



AGENDA
RIO DELL PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, JANUARY 22, 2014 - 6:30 P.M.
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

- 1) 2014/0122.01 - Swearing in and seating of two (2) reappointed members to the Planning Commission; Gary Chapman and Alice Millington for Terms ending December 31, 2016

E. CONSENT CALENDAR

- 1) 2014/0122.02 - Approve Minutes of the December 11, 2013 Regular Meeting (**ACTION**)

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) 2014/0122.03 - Public Hearing/ Adopt Resolution No. PC-077-2014 recommending approval of text amendments to the Commercial and Industrial designations replacing the language “such as” with “similar to and including but not limited to” and to allow uses not specifically allowed with a Conditional Use Permi, but are similar to and compatible with the uses permitted in the zone with a Conditional Use Permit Section 17.20.040(2), 17.20.050(1)©, 17.20.050(2), 17.20.060(1), 17.20.060(2), 17.30.100(1), 17.20.100(2), 17.20.110(1) and 17.20.110(2) of the Rio Dell Municipal Code **(ACTION)**

- 2) 2014/0122.04 - Consider and Recommend approval to change the day in which regular Planning Commission meetings are held **(ACTION)**

H. CONTINUED STUDY SESSIONS

- 1) 2014/0122.05 – Continued Review and Discussion of Land Use Matrix and Definitions

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 February 26, 2014 at 6:30 p.m. in the City Council Chambers

**CITY OF RIO DELL
PLANNING COMMISSION
REGULAR MEETING
DECEMBER 11, 2013**

CALL TO ORDER

The regular meeting of the Rio Dell Planning Commission was called to order at 6:30 p.m. by Commissioner Chapman.

Present were Commissioners Chapman, Angeloff, Long and Millington. Absent was Commissioner Theuriet (excused).

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

CONSENT CALENDAR

Motion was made by Millington/Long to approve the consent calendar including approval of minutes of the October 23, 2013 regular meeting. Motion carried 4-0.

PUBLIC PRESENTATIONS

None

SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

Public Hearing/Adopt Resolution No. PC-072-2013 Recommending the Establishment of Environmentally Sensitive Habitat Area Regulations, Section 17.30.080 of the Rio Dell Municipal Code

Community Development Director Caldwell provided a staff report and stated as the Commission is aware, this matter was first presented to the Commission at the October 23, 2013 regular meeting. At that time, the Commission recommended some pretty substantial changes to the Draft Environmentally Sensitive Habitat Area (ESHA) regulations, including reduced setbacks for streamside management areas.

He said the first recommended revision to the draft regulations was that the setbacks be fifty (50) feet from the centerline of perennial streams, rather than the stream transition line. He said this policy would not provide any protection for the riparian habitat along the banks of the Eel River since a fifty (50) foot setback from the centerline of the river will still be within the river channel. He noted that even using the stream transition line as originally recommended by staff may not include riparian habitat along the bank, depending on the slope of the bank. As such, staff is recommending that the Streamside Management Area be established from the top of the stream bank or hinge point and that the distance be measured horizontally.

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DECEMBER 11, 2013 MINUTES
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Community Development Director Caldwell said the second recommended revision was to eliminate the language to expand the width of Streamside Management Areas to include significant areas of riparian vegetation adjacent to the buffer area. He said although he is not aware of any areas containing significant riparian vegetation adjacent to recommended Streamside Management Areas, the inability to expand that area when appropriate could result in an adverse impact to the resources and be contrary to the intent of the regulations. Therefore, staff is recommending that the original language remain with slight modification to say that the expanded Streamside Management Areas not exceed 100 feet measured horizontally from the hinge point for perennial streams and 50 feet for intermittent streams.

He said staff is in support of the third revision where the Commission recommended the word “shall” changed to “may” in regard to reducing or eliminating the Streamside Management Area where the City determines that it will not result in a significant adverse impact to fish, wildlife, riparian habitat or soil stability.

Community Development Director Caldwell stated the impetus to get this draft back to the Commission, then to the Council for approval, is so that the City has control over how environmentally sensitive areas within the City are maintained rather than having to defer to Department of Fish & Game. He said he sent a copy of the draft regulations to Fish & Game on November 4th and to date, they have not responded with any comments or concerns so probably won't.

