

---

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



**For the Meeting of February 20, 2024**  
 Consent Item;  Public Hearing Item

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: February 8, 2024

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 City Council:

1. Allow staff to briefly discuss the proposed text amendments to the City's Zoning Regulations; and
2. Receive comments from the public; and

3. If there are no recommended changes to the Ordinance, approve and adopt Ordinance No. 403-2024 codifying the recommended changes.

**Discussion:**

As discussed at the City Council meeting of February 6, 2024, 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. 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"> <li>– <b>Residential Care Homes.</b> 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.</li> <li>– <b>Definition of Family.</b> Update the definition of family to state the following. Family -- “one or more persons living together in a dwelling unit.”</li> <li>– <b>Employee Housing.</b> Comply with the State Employee Housing Act (Health and Safety Code Sections 17021.5 and 17021.6.</li> </ul>		<p>×</p> <p>×</p> <p>×</p>

The recommended text amendments satisfy State law and the City’s approved Housing Element as required. Please refer to Ordinance No. 403-2024, Attachment 1.

In addition, the proposed Ordinance clarifies that residential uses that are not related to agricultural uses are allowed on lands within the Rural designation.

**Attachment 1: Ordinance No. 403-2024**

**ORDINANCE NO. 403-2024**



**AN ORDINANCE OF THE CITY COUNCIL 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.**

**THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:**

**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** 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.

**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).

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

**Section 1.**

Title 17 of the Rio Dell Municipal Code is hereby amended to read in as follows:

Definitions – Section 17.10.010

“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).

~~“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.~~

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

#### **17.20.020 Suburban residential or SR zone.**

The purpose of the suburban residential or SR zone is to provide land for low-density residential uses. The following regulations shall apply in all suburban residential or SR zones:

- (1) Principal Permitted Uses.
  - (a) Single-family dwellings.
  - (b) Residential Care Facilities with six or fewer persons.

#### **17.20.030 Urban residential or UR zone.**

The purpose of the urban residential or UR zone is to provide neighborhood residential areas with varying densities for single-family dwellings. The following regulations shall apply in all urban residential or UR zones:

- (1) Principal Permitted Uses.
  - (a) Detached single-family dwellings.
  - (b) Residential Care Facilities with six or fewer persons.

#### **17.20.035 Residential multifamily or RM zone.**

The purpose of the residential multifamily or RM zone is to provide land suitable for higher density residential uses. The following regulations shall apply in all residential multifamily or RM zones:

- (1) Principal Permitted Uses.
  - (a) Detached single-family dwellings, multiple dwellings and dwelling groups;
  - (b) Community care facility for six or fewer individuals;
  - (c) Family day care home for 12 or fewer children, including children who reside at the residence;
  - (d) Emergency shelters/transitional housing subject to the operational standards in RDMC

[17.30.120](#);

- (e) Low barrier navigation centers.
- (f) Residential Care Facilities with six or fewer persons.

**Section 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) Detached single-family dwellings, including 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.

**17.20.130 Suburban medium or SM zone.**

The suburban medium zone provides for low-density residential areas. The following regulations shall apply in all suburban medium zones:

- (1) Principal Permitted Uses.
  - (a) Residential uses, including detached residential units.
  - (b) Residential Care Facilities with six or fewer persons.

**17.30.045 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.

## **Section 2. 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 3. 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 4. Effective Date**

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

**I HEREBY CERTIFY** that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on February 6, 2024 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the February 20, 2024 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. 403-2024 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the February 20, 2024.

---

Karen Dunham, City Clerk, City of Rio Dell