

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



For the Meeting of November 28, 2022

Consent Item; Public Hearing Item

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: November 20, 2023

Subject: Text Amendments to **(1)** define and allow for residential care homes with six or fewer persons by right in all residential zones subject only to the same restrictions in that zone.; **(2)** Update the definition of family to state the following. Family -- "one or more persons living together in a dwelling unit."; and **(3)** provide for farm employee housing in zones that allow agriculture as a permitted use pursuant to the State Employee Housing Act (Health and Safety Code Sections 17021.5 and 17021.6.

Recommendation:

That the Planning Commission:

1. Receive a summary of the proposed Text Amendments; and
2. Receive comments from the public; and

3. Approve and Adopt Resolution No. 173-2023 recommending that the City Council approve the proposed text amendments.

Discussion:

State law and the City’s approved Housing Element require that the City identify the City’s housing goals, policies, and implementation programs for the planning period 2019 through 2027. Some of the implementation programs are minor in nature and others are more complicated. The proposed text amendments fulfill some minor implementation measures. Below are the Zoning Amendments Implementation Programs in B-2 of the Housing Element.

Programs	Completed	Outstanding
<p>(B-2) ZONING AMENDMENTS</p> <p>Amend the Zoning Ordinance to address the following:</p> <ul style="list-style-type: none"> – Residential Care Homes. Amend the Zoning Ordinance to define and allow for residential care homes with six or fewer persons by right in all residential zones subject only to the same restrictions in that zone. – Definition of Family. Update the definition of family to state the following. Family -- “one or more persons living together in a dwelling unit.” – Employee Housing. Comply with the State Employee Housing Act (Health and Safety Code Sections 17021.5 and 17021.6). 		<p style="text-align: center;">×</p> <p style="text-align: center;">×</p> <p style="text-align: center;">×</p>

Residential Care Homes: Although the Implementation Program requires that the City define residential care homes with six or fewer persons, the definition is already included in the municipal code. Below is a copy of the definition:

Residential Care Facility. Consistent with the definitions of State law, a “residential care facility” is a facility that provides 24-hour nonmedical care for more than six persons 18 years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities

of daily living, or for the protection of the individual. This classification includes group homes, residential care facilities for the elderly, adult residential facilities, juvenile court residential facilities, and other facilities licensed by the State of California.

The Urban Residential (UR), Suburban Residential (SR), Suburban Medium (SM) and Residential Multifamily (RM) zones are the City residential zoning districts that need to be amended to principally permit Residential Care Facilities.

Definition of Family: The City's current definition of "family" is as follows:

"Family" means a person living alone, or two or more persons related by blood, marriage or adoption, or a group of not more than five unrelated persons living together as a single nonprofit housekeeping unit in a dwelling unit.

Although it can be argued that the current definition satisfies the State requirement, "...a group of not more than five unrelated persons living together...", the State is requiring jurisdictions to incorporate the following language:

"Family" means one or more persons living together in a dwelling unit.

Employee Housing: This program is based on requirements in the California Employee Housing Act (California Health and Safety Code 17000 – 17062.5), which prohibits cities and counties from requiring a Conditional Use Permit or other discretionary approval for agricultural employee housing when such a requirement is not required of other agricultural activity in the same zone.

The Text Amendment includes establishing the definition of Agricultural Employee Housing. Below is the State approved definition:

"Agricultural employee housing" means housing occupied by agricultural employees regulated by the California Department of Housing and Community Development under the Employee Housing Act (California Health and Safety Code 17000 – 17062.5).

The City's Rural (R) designation is the only true agricultural zoning designation. The Rural designation is applied to the Dinsmore Plateau and the Rio Vista neighborhood going over to the Belleview/Ogle neighborhood. Below is a copy of the Rural designation allowed uses, Section 17.20.070 of the Rio Dell Municipal Code (RDMC):

17.20.070 Rural or R zone.

The Rural or R zone is intended to provide for agricultural and very low density residential uses. The following regulations shall apply in all rural or R zones:

(1) Principal Permitted Uses.

- (a) General agricultural uses, including crop production and animal grazing;
- (b) Farm dwellings, including detached residential dwelling units.

(2) Uses Permitted with a Use Permit.

- (a) Commercial uses, including retail sales of items produced on the property, nurseries and greenhouses;
- (b) Lodging uses, including bed and breakfast inns and rooming and boarding houses in a residential unit or in accessory building;
- (c) Animal feed yards and sales yards;
- (d) Agricultural products processing plants;
- (e) Rental and sales of irrigation equipment and storage incidental thereto;
- (f) Animal hospitals;
- (g) Civic and cultural uses, including parks.

There has been some confusion over the years regarding whether or not single-family homes not associated with agricultural operations are an allowed use on lands designated Rural. The City has historically allowed single family homes in the Rural designation that are not related to agricultural uses. As such, staff recommends amending the principally permitted uses to include residential uses. Below is a copy of the recommended revisions to Section 17.20.070 of the RDMC.

The Rural or R zone is intended to provide for agricultural and very low density residential uses. The following regulations shall apply in all rural or R zones:

(1) Principal Permitted Uses.

(a) General agricultural uses, including crop production and animal grazing;

(b) Detached single-family dwellings, including Farm farm dwellings, ~~including detached residential dwelling units.~~

(c) Agricultural employee housing with no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household, or that is approved pursuant to Section 17021.8 of the Health and Safety Code.

