




For Meeting of: May 2, 2023

☒ Consent Item; ☐ Public Hearing Item

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: April 25, 2023

Subject: General Plan & Housing Element Annual Progress Report

Recommendation:

That the City Council:

1. Receive and file the General Plan Annual Progress Report.

Discussion:

Every jurisdiction in the State is required to prepare a General Plan and Housing Element Annual Progress Report. The reports have been prepared pursuant to the requirements of Government Code Section 65400. Guidance for preparation of the report is provided by the Governor's Office of Planning and Research (OPR).

The purpose of the document is to report on the City of Rio Dell's progress in implementing its General Plan and Housing Elements. The Reports were presented to the Planning Commission on April 25, 2023. The reports have been submitted to OPR and the Department of Housing and Community Development as required by State law.

Attachment 1: General Plan Annual Progress Report

Attachment 2: Housing Element Summary Annual Progress Report

City of Rio Dell General Plan Annual Progress Report Year 2022



**Prepared by the
Community Development Department**

April 17, 2023

City of Rio Dell

General Plan Annual Progress Report

Year 2022

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I. Introduction

This report has been prepared pursuant to the requirements of Government Code Section 65400. Guidance for preparation of the report is provided by the Governor's Office of Planning and Research (OPR).

The purpose of the document is to report on the City of Rio Dell's progress in implementing its General Plan. The document was provided to the Planning Commission and City Council for their review on April 25, 2023 and May 2, 2023 respectively, and will be submitted to OPR and the Department of Housing and Community Development following these reviews.

Background

The City adopted a comprehensive update to the General Plan in 2008. The Plan replaced, reformatted, and updated the previous General Plan in its entirety. As a result of many meetings The General Plan was updated to include new land use designations and associated zoning text amendments.

The City's Circulation, Open Space and Conservation Elements were updated in 2013. The Safety Element was updated and adopted in 2016. The Housing Element was updated in November of 2020.

All of the City's General Plan Elements and Zoning Regulations can be found at the City's website: <https://cityofriodell.ca.gov/>

Informational Document

This document is a reporting document, and does not create or alter policy. The content is provided for informational purposes only, and is exempt from the requirements of the California Environmental Quality Act (CEQA) per Guidelines Section 15306, Information Collection.

Organization

After the previous introductory section, a summary of projects and issues addressed in the last year is provided, and then each General Plan element is addressed. Following these topics, the City's continuing efforts to address minor implementation issues, compliance activities, and changes in state law requiring updates to the General Plan and Zoning Ordinance are addressed.

II. Plans, Projects, and Accomplishments

During 2022 the City processed numerous projects, including Building Permits, Use Permits, Lot Line Adjustments, Subdivisions(s) text amendments to both the City's Zoning Regulations and General Plan. The following summaries provide a brief overview of these projects and

programs, and are not intended to be exhaustive.

Building Permits

The Building Division of the Community Development Department issued 97 Building Permits in 2022. Total valuation of these projects was \$1,691,844. Building permits were issued for one (1) new single-family home one (1) Accessory Dwelling Unit (ADU). The total valuation for the new homes was \$313,236. Twenty-four (24) permits were issued for new roofs and two (2) permits for new solar systems. Other permits include electrical panel upgrades, HVAC systems, hot water heaters, an ag-exempt barn and an in-ground swimming pool. The City received approximately \$32,000 in Building Permit Fees in 2022.

Planning Projects

The Planning Division processed a variety of planning projects during 2022, including Use Permits, Tentative Parcel Maps, Lot Line Adjustments, General Plan and Zoning Amendments, Variances and the Annexation of the City's wastewater disposal field. resolution. Of the projects heard by the Planning Commission, General Plan and Zoning Amendments are sent to the City Council with a recommendation of approval for the Council to consider the applications.

Projects Reviewed During 2022

The following projects were reviewed by the Planning Commission and/or the City Council in 2022.

