

**RIO DELL PLANNING COMMISSION  
REGULAR MEETING MINUTES  
NOVEMBER 28, 2023**

**CALL TO ORDER**

Commissioner Angeloff called the regular meeting of the Rio Dell Planning Commission to order at 6:00 p.m.

Present were Commissioners Angeloff, Arsenault, Knight, and Millington.

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

**CONSENT CALENDAR**

Approve Minutes of the August 22, 2023 Regular Meeting

A motion was made by Arsenault/Knight to approve the Consent Calendar including approval of minutes of the August 22, 2023 regular meeting. Motion carried 4-0.

**PUBLIC PRESENTATIONS**

**Frank Wilson** addressed the Commission regarding 1000 Pine St. and said that it was his understanding that construction of the shop building was approved contingent on the property owner adding a residence to the parcel within a reasonable amount of time. He said that it had been a few years since the shop was constructed and said that it doesn't look, with the layout of the land that a house will be built. He asked staff if they had an update on the project.

Community Development Director Caldwell explained that although that was the plan conveyed to the Planning Commission when the shop was approved, the code does not require that a residence be built but that the property owner demonstrates there is enough available space on the parcel to do so.

**SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS**

Receive an overview of the Proposed Rental Housing Inspection Program and recommend City Council approval of the Rental Housing Inspection Ordinance

Community Development Director Caldwell provided a staff report and said that in 2011, the City considered a Rental Housing Inspection Program due to complaints from tenants and neighbors which became contentious. Property owners and property managers convinced the City Council that the program was not necessary because there were already regulations to address substandard housing conditions. In addition, they argued that it would increase the cost of housing for those who could least afford it.

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After the December 2022 and January 2023 earthquakes, Cal-OES inspectors who were conducting earthquake-related inspections informed the City that they inspected a fairly significant number of substandard dwelling units. That comment was also conveyed by the Habitat for Humanity staff that were here after the earthquake to help residents. He added that many tenants don't report substandard conditions for fear of losing their housing or having their rent increased.

Community Development Director Caldwell said that staff discussed the idea of establishing the Rental Housing Inspection Program with the Nuisance Advisory Committee and received the committee's support.

The draft ordinance, which was modeled after the City of Arcata's Ordinance and the City of Sacramento's Ordinance was presented for the Commission's review.

Community Development Director Caldwell explained that of the City's approximately 1,300 dwelling units, around 640 of those are rental units. The Rio Dell Fire Protection District is responsible for inspecting multi-family properties containing more than three (3) units for a total of 152 units. In addition, there are approximately 25 mobile home rental units that are regulated by the Department of Housing and Community Development (HCD). This leaves approximately 465 units that the City would be responsible for inspecting over the next two to three years.

He noted that newly constructed dwelling units five (5) years old or newer would not be required to be inspected, or rooms rented to individuals in an owner-occupied single-family residence, or hotel or motel units subject to the City's Transient Occupancy Tax.

Community Development Director Caldwell then drew the Commission's attention to the FAQ's included in the staff report which clarified some of the most common questions regarding the program.

He pointed out that implementing the program will be cost-neutral to the City and it will not only increase property values, it will make Rio Dell a more desirable place to live.

Community Development Director Caldwell reviewed the Rental Housing Inspection Checklist and noted that property owners will have six (6) months to file the registration form with the City. He then called for questions from the Commission.

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Commissioner Knight referred to 1.5 – *“Inoperable or unregistered vehicles must be stored out of the front yard, or on an all-weather surface”* and suggested those vehicles be required to have a non-op certificate from the Department of Motor Vehicles.

Commissioner Millington asked how the program coordinates with earthquake repairs that are waiting to be done.

Community Development Director Caldwell noted that if property owners are in the process of having those repairs done, the City will grant them time to make those repairs. If it is an immediate hazard such as with faulty wiring, they will be required to take care of those life-safety issues immediately.

He noted that after the final adoption of the Ordinance, it is expected to take approximately 60 days for the roll-out of the program with registration forms filed within 6 months. Inspections of the required rental units will be once every three (3) years by the City or annually for those doing self-certification. If the rental units are occupied, the City will require that the tenant attest to the self-certification by the landlord.

Commissioner Angeloff commented that tenants may not feel comfortable attesting to the self-certification by the landlord.

Community Development Director Caldwell explained that all units will be inspected by the City within the first three years of the program. After the initial inspection, units may either qualify for self-certification, continued city inspection every three years or require a re-inspection if the unit does not pass the initial inspection. If the property owner chooses to do self-certification, they will be required to submit a copy of the self-certification form to the City annually with the required fee.

Commissioner Arsenault referred to Section 8.40.040 (5) related to costs associated with participating in the program and asked if there is a cap concerning landlords raising rents because of the program.