He referred to the Micheli property on Blue Slide Road that was annexed into the City a few years ago, and said the property is currently for sale and the property has the river on one side and a manmade duck pond (wetland) on the other side. He said Fish & Game is recommending a 250 foot buffer zone to protect against any significant disruption of habitat for sensitive species which restricts development of the property. He noted that Mr. Micheli agrees with the City's proposed regulations.

Commissioner Angeloff commented that the logic behind these regulations is that the community understands the process and that they have a better understanding of the local resources that need to be protected; and for the City to have control over development near riparian area to ensure that environmentally sensitive habitat areas are protected.

Community Development Director Caldwell pointed out that although Department of Fish & Game makes recommendations, the Planning Commission ultimately has the authority to approve regulations less than what they recommend by reducing the buffer area from riparian vegetation. He said the bottom line is to employ common sense.

Commissioner Chapman commented that it makes sense to adhere to the horizontal measurement from the hinge point rather than on the ground.

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Motion was made by Millington/Long to adopt *Resolution No. PC-072-2013 Recommending the Establishment of Environmentally Sensitive Habitat Area Regulations, Section 17.30.080 of the Rio Dell Municipal Code*. Motion carried 4-0.

Public Hearing/Adopt Resolution No. PC-075-2013 Recommending Amending the Home Occupation Regulations, Section 17.30.120 and the Zoning Definitions, Section 17.10.010 of the Rio Dell Municipal Code

Community Development Caldwell provided a staff report and said currently the City requires Home Occupation Permits for almost every business that operates from a residence. He said many of these Home Occupations are actually “mobile” businesses that don’t really fit in the definition of a Home Occupation.

He then referred to the current definition of a “Home Occupation” which means the conduct of an art or profession, the offering of a service on the conduct of a business, or the manufacture of handicraft products in a dwelling in accordance with the regulations prescribed in Chapter 17.30 of the Rio Dell Municipal Code.

He said staff is recommending changes to the definition and some other minor changes to the Home Occupation provisions, expanding opportunities for everyone with a home business to either fall under the category of a Home Occupation or as an Address of Convenience, which will be established for those businesses that do not receive any deliveries and do not conduct any activities at the residence other than receiving mail, phone call and related record keeping.

Community Development Director noted that the current Home Occupation provisions do not allow signs or nameplates or other forms of advertising on the premises and staff is recommending that signs be allowed, provided the sign is limited to the a statement of the name and contact information and does not exceed two (2) square feet in size in residential zones and four (4) square feet in all other zones, subject to the setback requirements of the zone.

He stated the idea of a Home Occupation is to promote economic development without disrupting the residential character of the neighborhood.

He further reported that the current fee for a Home Occupation permit is \$75.00; staff is proposing that the fee be reduced to around \$20.00 or \$25.00.

Commissioner Angeloff questioned IRS tax limitations regarding the business being limited to 20% of the residence and asked the reason for restricting the use to 20%.

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Community Development Director Caldwell stated the use is incidental and accessory to the primary use of the zone which is residential.

Commissioner Chapman commented that his wife is in the process of starting an internet business out of their home and stated for clarification that the Home Occupation will be limited to 1 delivery per day and restricted to 20% of the residence; the reason being to maintain the residential character of the neighborhood.

Commissioner Millington made the point that the regulations mention the size of the residence but not the size of the parcel; also that there are several residents that have large shops that could be utilized for their home based business.

Staff directed the Commission's attention to the application for a Home Occupation under (g) which states that no more than 20% or 500 sq. ft. of the total floor area within the dwelling unit or no more than 500 sq. ft. of an accessory building shall be used in connection with any Home Occupation.

Commissioner Angeloff asked why someone would not be allowed to keep equipment used in connection with a Home Occupation in a shop that met zoning requirements. He suggested the 20% restriction be increased to 25% related to dwelling units and that there be no limit of total area used within accessory buildings.

Consensus was that the language under (g) on the application be revised to read: *Not more than 25% or 500 sq. ft. (whichever is less) of the total floor area within the dwelling unit or no more than 500 sq. ft. of an accessory building shall be used in connection with any Home Occupation.* Also suggested was additional language to say that *no more than one truck or other motor vehicle no larger than one-ton shall be permitted at the site of the Home Occupation.*

Commissioner Millington said many Home Occupations are mobile businesses and asked if that is being addressed with these regulations.

