall be filed in the office of the City Clerk upon a form provided, and shall be accompanied by a filing fee adopted by resolution of the City Council and by such other information as may be required to describe fully the proposed variance.

(3) Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.

(4) Notice of the time and place of the hearing shall be given at least 10 calendar days before the hearing by prepaid U.S. mail notices to owners of property adjoining that of the petitioner, using addresses from the last assessment roll, or by publication once in a newspaper of general circulation printed and published in the City and by posting said notice in conspicuous places close to the property affected.

(5) At the public hearing, the Planning Commission shall hear any person affected by the proposed variance. The hearing may be continued from time to time, but shall be concluded within 60 days of the commencement thereof.

(6) Within 30 days of the conclusion of the hearings, the Planning Commission shall grant or deny the variance. The grant of a variance may be made subject to terms and conditions attached thereto and made a part thereof. The action of the Planning Commission shall be expressed in writing and shall contain findings of fact as to the satisfaction of the conditions set out in subsection (1) of this section. Failure of the Planning Commission to act within 30 days of the conclusion of the hearing shall be deemed to be a denial of the application on that date. The decision of the Planning Commission shall become final 10 days from the date thereof, unless an appeal has been taken within that time. [Ord. 252 §§ 7.20 – 7.25, 2004.]

17.35.030 Use Permits.

(1) Use permits provide a process for reviewing uses and activities that may be desirable in the applicable zoning district, but whose effect on the site and surroundings cannot be determined before being proposed for a particular location. A use permit is required to authorize proposed land use activities identified by Chapter [17.20](#) RDMC, Regulations for the Principal Zones, and certain uses described in this chapter. This procedure applies to uses allowable in the applicable zoning district subject to the approval of a use permit.

(2) An application for a use permit shall be filed with the City Clerk using forms provided by the City Clerk. Applications shall include all necessary information and materials that are required by the City of Rio Dell and the payment of fees and/or deposits established by resolution of the City Council. Each application shall be analyzed by the City to ensure that the application is complete.

(3) Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.

(4) Such hearing shall be conducted, and notice thereof shall be given, in the same manner as a hearing upon an application for a variance, RDMC [17.35.020](#)(4).

(5) The Planning Commission may approve or disapprove an application for use permit. The Planning Commission shall record the decision and the findings on which the decision is based. The Planning Commission may approve a use permit only after first making all of the following findings:

(a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;

(b) The proposed use is consistent with the general plan and any applicable specific plan;

(c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

(d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and

(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

(6) Within 30 days of the conclusion of the hearing, the Planning Commission shall grant or deny the use permit. The granting of any use permit may be made subject to terms and conditions attached thereto and made a part thereof. Failure of the Planning Commission to act

within the time set out therein shall be deemed to be a denial of the application on that date. The action of the Planning Commission shall become final 10 days from the date thereof, unless an appeal has been taken within that time. [Ord. 252 §§ 7.30 – 7.34, 2004.]

17.35.040 Ministerial Approvals

(1) Purpose.

The purpose of this Chapter is to:

(a) Specify how the City will implement the review and approval requirements of California Government Code Sections 65650 et seq. ("State Supportive Housing Law"), 65660 et seq. ("State Low Barrier Navigation Centers Law"), and 65913.4 ("State Streamlined Ministerial Approval Process"); and

(b) Facilitate the development of affordable housing consistent with the goals, objectives, and policies of the City's General Plan Housing Element as may be amended from time to time. (Ord. 30422.)

(2) Definitions.

(a) All terms used in this Chapter that are defined in the State Supportive Housing Law, State Low Barrier Navigation Centers Law, and the State Streamlined Ministerial Approval Process shall have meaning established by their respective sections, as the same may be amended from time to time.

(i) As of date of publication of the ordinance adopting these regulations, the following terms are defined in the State Supportive Housing Law:

- (A) Supportive Housing;
- (B) Supportive Services;
- (C) Target Population;
- (D) Use by Right; and
- (E) Lower Income Households.

(ii) As of date of publication of the ordinance adopting these regulations, the following terms are defined in the State Low Barrier Navigation Centers Law:

- (A) Low Barrier Navigation Center;

(B) Use by Right;

(C) Coordinated Entry System.

