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675 Wildwood Avenue  
Rio Dell, CA 95562



**STAFF REPORT  
RIO DELL CITY COUNCIL  
AUGUST 16, 2011**

TO: Rio Dell City Council  
FROM: Karen Dunham, City Clerk  
THROUGH: Ron Henrickson, City Manager   
DATE: August 16, 2011  
SUBJECT: Adoption of City Council Protocols

**RECOMMENDATION**

Approve Resolution No. 1124-2011 Adopting City Council Protocols 2011

**BACKGROUND AND DISCUSSION**

The City Council held a study session on August 2, 2011 for review of the Draft City Council Protocol Update 2011. At the conclusion of the study session, the City Clerk was directed to bring the document back to the Council at this meeting with the recommended revisions along with a resolution for formal adoption. Before you is the revised City Council Protocols with the revisions shown in red, and the resolution for your consideration.

**RESOLUTION NO. 1124-2011  
A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF RIO DELL ADOPTING  
CITY COUNCIL PROTOCOLS 2011**

**WHEREAS**, the City Council of the City of Rio Dell has previously adopted rules which relate to the City Council procedures, order of business, conduct of Council meetings, and such matters properly related thereto; and

**WHEREAS**, City Council Protocols, last adopted in 2000 were in need of update; and

**WHEREAS**, the Rio Dell City Council has reviewed the attached City of Rio Dell City Council Protocols 2011 and found them to be acceptable and appropriate.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Rio Dell that the City Council Protocols 2011, attached hereto, is hereby adopted to be effective immediately and that the 2000 City Council Protocols are hereby repealed.

**BE IT FURTHER RESOLVED**, that in regard to decisions on points of order, the City shall be governed by the most recent addition of Roberts Rules of Order; a copy of which is maintained in the office of the City Clerk.

**PASSED AND ADOPTED** by the City Council of the City of Rio Dell on this 16<sup>th</sup> day of August, 2011 by the following vote:

AYES:

NOES:

ABSENT:

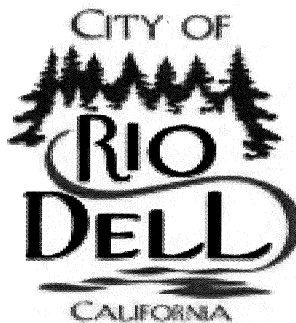
ABSTAIN:

\_\_\_\_\_  
Julie Woodall, Mayor

Attest:

\_\_\_\_\_  
Karen Dunham, City Clerk

# *CITY OF RIO DELL*



## *CITY COUNCIL PROTOCOLS 2011*

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*Prepared by:  
Office of the City Clerk  
July, 2011  
Adopted:*

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## **1. PURPOSE**

The purpose of establishing and updating the City Council Protocols is to provide guidelines for the City Council to conduct its business in an orderly, consistent, and fair manner.

The protocols set forth herein are not intended to limit the inherent power and general legal authority of the City Council. Any of the protocols herein may be waived by a majority vote of the City Council when it is deemed that there is good cause to do so based upon the particular facts and circumstances.

## **2. STATUTORY REQUIREMENTS/REGULATIONS**

Certain state laws and other established regulations exist, which govern various responsibilities of the City Council. These protocols are not intended to duplicate, fully articulate all requirements, or repeal any existing statutes or regulations. City Councilmembers are responsible for becoming familiar with these statutes and regulations.

### **2.1 The Brown Act**

The Ralph M. Brown Act provides that all meetings of a legislative body, whether meetings of the City Council or its appointed commissions and committees, shall be open and public and all persons shall be permitted to attend. Notices of such meetings must be made 72 hours prior to the meeting (or 24 hours in the case of a special meeting). A “meeting” takes place whenever a quorum is present and subject matter related to the City business is heard, discussed, or deliberated upon.

### **2.2 Political Reform Act**

The Political Reform Act states that public officials shall perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them. The Political Reform Act establishes regulations



regarding conflicts of interests and campaign receipts and expenditures.

### 2.3 Rio Dell Municipal Code (RDMC)

The Rio Dell Municipal Code (RDMC) consists of those codified ordinances of general municipal regulations and laws of the City of Rio Dell.

### 2.4 RDMC Chapter 2.05 Relating to Council Meetings

RDMC Chapter 2.05, "City Council Meetings," sets forth the time and place of regular meetings, and further establishes such things as the rules for the cancellation of meetings, change of location, special and emergency meetings, and continuation of meetings. (Attached as Exhibit A)

### 2.5 Code of Ethics

RDMC Chapter 1.10 "Code of Ethics," sets forth the code of ethics and values for Councilmembers. The proper operation of democratic government requires that decision makers be independent, impartial, and accountable to the people they serve. The City of Rio Dell has adopted this code of ethics to promote and maintain the highest standards of personal and professional conduct in the City's government. (Attached as Exhibit B)

## 3. **COUNCIL ORGANIZATION**

### 3.1 Newly-Elected Councilmembers

Newly-elected Councilmembers are generally sworn into office at the first regular meeting following receipt of the Certification of Votes from the County Elections Department following the November General Election. Immediately upon election (even before being sworn into office), newly-elected Councilmembers are subject to the provisions of the Brown Act.

### 3.2 Selection of Mayor and Mayor Pro Tem

Resolution No. 700 establishes the procedures for seating new members of the City Council. Section 36801 of the California Government Code and Resolution No. 822.1 also establishes the procedures for choosing the Mayor and Mayor Pro Tem. The Mayor and Mayor Pro Tem will be elected by a majority vote of a quorum of the City Council. In years when members of the City Council are to be elected, the City Council shall consider the election of a Mayor and Mayor Pro Tem for two (2) year terms at the first regular meeting after certification of the general election results has been received.

### 3.3 Duties of Mayor and Mayor Pro Tem

The Mayor shall preside over all City Council meetings. If he/she is absent or unable to act, the Mayor Pro Tem shall serve until the Mayor returns or is able to act. (Calif. Gov't Code Section 36802)

In the absence of the Mayor and Mayor Pro Tem, the City Clerk shall call the Council to order, whereupon a temporary Chairperson shall be chosen by members of the Council to preside over the meeting.

### 3.4 Seating Order

Following the City Council election, the City Clerk shall designate the seating order for the Council dais. The Mayor Pro Tem is generally seated to the right of the Mayor.

### 3.5 Representation at Ceremonial Functions

The Mayor shall represent the Council at ceremonial functions. The Mayor may, at his/her own discretion, ask another Councilmember to represent the Council at the function.

Councilmembers shall be reimbursed for meal expenses and mileage to attend ceremonial functions, for which the Councilmember was invited to represent the City, pursuant to the City of Rio Dell Travel and Reimbursement Policy (Resolution No. 809-2002).

## 4. COUNCIL ADMINISTRATION

### 4.1 Travel and Expense Reimbursement

Authorization to incur expenses for travel, conferences and training shall be made only for purposes approved in the budget by the City Council pursuant to Resolution 809-2002 (Attached as Exhibit C)

### 4.2 Mail/Council Correspondence

#### **Mail**

All general mail is date stamped and routed to the address unopened. All letters addressed to the Mayor and/or City Council requiring a response from staff are copied to the City Manager. A copy of the responses mailed, along with the original letters will be provided to each Councilmember. Letters addressed to the Mayor and/or City Council that do not require a response, but provide information on Council agenda items or like matters are copied to the full Council. Mail pertaining to specific meetings where an individual Councilmember is the appointed representative of the Council is opened. Copies are not made for the full Council. Cards and other Councilmember mail marked "personal" will not be copied to the full Council.