Community Development Director Caldwell explained that the City can't stop the landlord from raising rents unless the rental is under the Section 8 Housing Program which has to stay at fair market rents (FMR).

He said that under the Fair Market Rent Housing Voucher Program, the renter is required

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to pay 30% with the Government paying the remaining 70% of the monthly rent. Under this program, inspections are required twice a year.

Commissioner Knight expressed concern that rentals that require a lot of expensive repairs could result in higher rents and could outprice some of the renters in those sub-standard housing units.

Commissioner Millington mentioned potential problems associated with scheduling inspections and suggested inspections be required with or without the tenants present so there are no excuses for not having them done.

Commissioner Angeloff called for public comment on the proposed Rental Housing Inspection Program.

**Frank Wilson** compared the fees for self-certification inspections versus City inspections and asked if the landlord could request that an inspection be done by the City. He asked for clarification on the fees.

Community Development Director Caldwell said that they could request an inspection by the City. He explained that City inspections are only done every three (3) years whereas, self-certification inspections are required every year which is why it is a little cheaper to have the City do the inspections. Under the self-certification option, the City does the initial inspection and then again after five (5) years. He commented that the fees are insignificant at \$2.78 per month per unit for City inspections and \$3.75 per month for self-certification.

Commissioner Arsenault asked how long a property owner has to make repairs if they fail an inspection.

Community Development Director Caldwell indicated that the property owner has up to four (4) weeks to do the repairs but if hazardous conditions exist, they must be fixed immediately. He noted that they can also ask for an extension and have an option for appeal.

Community Development Director Caldwell said that he spoke with the City of Arcata who recently rolled out the same type of program and learned that it is working very well.

Commissioner Knight asked for clarification that the City cannot make a profit on the costs of implementing the program.

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Community Development Director Caldwell said that he was correct in that the fees are based on the actual cost of providing the service using the staff's current hourly burden rate.

**Frank Wilson** questioned the enforcement by the City.

Community Development Director Caldwell explained that if a unit is deemed unfit for human occupancy, the City has the authority to red-tag the house, and depending on the kinds of issues found, the City may refer the results to the State Fire Marshall.

**Frank Wilson** supported the program and said that it would be in the best interest of the landlords and something that the City Council would probably support.

Commissioner Millington expressed concern regarding fees for landlords with multiple units.

Community Development Director Caldwell reiterated that the Rio Dell Fire Protection District would be responsible for inspecting multifamily properties containing more than three (3) units.

A motion was made by Arsenault/Knight to recommend that the City Council approve the Rental Housing Inspection Ordinance. Motion carried 4-0.

Approve Resolution No. PC 173-2023 approving text amendments to the Zoning Regulations to 1) define and allow for residential care homes with six or fewer persons by right in all residential zones; 2) update the definition of family to mean one or more persons living together in a dwelling unit; and 3) provide for farm employee housing consistent with state law in zones that allow agriculture as a permitted use

Community Development Director Caldwell provided a staff report and explained that these text amendments are mandated by the State and fulfill some minor implementation measures identified in the City's approved Housing Element.

He reviewed the three zoning amendments and said that the City's residential zoning districts that need to be amended to principally permit Residential Care Facilities are the Urban Residential (UR), Suburban (SR), Suburban Medium (SM), and Residential Multifamily (RM) zones.

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He said that one of the reasons for knocking off these implementation programs is that the City will be applying for a pro-housing designation which will get the City bonus points on grant applications.

Commissioner Millington asked if a family designation would benefit the City.

Community Development Director Caldwell noted that it would open up more grant opportunities for the City.

Commissioner Knight asked if the residential care facilities with six or fewer persons are just for people cared for or if that included staff.

Community Development Director Caldwell clarified that the six persons refer to those who are cared for excluding staff.

Commissioner Angeloff called for public comment on the proposed text amendments.

**Frank Wilson** said that his church had students living together in one house and the City of Fortuna cited them for having too many vehicles on site.

Community Development Director Caldwell explained that the California Building Code defines maximum occupancy for residential dwelling units and the City does have parking restrictions in the zoning code.

A motion was made by Arsenault/Knight to adopt Resolution No. PC 173-2023 recommending that the City Council approve the proposed text amendments. Motion carried 4-0.

### **STAFF COMMUNICATIONS/UPDATES**

Community Development Director Caldwell announced that the next regular meeting scheduled for December 26, 2023 was canceled due to the Christmas holiday however, there may be the need for a special meeting on the second Tuesday in January to discuss and approve the design review for Northwestern Flower Company.

### **ADJOURNMENT**

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A motion was made by Arsenault/Knight to adjourn the meeting at 7:05 p.m. to the January 9, 2024 special meeting. Motion carried 4-0.

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Nick Angeloff, Chair

Attest:

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Karen Dunham, City Clerk