Austrus Lot Line Adjustment - File No. 052-241-067 & 068; Case No. LLA 22-01 - A lot line adjustment between two parcels, Parcel 1 and Parcel 2 of Parcel Map 2218 Book 19 of Parcel Maps, Page 106. The proposed lot line adjustment will adjust 1,650 square feet from APN 052-241-067 to APN 052-241-068, resulting in two parcels of 8,250 square feet and 33,733 square feet. Both parcels are developed single family residences. The parcels are provided with community water and sewer services.

Result: The Planning Commission approved the modification with findings and conditions of approval.

Roscoe Minor Subdivision – File No. 052-162-016; Case No. PMS 21-02 – An application for a subdivision of a 2.59-acre parcel into four parcels of: Parcel 1 - 6918 sq. ft.; Parcel 2 - 7,606 sq. ft.; Parcel 3 - 16, 667 sq. ft.; and Parcel 4 - 91,789 sq. ft. The property is developed with three single family residences. The eastern residence will be relocated to Parcel 2. Parcel 4 is vacant with no development proposed at this time. The parcels are provided with community water and sewer.

Result: The Planning Commission approved the modification with findings and conditions of approval.

Zoning Reclassification & General Plan Amendment – File No. 052-321-000; Case No. ZR/GPA 22-01 - A Zone Reclassification & General Plan Amendment of a 28,000+/- square foot Caltrans give-back parcel located south of Painter Street, east of Ireland Street, north of Center Street and west of Highway 101 Public Facility. The parcel was not previously zoned and was designated Public Facility in anticipation of the development of a Dog Park, including a half-court basketball court.

Result: The Planning Commission and City Council approved the Zone Reclassification through Resolution No. 1524-2022 and Ordinance No. 389-2022.

Zoning Regulations Text Amendment – A text amendment 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;

Result: The Planning Commission and City Council approved the text amendments through Resolution No. 167-2022 and Ordinance No. 391-2022.

Zoning Regulations Text Amendment - A text amendment amending the City’s Zoning Regulations, Chapter 17 of the Rio Dell Municipal Code (RDMC) to include (1) establishing definitions of Emergency Shelters, Supportive Housing and Low Barrier Navigation Centers; (2) Identify Low Barrier Navigation Centers as a permitted use in the Residential Multifamily (RM) designation; and (3) amending the City’s commercial designations to identify Emergency Shelters, Supportive Housing, Transitional Housing and Low Barrier Navigation Centers as principally permitted uses as required by State law.

Result: The Planning Commission and City Council approved the text amendments through Resolution No. 168-2022 and Ordinance No. 393-2022.

Other Plans and Projects

The following discussion summarizes other projects that involved efforts from the Community Development Department, Planning Division staff in 2022.

● **Façade Improvement Program** - The City established a Façade Improvement Program (FIP) in 2022. The Façade Improvement Program (FIP) is a reimbursement grant program provided to a business and/or property owner for the improvement of existing commercial buildings throughout the City of Rio Dell. The program provides a matching grant of 50% of the facade improvement cost to the business and/or owner up to a maximum dollar amount \$15,000 per

approved project. The purpose of the FIP is to induce private investment that results in quality improvements and enhancements to business-use properties. It is the City's intention that the FIP serve public-private incentive for significant aesthetic improvements to the commercial area in which the property is located. The City awarded two \$15,000 grants in 2022. Both grants were for murals on two downtown buildings.

- **Cannabis** - The City allows and taxes commercial cannabis activities. The Council recognized the state of the cannabis industry has changed dramatically over the past few years. The City's has three outdoor farms located on the Dinsmore Plateau. In 2022, one of the farms, Sweet Leaf had a total crop failure due to disease. The other two farms also experienced disease issues, including mold. The largest farm on the Dinsmore Plateau, Dinsmore Plateau Farms has not paid their local taxes for years 2021 and 2022. In response the City amended the cannabis tax regulations to require that previous years (growing season) be paid by March 15th the following year.