#### **Council Correspondence**

All Councilmember correspondence written with City resources (letterhead, typing staff report, postage, etc.) will reflect the position of the full Council, not individual Councilmembers's positions. All Councilmember correspondence using City resources will be copied to the full Council. For example, responses to citizen letters will be copied to the full Council along with the original citizen correspondence. City Councilmembers will be provided individual stationary and envelopes for use for communications reflecting their personal positions, not the positions of the full Council. These communications will be prepared and sent at the expense of the individual Councilmembers. Councilmembers may utilize the City's outgoing mail service.

### 4.3 Clerical Support

The City Manager's Office will coordinate the typing of correspondence requested by individual Councilmembers for communications reflecting the position of the full Council. All correspondence typed for Councilmembers will be on City letterhead and will reflect the position of the full Council, not individual Councilmembers, and will be copied to the full Council.

#### 4.4 Requests for Research or Information

Councilmembers may request information or research from the City Manager on a given topic directly when it is anticipated that staff can complete the request in less than an hour per week. Requests for new information or policy direction will be brought to the full Council at a regular meeting for consideration. All written products will be copied to the full Council.

#### 4.5 Council Notification of Significant Incidents

In conjunction with the City's public safety department, the City Manager's Office will coordinate the notification to Council of major crime, or other related incidents. This will be accomplished concurrently through telephone and e-mail messages.

### **5. MEETING GUIDELINES & PROCEDURES**

#### 5.1 Attendance/Quorum

Councilmembers acknowledge that attendance at lawful meetings of the City Council is part of their official duty. Councilmembers shall make a good faith effort to attend all such meetings. Councilmembers shall notify the City Clerk if they will be absent from a meeting. The City Clerk shall then notify the City Manager and all other Councilmembers. If a Councilmember fails to attend three (3) consecutive regular meetings of the Council without being excused, his/her position on the City Council becomes vacant and shall be filled by appointment or election as determined by a majority vote of the City Council. At the start of each City Council meeting, the Mayor shall call the roll. Any absent

Councilmember who has left a message by 5:00 p.m., or reached the Mayor or City Manager's Office directly before the start of the meeting on the day of the meeting to advise of such absence, shall be considered excused only upon majority vote of the Council.

## 5.2 Meeting Dates and Location

Consistent with RDMC Chapter 2.05, regular meetings of the City Council shall be held every 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of every month, commencing at 6:30 p.m. in the City Hall Council Chambers, 675 Wildwood Avenue, Rio Dell.

### 5.2a Other Locations

The Council, may from time to time, elect to meet at other locations within the City and upon such election shall give public notice of the change of location in accordance with provisions of the Government Code.

### 5.2b Location During Local Emergency

If, by reason of fire, flood, earthquake or other emergency, it shall be unsafe to meet at City Hall, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor, or if the Mayor does not so designate, by the Mayor Pro Tem or the City Manager.

## 5.3 Cancelled Meetings

When the day for any regular meeting falls on a legal holiday, the regularly scheduled meeting for that day shall default to the following Thursday. That meeting or any other scheduled Council meeting may be cancelled when deemed appropriate by the Council, providing that the Council meets regularly, however, at least once each month.

## 5.4 Special Meetings and Emergency Meetings

Special meetings and emergency meetings of the City Council may be called and held from time to time consistent with the procedures set forth in the Ralph M. Brown Act (Government Code Sections 54950, et seq.

5.5 Adjourned Meetings

The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment pursuant to the procedures set forth in the Ralph M. Brown Act (Government Code Sections 54950, et. seq.

5.6 Posting of the Agenda

All City Council agendas and notices shall be made available to the general public pursuant to the California Government Code. The locations designated as the City's official posting locations are as follows:

1. The bulletin board at the entrance of City Hall
2. The bulletin board at the Rio Dell Post Office
3. The bulletin board at Rio Dell/Scotia Chamber of Commerce
4. Any other location as may be specifically selected in addition to the three location heretofore designated. (Resolution No. 511) (the fourth posting location is currently the Downtown City Bulletin Board).

5.7 Agenda Packet Preparation

The City Manager reviews and approves all items for the Council agenda. Agenda packets are compiled, photocopied, posted to the City's web site, and distributed through the City Clerk's Office. Agenda packets shall be distributed to Councilmembers no later than the Friday prior to the Council meeting.

5.8 Placing Items on the Agenda

Matters may be placed on the agenda for consideration by request of 1) the Mayor; 2) the City Manager; and 3) the City Attorney. Any

reasonable request shall be honored subject to the City Manager's discretion as to the preparation of accompanying staff reports. Each Thursday morning the City Manager meets with Department Heads to go over proposed future agendas, at which time issues that need to be brought forth to the City Council are discussed with the City Manager.

Councilmembers shall have the opportunity to request an item be placed on the agenda during an open council meeting; with concurrence of the Council, the request shall be honored.

Requests from the public to place an item on the agenda are to be directed to the City Clerk and shall be handled in the following manner:

- Proclamations/Certificates – All requests for proclamations and certificates are subject to approval of the Mayor or City Manager and are typically honored only if a local representative from the requesting agency can appear to accept the proclamation or certificate.
- Presentations – Most requests for presentations by civic groups and local organizations shall be honored and placed appropriately under the “Special Presentations” segment of the agenda.
- Item for Discussion/Action by Public  
Requests by members of the public to place an item for discussion or action on the agenda shall be directed to the appropriate City department for proper handling. In the event it cannot be handled in this manner, the individual requesting the action should attend a City Council meeting and address the Council under the “Public Presentation” segment of the agenda.

The Council shall not take action on the matter other than to either: 1) direct that the matter be placed on a future agenda, or 2) direct staff to research the issue and report back to Council.

## 5.9 Americans with Disabilities Act (ADA) Statement

Agendas for all City Council meetings will contain a statement regarding the Americans with Disabilities Act, making the City Clerk the contact for

inquiries by those needing special assistance to participate in the meeting.

## **6. RULES OF CONDUCT**

### **6.1 General Procedure**

It is the policy of the Council not to become involved on the entanglements over “parliamentary procedure.” Consistent with any applicable City ordinance, statute or other legal requirement, any issue of procedure relating to the conduct of a meeting or hearing not otherwise provided for herein may be determined by the Mayor, subject to appeal to the full Council.

### **6.2 Addressing Members of the Public and Staff**

In addressing the public and members of the City’s staff, Councilmembers will generally refer to persons as Mr., Mrs. or Ms. followed by their surname and/or job title.

### **6.3 Authority of the Chair**

Subject to the full Council, the Mayor shall have the authority to prevent the misuse of motions, or the abuse of any privilege, or obstruction of the business of the Council by ruling any such matter out of order. In so ruling, the Mayor shall be courteous and fair and should presume that the moving party is acting in good faith.

### **6.4 Mayor to Facilitate Council Meetings**

The Council has delegated the responsibility and expanded the role of the Mayor to include the facilitation of Council meetings. In the role as facilitator, the Mayor will assist the Council to focus on their agenda, discussions and deliberations.

### **6.5 Council Deliberation and Order of Speakers**

The Mayor has been delegated the responsibility to control the debate and



the order of speakers.