(iii) As of date of publication of the ordinance adopting these regulations, the following terms are defined in the State Streamlined Ministerial Approval Process:

(A) Objective Zoning Standards;

(B) Objective Subdivision Standards;

(C) Objective Design Review Standards;

(D) Project Labor Agreement;

(E) Skilled and Trained Workforce;

(F) Affordable Housing Cost;

(G) Affordable Rent;

(H) Development Proponent;

(I) Completed Entitlements;

(J) Moderate Income Housing Units;

(K) Production Report;

(L) State Agency;

(M) Subsidized;

(N) Reporting Period; and

(O) Urban Uses.

(b) All terms used in this Chapter that are defined in Chapter 17.10 of this Code shall have the meaning established in Chapter 17.10. Where terms that are defined in the State Housing Density Bonuses and Incentives Law are inconsistent with the definitions of the same terms set forth in Chapter 17.10 of this Code, the meaning of the terms in the State Housing Density Bonuses and Incentives Law shall prevail.

(c) Whenever the following terms are used in this Chapter, they shall have the meaning established by this Section:

(i) "Applicant" means the owner of the property, or person or entity with the written authority of the owner, that submits and application for Ministerial Approval.

(ii) "Director" means the Community Development of Planning and Building.

(ii) "Ministerial Approval" means any approval related to a housing development or a Low Barrier Navigation Center that meet the requirements of the State Supportive Housing Law, the State Low Barrier Navigation Centers Law, and/or the State Streamlined Ministerial Approval Process and does not require the exercise of judgement or deliberation by the Director.

(iv) "Restricted Affordable Unit" means a dwelling unit within a housing development that will be available at an Affordable Rent or Affordable Housing Cost as specified in the State Supportive Housing Law and the State Streamlined Ministerial Approval Process.

(v) "State Housing Density Bonuses and Incentives Law" means Government Code Section 65915 et seq. and all amendments and additions thereto, now or hereinafter enacted, that impose requirements applicable to the City related to the provision of housing Density Bonus(es) and Incentives.

(vi) "State Low Barrier Navigation Centers Law" means Government Code 65660 et seq. and all amendments and additions thereto, now or hereinafter enacted, that impose requirements applicable to the City related to Ministerial Approvals and Uses by Right.

(vii) "State Streamlined Ministerial Approval Process" means Government Code Section 65913.4 and all amendments and additions thereto, now or hereinafter enacted, that impose requirements applicable to the City related to Ministerial Approvals.

(viii) "State Supportive Housing Law" means Government Code Sections 65650 et seq. and all amendments and additions thereto, now or hereinafter enacted, that impose requirements applicable to the City related to Ministerial Approvals and Uses by Right.

(3) Ministerial Approval.

(a) Ministerially Approved Developments. The City will Ministerially Approve a housing development or Low Barrier Navigation Center that meets the requirements specified in the State Supportive Housing Law, the State Low Barrier Navigation Centers Law, and/or the State Streamlined Ministerial Approval Process when an Applicant submits an application as specified by these regulations.

(b) Restricted Affordability and Supportive Housing Calculations.

(i) If an Applicant seeks Ministerial Approval under the State Supportive Housing Law, the number of required Restricted Affordable Units, Supportive Housing Units, and Supportive Services floor area will be calculated in accordance with the State Supportive Housing Law.

(ii) If an Applicant seeks Ministerial Approval under the State Streamlined Ministerial Approval Process, the number of required Restricted Affordable Units will be calculated in accordance with the State Streamlined Ministerial Approval Process.

(c) Replacement of Pre-Existing Lower Income Units. A housing development seeking Ministerial Approval under the State Supportive Housing Law shall replace any dwelling units on the site of the proposed housing development in the manner required by the State Supportive Housing Law.

(d) Parking Ratios. The City shall not require parking beyond the maximum ratios specified in the State Streamlined Ministerial Approval Process if the project is Ministerially Approved under that section of state law.

(e) Development Standards. Notwithstanding the State Supportive Housing Law, the State Low Barrier Navigation Centers Law, and the State Streamlined Ministerial Approval Process, Ministerially Approved housing developments and Low Barrier Navigation Centers shall meet all objective site, design, and construction standards included in Title 15 (Buildings and Construction), Title 16 (Subdivisions), and Title 17 (Zoning) of this Code, and shall also comply with all objective design guidelines included in applicable specific plans or otherwise adopted by the City Council, and all administrative regulations adopted pursuant to Section 17.35.040(6) for the implementation of these regulations.

(4) Application Requirements and Timing.

(a) General. Aside from Ministerial Approvals for accessory dwelling units and junior accessory dwelling units as specified in State Law, any Ministerial Approval sought by an Applicant shall be made pursuant to this Chapter.