Staff explained that mobile businesses really don't fit in the definition of a Home Occupation which is the reason for establishing the Address of Convenience provisions.

Discussion continued regarding signage for Home Occupations. Community Development Director Caldwell noted that the placement of signs is subject to residential setbacks which currently are 20 foot front; 5 foot side; and 10 foot rear.

Commissioner Angeloff suggested the size of signs be increased from 2 sq. ft. to 4 sq. ft. in all residential zones.

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After further discussion, the consensus was that the front yard setback for signage be reduced to 10 feet; and the maximum size of signs be increased to 4 sq. ft.

Commissioner Chapman opened the public hearing to receive public comment; there was no public present so the public hearing closed.

Motion was made by Angeloff/Long to adopt Resolution No. PC 075-2013 recommending that the City Council amend the Home Occupation Regulations, Section 17.30.120 and the Zoning Definitions, Section 17.10.010 of the Rio Dell Municipal Code. Motion carried 4-0.

Public Hearing/Adopt Resolution No. PC-076-2013 Recommending approval of a Zoning Text Amendment Establishing Cottage Industry Regulations, Section 17.30.075 of the Rio Dell Municipal Code

Community Development Director Caldwell provided a staff report and said there have been occasions when the City has had to deny applications for Home Occupations because the uses don't fit into the definition of a Home Occupation. Some of those uses include ceramics, wood-working, metal fabrication or welding. He said that although there are provisions in the Code that allow an applicant to apply for a Conditional Use Permit (CUP) which allows exceptions to the performance standards, the cost of the CUP usually discourages potential businesses from applying. As such, staff is recommending the establishment of Cottage Industry provisions with performance standards.

In addition, he said included in the Cottage Industry Regulations is Cottage Food Operations in accordance with the California Homemade Food Act (AB-1616) which became effective January 1, 2013. He explained this allows customers to come to the residence, and allows one employee who does not reside within the home. Cottage food products are defined as non-potentially hazardous food prepared for sale in the private kitchen of a cottage food operator; meats, dairy products or perishable items do not qualify since they require refrigeration to prevent bacteria growth. He also noted that the proposed performance standards are consistent with current State law.

Commissioner Angeloff referred to the hours of operation for a Cottage Industry with activity limited to the hours between 8:00 a.m. and 5:00 p.m., and suggested the hours be changed to 9:00 a.m. and 5:00 p.m. He also recommended the sign size be changed from 2 sq. ft. to 4 sq. ft. as proposed for Home Occupations. Lastly, that the reference related to trucks or motor vehicles no larger than "one ton" that the words "one ton" be eliminated.

Commissioner Millington pointed out that Item (g) addresses the noise issue so there is really no reason to change the hours of operation. Commissioners concurred.

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DECEMBER 11, 2013 MINUTES
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Motion was made by Millington/Angeloff to adopt Resolution No PC-076-2013 recommending that the City Council establish Cottage Industry Regulations with the suggested revisions, Section 17.30.075 and amending the Zoning definitions, Section 17.10.010 of the Rio Dell Municipal Code. Motion carried 4-0.

CONTINUED STUDY SESSIONS

Continue Review and Discussion of Land Use Matrix and Definitions (if time permits)
Community Development Director Caldwell stated there will not be continued discussion of the Land Use Matrix at this time as he did not have time to prepare the revised draft due to more pressing issues.

Commissioner Angeloff suggested a study session be scheduled to continue the review.

Community Development Director Caldwell commented that update of the Housing Element is higher priority at this time; but agreed to place the item on the next regular meeting agenda scheduled for January 22, 2014.

REPORTS/STAFF COMMUNICATIONS

Commissioner Long commented that because of a potential scheduling conflict, he would like to explore the possibility of changing the meeting day for Planning Commission meetings; he requested the matter be placed on the next agenda for consideration.

ADJOURNMENT

The meeting adjourned at 8:25 p.m. to the January 22, 2014 regular meeting.