6.5a Questions Addressed to Another Councilmember

With the concurrence of the Mayor, a Councilmember holding the floor may address a question to another Councilmember and that Councilmember may respond while the floor is still held by the Councilmember asking the question. A Councilmember may opt not to answer a question while another Councilmember has the floor.

6.6 Limit Deliberations to Item at Hand

Councilmembers will limit their comments to the subject matter, item or motion being currently considered by the Council.

6.7 Length of Council Comments

Councilmembers will govern themselves as to the length of their comments or presentation. As a courtesy, the Mayor will signal by hand to a Councilmember who has been speaking for over ten (10) minutes. The intent of the hand signal is a courtesy to let the Councilmember know they have been speaking for about ten minutes and may want to consider wrapping up their comments. This procedure is not meant to limit debate or to cut comments short, but rather to assist Councilmembers on their efforts to communicate concisely.

6.8 Council Presentations

Councilmember presentations are limited to the item or issue being deliberated. To insure that the appropriate equipment is available, councilmembers must provide the City Clerk advance notice of the intent to make a presentation. To insure a complete record of the meeting, councilmembers will provide a copy of the presentation to the City Clerk at the conclusion of the Council meeting.

6.9 Obtaining the Floor

Any member of the Council wishing to speak must first obtain the floor by being recognized by the Mayor. The Mayor must recognize any councilmember who seeks the floor when appropriately entitled to do so.

#### 6.10 Procedure for Motions

Motions may be made by any member of the Council, including the Mayor and/or presiding officer, providing that before the presiding officer offers a motion, the opportunity for making a motion should be offered to other members of the Council. Any member of the Council, other than the person offering the motion, may second a motion. The following is the general procedure for making motions:

- Before a motion can be considered or debated, it must be seconded.
- A Councilmember wishing to second a motion should do so through a verbal request to the Mayor.
- Once the motion has been properly made and seconded, the Mayor shall open the matter for discussion offering the first opportunity to the moving party, and thereafter, to any Councilmember properly recognized by the Mayor.
- The Mayor may ask for public comment on the motion.
- Once the matter has been fully discussed and the Mayor calls for a vote, no further discussion will be allowed, provided, however, Councilmembers may be allowed to explain their vote.

##### 6.10a Motion Amendments

When a motion is on the floor and an amendment is offered, the amendment should be acted upon prior to action on the main motion.

##### 6.10b Motion of Intention

A Motion of Intention process is generally limited to matters legally required to be supported by findings. In proceedings identified as quasi-judicial on the agenda, when the City

Council takes an action that is substantially different from the staff recommendation, the Council may utilize the Motion of Intention. A Motion of Intention provides staff direction as to the City Council's action through a formal motion. Based on this motion, staff revises the necessary findings, resolutions and/or implementing documentation for the City Council's action at the next scheduled meeting.

#### 6.11 Ordinances

Motions offering ordinances are deemed to include waiver of full reading of the ordinance and the reading of the ordinance by title only unless otherwise specifically stated.

#### 6.12 Voting

Any councilmember present at a meeting when a question comes up for a vote should vote for or against the measure unless he/she is disqualified from voting and abstains because of such disqualification. If the vote is a voice vote, the Mayor shall declare the result. The Council may also vote by roll call, ballot or voting machine. Regardless of the manner of voting, the results reflection of all "ayes" and "noes" must be clearly set forth for the record.

#### 6.13 Abstention

If a Councilmember abstains because of a legal conflict, he/she is not counted as present for quorum purposes and is not deemed to be "voting" for purposes of determining whether there has been a "majority vote of those members present and voting." When a Councilmember abstains or excuses themselves from a portion of a Council meeting because of a legal conflict of interest, the Councilmember must briefly state on the record the nature of the conflict. In inclusion of this information on the public record is required by law. If a Councilmember abstains because of a conflict other than legal, he/she is counted as present for quorum purposes and is not deemed to be "voting" for purposes of determining whether there has been a "majority vote of those members present and voting."

#### 6.14 Tie Votes

A tie vote results in a lost motion. In such an instance, any member of the Council may offer a motion for further action. If there is not action by an affirmative vote, the result is no action. If the matter involves an appeal, and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.

#### 6.15 Motions for Reconsideration

Motions for reconsideration of a matter may be made at the same meeting or at the next succeeding meeting following a Council action. A proposed motion for reconsideration at the next meeting must comply with Brown Act noticing requirements. Motions for reconsideration may only be made by a Councilmember that voted with the majority of the City Council on the action proposed to be reconsidered by the Council. In the case of a tie vote, the prevailing side or majority of the Council will be deemed to be those Councilmembers who voted in the negative. Any member of the Council may second a motion for reconsideration.

#### 6.16 Serial Meetings

Serial meetings are meetings that at any one time involve only a portion of legislative body, but eventually involve a quorum. Serial meetings yield a process that deprives the public the opportunity for a meaningful contribution to the decision-making process. Serial meetings may be a chain, in which member "A" contacts member "B", "B" then contacts "C", "C" contacts "D" and so on, until a quorum is involved. An elected official has the right to confer with a colleague about public business however, if and when a "collective concurrence as to action to be taken" is reached, the Brown Act is violated. Councilmembers are encouraged to consider the possibility of serial meetings when engaging in discussion with their colleagues on a matter within the subject jurisdiction of the City.

#### 6.17 Non-Observance of Rule

Rules adopted to expedite and facilitate the transaction of the business of the Council in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by the Council.

## **7. DECORUM**

### **7.1 Councilmembers**

RDMC Chapter 1.05 “Code of Ethics” establishes the code of ethics and values to be followed by City Councilmembers and others. Members of the City Council value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Councilmembers shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the City Council at all times. Councilmembers in the minority on an issue shall respect the decision and authority of the majority.

### **7.2 City Staff**

Members of the City staff are expected to observe the same rules of order and decorum applicable to the City Council. City staff shall act at all times in a business professional manner toward Councilmembers and members of the public.

### **7.3 Public**

Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council.

### **7.4 Noise in the Council Chambers**

Noise emanating from the audience within the Council Chambers which disrupts City Council meetings, shall not be permitted.

## **8. ORDER OF BUSINESS**

## 8.1 General Order

The business of the Council at its meetings will generally be conducted in accordance with the following order of business unless otherwise specified. A closed session may be held at any time during a meeting consistent with applicable law.

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CEREMONIAL
- E. CONSENT CALENDAR
- F. SPECIAL PRESENTATIONS
- G. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS
- H. ORDINANCES/SPECIAL RESOLUTIONS
- I. PUBLIC PRESENTATIONS
- J. REPORTS/STAFF COMMUNICATIONS
- K. COUNCIL REPORTS/COMMUNICATIONS
- L. ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION
- M. PUBLIC COMMENT REGARDING CLOSED SESSION
- N. RECESS INTO CLOSED SESSION
- O. RECONVENE TO OPEN SESSION
- P. ORAL ANNOUNCEMENTS
- Q. ADJOURNMENT

## 8.2 Action Agenda Items

In accordance with the Ralph M. Brown Act, the Council may not take action on any item that did not appear on the posted Council agenda 72 hours prior to the Council meeting unless an exception is made as permitted under Government Code Section 54954.2 (Agenda Postings; Action on Other Matters).