- **CDBG Program Income - CDBG Supplemental Activity** – In the spring of 2022 the City was informed by the Department of Housing and Community Development (HCD) that the City must expend or at least have the City's Program Income (PI) encumbered by June 30, 2022 or return it to the State.

At the meeting of March 15th 2022, the Council directed that the funds be used for the planned drainage improvements on the western portion of the Belleview/Ogle neighborhood. In order to utilize the PI funds, the City was obligated to conduct an Income Survey demonstrating that the area is a low to moderate income (LMI) area. Staff identified the study area and began conducting the Income Survey in April of last year. There were sixty-eight (68) households within the study area. The State requires sixty (60) responses in order to consider the study valid.

After the initial surveys were mailed out, the City received only thirteen (13) responses. As such, staff mailed a second request for the needed information on May 5th 2022. This second request resulted in an additional seven (7) responses, bringing the total number of responses to twenty (20), far short of the required sixty (60) responses. The City abandoned this effort.

In an attempt to retain the City's Program Income, the City shifted its effort to the Painter Street Sewer Main Replacement Project. However, the December 20, 2022 Ferndale Earthquake and aftershocks plunged the entire region into darkness and is estimated to have caused some \$30 million in damage countywide, most of which was centered in Rio Dell. The earthquake resulted in almost 100 structures, almost all residences, being deemed unsafe and "Red Tagged". In addition, the earthquake also resulted in almost 300 additional structures, again being almost all residential structures, being "Yellow Tagged" restricting or limiting the use of the buildings. Many of the damaged residences provide housing to the City's low to moderate income families. As such, the City is working with HCD to reallocate the Program Income to qualifying homeowner's loans for the earthquake damage repairs for owner occupied residences and residential rentals, including multi-family units (2 or more units).

● 2022 Building Codes

The City Council adopted Ordinance No. 396-2022 in December adopting the 2022 California Building Codes, effective January 1, 2023.

- 2022 California Building Code Volumes 1 & 2
- 2022 California Mechanical Code
- 2022 California Plumbing Code
- 2022 California Electrical Code
- 2022 California Existing Buildings Code
- 2022 California Fire Code
- 2022 California Energy Code
- 2022 California Residential Building Code
- 2022 California Green Building Standards Code
- 2022 California Historical Building Code

Included with the adoption of the California Building Standards Code is the 2021 International Property Maintenance Code (IPMC). This model code provides the City authority to abate structures that are imminent hazards to the public in a quick and efficient manner. The model code includes definitions of terms for enforcement, for the integrity of structural elements of buildings, and specific hazards. These definitions are not included in the other standard codes.

III. General Plan Elements

California state law requires that every city adopt a General Plan to guide the physical development of both public and private lands within the city limits. The role of a community's general plan is to act as a "constitution;" a basis for rational decisions regarding a city's long-term physical development.

The General Plan details the City's goals and guiding principles for a variety of planning topics and is the constitution for future development. California Government Code Section 65300 et seq. provides direction and specifications for the content of the General Plan. The following seven elements are required:

- Land Use
- Circulation
- Conservation
- Open Space
- Noise
- Safety
- Housing

The elements may be combined or renamed, but basic requirements must be included. An

agency may adopt any type of optional element, such as an Economic Element, at its discretion. Only the Housing Element must be certified by another agency (i.e., HCD).

The General Plan is a snap shot of a certain period in time and is both an expression of Rio Dell's community values and a legal document. The General Plan must be comprehensive, long term, and internally consistent. All of the City's other land use regulations, including zoning, subdivisions, specific plans, and redevelopment plans must conform to the General Plan. The General Plan is a bridge between these physical regulations and Rio Dell's community values, visions, and goals.

Land Use Element

The City of Rio Dell is required to periodically update their General Plan. The City adopted the current Land Use element in 2008. The prior Land Use Element was revised in 1980.

There have been a number of amendments since the adoption of the current Land Use Element. The most significant amendment occurred in 2012 when the City redesignated approximately 37 acres in the "Avenues" neighborhood from Town Center to Urban Residential. The area was redesignated after residents complained about the ability to insure residences which were considered legal non-conforming uses.