In addition, to establishing the definition and modifying the allowed uses, Chapter 17.30 of the RDMC, General Provisions, needs to be modified to include State mandated processing requirements for agricultural employee housing. Below is a copy of the State allowed processing requirements:

Agricultural Employee Housing. Agricultural employee housing shall comply with the following:

1. Location. Agricultural employee housing may, but is not required to, be developed or provided by the employer, or located on the same lot where the qualifying agricultural work is being performed.
2. Evidence of Valid Permit. Within 30 days after obtaining the appropriate permit from the California Department of Housing and Community Development (HCD) to operate the agricultural employee housing, and thereafter on an annual basis, the applicant shall submit evidence that the HCD permit for the agricultural employee housing is current and valid.
3. Deed Restriction.
 - a. Within 30 days after receiving approval for permanent or seasonal employee housing from the Community Development Department, and before issuance of the final Zoning Clearance Certificate, the applicant shall record with the County Recorder, a deed restriction in a form approved by the City that runs with the land on which the agricultural employee housing is located declaring that:

i. The agricultural employee housing will continuously be maintained in compliance with this section and all other applicable sections of the Zoning Code; and

ii. The applicant will obtain and maintain, for as long as the agricultural employee housing is operated, the appropriate permit(s) from HCD pursuant to the Employee Housing Act and the regulations promulgated thereunder.

b. The deed restriction shall not be amended, released, terminated, or removed from the property without the prior written consent of the City. In the event the agricultural employee housing use is terminated and/or structures are removed in accordance with the Zoning Code and other applicable law as confirmed in writing by the Community Development Director, the deed restriction that accompanies the development shall be released and removed from the property.

4. Signed Affidavit for Temporary Employee Housing. Within 30 days after receiving approval for temporary employee housing from the Community Development Department, the applicant shall submit a signed affidavit, in a form approved by the City, affirming that:

a. The agricultural employee housing will only be used as temporary employee housing; and

b. The applicant will obtain and maintain, for as long as the temporary employee housing is operated, the appropriate permit(s) from HCD pursuant to the Employee Housing Act and the regulations promulgated thereunder.

Attachment 1: Resolution No. 173-2023

RESOLUTION NO. PC 173-2023



RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL APPROVING AMENDMENTS TO THE RIO DELL MUNICIPAL CODE TO (1) DEFINE AND ALLOW FOR RESIDENTIAL CARE HOMES WITH SIX OR FEWER PERSONS BY RIGHT IN ALL RESIDENTIAL ZONES SUBJECT ONLY TO THE SAME RESTRICTIONS IN THAT ZONE.; (2) UPDATE THE DEFINITION OF FAMILY TO STATE THE FOLLOWING. FAMILY -- "ONE OR MORE PERSONS LIVING TOGETHER IN A DWELLING UNIT."; AND (3) PROVIDE FOR FARM EMPLOYEE HOUSING IN ZONES THAT ALLOW AGRICULTURE AS A PERMITTED USE PURSUANT TO THE STATE EMPLOYEE HOUSING ACT (HEALTH AND SAFETY CODE SECTIONS 17021.5 AND 17021.6.

WHEREAS State law and the City's approved Housing Element require that the City identify the City's housing goals, policies, and implementation programs for the planning period 2019 through 2027; and

WHEREAS some of the implementation programs are minor in nature and others are more complicated; and

WHEREAS the proposed text amendments fulfill some minor implementation measures; and

WHEREAS the Housing Element and State law requires the City to amend the Zoning Ordinance to define and allow for residential care homes with six or fewer persons by right in all residential zones subject only to the same restrictions in that zone; and

WHEREAS the Urban Residential (UR), Suburban Residential (SR). Suburban Medium (SM) and Residential Multifamily (RM) zones are the City residential zoning districts that need to be amended to principally permit Residential Care Facilities; and

WHEREAS the Housing Element and State law requires the City to amend the Zoning Ordinance to update the definition of family to mean one or more persons living together in a dwelling unit; and

WHEREAS the Housing Element and State law requires the City to amend the Zoning Ordinance to comply with Health and Safety Code Sections 17021.5 and 17021.6 regarding farm employee housing; and

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

WHEREAS notices were posted on November 20, 2023 in conspicuous locations including City Hall and the City website, specifying the availability of the proposal, and the date, time, and location of the public hearing for this Code amendment.

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

- The proposed amendments are consistent with the City General Plan; and
- 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 RESOLVED, that the Planning Commission hereby recommends that the City Council adopt, by ordinance, amendments to the Rio Dell Municipal Code to **(1)** define and allow for residential care homes with six or fewer persons by right in all residential zones subject only to the same restrictions in that zone.; **(2)** Update the definition of family to state the following. Family -- "one or more persons living together in a dwelling unit."; and **(3)** provide for farm employee housing in zones that allow agriculture as a permitted use pursuant to the State Employee Housing Act (Health and Safety Code Sections 17021.5 and 17021.6..

I HEREBY CERTIFY that the foregoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on November 28, 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Nick Angeloff, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and the foregoing to be a full, true, and correct copy of Resolution No. PC 173-2023 was adopted by the Planning Commission of the City of Rio Dell on November 28, 2023.

Karen Dunham, City Clerk, City of Rio Dell