## 8.3 Consent Calendar

Agenda items removed from the consent calendar by Councilmembers or

staff will be considered individually under “ Special Call Items/Community Affairs” section of the agenda and be considered first. Members of the public may comment on consent items prior to the Council’s consideration of the consent calendar. A Councilmember may vote “no” on any consent item without comment or discussion. Any abstentions, comments, questions or discussion on an item will require the pulling of the item from the consent calendar.

#### 8.4 Special Presentations

All Special Presentations will be calendared and coordinated through the City Manager and the Mayor and may be limited by the Mayor to a time period not to exceed 15 minutes at each Council meeting.

#### 8.5 Special Call Items/Community Affairs

This section of the agenda is for items requiring discussion and/or action. The Mayor will call for a staff report from the City Manager; he/she may defer to the appropriate department head to present the staff report and answer questions of the Council.

#### 8.6 Ordinances/Special Resolutions

Ordinances involve a command or prohibition and have the force of law in the City for which an ordinance is adopted. An ordinance generally prescribes some permanent rule of conduct or government that remains in force until the ordinance is repealed. With the exception of urgency ordinances, no ordinance may be passed within five (5) days of its introduction. Two (2) readings are therefore required; one to introduce; and a second to adopt the ordinance. Ordinances may only be passed at a Regular meeting or at an Adjourned (i.e. Continued) Regular meeting; except for urgency ordinances. Ordinances may not be passed at a Special meeting. Unless otherwise stated, an ordinance shall take effect thirty (30) days following the date of adoption.

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

**Section 1. Zoning Text Amendment**

Section 17.20.110(1)(e) of the Rio Dell Municipal Code is hereby deleted.

**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 the date of 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 August 16, 2011 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 6<sup>th</sup> day of September, 2011 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Julie Woodall, Mayor

ATTEST:

\_\_\_\_\_  
Karen Dunham, City Clerk



RESOLUTION NO. 1125 - 2011

RESOLUTION OF THE RIO DELL CITY COUNCIL AMENDING TABLE 1 – 2 OF THE  
GENERAL PLAN ELIMINATING INDUSTRIAL AND COMMERCIAL USES WHICH ARE  
COMPLEMENTARY TO US HIGHWAY 101 FRONTAGE :

**WHEREAS** the Industrial Commercial zone and plan designation currently principally permits industrial and commercial uses which are complementary to US Highway 101 frontage; and

**WHEREAS** the current language is vague and broad and could be interpreted to allow a variety uses which may not be compatible with the intent of the Industrial Commercial designation; and

**WHEREAS** eliminating the use type will ensure that future use types would be compatible with the intent of the Industrial Commercial designation; and

**WHEREAS** the City has reviewed and processed the proposed minor text amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

**WHEREAS** the City has reviewed and process the proposed minor text amendments in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that the proposed minor text amendments are deemed to be in the public interest; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that the proposed text amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed text amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

**WHEREAS** the proposed text amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

**WHEREAS** the City has determined that 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.

**WHEREAS** pursuant to the requirements of state and local law, On July 27, 2011 the Planning Commission conducted a duly noticed public hearing to consider the proposed text amendments, at which time all interested persons were given an opportunity to be heard; and

**WHEREAS** the Planning Commission following said public hearing recommends that the City Council approve and adopt the recommended amendments; and

**WHEREAS** the City Council approves the recommended amendments.

**NOW, THEREFORE, BE IT RESOLVED** that the Rio Dell City Council amends Table 1 – 2 of the General Plan to eliminate industrial and commercial uses which are complementary to US Highway 101 frontage in the Industrial Commercial land use designation.

**PASSED AND ADOPTED by the Rio Dell City Council at their meeting of September 6, 2011 by the following vote:**

The motion was made by Council member \_\_\_\_\_ and seconded by Council member \_\_\_\_\_.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:           :

\_\_\_\_\_  
Julie Woodall, Mayor

ATTEST:

\_\_\_\_\_  
Karen Dunham, City Clerk

**17.20.110 Industrial Commercial or IC zone.**

The purpose of the industrial commercial zone is to provide for industrial and commercial uses.

**(1) Principal Permitted Uses.**

- (a) Industrial uses as described in the industrial land use designation and compatible commercial uses described in the community commercial land use designation;
- (b) Public facility needs such as a wastewater treatment plant;
- (c) Motor vehicle repair, maintenance and fueling;
- (d) Telecommunications facilities and manufacturing; and
- (e) ***Industrial and commercial uses complementary to US Highway 101 frontage.***

**(2) Uses Permitted with a Use Permit.**

- (a) Lodging; and
- (b) Child care.

**(3) Other Regulations.** See Table 17.20.110 for development standards for the IC zone.

**Table 17.20.110** Development Standards for the Industrial Commercial or IC Zone.

Site Development Standard	Zone Requirement	Measurement
Minimum Lot Area	20,000	Square feet
Maximum Ground Coverage	Not Applicable	
Floor Area Ratio (FAR)	1.5 on 20% and 0.35 on 80%	Proportion of lot area.
Minimum Lot Width	Not Applicable	
Minimum Open Space	10%	Percent
Minimum Yard		
Front	10	Feet
Rear:	0 unless abutting residential, in which case 10 feet.	Feet
Side:	0 unless abutting residential, in which case 10 feet.	Feet
Maximum Building Height	Four (4) Stories or 65 feet	Feet

## Allowed Use in Industrial Commercial Zones

### 17.20.110 Industrial Commercial or IC zone.

The purpose of the industrial commercial zone is to provide for industrial and commercial uses.

#### (1) Principal Permitted Uses.

- (a) Industrial uses as described in the **industrial land use designation** and compatible commercial uses described in the **community commercial** land use designation;
- (b) Public facility needs such as a wastewater treatment plant;
- (c) Motor vehicle repair, maintenance and fueling;
- (d) Telecommunications facilities and manufacturing; and
- (e) Industrial and commercial uses complementary to US Highway 101 frontage.

#### (2) Uses Permitted with a Use Permit.

- (a) Lodging; and
- (b) Child care.

### 17.20.100 Industrial or I zone.

The purpose of the industrial zone is to provide for large-scale industrial uses.

#### (1) Principal Permitted Uses.

- (a) Wood products manufacturing;
- (b) Power generation;
- (c) Other industrial uses including stores and services such as carpentry and cabinet making, clothing manufacture, handicraft manufacture, lumber yards, metal working shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops and printing and lithographing;
- (d) Research and development;
- (e) Research and light industrial;
- (f) Telecommunications;
- (g) Manufacturing; and
- (h) Administrative, business and professional offices.

#### (2) Uses Permitted with a Use Permit.

- (a) Ancillary and complementary (with a use permit); and
- (b) Kennels and animal boarding and veterinary.

### 17.20.060 Community commercial or CC zone.

The purpose of the community commercial or CC zone is to provide for large-scale commercial uses. The following regulations shall apply in all community commercial or CC zones:

#### (1) Principal Permitted Uses.

- (a) Large-scale retail stores and retail services, including supermarkets;

- (b) Automotive sales, automotive services contained entirely within a building, and gas stations;
- (c) Light manufacturing contained entirely within a building;
- (d) All uses permitted with a use permit in **neighborhood center or NC zones**, without regard to the securing of any use permit, except as provided in subsection (2) of this section.

