




Community Development Department  
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**For the Meeting of August 27, 2024**

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: August 13, 2024

Subject: Minor Text Amendment to the Vacation Dwelling Unit Regulations

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**Recommendation:**

That the Planning Commission:

1. Receive staff's report regarding the proposed subdivision approval extension;
2. Open the public hearing, receive public input and deliberate;
3. Close the public hearing;
4. Approve Resolution No. PC 178-2024 recommending the City Council approve the proposed minor text amendment.

## Discussion

Staff recently discovered what we believe to be an error in the Vacation Dwelling Unit regulations regarding appeals. The codified language, Section 17.30.360(4) of the Rio Dell Municipal Code (RDMC) states that appeals may be filed within 30 days following approval. When the Ordinance was crafted, staff intended that the appeal period be 10 days, which is consistent with Section 17.35.060 of the Rio Dell Municipal Code. Copies of both provisions are below.

### 17.30.360(4) Appeals.

(a) Except as provided in subsection (4)(b) of this section, within **30 days** following the decision of the Director on a vacation dwelling unit permit application, the decision may be appealed to the Planning Commission by the applicant or any property owner located within 100 feet of the vacation dwelling unit property. An appeal shall be filed with the City Clerk and state specifically wherein it is claimed there was an error or abuse of discretion by the Director. Notice of the date, time and place of an appeal to the Planning Commission shall be provided to all property owners located within 100 feet of the vacation dwelling unit property at least 10 days prior to the appeal meeting.

(b) The decision of the Director to deny the annual permit renewal may be appealed to the Planning Commission solely by the applicant. **The appeal must be filed within 10 days of the date of denial.**

### 17.35.060 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.

Staff is recommending that the Vacation Dwelling Unit regulations appeal period be amended to be consistent with the appeal provisions identified in Section 17.35.060 of the RDMC.

**CEQA:**

This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that the minor text amendment may have a significant adverse effect to the environment.

**Attachments:**

Attachment 1: Resolution No. PC 178-2024 recommending that the City Council amend Section 17.30.360(4) of the RDMC be consistent with the appeal provisions identified in Section 17.35.060 of the RDMC.

**RESOLUTION NO. 178-2024**



**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL  
RECOMMENDING THAT THE CITY COUNCIL AMEND THE APPEAL PROVISIONS OF  
SECTION 17.30.360(4) OF THE RIO DELL MUNICIPAL CODE (RDMC) TO BE  
CONSISTENT WITH THE APPEAL PROVISIONS IDENTIFIED IN SECTION 17.35.060  
OF THE RDMC**

**WHEREAS** staff recently discovered what we believe to be an error in the Vacation Dwelling Unit regulations regarding appeals; and

**WHEREAS** the codified language, Section 17.30.360(4) of the Rio Dell Municipal Code (RDMC) states that appeals may be filed within 30 days following approval; and

**WHEREAS** when the Vacation Dwelling Unit Ordinance was crafted, staff intended that the appeal period be 10 days, which is consistent with the appeal provisions of Section 17.35.060 of the Rio Dell Municipal Code; and

**WHEREAS** the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment under Title 14 of the California Code of Regulations, Section 15061(b)(3). No further environmental review is necessary.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Rio Dell recommends that the City Council amend the appeal provisions in the Vacation Dwelling Unit regulations, Section 17.30.360(4) of the Rio Dell Municipal Code to be consistent with the appeal provisions found in Section 17.35.060 of the Rio Dell Municipal Code

**APPROVED AND ADOPTED** by the Planning Commission of the City of Rio Dell at their meeting of August 27, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Nick Angeloff, Chair

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 Resolution No. PC 178-2024 adopted by the Planning Commission of the City of Rio Dell on August 27, 2024.

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Karen Dunham, City Clerk, City of Rio Dell