



AGENDA
RIO DELL PLANNING COMMISSION
SPECIAL MEETING – 6:30 P.M
TUESDAY, JANUARY 10, 2017
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 Commission are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell Planning Commission meetings often.*

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL MATTERS

- 1) 2017/0110.01 - Appointment of Chair and Vice-Chair to the Rio Dell Planning Commission

1

E. CONSENT CALENDAR

- 1) 2017/0110.02 - Approve Minutes of the December 13, 2016 Special Meeting
(ACTION)

2

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) 2017/0110.03 - Adopt Resolution No. PC-106-2016 recommending the City Council Amend Chapter 17.30.020 "Accessory Uses and Buildings" of the Rio Dell Municipal Code to include Cargo/Shipping Containers used as Accessory Structures **(DISCUSSION/POSSIBLE ACTION)**

5

- 2) 2017/0110.04 - Adopt No. PC-105-2016 recommending the City Council Amends Ordinance No. 352-2016 "Commercial Medical Cannabis Land Use Regulations" Section 17.30.195 of the Rio Dell Municipal Code regarding Permit Renewals, Changes to Ownership or Modifications to Premises, Inspections, Cultivation Setbacks, and Definition of "Indoor" Cultivation (**DISCUSSION/POSSIBLE ACTION**) 16

H. ADJOURNMENT



In compliance with the American with Disabilities Act (ADA), 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
Tuesday, February 28, 2017 at 6:30 p.m.*

675 Wildwood Avenue
Rio Dell, CA 95562



STAFF REPORT

TO: Planning Commissioners
FROM: Karen Dunham, City Clerk
THROUGH: Kyle Knopp, City Manager
DATE: January 10, 2017
SUBJECT: Appointment of Chair and Vice-Chair to the Rio Dell Planning Commission

RECOMMENDATION

Vote to elect a person among the appointed voting members of the Commission to serve as Chair and Vice-Chair.

BUDGETARY IMPACT

None

BACKGROUND AND DISCUSSION

Section 2.60.030(3) of the Rio Dell Municipal Code (RDMC) establishes that the Planning Commission elect a chairperson and vice chairperson from among the appointed voting members at their first meeting in January of each year or as soon thereafter.

Commissioner Angeloff has served as chairperson since January 2015. The position of vice chairperson has been vacant since the resignation of Billy Joe Long in May of last year.

At this time, staff is requesting appointments to be made to the respective seats. All members of the Commission are considered to be nominated unless a member wishes to decline nomination.

Ballots will be provided at the meeting.

**RIO DELL PLANNING COMMISSION
SPECIAL MINUTES
DECEMBER 13, 2016**

A Special meeting of the Rio Dell Planning Commission was called to order at 6:30 p.m. by Commissioner Angeloff.

Present were Commissioners Angeloff, Marks and Woodall Absent were Commissioners Kemp and Strahan (excused).

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

CONSENT CALENDAR

Motion was made by Woodall/Marks to approve the consent calendar including approval of minutes of the October 25, 2016 regular meeting. Motion carried 3-0.

Commissioner Marks referred to page 12 of the minutes and commented that staff did a nice job recording the Commissioner's straw votes related to cargo containers and said listing the results made it easy to follow.

PUBLIC PRESENTATIONS

None

SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

Community Development Director Caldwell recommended agenda items 2 and 3 related to Cargo Containers and Commercial Medical Cannabis Land Use Regulations respectively be continued to a special meeting on January 10, 2017, primarily to allow Commissioners Kemp and Strahan the opportunity to comment on the matters. Commissioners concurred.

Adopt Resolution No. PC 107-2016 Approving the Wendt Lot Line Adjustment reconfiguring two approximate 10 acre parcels into two parcels of approximately 15 and 5 acres respectively (APN Nos. 205-111-012 and 205-111-029)

Community Development Director Caldwell provided a staff report and said the proposed lot line adjustment application submitted by Dennis Wendt involves two parcels of about 10 acres each and will reconfigure the parcels into two parcels of about 15 and 5 acres respectively. He said as the Commission is aware as far as

**RIO DELL PLANNING COMMISSION
DECEMBER 13, 2016 MINUTES
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discretion in approving lot line adjustments, if a proposed lot line adjustment complies with certain criteria, it shall be approved or conditionally approved by the Planning Commission.

He explained the lot line adjustment parcel is zoned Industrial Commercial (IC) with a portion in the Natural Resources (NR) zone. The purpose of the lot line adjustment is to give the northern parcel a little more flat area to work with and noted that apparently there is a buyer for the 5 acre parcel below. He added that the Industrial Commercial (IC) zone requires a minimum parcel size of 20,000 square feet whereas the Natural Resources (NR) zone does not specify a minimum parcel size. Also, the parcels comply with current zoning, staff has reviewed the Title Report and deeds and determined that the four parcels are legal, separate parcels created in compliance with the Subdivision Map Act and local regulations, the lot line adjustment does not result in nonconformity with regard to setbacks or lot coverage or require the relocation of any easements or utilities. He said staff has also determined that the proposed project is Statutorily Exempt from CEQA since the lot line adjustment has an average slope of less than 20% and does not result in any changes in land use or density.

Community Development Director Caldwell said based on that, staff recommends the Planning Commission make the necessary findings and adopt Resolution PC 107-2016 approving the Wendt lot line adjustment as proposed.

A public hearing was opened to receive public input on the proposed lot line adjustment.

There being no public comment, the public hearing closed.

