



AGENDA
RIO DELL PLANNING COMMISSION
REGULAR MEETING - 6:30 P.M.
WEDNESDAY, JULY 24, 2013
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the Planning Commission are available at the City Clerk's office in City Hall, 675 Wildwood Avenue and on the City's website at riodellcity.com. Your City government welcomes your interest and hopes you will attend and participate in Rio Dell Planning Commission meetings often.

THE TYPE OF COMMISSION BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS.

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CEREMONIAL
- E. CONSENT CALENDAR
- F. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. As such, a dialogue with the Commission or staff is not intended. Items requiring Commission action not listed on this agenda may be placed on the next regular agenda for consideration if the Commission directs, unless a finding is made by at least 2/3rds of the Commission that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

G. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

- 1) 2013/0724.01 - Public Hearing/Approve Resolution No. PC-065-2013
Recommending Approval to Amend the Enforcement Regulations,
Section 17.40.060 of the Rio Dell Municipal Code (**ACTION**)

H. CONTINUED STUDY SESSION

- 1) 2013/0724.02 - Continue Discussion of Draft Land Use Matrix, Potential Use Types, Appropriate Zones for New Use Types, and Definitions with Staff Direction on Proposed Revisions (**ACTION**)

I. REPORTS/STAFF COMMUNICATIONS

J. ADJOURNMENT



In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.


*The next Regular Planning Commission meeting is scheduled for
August 28, 2013 at 6:30 p.m. in the City Council Chambers*


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



For Meeting of: July 24, 2013

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch,  City Manager

Date: June 25, 2013

Subject: Chapter 17.40, Enforcement Regulations Text Amendment

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed text amendment;
2. Open the public hearing, receive public input, close the public hearing and deliberate;
3. Find that:
 - (a) The proposed text amendment is consistent with the General Plan; and
 - (b) The proposed text amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);
4. Adopt Resolution No. PC 065-2013 recommending approval of the text amendment to the Rio Dell City Council.

Background/Summary

Staff recently discovered that the Enforcement provisions of the Zoning Regulations, Chapter 17.40 of the Rio Dell Municipal Code (RDMC) refer to the Building Inspector as being responsible for the enforcement of the Zoning Regulations.

In 2004 when this provision was adopted the City had a part-time contract planner (Planwest). In addition, the terms of the contract Building Inspector at that time did require that the Building Inspector be responsible for the enforcement of the City's zoning regulations. The City no longer uses Planwest and the current contract with the City Building Inspector does not require that he enforce the zoning regulations. However, it's likely that future contract Building Inspector's may assist with enforcing the zoning regulations. Therefore, staff is recommending that the City Building Inspector be an authorized representative of the Community Development Director for the purpose of enforcing the zoning regulations.

The Police Chief is authorized, has been and will continue to assist in enforcing the zoning regulations. Staff is therefore recommending that the reference to the Building Inspector be amended to reference the Community Development Director as being responsible for the enforcement of the zoning regulations. Below is a copy of the recommended amendments:

17.40.060 ~~Building Inspector~~ Community Development Director Responsible for Enforcement of this Title.

- (1) The ~~Building Inspector~~ Community Development Director shall be responsible for the enforcement of the provisions of this title.
- (2) This title may be enforced by an authorized representative of the ~~Building Inspector~~ Community Development Director.
- (3) The Chief of Police and the Building Inspector is hereby designated as an authorized representative of the ~~Building Inspector~~ Community Development Director.

Staff is also recommending another minor text amendment to the Enforcement provisions. Section 17.40.060(4) currently allows the Building Inspector and his authorized representative (Police Chief) to request entry "...at any and all appropriate times...". Staff believes this is somewhat open ended and is recommending the following language:

- (4) The ~~Building Inspector~~ Community Development Director, or his authorized representative(s), shall have authority to request entry to any building, structure, or premises, ~~at any and all appropriate times~~ during normal business hours for the purpose of performing his/her official duty. [Ord. 252 § 8.05, 2004.]

Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.35.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.35.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.35.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Zone Reclassification Required Finding:

- 1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.**

There are no polices in the General Plan which would discourage or prohibit the Community Development Director from enforcing the zoning regulations.