**(2) Use Permitted with a Use Permit.**

- (a) Motels in a lodging building or in a mixed use building, RV parks;
- (b) Small animal hospitals, completely enclosed within a building;
- (c) Stores, agencies and services such as carpentry and cabinet-making shops, clothing manufacture, contractors' yards, dry cleaning and laundry plants, handicraft manufacture, lumber yards, metalworking shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops, printing and lithographic;
- (d) Civic and cultural uses including City offices and other government services and City parking facilities.

**17.20.050 Neighborhood center or NC zone.**

The neighborhood center or NC zone is intended to provide for small-scale shopping centers located within neighborhoods which will provide convenient sales and service facilities to residential areas, without detracting from the residential desirability of such areas. The following regulations shall apply in all neighborhood center or NC zones:

**(2) Uses Permitted with a Use Permit.**

- (a) Boarding and rooming houses, and bed and breakfast inns in a mixed use building;
- (b) Professional and business offices, health services, and commercial instruction when part of a mixed use building;
- (c) Small animal hospitals completely enclosed within a building;
- (d) Civic and cultural uses including City offices and day care centers.

Designation	Map Label	Permitted Uses	Minimum Lot Size	Open Space	Density/FAR*	Building Height
		Research and development Research and light industrial Telecommunications Manufacturing Administrative, business and professional offices Ancillary and complementary (with a use permit) Kennels and Animal Boarding and veterinary				
Industrial Commercial	IC	Industrial Uses as described in Industrial Land Use Designation and compatible commercial uses described in Community Commercial Land Use Designation Public Facility needs Motor vehicle repair, maintenance and fueling Telecommunications facilities and manufacturing Industrial and Commercial uses complementary to US Highway 101	20,000 square feet	10%	1.5 on 20% and 0.35 on 80%	4 stories or 65 feet
Natural Resources	NR	Resource Protection Public Recreation where compatible with resource management and protection. Management for fish and wildlife habitat Wetland/Watershed Restoration Timber Production (with TPZ overlay zone) Aggregate Resources Production (with a CUP)	None required	10%	None required	None required

**RESOLUTION NO. PC 041 - 2011**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL  
RECOMMENDING APPROVAL OF THE INDUSTRIAL COMMERCIAL TEXT AMENDMENT:**

**WHEREAS** the Industrial Commercial zone and plan designation currently principally permits industrial and commercial uses which are complementary to US Highway 101 frontage; and

**WHEREAS** the current language is vague and broad and could be interpreted to allow a variety uses which may not be compatible with the intent of the Industrial Commercial designation; and

**WHEREAS** eliminating the use type will ensure that future use types would be compatible with the intent of the Industrial Commercial designation; and

**WHEREAS** the City has reviewed and processed the proposed minor text amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

**WHEREAS** the City has reviewed and process the proposed minor text amendments in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that the proposed minor text amendments are deemed to be in the public interest; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that the proposed text amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed text amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

**WHEREAS** the proposed text amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

**WHEREAS** the City has determined that 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.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Rio Dell recommends that the City Council eliminate industrial and commercial uses which are complementary to US Highway 101 frontage as principally permitted uses in the Industrial Commercial zone.

**PASSED AND ADOPTED** by the Planning Commission of the City of Rio Dell at their meeting of July 27, 2011 by the following vote:

The motion was made by COMMISSIONER Sweaney and seconded by COMMISSIONER Chapman.

AYES:	Commissioners: <b>Gonzales, Sweaney, Chapman</b>
NOES:	Commissioners: <b>Millington</b>
ABSENT:	Commissioners: <b>Johnson</b>
ABSTAIN:	Commissioners:

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Dave Gonzales, Chair

ATTEST:

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Karen Dunham, City Clerk




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



**For Meeting of: August 16, 2011**

To: City Council  
From: Kevin Caldwell, Community Development Director   
Through: Ron Henrickson, City Manager  
Date: August 11, 2011  
Subject: Lot Line Adjustment Ordinance

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**Recommendation:**

That the City Council:

1. Receive, review and consider the staff report and recommendation regarding the Lot Line Adjustment Ordinance;
2. Open the public hearing, receive public testimony;
3. Introduce Ordinance No. 277 - 2011 repealing the existing lot line adjustment regulations, Chapter 16.35 of the Rio Dell Municipal Code and establishing a new lot line adjustment ordinance and the associated amendments to the Subdivision Ordinance.
4. Continue consideration of the proposed ordinance to your meeting of September 6, 2001 for second reading and adoption.

**Background and Discussion**

The existing lot line adjustment regulations were adopted in 1968 and modified in 1982. In 2009 the City requested that the City Engineer (Winzler & Kelly) and City Planner (Planwest Partners) review the existing lot line adjustment regulations, Chapter 16.35 of the Rio Dell Municipal Code (RDMC), to ensure they are consistent with the Subdivision Map Act, Sections 66410 through 66499.58 of the California Government Code (CGC). In February 2010, Winzler and Kelly made a number of recommendations to Planwest and the City regarding revisions to the lot line

adjustment ordinance. Due to staffing levels and other priorities, the revision of the lot line adjustment ordinance was put on hold.

The Planning Commission held a duly noticed public hearing on July 27, 2011 to consider, review and take public testimony regarding the proposed changes. After consideration, the Planning Commission voted unanimously to recommend approval of the changes to your Council.

### **Staff Report**

As one might expect the existing City lot line adjustment regulations are clearly outdated and inconsistent with existing State law. The existing City regulations are poorly written, confusing and burdensome. The existing regulations refer to parcel map requirements and the imposition of conditions of approval (i.e. frontage improvements, on-site improvements and dedications) that are not currently allowed by the Subdivision Map Act. The Map Act is very clear that the local agency (City) shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to the local general plan, zoning and building ordinances, to require the payment of property taxes and to facilitate the relocation of existing utilities, infrastructure or easements. The lot line adjustment shall be reflected by deed and no Record of Survey shall be required, unless required by Section 8762 of the Business and Professions Code. Typically, a Record of Survey is not required when:

- ❖ The new boundary line(s) are already adequately monumented of record.
- ❖ The new boundary line(s) can be accurately described from Government Subdivision Sections or aliquot parts thereof.
- ❖ The new boundary line(s) can be accurately described and located from existing monuments of record.
- ❖ The new boundary is based upon physical features (i.e. roads, creeks, etc.) which themselves monument the line.

Staff is recommending that the approved lot line adjustments be reflected and documented through the use of a Notice of Lot Line Adjustments and Certificate of Subdivision Compliance. This document provides notice to all parties involved and future owners of the parcels that the parcels were in fact created by a lot line adjustment.

Although the City's current practice is to schedule lot line adjustments for the Planning Commission, the current regulations identify the City Engineer as the public hearing officer.

In addition, Senate Bill 497, adopted in 2001, dramatically changed the regulations associated with lot line adjustments. The new lot line adjustment law reflected in SB 497 limits the number of parcels involved to four or fewer adjoining parcels, and makes approval of the lot line adjustment contingent upon conformity with the General Plan. In addition, SB 497 requires that the adjusted parcels be physically contiguous ("adjoining") rather than adjacent.

In addition to the recommended revised lot line adjustment ordinance, there are a number of regulations associated with lot line adjustments within the Subdivision Ordinance that need to be amended.