Gary Chapman, Chair

Attest:

Karen Dunham, City Clerk

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



For Meeting of: January 22, 2014

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch  City Manager

Date: January 13, 2014

Subject: Text Amendment to the Commercial and Industrial Designations replacing the language "such as" with "similar to and including but not limited to" and to allow uses not specifically allowed with a Conditional Use Permit, but are similar to and compatible with the uses permitted in the zone with a Conditional Use Permit.

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 amendments are consistent with the General Plan; and
 - (b) 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);

RESOLUTION NO. PC 077 – 2014



RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL RECOMMENDING AMENDING THE COMMERCIAL AND INDUSTRIAL REGULATIONS, BY REPLACING THE LANGUAGE "SUCH AS" WITH "SIMILAR TO AND INCLUDING BUT NOT LIMITED TO" AND TO ALLOW USES NOT SPECIFICALLY ALLOWED WITH A CONDITIONAL USE PERMIT, BUT ARE SIMILAR TO AND COMPATIBLE WITH THE USES PERMITTED IN THE ZONE WITH A CONDITIONAL USE PERMIT. SECTIONS 17.20.040(2), 17.20.50(1)(c), 17.20.050(2), 17.20.060(1), 17.20.060(2), 17.20.100(1), 17.20.100(2), 17.20.110(1) and 17.20.110(2) OF THE RIO DELL MUNICIPAL CODE (RDMC).

WHEREAS the City is often contacted by individuals interested in certain use types that may not be specifically identified as an allowed use in the zone the property is located; and

WHEREAS the City recently amended the Town Center development standards to include the following language: "similar to and including but not limited to"; and

WHEREAS this language allows staff some flexibility in determining whether or not a proposed use is similar to and compatible with the uses permitted in the zone; and

WHEREAS staff is recommending that the language "such as" be replaced with "similar to and including but not limited to" in the Commercial and Industrial zones; and

WHEREAS staff is also recommending that conditionally permitted use types in the Commercial and Industrial zones be expanded to allow "Any use not specifically enumerated if it is similar to and compatible with the uses permitted in the zone"; 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 17.35.010 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 amendment 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 FURTHER RESOLVED that the Planning Commission of the City of Rio Dell recommends that the City Council approve and adopt the text amendment to the Commercial and Industrial Designations replacing the language “such as” with “similar to and including but not limited to” and to allow uses not specifically allowed with a Conditional Use Permit, but are similar to and compatible with the uses permitted in the zone with a Conditional Use Permit.

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 January 22, 2014 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 077-2014 adopted by the Planning Commission of the City of Rio Dell on January 22, 2014.

Karen Dunham, City Clerk, City of Rio Dell

ORDINANCE NO. 316 – 2014



AMENDING THE COMMERCIAL AND INDUSTRIAL REGULATIONS, BY REPLACING THE LANGUAGE "SUCH AS" WITH "SIMILAR TO AND INCLUDING BUT NOT LIMITED TO" AND TO ALLOW USES NOT SPECIFICALLY ALLOWED WITH A CONDITIONAL USE PERMIT, BUT ARE SIMILAR TO AND COMPATIBLE WITH THE USES PERMITTED IN THE ZONE WITH A CONDITIONAL USE PERMIT. SECTIONS 17.20.040(2), 17.20.50(1)(c), 17.20.050(2), 17.20.060(1), 17.20.060(2), 17.20.100(1), 17.20.100(2), 17.20.110(1) and 17.20.110(2) OF THE RIO DELL MUNICIPAL CODE (RDMC).

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

WHEREAS the City is often contacted by individuals interested in certain use types that may not be specifically identified as an allowed use in the zone the property is located; and

WHEREAS the City recently amended the Town Center development standards to include the following language: "similar to and including but not limited to"; and

WHEREAS this language allows staff some flexibility in determining whether or not a proposed use is similar to and compatible with the uses permitted in the zone; and

WHEREAS staff is recommending that the language "such as" be replaced with "similar to and including but not limited to" in the Commercial and Industrial zones; and

WHEREAS staff is also recommending that conditionally permitted use types in the Commercial and Industrial zones be expanded to allow "Any use not specifically enumerated if it is similar to and compatible with the uses permitted in the zone"; 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 17.35.010 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 amendment 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 FURTHER RESOLVED that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1. Amendments

Section 17.20.040(2) Town Center or TC zone.