2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

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

Based on the nature of the project, 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 in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed amendments, staff believes there is no evidence to suggest that the amendments will have a significant effect on the environment.

Financial Impact

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

Attachments:

1. Existing and proposed revisions to the Zoning Regulations Enforcement provisions, Section 17.40.060 of the Rio Dell Municipal Code (RDMC).
2. Resolution No. PC 065-2013 recommending approval of the text amendment to the Rio Dell City Council.
3. Draft Ordinance No. 304-2013 amending Section 17.40.060 of the Rio Dell Municipal Code.

**Chapter 17.40
ENFORCEMENT**

Sections:

17.40.010 Issuance of Permits in Violation of Regulations.

17.40.020 Violation of Regulations.

17.40.030 Penalty.

17.40.040 Declaration of Public Nuisance.

17.40.050 Remedies.

17.40.060 Building Inspector Responsible for Enforcement of this Title.

17.40.010 Issuance of Permits in Violation of Regulations.

All departments, officers and public employees vested with the duty or authority to issue permits, certificates or licenses for uses, buildings or purposes within the City in conflict with the provisions of these regulations, and any such permit, certificate or license issued in conflict with the provisions of these regulations shall be null and void. [Ord. 252 § 8.01, 2004.]

17.40.020 Violation of Regulations.

Any person, whether principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of these regulations shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$500.00 or by imprisonment for not more than six months, or by both such fine and imprisonment. [Ord. 252 § 8.02, 2004.]

17.40.030 Penalty.

Notwithstanding any other provisions of this title, including RDMC 17.45.020, any person, whether principal, agent, employee or otherwise who violates RDMC 17.30.030 or 17.30.120 shall be guilty of a misdemeanor and may be punished as follows:

(1) By imprisonment in the County Jail not to exceed six months; or

(2) A fine not to exceed \$1,000 for violations of RDMC 17.30.030 and a fine not to exceed \$500.00 for violations of RDMC 17.30.120; or

(3) A combination of such imprisonment and fine. [Ord. 252 § 8.02.5, 2004.]

17.40.040 Declaration of Public Nuisance.

Any building or use operated or maintained contrary to the provisions of these regulations shall be, and the same is hereby declared to be, a public nuisance and shall be subject to injunction and abatement as such. [Ord. 252 § 8.03, 2004.]

17.40.050 Remedies.

The remedies provided herein shall be cumulative and not exclusive. [Ord. 252 § 8.04, 2004.]

17.40.060 ~~Building Inspector~~ Community Development Director Responsible for Enforcement of this Title.

(1) The ~~Building Inspector~~ Community Development Director shall be responsible for the enforcement of the provisions of this title.

(2) This title may be enforced by an authorized representative of the ~~Building Inspector~~ Community Development Director.

(3) The Chief of Police and the Building Inspector is hereby designated as an authorized representative of the ~~Building Inspector~~ Community Development Director.

(4) The ~~Building Inspector~~ Community Development Director, or his authorized representative(s), shall have authority to request entry to any building, structure, or premises, at ~~any and all appropriate times~~ during normal business hours for the purpose of performing his/her official duty. [Ord. 252 § 8.05, 2004.]

RESOLUTION NO. PC 065 – 2013



RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
RECOMMENDING APPROVAL OF AMENDING THE ENFORCEMENT REGULATIONS,
SECTION 17.40.060 OF THE RIO DELL MUNICIPAL CODE:

WHEREAS staff recently discovered that the Enforcement provisions of the Zoning Regulations, Chapter 17.40 of the Rio Dell Municipal Code (RDMC) refer to the Building Inspector as being responsible for the enforcement of the Zoning Regulations; and

WHEREAS in 2004 when the current provision was adopted the City had a part-time contract planner (Planwest) and the terms of the contract Building Inspector at that time did require that the Building Inspector be responsible for the enforcement of the City's zoning regulations; and

WHEREAS the City no longer uses Planwest and the current contract with the City Building Inspector does not require that he enforce the zoning regulations; and

