

**RIO DELL PLANNING COMMISSION  
REGULAR MEETING MINUTES  
APRIL 25, 2023**

**CALL TO ORDER**

Commissioner Angeloff called the regular meeting of the Rio Dell Planning Commission to order at 6:12 p.m.

Present were Commissioners Angeloff, Arsenault, Knight, and Millington. Planning Commissioner Alternate Kemp was absent.

Others present were Community Development Director Caldwell and City Clerk Dunham.

**CONSENT CALENDAR**

Approve Minutes of the February 8, 2023 Special Meeting

Motion was made by Arsenault/Knight to approve the Consent Calendar including approval of minutes of the February 8, 2023 special meeting. Motion carried 4-0.

**PUBLIC PRESENTATIONS**

None

**SPECIAL MEETING MATTERS**

Receive & File 2022 Housing Element and General Plan Annual Progress Report

Community Development Director Caldwell provided a staff report and explained that each year, jurisdictions are required by State law to prepare a General Plan and Housing Element Progress Report and submit to the Department of Housing and Community Development (HCD) and the Office of Planning Research (OPR).

He said that the documents are very similar to one another and the purpose of preparing them is to report on the City of Rio Dell's progress in implementing its General Plan and Housing Elements.

He continued with review of the plans, projects and accomplishments for 2022. Projects for the year included a summary of the following:

- Building Permits
- Planning Projects

**RIO DELL PLANNING COMMISSION  
APRIL 25, 2023 MINUTES  
Page 2**

- Projects Reviewed During 2022
- Other Plans and Projects

Community Development Director Caldwell reported that the Building Department issued 97 Building Permits in 2022 with the total valuation of \$1,691,844 and received approximately \$32,000 in Building Permit Fees.

Projects included the Austrus Lot Line Adjustment and the Roscoe Minor Subdivision as well as a Zoning Reclassification and General Plan Amendment, and Zoning Regulations Text Amendments.

Other identified projects that required involvement from the Community Development Department, Planning Division staff included the establishment of a Façade Improvement Program, Commercial Cannabis related activities, CDBG Program (PI) and Supplemental Activity revisions

Community Development Director Caldwell said that the state of the commercial cannabis industry has changed dramatically over the past few years. The three outdoor farms located on the Dinsmore Plateau all experienced crop failure due to diseases and mold. This resulted in unpaid cannabis taxes to the City. He noted that one of the problems with the crop failure is that they grew strains of cannabis that are susceptible to mold. He indicated that two of the farms are for sale and one was leased to another grower.

Commissioner Angeloff asked if the taxes and fines go along with the property when it's sold.

Community Development Director Caldwell said that there was someone interested in purchasing Dinsmore Plateau Farms and the City informed the realtor that we would be willing to reduce the past due taxes by half (\$71,000). He noted that the cannabis tax regulations were amended to require that previous years cultivation season taxes be paid by March 15<sup>th</sup> the following year, otherwise they would not be entitled to grow.

Commissioner Knight asked if a lien could be placed on the property for non-paid cannabis taxes.

Community Development Director Caldwell indicated that the City cannot place a lien on the property because it is a business tax. He said if the property sells, the remainder of the unpaid taxes goes away.

**RIO DELL PLANNING COMMISSION**

**APRIL 25, 2023 MINUTES**  
**Page 3**

Commissioner Knight asked if the unpaid taxes could be turned over to a collection agency and collected that way.

Community Development Director Caldwell reiterated that because the cannabis tax is a business tax, it cannot be turned over for collection. However, the past due water bill can be turned over and the past due water bill for Dinsmore Plateau Farms is around \$7,000.

Next was review of CDBG Program Income. 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 encumbered by June 30, 2022 or return it to the State (approximately \$550,000).

The Council, in an attempt to retain the City's Program Income, shifted gears and earmarked the Program Income funds to the Painter St. Sewer Main Replacement Project. The end of Painter St. is subject to sanitary sewer overflows due to inflow and infiltration (I & I) where storm water goes into the sewer system and the pipe in that area cannot handle that much capacity.

He said that with the damages to structures as a result of the recent earthquakes, the City shifted gears once again and is now working with HCD to reallocate the Program Income (PI) to qualifying homeowner loans for earthquake damage repairs for owner-occupied residences and residential rentals, including multi-family units. The City entered into a MOU with the County to administer the City's CDBG Program. He said that the program is extremely onerous and requires a full-time staff person to administer the program and keep up with all of the changes with the program.

Next was review of the 2022 Building Codes. The City Council adopted the 2022 codes in December which became effective on January 1, 2023. Included with the adoption of the California Building Standards Code was also the 2021 International Property Management Code. This provides the City authority to abate structures that are imminent hazards to the public in a quick and efficient manner.

Community Development Director Caldwell said that the seven elements as required in the General Plan are the following:

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

Some amendments were made to the Land Use Element in 2022, most of which had to do with residential densities that were not included for the Neighborhood Commercial and Community Commercial designations. He said that the Council adopted a density of 20 units per acre for all three commercial designations which includes the Town Center designation.

There were no updates to the Circulation Element. The Conservation and Open Space Elements were last adopted in 2013 and there is no necessity to change anything. The next on the list for revision is the Land Use Element. The Noise Element has been around for years but not a lot has changed as far as noise standards in the City. A noise study would need to be done by a professional to update the Noise Element, estimated at \$15,000-\$25,000.

Community Development Director Caldwell said that the Safety Element had to be updated as part of the Local Hazard Mitigation Plan that came before the Planning Commission in February. This was needed to increase the City's chances of getting reimbursed by the California Earthquake Authority for the 75% of the expenses the City incurred as a result of the earthquake repairs.

He noted that in updating the Housing Element, staff had actually missed a few units in the housing site inventory and did not include two parcels located in Grayland Heights. The Todd property was also included in the updated inventory, hoping for a mixed-use development on that parcel. He noted that the Todd parcel is in escrow with Cal Fire noting that one of the State policies for acquisitions of land is to utilize it for its highest and best use. Utilizing 18 acres for a Cal Fire facility is not the highest and best use of that parcel, especially for the community of Rio Dell.

#### **STAFF COMMUNICATIONS/UPDATES**

Community Development Director Caldwell commented that there are no pending items to come to the Commission for the May meeting as of now.

**ADJOURNMENT**

Motion was made by Angeloff/Arsenault to adjourn the meeting at 7:08 p.m. to the May 23, 2023 regular meeting. Motion carried 4-0.

---

Nick Angeloff, Chair

Attest:

---

Karen Dunham, City Clerk