Section 17.20.040(2)(f) of the Rio Dell Municipal Code is hereby established as follows:

(f) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

Sections 17.20.050(1)(c) and 17.20.050(2)(e) Neighborhood Center or NC zone.

Section 17.20.050(1)(c) of the Rio Dell Municipal Code is hereby amended as follows:

(c) Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, ~~such as~~ **including, but not limited to** antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, bookstores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning and laundry agencies, drug stores, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations and repair, studios, tailor shops, enclosed theaters, and variety stores;

Section 17.20.050(2)(e) of the Rio Dell Municipal Code is hereby established as follows:

(e) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

Sections 17.20.060(1), 17.20.060(2)(c) and 17.20.060(2)(e) Community Commercial or CC zone.

Section 17.20.060(1) of the Rio Dell Municipal Code is hereby amended as follows:

(1) Principal Permitted Uses, including, but not limited to:

Section 17.20.060(2)(c) of the Rio Dell Municipal Code is hereby amended as follows:

(c) Stores, agencies and services ~~such as~~ including, but not limited to 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;

Section 17.20.060(2)(e) of the Rio Dell Municipal Code is hereby established as follows:

(e) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

Sections 17.20.100(1) and 17.20.100(2)(c) Industrial or I zone.

Section 17.20.100(1) of the Rio Dell Municipal Code is hereby amended as follows:

(1) Principal Permitted Uses, including, but not limited to:

Section 17.20.100(2)(c) of the Rio Dell Municipal Code is hereby established as follows:

(c) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

Sections 17.20.110(1) and 17.20.110(2)(c) Industrial Commercial or IC zone.

Section 17.20.110(1) of the Rio Dell Municipal Code is hereby amended as follows:

(1) Principal Permitted Uses, including, but not limited to:

Section 17.20.110(2)(c) of the Rio Dell Municipal Code is hereby established as follows:

(c) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

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. The City currently has no environmentally sensitive habitat regulations requiring the protection of environmentally sensitive habitat. The proposed Environmentally Sensitive Habitat Area (ESHA) regulations will provide for the protection of environmentally sensitive resources. Due to the nature of the proposed code revision, there is no evidence that a *significant* 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 February 4, 2014 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 18th of February 2014 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. 316-2014 adopted by the City Council of the City of Rio Dell on February 18, 2014.

Karen Dunham, City Clerk, City of Rio Dell

4. Adopt Resolution No. PC 077-2014 recommending approving the text amendments to the Commercial and Industrial Designations replacing the language “such as” with “similar to and including but not limited to” and to allow uses not specifically allowed with a Conditional Use Permit, but are similar to and compatible with the uses permitted in the zone with a Conditional Use Permit.

Background/Summary

The City is often contacted by individuals interested in certain use types that may not be specifically identified as an allowed use in the zone the property is located. As the Commission is aware, the City recently amended the Town Center zone development standards. The amended Town Center development standards to include the following language: “similar to and including but not limited to”. This language allows staff some flexibility in determining whether or not a proposed use is similar to and compatible with the uses permitted in the zone.

The Neighborhood Commercial (NC) zone, under Principally Permitted Uses, does include the following language: “such as”. Although this language does appear to provide staff some flexibility in considering uses that are not specifically identified as principally permitted uses, staff is recommending the City amend the language to clearly indicate the identified use type are not all inclusive. Therefore, staff is recommending that the language “such as” be replaced with “similar to and including but not limited to”.

The Community Commercial (CC) and Industrial zones include the same “such as” language as the Neighborhood Center (NC) zone for allowed uses. Again, staff is recommending that the language “such as” be replaced with “similar to and including but not limited to”.

In addition, to the above minor recommended changes, staff is recommending that conditionally permitted use types in the Commercial and Industrial zones be expanded to allow “Any use not specifically enumerated if it is similar to and compatible with the uses permitted in the zone”.

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.