In 2022, staff discovered that residential densities were not included in the Neighborhood Center and Community Commercial designations. In addition, the Town Center designation specified a density range of 10 – 22 units per net acre. The City approved Resolution No. 1542-2022 specifying a density of up to 20 units per net acre for all three commercial designations and amending the City's Residential Multifamily and commercial land use designations to include State mandated Supportive and Transitional Housing projects and Low Barrier Navigation Centers.

Circulation Element

The Circulation Element was adopted in 2013. The previous Circulation Element was adopted in 1977.

The Circulation Element identifies the guiding principles for moving people and goods within the City and identifies the infrastructure necessary to assure that the transportation network will serve the City at General Plan build-out.

A majority of trips are made by automobile. The Circulation Element identifies the roadway system necessary for automobile traffic by setting levels of service, hierarchy of roads, and areas where road improvements are necessary.

The Circulation Element also identifies alternative travel modes, such as walking, bicycles, bus transit, and rail transit. The alternative transportation is important to reduce pressure on roads, conserve energy, and improve the public health through exercise.

The road system provides many functions in addition to carrying vehicle traffic. It provides open space separating dwelling units and commercial uses. If properly landscaped, streetside landscaping provides location for trees to support the urban forest. If developed with safe pedestrian and bike ways, it serves as a non-motorized transportation corridor, a linear park, and an attractive network for healthy exercise. If properly designed, it provides the background for the community urban design and appearance. Finally, it provides the right of way for most of the City's public utilities infrastructure.

Conservation and Open Space Element

The previous Conservation Element was adopted in 2001 and the previous Open Space Element was adopted in 1972. The current Open Space and Conservation Element was adopted in 2013.

The Open Space and Conservation Element is concerned with the conservation of natural resources and the provision of open space within community. Open Space and Conservation are combined because the natural resources and open space provide the framework for the built areas of the City, and the overall appearance of the City integrates natural and man-made elements.

The primary vision of the Open Space and Conservation element is to maintain and encourage development that compliments the natural visual setting of Rio Dell. The City is located in a portion of the County with high quality aesthetic value due to its many natural and community resources. The bluffs on the east side of the City provide outstanding aesthetic value. In addition, Rio Dell is at a transition point where the Eel River Valley's redwood covered slopes open up to the broad Eel River delta. Sweeping vistas associated with the Eel River valley contribute to the City aesthetic setting.

The Conservation Element guides the conservation, development, and utilization of natural resources (water, forests, soils, rivers, mineral deposits, and others), while the Open Space Element guides the comprehensive and long-range preservation and conservation of open-space lands, including parks. Together, these elements present a framework of goals and policies for use and protection of all the natural resource and open space assets of the City.

Conservation goals include development, and utilization of natural resources such as water and its hydraulic force, forests, soils, rivers and other waters, fisheries, wildlife, minerals, and cultural resources. Open space goals include limiting hillside development, creek and river setback areas, biologically sensitive habitat, and natural forests.

The Open Space and Conservation elements addresses the conservation of open space lands, including issues related to working lands and park lands, the orderly development of residential land, and coordination with other agency programs related to conserving open space lands.

State planning law provides a detailed description of open space lands and the topics that must

be addressed in the Open Space and Conservation Elements. These topics include Open Space for the Preservation of Natural Resources, Open Space for the Managed Production of Resources, Open Space for Outdoor Recreation and Open Space for Public Health and Safety:

State law (Government Code 65560 et seq.) requires a local open-space plan (element) for the comprehensive and long-range preservation and conservation of open-space land within its jurisdiction, and that the open space plan contain an action program that identifies how the plan or element is to be implemented.

The City continues to consult with tribal intergovernmental representatives to conserve and protect cultural and historical resources. Cooperation with the two incorporated cities, special districts, and State and Federal agencies continues to preserve the County's cultural heritage, historical and archaeological structures, sites, and landmarks.