WHEREAS it's likely that future contract Building Inspector's may assist with enforcing the zoning regulations and therefore, staff is recommending that the City Building Inspector be an authorized representative of the Community Development Director for the purpose of enforcing the zoning regulations; and

WHEREAS Section 17.40.060(4) currently allows the Building Inspector and his authorized representative (Police Chief) to request entry "*...at any and all appropriate times...*"; and

WHEREAS staff believes the existing language is somewhat open ended and is recommending the language be amended to read: "*...during normal business hours...*"; and

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

WHEREAS the City has reviewed and processed the proposed 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 amendments are consistent and compatible with the General Plan and any implementation programs that may be affected; 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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell finds that:

1. The proposed amendments are consistent with the General Plan and any applicable specific plan; and
2. The City has determined that the proposed amendments are 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 FURTHER RESOLVED that the Planning Commission of the City of Rio Dell recommends that the City Council approve the proposed amendments to the Enforcement Regulations, Section 17.40.060 of the Rio Dell Municipal Code.

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on July 24, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gary Chapman, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 065-2013 adopted by the Planning Commission of the City of Rio Dell on July 24, 2013.

Karen Dunham, City Clerk, City of Rio Dell

ORDINANCE NO. 304 – 2013



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING THE ENFORCEMENT REGULATIONS, SECTION 17.40.060 OF THE RIO
DELL MUNICIPAL CODE:

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

WHEREAS staff recently discovered that the Enforcement provisions of the Zoning Regulations, Chapter 17.40 of the Rio Dell Municipal Code (RDMC) refer to the Building Inspector as being responsible for the enforcement of the Zoning Regulations; and

WHEREAS in 2004 when the current provision was adopted the City had a part-time contract planner (Planwest) and the terms of the contract Building Inspector at that time did require that the Building Inspector be responsible for the enforcement of the City's zoning regulations; and

WHEREAS the City no longer uses Planwest and the current contract with the City Building Inspector does not require that he enforce the zoning regulations; and

WHEREAS it's likely that future contract Building Inspector's may assist with enforcing the zoning regulations and therefore, staff is recommending that the City Building Inspector be an authorized representative of the Community Development Director for the purpose of enforcing the zoning regulations; and

WHEREAS Section 17.40.060(4) currently allows the Building Inspector and his authorized representative (Police Chief) to request entry "*...at any and all appropriate times...*"; and

WHEREAS staff believes the existing language is somewhat open ended and is recommending the language be amended to read: "*...during normal business hours...*"; and

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

WHEREAS the City has reviewed and processed the proposed 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 amendments are consistent and compatible with the General Plan and any implementation programs that may be affected; 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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell finds that:

1. The proposed amendments are consistent with the General Plan and any applicable specific plan; and
2. The City has determined that the proposed amendments are 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 FURTHER RESOLVED that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1. The Enforcement Regulations, Section 17.40.060 of the Rio Dell Municipal Code is hereby amended as follows:

17.40.060 Enforcement Regulations.

17.40.060 ~~Building Inspector~~ Community Development Director Responsible for Enforcement of this Title.

- (1) The ~~Building Inspector~~ Community Development Director shall be responsible for the enforcement of the provisions of this title.
- (2) This title may be enforced by an authorized representative of the ~~Building Inspector~~ Community Development Director.
- (3) The Chief of Police and the Building Inspector is hereby designated as an authorized representative of the ~~Building Inspector~~ Community Development Director.
- (4) The ~~Building Inspector~~ Community Development Director, or his authorized representative(s), shall have authority to request entry to any building, structure, or premises, ~~at any and all appropriate times~~ during normal business hours for the purpose of performing his/her official duty. [Ord. 252 § 8.05, 2004.]

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. CEQA Compliance

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines. Due to the nature of the proposed code revisions, there is no evidence that any impact to the environment would occur as a result of adoption of the Ordinance.

Section 5. 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 6, 2013 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 20th of August 2013 by the following vote:

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

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 304-2013 adopted by the City Council of the City of Rio Dell on June 18, 2013.

Karen Dunham, City Clerk, City of Rio Dell