One of the six Goals identified in the Land Use Element of the General Plan is: "To grow sustainably, provide economic opportunities and local jobs". In addition, Land Use Policy LU-17 includes the following language: "Strengthen and diversify the local economy and maintain and improve property values." Furthermore, Land Use Policies LU-21 and LU-24 calls for in part "...the creation and retention of employment opportunities... and ...economic development in Rio Dell...". The proposed revisions to allow and facilitate economic opportunities is consistent with the Goals and Polices of the General Plan

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. The text amendment to replace “such as” with “similar to and including but not limited to” and to allow similar and compatible uses with a Conditional Use Permit, will not affect whether or not the use is exempt from CEQA. Based on the minor 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. Proposed Town Center Changes.
2. Proposed Neighborhood Center Changes.
3. Proposed Community Commercial Changes.
4. Proposed Industrial Changes.
5. Proposed Industrial Commercial Changes
6. Resolution No. PC 077-2014 recommending approval of the text amendments to the Rio Dell City Council.
7. Draft Ordinance No. 316-2014 amending the Town Center regulations, Section 17.20.040(2), the Neighborhood Center regulations, Section 17.20.50(1)(c) and 17.20.050(2), the Community Commercial regulations, Section 17.20.060(1) and 17.20.060(2), the Industrial regulations, Section 17.20.100(1) and 17.20.100(2) and the Industrial Commercial regulations, Section 17.20.110(1) and 17.20.110(2) of the Rio Dell Municipal Code (RDMC).

17.20.040 Town Center or TC zone.

The purpose of the Town Center or TC zone is to provide an area for a broad range of uses which generate high pedestrian traffic and which do not have large space requirements, including artisan workshops and galleries, retail businesses, personal services, offices, eating places, visitor accommodations, and similar uses. Mixed residential-commercial uses are an important component of the TC zone and are encouraged to ensure an economically and socially vibrant downtown that is intended for, and enjoyed by, residents and visitors alike.

The following regulations shall apply in all Town Center or TC zones:

(1) Principal Permitted Uses.

- (a) Resident and visitor-serving retail and service uses conducted entirely within an enclosed building, including, but not limited to: grocery stores; drug stores; hardware stores; variety stores; sporting goods stores; bakeries; coffee shops; fruit and vegetable markets; bicycle sales, rentals and repair shops; bowling alleys; furniture sales; audio-video stores; florists; frame shops; clothing and apparel businesses; health clubs; dry cleaning (not including processing plants); laundromats; tailors; shoe repair; retail sales and repair of household goods and appliances; and hobby and craft shops;
- (b) Apartments on the upper floors of multistory buildings;
- (c) Service establishments, such as spas, nail salons, beauty salons, and barbershops;
- (d) Business and professional offices, such as for accountants, lawyers, architects, engineers, realtors, financial advisors, medical and dental offices;
- (e) Banks and financial institutions without drive-up facilities;
- (f) Restaurants and licensed premises (bars) appurtenant thereto;
- (g) Movie Theaters;
- (h) Galleries, museums and gift shops.

(2) Uses Permitted with a Use Permit.

- (a) Civic and cultural organizations such as Elk and Moose Lodges, Rotary clubs, garden clubs;
- (b) Hotels and motels; Bed and Breakfast Inns;
- (c) Licensed premises (bars) not appurtenant to any restaurant.
- (d) Artisan studios and showrooms including, but not limited to: woodworking, glass blowing, metal works, ceramics, crafts, and clothing manufacturers.
- (e) Live-Work units where residential activities are located at the back of buildings, do not

occupy more than 40% of the gross floor area.

(f) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

(3) Other Regulations. See Table 17.20.040 for development standards for the town center (TC) zone.

Table 17.20.040

Development Standards for the Town Center or
TC Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	2,500 square feet
Maximum Ground Coverage:	100% for commercial [Floor Area Ratio = 2]
Minimum Lot Width:	25 feet
Minimum Yards	
Front:	None.
Rear:	None. 10 feet if abutting a residential zone.
Side:	None. 5 feet if abutting a residential zone.
Maximum Building Height:	3 stories or 45 feet

[Ord. 297, 2012]

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:

(1) Principal Permitted Uses.

(a) Social halls, fraternal and social organizations and clubs, plant nurseries and greenhouses;

(b) Professional and business offices and commercial instruction;

(c) Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as including, **but not limited to** antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, bookstores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning and laundry agencies, drug stores, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations and repair, studios, tailor shops, enclosed theaters, and variety stores;

(d) Sales of used and secondhand goods, when appurtenant to any of the foregoing.