Staff recommends that Sections 16.05.070 of the Subdivision Ordinance, "Definitions", be amended to reflect the current definition of a lot line adjustment as identified in the Subdivision Map Act. The City's current definition of a lot line adjustment is as follows:

*Lot Line Adjustment. A minor shift or rotation of an existing lot line or other adjustments where a greater number of parcels than originally existed is not created, as approved by the City Engineer or authorized representative.*

Accordingly, staff recommends that the definition of lot line adjustment be as follows:

*Lot Line Adjustment. Pursuant to Section 66412(d) of the Subdivision Map Act, a lot line adjustment is between four or fewer existing parcels where the land taken from one parcel is added to the adjoining parcel, and where a greater number of parcels than originally existed is not thereby created.*

The definition of "Subdivision" also needs to be amended. The current definition of a "subdivision" does not include lot line adjustments. However, as discussed above, the existing language is not consistent with the Subdivision Map Act. Subdivision (d) of the definition of "Subdivision" is as follows:

*"Subdivision" does not include:*

*(d) A lot line adjustment between two or more adjacent parcels, where land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not created, provided that the lot line adjustment is approved by the City Engineer.*

Once again, staff recommends that the language be amended to be consistent with the Subdivision Map Act. Therefore, staff recommends the following definition:

*"Subdivision" does not include:*

*(d) A lot line adjustment between four or fewer existing parcels where the land taken from one parcel is added to the adjoining parcel, and where a greater number of parcels than originally existed is not thereby created.*

Section 16.05.090(4) of the current Subdivision Regulations requires a Tentative Map and Parcel Map for lot line adjustments, unless waived by the City Engineer. Below is a copy of Section 16.05.090(4) of the RDMC:

*(4) Lot Line Adjustments. A tentative map and parcel map shall be required for all lot line adjustments between two or more adjacent parcels. The parcel map*

*requirement may be waived by the City Engineer as provided in RDMC 16.15.240.*

It's clear that lot line adjustments between four or fewer existing parcels where land taken from one parcel is added to the adjoining parcel, and where a greater number of parcels than originally existed are not thereby created **is exempt for the Subdivision Map Act**. Lot line adjustments between five or more parcels are not exempt from the Map Act and are basically considered a subdivision or re-subdivision. There are circumstances where the Map Act only requires a Parcel Map, even though five or more parcels may be created. These circumstances are identified below:

- ❖ 5 Acres or Less – The land before the division is less than five acres, and each parcel created abuts a maintained public street or highway, and there is no requirements of dedications or improvements.
- ❖ 20 Acres or More – The parcels created are at least 20 acres and have approved access to a maintained public street or highway.
- ❖ Zoned Industrial or Commercial – Land zoned for industrial or commercial development with approved access to a public street or highway and local agency approval as to the street alignments and widths.
- ❖ 40 Acres or More – The parcels created are not less than 40 acres or not less than a quarter of a quarter section.

Accordingly, staff recommends that Section 16.05.090(4) of the RDMC be amended as follows:

*(4) Lot Line Adjustments. A tentative map, parcel map or final map shall be required for all lot line adjustments between five or more adjacent parcels. The parcel map requirement may be waived by the City Engineer as provided in RDMC 16.15.240. The final map requirement may be waived by the City Engineer as provided in Section 66426 of the Subdivision Map Act.*

Currently Section 16.15.240(3) of the RDMC allows the City Engineer to waive the parcel map requirements for lot line adjustments between two or more parcels. Below is a copy of the current provisions of Section 16.15.240(3):

*The City Engineer may waive the parcel map for the following:*

*(3) A lot line adjustment between two or more parcels where the boundaries of said parcels are monumented in conformance with RDMC 16.10.150(6) and where no dedications are required for such adjustment.*

Therefore, staff recommends that the language be amended to reflect five or more parcels. Below is a copy of the recommended amendment:

*The City Engineer may waive the parcel map for the following:*

*(3) A lot line adjustment between five or more parcels where the boundaries of said parcels are monumented in conformance with RDMC 16.10.150(6) and where no dedications are required for such adjustment.*

Staff is recommending that the existing lot line adjustment regulations found in Chapter 16.35 of the RDMC be repealed and replaced with the recommended regulations identified in Attachment 2. Staff also recommends amending: (1) the definitions of "Lot Line Adjustment" and "Subdivision" as defined in Sections 16.05.070 of the Subdivision Ordinance; and (2) Sections 16.05.090(4) and 16.15.240(3) of the Subdivision Ordinance.

### **California Environmental Quality Act (CEQA).**

Amendments to the Subdivision Ordinance are subject to the California Environmental Quality Act (CEQA). The primary purpose of CEQA is to inform the decision makers and the public of potential environmental effects of a proposed project.

The vast majority of lot line adjustments processed within the City are Categorically Exempt pursuant to Section 15305(a) of the Guidelines for Implementation of the California Environmental Quality Act. Section 15305 of the CEQA Guidelines exempts certain minor alterations in land use limitations from the requirements of CEQA. Section 15305(a) exempts *"minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to: (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel."*

The proposed lot line adjustment amendments are actually more restrictive than the existing lot line adjustment regulations. Nothing in the proposed amendments would exempt any future lot line adjustments within the City.

Based on the nature of the amendments, staff has determined that 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. Where it can be seen with certainty that there is no possibility that the project, amendments to the City's lot line adjustment regulations in this case, may have a significant effect on the environment, the project is not subject to CEQA.

### **Financial Impact**

The City is responsible for the costs associated with the proposed amendments. The cost is insignificant and will not result in additional budget expenditures or revisions.

### **Alternatives**

The City Council may choose not to approve the proposed amendments to the City Council. Because the existing ordinance is not consistent with State law, staff does not recommend this alternative.

## **Attachments**

Attachment 1: Planning Commission Resolution No. 042 - 2011 recommending approval to the City Council.

Attachment 2: Ordinance No. 277 - 2011 repealing Chapter 16.35 of the Rio Dell Municipal Code and amending the subdivision ordinance to be consistent with the proposed lot line adjustment ordinance.

Attachment 3: Pre-Adoption Summary for Posting.

Attachment 4: Post-Adoption Summary for Posting.

**RESOLUTION NO. PC 042 - 2011**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL  
RECOMMENDING REPEALING THE EXISTING LOT LINE ADJUSTMENT REGULATIONS  
AND APPROVING THE PROPOSED LOT LINE ADJUSTMENT ORDINANCE AND  
AMENDING THE SUBDIVISION ORDINANCE TO BE CONSISTENT WITH THE PROPOSED  
LOT LINE ADJUSTMENT ORDINANCE :**

**WHEREAS** the existing lot line adjustment regulations were adopted in 1968 and modified in 1982; and

**WHEREAS** Senate Bill 497, adopted in 2001, dramatically changed the regulations associated with lot line adjustments; and

**WHEREAS** the new lot line adjustment law reflected in SB 497 limits the number of parcels involved to four or fewer adjoining parcels, and makes approval of the lot line adjustment contingent upon conformity with the General Plan.

**WHEREAS** SB 497 requires that the adjusted parcels be physically contiguous (“adjoining”) rather than adjacent; and

**WHEREAS** the existing lot line adjustment regulations are clearly outdated and inconsistent with existing State law; and

**WHEREAS** the existing regulations refer to parcel map requirements and the imposition of conditions of approval (i.e. frontage improvements, on-site improvements and dedications) that are not currently allowed by the Subdivision Map Act; and

**WHEREAS** the Planning Commission recommends that the existing lot line adjustment regulations found in Chapter 16.35 of the RDMC be repealed and replaced with the recommended regulations; and

**WHEREAS** the Planning Commission recommends amending: (1) the definitions of “Lot Line Adjustment” and “Subdivision” as defined in Sections 16.05.070 of the Subdivision Ordinance; and (2) Sections 16.05.090(4) and 16.15.240(3) of the Subdivision Ordinance; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

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

**WHEREAS** the City has determined that 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.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Rio Dell recommends that the City Council repeal the existing lot line adjustment regulations, Chapter 16.35 of the Rio Dell Municipal Code and approve and adopt the proposed lot line adjustment ordinance and the associated amendments to the Subdivision Ordinance.