Noise Element

The Noise Element is one of the City's older General Plan Elements. It was approved and adopted in August of 2001. Although noise standards have not dramatically changed since 2001, City staff hopes to update the Noise Element in 2023.

Government Code Section 65302(f) requires each California city and county to include within its general plan a noise element that analyzes and quantifies noise levels and the extent of noise exposure in their jurisdictions from the following sources:

- Highways and freeways;
- Primary arterial and major local streets;
- Passenger and freight online railroad operations and ground rapid transit systems;
- Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation;
- Local industrial plants, including, but not limited to, railroad classification yards; and
- Other ground stationary noise sources identified by local agencies as contributing to the community noise environment.

The Noise Element is required to map noise level contours such that it may be used as a basis for land use decisions. It must include implementation measures and possible solutions to existing and foreseeable noise problems. Furthermore, the policies and standards of the Noise Element must be sufficient to serve as a guideline for compliance with sound transmission control requirements.

The Noise Element aims to protect the City's residents and visitors from the harmful and

annoying effects of exposure to excessive noise. The primary source of noise within the City is Highway 101.

Safety Element

The Safety Element was updated and adopted in 2016. The purpose of the safety element is to reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from fires, floods, earthquakes, landslides, and other hazards. The safety element overlaps topics also mandated in the land use, conservation, and open-space elements. The components of this Element include:

- Geologic/Seismic Hazards
- Flood Hazards
- Fire Hazards
- Airport Safety
- Industrial Hazards
- Hazardous Materials
- Emergency Management

The safety element must identify hazards and hazard abatement provisions to guide local decisions related to zoning, subdivisions, and entitlement permits. The element contains general hazard and risk reduction strategies and policies supporting hazard mitigation measures. Policies address the identification of hazards and emergency response, as well as mitigation through avoidance of hazards by new projects and reduction of risk in developed areas.

Land development is subject to a number of hazards to life and property, including seismic and non-seismic land instability, flooding, fire, and dangers from airport operations.

The degree of risk associated with these hazards can only be measured in relative terms. What constitutes 'acceptable risk' varies with the type of development involved. For instance, a hospital should meet very strict earthquake standards in order to ensure that it is able to function in the event of a serious earthquake. A warehouse, on the other hand, would not need to be designed to the same rigorous standards because its functions during an earthquake would not be critical to the community's response to the emergency, nor would it pose serious risk to large numbers of people should it fail.

The General Plan manages risk through the use of land use designations to limit exposure to hazardous areas and through policies tailored to specific hazardous conditions. The goals, policies and implementation measures of this Element are many of the same existing policies found in Chapter 5, the Open Space and Conservation Element. All of the goals, policies and implementation measures are designed to proactively improve overall safety conditions within the City.

Housing Element

The Housing Element identifies existing and projected housing needs and establishes goals, policies, standards, and implementation measures for the preservation, improvement, and development of housing in the City of Rio Dell (City). It meets detailed requirements of state Housing Element law, including requirements for a residential land inventory sufficient to meet the City's share of the state-prescribed regional housing need. The Housing Element is the component of the City's General Plan that provides an eight-year vision for housing.

The California housing element law, enacted in 1969, mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The law acknowledges that, in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development. This document presents an effective housing element that discusses the necessary conditions for preserving and producing an adequate supply of affordable housing. Among other things, the housing element provides an inventory of land adequately zoned or planned to be zoned for housing, certainty in permit processing procedures, and a commitment to assist in housing development through regulatory concessions and incentives.

The California state legislature has identified the attainment of a decent home and suitable living environment for every resident as the state's major housing goal. Recognizing the important role of local planning programs in pursuing this goal, the legislature has mandated that all cities and counties prepare a housing element as part of their comprehensive general plan. Section 65302(c) of the Government Code sets forth the specific components to be contained in a community's housing element.

The primary purpose of a housing element is to:

- Preserve and improve housing and neighborhoods,
- Provide adequate housing sites,
- Assist in the provision of affordable housing,
- Remove governmental constraints to housing investment, and
- Promote fair and equal housing opportunities.

