



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

For the Meeting of October 15, 2024

☐ Consent Item; ☒ Public Hearing Item

To: City Council

From: Kevin Caldwell, Community Development Director

A handwritten signature in blue ink, appearing to be "K Caldwell", enclosed in a blue circular mark.

Through: Kyle Knopp, City Manager

Date: September 26, 2024

Subject: Vacation Dwelling Unit Regulations – Appeals. Ordinance No. 409-2024 amending Section 17.30.360(4) of the Rio Dell Municipal Code (RDMC) Vacation Dwelling Unit Regulations appeal period to be consistent with the appeal provisions identified in Section 17.35.060 of the RDMC.

Recommendation:

That the City Council:

1. Allow staff to introduce Ordinance No. 409-2024 amending Section 17.30.360(4) of the Rio Dell Municipal Code (RDMC) Vacation Dwelling Unit Regulations appeal period to be consistent with the appeal provisions identified in Section 17.35.060 of the RDMC; and
2. Open public comment and receive comments from the public; and
3. Close public comment; and

4. Direct staff to make any changes to the draft ordinance if necessary; and
5. Continue the second reading and adoption of the Ordinance to the October 15, 2024 meeting.

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: Ordinance No. 409-2024 amending Section 17.30.360(4) of the Rio Dell Municipal Code (RDMC) Vacation Dwelling Unit Regulations appeal period to be consistent with the appeal provisions identified in Section 17.35.060 of the RDMC.

Attachment 2: 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.

ORDINANCE NO. 409-2024



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING SECTION 17.30.360(4) OF THE RIO DELL MUNICIPAL CADE (RDMC)
VACATION DWELLING UNIT REGULATIONS APPEAL PERIOD TO BE CONSISTENT
WITH THE APPEAL PROVISIONS IDENTIFIED IN SECTION 17.35.060 OF THE RDMC.**

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

WHEREAS staff recently discovered what is believed 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 City Council of the City of Rio Dell does hereby ordain as follows:

Section 1.

Section 17.30.360(4) of the Rio Dell Municipal Code is hereby amended as follows:

(4) Appeals.

(a) Except as provided in subsection (4)(b) of this section, within ~~30~~ 10 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.

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 October 15, 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 November 5, 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. 409-2024 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on November 5, 2024.

Karen Dunham, City Clerk, City of Rio Dell

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 September 24, 2024 by the following vote:

AYES: Knight, Arsenault, Millington

NOES: None

ABSENT: Angeloff, Gurney

ABSTAIN: None

Patrick Knight, Acting 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 September 24, 2024.

Karen Dunham, City Clerk, City of Rio Dell