**PASSED AND ADOPTED** by the Planning Commission of the City of Rio Dell at their meeting of July 27, 2011 by the following vote:

The motion was made by COMMISSIONER Millington and seconded by COMMISSIONER Sweaney.

AYES:	Commissioners: <b>Gonzales, Sweaney, Chapman, Millington</b>
NOES:	Commissioners:
ABSENT:	Commissioners: <b>Johnson</b>
ABSTAIN:	Commissioners:

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Dave Gonzales, Chair

ATTEST:

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Karen Dunham, City Clerk



ORDINANCE NO. 277 - 2011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL REPEALING AND REPLACING CHAPTER 16.35 (LOT LINE ADJUSTMENT REGULATIONS) OF THE RIO DELL MUNICIPAL CODE AND AMENDING THE SUBDIVISION ORDINANCE TO BE CONSISTENT WITH THE PROPOSED LOT LINE ADJUSTMENT ORDINANCE:

THE CITY COUNCIL OF THE CITY OF RIO DELL DOES ORDAIN AS FOLLOWS:

**WHEREAS** the existing lot line adjustment regulations were adopted in 1968 and modified in 1982; and

**WHEREAS** Senate Bill 497, adopted in 2001, dramatically changed the regulations associated with lot line adjustments; and

**WHEREAS** the new lot line adjustment law reflected in SB 497 limits the number of parcels involved to four or fewer adjoining parcels, and makes approval of the lot line adjustment contingent upon conformity with the General Plan.

**WHEREAS** SB 497 requires that the adjusted parcels be physically contiguous ("adjoining") rather than adjacent; and

**WHEREAS** the existing lot line adjustment regulations are clearly outdated and inconsistent with existing State law; and

**WHEREAS** the existing regulations refer to parcel map requirements and the imposition of conditions of approval (i.e. frontage improvements, on-site improvements and dedications) that are not currently allowed by the Subdivision Map Act; and

**WHEREAS** the Planning Commission recommends that the existing lot line adjustment regulations found in Chapter 16.35 of the RDMC be repealed and replaced with the recommended regulations; and

**WHEREAS** the Planning Commission recommends amending: (1) the definitions of "Lot Line Adjustment" and "Subdivision" as defined in Sections 16.05.070 of the Subdivision Ordinance; and (2) Sections 16.05.090(4) and 16.15.240(3) of the Subdivision Ordinance; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

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

**WHEREAS** the City has determined that 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.

**WHEREAS** pursuant to the requirements of state and local law, the Planning Commission conducted a duly noticed public hearing on July 27, 2011 to consider the proposed zone boundary adjustment, at which time all interested person were given an opportunity to be heard; and

**WHEREAS** the Planning Commission following said public hearing recommends that the City Council approve and adopt the recommended zoning and land use map amendments; and

**WHEREAS** the City Council approves the recommended amendments repealing the existing lot line adjustment regulations, Chapter 16.35 of the Rio Dell Municipal Code and approve and adopt the proposed lot line adjustment ordinance and the associated amendments to the Subdivision Ordinance; and

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

**Section 1. Existing Lot Line Adjustment Regulations**

Chapter 16.35 of the Rio Dell Municipal Code is hereby repealed.

**Section 2. Proposed Lot Line Adjustment Regulations**

Chapter 16.35 of the Rio Dell Municipal Code is hereby added to read as follows:

**Chapter 16.35  
LOT LINE ADJUSTMENTS**

**Sections:**

- 16.35.010 Generally.**
- 16.35.020 Application Procedure.**
- 16.35.030 Approval Criteria.**
- 16.35.040 Planning Commission Hearing.**
- 16.35.050 Conditions of Tentative Approval.**
- 16.35.060 Appeal Process.**
- 16.35.070 Expiration and Extension.**
- 16.35.080 Minor Deviations.**

**16.35.010 Generally.**

Pursuant to Section 66412(d) of the Subdivision Map Act, a lot line adjustment is between four or fewer existing parcels where the land taken from one parcel is added to the adjoining parcel, and where a greater number of parcels than originally existed is not thereby created.

If there is more than one ownership involved, and your Lot Line Adjustment is approved, along with a Notice of Lot Line Adjustment and Certificate of Subdivision Compliance, you must record a deed or deeds for the area(s) to establish ownership or record for each of the resulting parcels. Depending on the situation you may also be required to prepare and file a Record of Survey.

Serious title consequences may result if any of the parcels to be adjusted are subject to prior record liens (i.e. Deeds of Trust, Mortgages, Money Judgments, etc.) and title is subsequently acquired by the lien holder through foreclosure. Those consequences can be avoided by obtaining and recording reconveyances or releases of said liens. Your title company can assist you with these matters.

**16.35.020 Application Procedure.**

All Lot Line Adjustment applications shall be submitted to the Planning Department on application forms supplied by the Department.

The following materials shall be submitted along with the completed and signed application:

- (1) Two copies of the present owner of records' vesting deeds, and a Title Report current within six months for each lot.

(2) Six copies of a Lot Line Adjustment plot plan accurately drawn to scale on one sheet of paper at least 8 1/2" x 11" in size that shows the following information for each lot to be adjusted:

(a) All exterior and interior lines shall be shown on the map and dimensioned based on information of record.

(b) Proposed new lines and lines to be eliminated shall be so identified in written notation or by legend. Lines to be eliminated shall be dashed or otherwise drawn so as to be clearly distinguishable from and subordinate to remaining and new lines.

(c) Areas (in square footage or acreage) of the initial and resulting parcels shall be identified.

(d) All existing structures, their uses, and other constructed improvements, located within 50 feet of the proposed new boundaries shall be accurately located and shown with dimensions from the property lines.

(e) The names and widths of abutting rights-of-way and their locations.

(f) The locations, purpose and width of all proposed and existing easements, streets and appurtenant utilities located within 100 feet of the proposed new boundaries.

(g) The approximate location of all watercourses, wet areas, drainage channels and existing drainage structures located within 100 feet of the proposed new boundaries.

(h) Slopes over 20% and the direction of surface water runoff.

(i) Location of wells and septic tanks and primary and reserve septic leach areas within 100 feet of proposed new boundaries.

(j) North arrow and scale.

(k) Vicinity map if the location cannot be determined from the plot plan.

(l) Assessed owner's names, addresses, phone numbers and parcel numbers.

(3) A written statement from the applicant explaining the reason(s) for the proposed lot line adjustment. The purpose of this statement is to assist the applicant in ensuring that the lot line adjustment will accomplish his/her goal. The statement will have no effect on the review or approval of the lot line adjustment.

(4) A deposit as required by the City's adopted fee schedule. Pursuant to the City's Resolution establishing fees and charges, applicants are responsible for all actual costs in processing the application.