(b) Application. All applications pursuant to these regulations shall be filed with the Director in a form prescribed by the Director. The application shall be signed by:

(i) All owners of the real property included in the housing development or Low Barrier Navigation Center; or

(ii) The person or entity with written authority of the owner(s) to apply for Ministerial Approval for a housing development or Low Barrier Navigation Center.

(c) Application Received. No application for Ministerial Approval shall be deemed received until the following have been provided:

(i) All fees for the application as set forth in the schedule of fees established by resolution of the City Council have been paid. No fee shall be deemed received until any negotiable instrument has been cleared and funds deposited on the City's account.

(ii) All documents specified in this Chapter and on the application form have been filed.

(d) The application shall include the following information:

(i) A brief description of the proposed housing development or Low Barrier Navigation Center, including, as applicable, the total number of dwelling units, Restricted Affordable Units, Supportive Housing Units, and Low Barrier Navigation Center beds proposed.

(ii) The current zoning district(s) and general plan land use designation(s) and assessor's parcel number(s) of the project Site.

(iii) A vicinity map and Site plan, drawn to scale, including building footprints, driveway, and parking layout.

(iv) Indication if the Applicant also seeks a density bonus, incentive, waiver, or modification.

(v) A Site plan showing location of, as applicable, Restricted Affordable Units, Supportive Housing Units, onsite Supportive Services, Low Barrier Navigation Center beds, and all other dwelling units within the proposed housing development or Low Barrier Navigation Center.

(vi) If the Applicant submits an application under the provisions of the State Supportive Housing Law, a plan for providing supportive services, with documentation demonstrating that the onsite supportive services provided meet the requirements of the Supportive Housing Law.

(vii) If a reduction in Supportive Housing Units is requested due to the termination of project-based rental assistance or operating subsidy through no fault of the project owner, an explanation of good faith efforts by the owner to find other sources of financial support, how any change in the number of Supportive Service Units is restricted to the minimum necessary to maintain the project's financial feasibility, and how any change to the occupancy of the Supportive Housing Units is made in a manner that minimizes tenant disruption and only upon the vacancy of Supportive Housing Units.

(viii) Level of affordability of any Restricted Affordable Units and proposed method to ensure affordability.

(ix) If the applicant submits an application under the provisions of the State Streamlined Ministerial Approval Process and it is not entirely a public work, certification that the project will pay prevailing wages.

(x) If the applicant submits an application under the provisions of the State Streamlined Ministerial Approval Process and the project meets the conditions specified in the Process, certification that the project will employ a skilled and trained workforce.

(5) Application Review and Approval Process.

(a) General. An application for Ministerial Approval shall be acted upon by the Director.

(b) Conditions for Approval. Before approving an application for Ministerial Approval, the Director must make the following findings based on evidence in the record, as applicable, that:

(i) The housing development or Low Barrier Navigation Center is eligible for Ministerial Approval.

(ii) If the Ministerial Approval is based all or in part on the provision of Supportive Housing, a finding that all the requirements for a Supportive housing development that are specified in the State Supportive Housing Law have been or will be met.

(iii) If the Ministerial Approval is for a Low Barrier Navigation Center, a finding that all the requirements for a Low Barrier Navigation Center that are specified in the State Low Barrier Navigation Centers Law have been or will be met.

(iv) If the Ministerial Approval request is based all or in part on the State Streamlined Ministerial Approval Process, a finding that all the requirements for a housing development approval that are specified in the State Ministerial Approval Process have been or will be met.

(v) If the application includes a request for a density bonus, incentive, waiver, or modification under these regulations, a finding that all the requirements for density bonuses and/or other incentives that are specified in these regulations have been or will be met.

(c) Conditions for Denial.

(i) The Director may deny an application for Ministerial Approval if the findings required by Subsection (b) above, as applicable, cannot be made.

(ii) The Director may deny a Ministerial Approval if doing so would be contrary to state and federal law, and this finding is made in writing.

(iii) Nothing in these regulations limits the City's right to deny an affordable housing project under Government Code Section 65589.5.

(d) Permit Conditions

(i) Term. Unless otherwise required by state law, Ministerial Approvals shall automatically expire three years from the date of the final action establishing that approval, unless otherwise provided in the permit, from and after the date of issuance of the development permit if within such three-year period, pursuant to and in accordance with the provisions of the Ministerial Approval. The duration of the approval may be extended as provided for in state law.