(e) Pet shops, public garages, sales of used or secondhand goods, and storage warehouses.

(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.

(e) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

(3) Other Regulations. See Table 17.20.050 for development standards for the neighborhood center (NC) zone.

Table 17.20.050

Development Standards for the Neighborhood
Center or NC Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	2,000 square feet
Maximum Ground Coverage:	100% [Floor Area Ratio = 1.5]
Minimum Lot Width:	25 feet
Minimum Yard*	
Front:	15 feet if abutting residential, otherwise none required*
Rear:	15 feet if abutting residential, otherwise none required*
Side:	15 feet if abutting residential, otherwise none required*
Maximum Building Height:	3 stories or 45 feet

*Note: Setbacks are required where NC abuts a residential zone to provide separations between these uses.

[Ord. 252 § 4.07, 2004.]

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, including, but not limited to:

- (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~~ including, but not limited to 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.

(e) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

(3) Other Regulations. See Table 17.20.060 for development standards for the community commercial (CC) zone.

(a) Minimum lot area, width, and minimum yards shall be the same as those required in the neighborhood commercial or NC zones.

(b) Maximum building height: 45 feet.

Table 17.20.060

Development Standards for the Community
Commercial or CC Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	5,000 sq. ft.
Maximum Ground Coverage:	100% [Floor Area Ratio = 1.5]
Minimum Lot Width:	50 ft.
Minimum Yard	
Front:	15 feet if abutting residential, otherwise none required
Rear:	15 feet if abutting residential, otherwise none required
Side:	15 feet if abutting residential, otherwise none required
Maximum Building Height:	3 stories or 45 feet

[Ord. 252 § 4.08, 2004.]

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, including, but not limited to:

(a) Wood products manufacturing;

(b) Power generation;

(c) Other industrial uses including, but not limited to 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.

(c) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

(3) Other Regulations. See Table 17.20.100 for development standards for the industrial (I) zone.

Table 17.20.100 Development Standards in the
Industrial or I Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	1 acre
Maximum Ground Coverage:	Not applicable
Floor Area Ratio (FAR):	Proportion of lot area: 0.35
Minimum Lot Width:	Not applicable
Minimum Open Space:	10%
Minimum Yard	
Front:	10 feet
Rear:	0 unless abutting residential, in which case 10 feet
Side:	0 unless abutting residential, in which case 10 feet
Maximum Building Height:	4 stories or 45 feet

[Ord. 256 § 1 (Att. B), 2008; Ord. 252 § 4.10, 2004.]

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, including, but not limited to:

(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; and

(d) Telecommunications facilities and manufacturing.

(2) Uses Permitted with a Use Permit.

(a) Lodging; and

(b) Child care.

(c) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

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

Table 17.20.110 Development Standards in the Industrial Commercial or IC Zone

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

[Ord. 276 § 1, 2011; Ord. 256 § 1 (Att. B), 2008; Ord. 252 § 4.11, 2004.]

**675 Wildwood Avenue
Rio Dell, CA 95562**



TO: Planning Commissioners
THROUGH: Jim Stretch, City Manager
FROM: Karen Dunham, City Clerk
DATE: January 22, 2014
SUBJECT: Revising Day of the Month for Regular Planning Commission Meetings

RECOMMENDATION

Discuss and consider recommending approval to the City Council for revision of the day of the month in which regular Planning Commission meetings are held.

BUDGETARY IMPACT

None

BACKGROUND AND DISCUSSION

At the last Planning Commission meeting held on December 11, 2013, Commissioner Long announced that because of a potential scheduling conflict, he would like to explore the possibility of changing the meeting day for Planning Commission meetings. At his request, the matter was placed on the agenda for discussion and consideration by the Commission.

Rio Dell Municipal Code Section 2.60.030(4) states: *The Commission shall hold at least one regular meeting each. The regular meeting of the Rio Dell Planning Commission shall be held at 6:30 p.m. on the fourth Wednesday of the month and in the event that the fourth Wednesday falls on a legal holiday, the meeting shall be held on the following day at the same hour. Location shall be in the Rio Dell City Hall Council Chambers at 675 Wildwood Avenue.*