(5) The Planning Department may distribute the application to the City Engineer, any affected public agencies and districts for review and comment. Agencies receiving project applications must submit any response to the Planning Department within 15 days of referral date established by the Planning Department.

### **16.35.030 Approval Criteria.**

A lot line adjustment shall be approved or conditionally approved when there is compliance with all of the following approval criteria:

- (1) The application is found to be complete; and
- (2) Either (a) the parcels to be adjusted are found to be in compliance with the Subdivision Map Act and local subdivision regulations, or (b) a Conditional Certificate of Subdivision Compliance for the parcel or parcels has been issued for recordation prior to or concurrent with the lot line adjustment; and
- (3) The proposed lot line adjustment neither causes non-conformance nor increases the severity of pre-existing nonconformities with the General Plan, Zoning and Building ordinances. Providing compliance with this subsection, the approval shall not be conditioned on correction or preexisting non-conformities with the General Plan, Zoning and Building ordinances.

### **16.35.040 Planning Commission Hearing.**

The Planning Department shall schedule the proposed lot line adjustment for review and approval at a public hearing before the Planning Commission. Notice shall be provided as required by State law.

### **16.35.050 Conditions of Tentative Approval.**

Tentative approval of lot line adjustments may only be conditioned upon the following:

- (1) Conditions to conform to the General Plan, Zoning and Building ordinances consistent with the provisions of Section 16.35.030.
- (2) Conditions to facilitate the relocation of existing affected utilities, infrastructures or easements.
- (3) A Notice of Lot Line Adjustment shall be recorded for the resulting parcels. The following information must be submitted to the Planning Department for review prior to recordation:
  - (a) A copy of the deeds to be recorded for the adjusted parcels; provided however, that when the parcels being adjusted are held in common ownership, no new deeds shall be required for the preparation of the Notice of Lot Line Adjustment.
  - (b) A Lot Book Guarantee or Preliminary Title Report current within 6 months or other evidence satisfactory to the Planning Department regarding ownership of parcels.
  - (c) Completed "Notice of Lot Line Adjustment and Certificate of Subdivision Compliance" forms (these are available from the Planning Department).
- (4) When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) must be submitted for review and approval to the Planning Department.

(5) Pursuant to Section 8762 of the Business and Professions Code a Record of Survey monumenting the corners of the new property line(s) may be required. The City Engineer shall not require the Record of Survey if in his opinion any one of the following findings can be made:

- (a) The new boundary line(s) are already adequately monumented of record.
- (b) The new boundary line(s) can be accurately described from Government Subdivision Sections or aliquot parts thereof.
- (c) The new boundary line(s) can be accurately described and located from existing monuments of record.
- (d) The new boundary is based upon physical features (i.e. roads, creeks, etc.) which themselves monument the line.

(6) The applicants shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the lot line adjustment have been paid in full if payable, or secured if not payable to the satisfaction of the County Tax Collector's Office, and all special assessments on the parcels must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to submitting the required conditions of approval.

#### **16.35.060 Appeals**

Any person aggrieved by an action of the Planning Commission may take an appeal to the City Council within ten (10) days of said action. The notice of appeal filed with the Planning Department shall be accompanied by a fee set by resolution of the City Council sufficient to cover the cost of processing the application for appeal. Upon receipt of the notice of appeal, the Planning Department shall forthwith transmit to the City Council all the papers constituting the record upon which the action appealed from was taken.

#### **16.35.070 Expiration and Extensions.**

The instruments of record as approved by the Planning Department shall be recorded and the lot line adjustment shall be completed within thirty-six (36) months of approval of the lot line adjustment.

Prior to expiration, the applicant or property owner may request extension of the filing deadline by submitting a written extension request and a filing fee as set by resolution of the City Council.

The Planning Director may grant a maximum of three years extension of the filing deadline if the Planning Director finds that the conditions under which the tentative approval was issued have not significantly changed.

#### **16.35.080 Minor Deviations.**

This section provides for situations where it is necessary to deviate from a plan in a minor way which is consistent with the purpose and intent of the lot line adjustment. The intent of this section is to provide for flexibility in the approval of lot line adjustments by permitting minor deviations to be administratively granted by the Director. It is not the intent of this section to permit deviations from approved lot line adjustments which violate the intent and purpose of the

approval or any of its conditions. The Director may authorize a minor deviation from the approved lot line adjustment.

(1) Definition of Minor Deviation: A minor deviation from an approved lot line adjustment includes an increase or decrease of less than 10 percent of the gross area being adjusted.

(2) Decision is Final. The Director's decision shall be final and not appealable; provided, however, that the denial by the Director of a request for a minor deviation shall not prevent the applicant from applying for a new or modified lot line adjustment.

**Section 3.** Section 16.05.070, *Definitions*, of the Rio Dell Municipal Code is hereby amended to read as follows:

Lot Line Adjustment. Pursuant to Section 66412(d) of the Subdivision Map Act, a lot line adjustment is between four or fewer existing parcels where the land taken from one parcel is added to the adjoining parcel, and where a greater number of parcels than originally existed is not thereby created.

Subdivision (d) of the definition of "Subdivision" is hereby amended to read as follows:

"Subdivision" does not include:

(d) A lot line adjustment between four or fewer existing parcels where the land taken from one parcel is added to the adjoining parcel, and where a greater number of parcels than originally existed is not thereby created.

**Section 4.** Section 16.05.090(4) of the Rio Dell Municipal Code is hereby amended to read as follows:

(4) Lot Line Adjustments. A tentative map, parcel map or final map shall be required for all lot line adjustments between five or more adjacent parcels. The parcel map requirement may be waived by the City Engineer as provided in RDMC 16.15.240. The final map requirement may be waived by the City

**Section 5.** Section 16.15.240(3) of the Rio Dell Municipal Code is hereby amended to read as follows:

The City Engineer may waive the parcel map for the following:

(3) A lot line adjustment between five or more parcels where the boundaries of said parcels are monumented in conformance with RDMC 16.10.150(6) and where no dedications are required for such adjustment.

### **Section 6. 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 7. 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 8. Effective Date**

This ordinance becomes effective thirty (30) days after the date of 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 August 16, 2011 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 6<sup>th</sup> day of September 2011 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Julie Woodall, Mayor

ATTEST:

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Karen Dunham, City Clerk

**SUMMARY FOR POSTING PRIOR TO ADOPTION OF ORDINANCE**

(The summary shall be published or posted 10 calendar days before the adoption of the ordinance)

**Summary**

On **August 16, 2011** at a regularly scheduled City Council meeting, the Rio Dell City Council will duly introduce, consider for approval and adoption of an Ordinance amending the City's Lot Line Adjustment regulations and associated Subdivision regulations.

On **September 6, 2011** at a regularly scheduled City Council meeting, the Rio Dell City Council is scheduled to adopt Ordinance 277 - 2011 amending the City's Lot Line Adjustment regulations and associated Subdivision regulations.

A certified copy of the full text of the Ordinance is posted in the office of the City Clerk.

**SUMMARY FOR POSTING AFTER ADOPTION OF ORDINANCE**

(The summary shall be published or posted within 10 calendar days after the adoption of the ordinance)

**Summary**

On **September 6, 2011** at a regularly scheduled City Council meeting, the Rio Dell City Council adopted Ordinance 277 - 2011 amending the City's Lot Line Adjustment regulations and associated Subdivision regulations.

A certified copy of the full text of the Ordinance is posted in the office of the City Clerk.