(ii) Conditions. Following approval of an application under the Streamlined Ministerial Approval Process, but prior to issuance of a building permit for the development, the Director may require one-time changes to the development that are necessary to comply with the objective uniform construction codes (including, without limitation building, plumbing, electrical, fire, and grading codes), to comply with federal or state laws, or to mitigate a specific, adverse impact upon the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without modifying the development. A "specific, adverse impact" has the meaning defined in Government Code section 65589.5(d)(2).

(iii) Failure to install public improvements. It shall be a violation of this title for any person who has signed the acceptance of a permit or approval issued pursuant to this chapter to fail to secure the completion of the public improvements required by the permit or approval within the time period specified. If no time period is specified, the time period for completion of improvements shall be deemed to be one year from the issuance of a building permit unless an extension has been granted in writing by the Director or, if no building permit is required, one year from the issuance of the permit or approval.

(iv) Construction clean up. It shall be a violation of this title for any person responsible for construction including but not limited to the permit holder and any contractor thereof to fail to keep the public right-of-way free from construction dirt and debris. All on-site construction debris shall be removed at least weekly.

(v) Window Glazing. Unless otherwise indicated on an approved plan or in the approved permit, all first-floor, ground floor windows for any commercial use shall consist of transparent glass.

(vi) Maintenance of Landscape. It shall be a violation of this title for any property owner or other person in control of any site to fail to install or maintain any landscaping required by a permit or approval issued pursuant to these regulations. Any vegetation, required by a permit or approval, which is dead or dying, shall be replaced within sixty days.

(vii) Hours of Construction within 500 feet of a residential unit. No applicant or agent of an applicant shall suffer or allow any construction activity on a site located within 500 feet of a residential unit before 7:00 a.m. or after 7:00 p.m., Monday through Friday, or at any time on weekends.

(viii) All projects approved under these regulations shall follow current Best Management Practices (BMPs) for stormwater management.

(ix) Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, all projects approved under these regulations shall satisfy all applicable Public Works clearance and Building Division clearance requirements.

(x) All projects approved under these regulations shall, if required by the Zoning Ordinance, satisfy the performance standards of the applicable Zoning Districts.

(6) Regulations.

The Director is hereby authorized to promulgate forms, policies, and regulations for the implementation of this Chapter.

17.35.~~040~~ 050 Revocation of Variances and Use Permits.

In any case where the terms and conditions of a grant of a variance or use permit are not complied with, the Planning Commission shall give notice to the holder of such variance or use permit of its intention to revoke such variance or use permit. Proceedings for the revocation of a variance or use permit shall be conducted in the same manner as proceedings for the grant of a variance or use permit. [Ord. 252 § 7.40, 2004.]

17.35.~~050~~ 060 Appeals.

(1) The City Manager or any person aggrieved by an action of the Planning Commission may take an appeal to the City Council by filing a notice of appeal with the City Clerk and with the Planning Commission within 10 days of the action of the Planning Commission. The City Manager is authorized to submit appeals without any further pre-submittal action by the City Council. The notice of appeal filed with the City Clerk shall be accompanied by a filing fee adopted by resolution of the City Council. No filing fee shall be required for any appeal filed by the City Manager. Upon receipt of the notice of appeal, the Planning Commission shall transmit to the City Council all the papers constituting the record upon which the action appealed from was taken.

(2) The City Council shall consider the appeal and the record upon which the action appealed from was taken and shall cause the matter to be set for a public hearing.

(3) Notice of the hearing shall be given as provided in RDMC 17.35.020(4).

(4) Within 60 days of the filing of the notice of appeal, the City Council shall render its decision on the matter. Failure of the City Council to render its decision on the matter within 60 days of the filing of the notice of appeal shall be deemed to be a denial of the appeal and an affirmation of the action of the Planning Commission.

(5) The decision of the City Council upon an appeal is final and conclusive as to all things involved in the matter. [Ord. 252 §§ 7.50 – 7.54, 2004.]

Section 3. Severability

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

Section 4. Limitation of Actions

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

Section 5. Effective Date

This ordinance becomes effective thirty (30) days after adoption.

I HEREBY CERTIFY that the forgoing Ordinance was PASSED and ADOPTED at a regular meeting of the City Council of the City of Rio Dell on May 17, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No, 391-2022 adopted by the City Council of the City of Rio Dell on May 17, 2022.

Karen Dunham, City Clerk, City of Rio Dell