This Housing Element consists of the following sections:

1. Housing Goals, Policies, and Programs
2. Review of the Previous Housing Element Programs
3. Housing Needs Assessment
4. Housing Resources
5. Housing Constraints
6. Quantified Objectives

California law requires that each city and county, when preparing its state-mandated housing element, develop local housing programs to meet its “fair share” of existing and future housing needs for all income groups. This fair-share concept seeks to ensure that each jurisdiction provides housing for its residents with a variety appropriate to their needs. The fair share is allocated to each city and the county by HCD. One of the major goals of the housing element is to develop policies and programs to meet the goals established through the fair-share allocation.

State law requires local governments to provide adequate sites for the construction of housing to meet the Regional Housing Needs Assessment (RHNA) plan. Table 26 presents the fair-share allocation for each city in Humboldt County as well as the unincorporated County area during the sixth-cycle Housing Element planning period, as published in the Humboldt County Association of Governments (HCAOG) Regional Housing Needs Plan (RHNP).

Meeting the housing needs of the City’s residents is an important goal for the City. The Housing Element works to provide housing for all of the community, and addresses the needs of specified populations based on income. The City is not obligated to ensure the units are built, the City only needs to ensure that sites are available for the units.

At present, the City is responsible for accounting for potential development sites for both its fifth- and sixth cycle RHNA allocation in this Housing Element Update. Accordingly, the City will need to identify sites for a total of 82 units, as shown in Table 28 of the Housing Element.

Table 28
Comparison of the Regional Housing Need and Residential Sites Capacity

Income Group	Fifth and Sixth Cycle RHNA	Approved Project Capacity	Remaining RHNA	Site Inventory Capacity	Projected ADU Capacity	RHNA Surplus
Very Low	20	25	7	38	30	61
Low	12					
Moderate	13		13	28	10	25
Above Moderate	37	1	36	22	--	0*
Total	82	26	56	88	40	72

Source: City of Rio Dell 2020; HCAOG.

* It is assumed that surplus from other income categories would provide additional capacity for the above moderate-income group.

Table 28 of the Housing Element compares the City of Rio Dell’s RHNA to the site inventory capacity. Based on the River Bluff Cottages, and the current sites capacity, the City has a surplus of 61 units available to lower-income households (including extremely low-, very low), 25 units available to moderate-income households. The City’s biggest need for housing is for Above Moderate housing sites.

In 2022 during the preparation of the Housing Elements Annual Progress Report (APR), staff

identified a couple errors in the Housing Element. The Housing Elements Table 27, *Residential Land Use Designations – Allowable Density*, incorrectly identified applied densities. The densities identified for the City’s commercial designations are not accurate.

The second error that staff discovered was that the Housing Elements *Vacant Residential Sites Inventory*, Table 29 did not include a couple commercial parcels, including the Todd parcel, and two vacant parcels in the Grayland Heights development. As such, the City amended the Hosing Element accordingly, Resolution No. 1542-2022

The City continues to work with service providers to provide for the needs of lower- income households, the disabled, and other special needs populations, per the direction provided in the Housing Element.

IV. General Plan and Zoning Code Updates

In 2022 City staff continued to identify and address minor implementation issues based on specific projects, compliance activities, and changes in state law that affect these land use documents. Amendments to the Zoning Code were completed addressing these issues. This update approach will be repeated on an as-needed basis.

V. Conclusion

The General Plan is the City’s constitution, development blue-print and guiding vision. Upkeep and maintenance of the General Plan is a continuous process. The City implements the General Plan’s vision on a day-to-day basis in its many planning projects, and strives to include the public in the decision-making process.

The City conducted many planning activities in 2021, as identified in this report, and continued its project review responsibilities to further the General Plan’s goals, policies, programs, and implementation measures. Updates to the remainder of the General Plan and the zoning ordinance are expected to continue to move forward in 2022.