Motion was made by Marks/Woodall to adopt Resolution No. PC-107-2016 approving the Wendt Lot Line Adjustment as proposed. Motion carried 3-0.

STAFF REPORTS

Community Development Director Caldwell reported on items for the next meeting and said in addition to the two remaining agenda items, the Commission will need to appoint a Chair and Vice Chair to the Commission.

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DECEMBER 13, 2016 MINUTES
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ADOURNMENT

Motion was made by Commissioner Woodall/Marks to adjourn the meeting at 6:45 p.m. to the January 10, 2017 Special meeting. Motion carried 3-0.

Attest:

Nick Angeloff, Chair


Karen Dunham, City Clerk


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



For Meeting of: January 10, 2016

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager 

Date: January 5, 2017

Subject: Amending Section 17.30.020 *Accessory Uses and Buildings* of the Rio Dell Municipal Code (RDMC) to include Cargo/Shipping Containers used as Accessory Structures.

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding amending Section 17.30.020 *Accessory Uses and Buildings* of the Rio Dell Municipal Code (RDMC) to include Cargo/Shipping Containers used as Accessory Structures; and
2. Open the public hearing, receive public input and deliberate; and
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); and
4. Adopt Resolution No. PC 106-2017 recommending that the City Council amend Section 17.30.020 *Accessory Uses and Buildings* of the Rio Dell Municipal Code (RDMC) to include Cargo/Shipping Containers used as Accessory Structures.

Background

As the Commission is aware, the Commission discussed the use of cargo/shipping containers and recommended development standards at the meeting of October 27, 2016. A copy of the Staff Report is included as Attachment 1.

At the meeting of October 27, 2016 your Commission identified development standards. Staff has compiled the recommendations and is presenting them to your Commission for final consideration and recommendation to the City Council. The recommended development standards are included as Attachment 2.

Staff is recommending that Chapter 17.10, Definitions of the RDMC be amended to include the following definition of "Cargo/Shipping Container":

Cargo/Shipping Container means a container made of steel or similar material which is designed for securing and protecting items for transport or storage. Cargo/Shipping containers include, but are not limited to, containers commonly used as shipping containers on ships and railroads, and/or tractor trailers, PODS (Portable On Demand Storage) and other similar units.

Procedural Requirements

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 Findings

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

There are a no polices in the General Plan which preclude or discourage the recommended minor text amendments. As such, the proposed amendments are consistent and compatible with the General Plan.

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

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 minor text amendments, staff believes there is no evidence to suggest that the minor amendments will have a *significant* effect on the environment.

Attachment 1: Copy of the October 25, 2016 Staff Report.

Attachment 2: Draft Recommended Amendments to Section 17.30.020 *Accessory Uses and Buildings* of the Rio Dell Municipal Code (RDMC).

Attachment 3: Resolution No. PC 106-2016 recommending that the City Council amend Section 17.30.020 *Accessory Uses and Buildings* of the Rio Dell Municipal Code (RDMC) to include Cargo/Shipping Containers used as Accessory Structures.

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



For Meeting of: October 25, 2016

To: Planning Commission
From: Kevin Caldwell, Community Development Director
Through: Kyle Knopp, City Manager
Date: October 20, 2016
Subject: Discussion of Cargo Containers used as Accessory Structures

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the use of cargo/shipping containers used as accessory structures; and
2. Open the public hearing, receive public input and deliberate;
3. Direct Staff to return with any recommended regulations as a result of tonight's meeting.

Background

As previously reported, staff has been contacted a number of times the past few years from those who would like to place and utilize cargo/shipping containers on their parcels and those who have expressed concern regarding the visual appearance of cargo containers. The City does not currently have any regulations regarding the use of cargo/shipping containers used as accessory structures.



Millions of cargo/shipping containers have been manufactured in recent years to accommodate trade between North America and Asia. Used ones are plentiful and inexpensive. Not surprisingly, many property owners have found new uses for them as auxiliary storage buildings. Shipping containers are an increasingly common sight in the City and throughout the nation. In response many jurisdictions have enacted regulations regarding the placement and use of cargo/shipping containers the past few years to protect the character of neighborhoods

and communities, reduce the potential for health and safety hazards, maintain and protect the visual qualities and property values of an area.

It appears based on staff's review that larger urban communities do not allow cargo/shipping containers in residential zones. However, quite a few smaller urban and rural jurisdictions do allow one cargo/shipping container not exceeding 320 square feet in residential zones subject to some common general provisions, including:

- A Building Permit is required;
- A 3' x 6'-8" man door is required;
- Lot must be developed with the primary residential use;
- Unit must be placed on a gravel pad;
- Placed on the rear half of the lot;
- Must meet setback requirements;
- Must not exceed allowable lot coverage;
- Must be painted a solid neutral color (i.e. beige, taupe and browns) or a color(s) to match the residence;
- Containers cannot be stacked;

Some jurisdictions require additional provisions to ensure the residential character and compatibility of the neighborhood, including:

- Be sited or screened so as not to be visible from any public or private road that directly abuts the subject parcel; or
- Be sited behind the primary structure (residence) and not prominently visible from the street;
- Limit the size to 160 square feet (8' x 20') on lots less than 10,000 square feet

Staff is also recommending that cargo/shipping containers be allowed in all zones on a temporary basis when utilized during construction or grading operations for the site where located and when utilized solely for the storage of supplies and equipment that are used for construction or grading on that site.

Staff is recommending that existing cargo containers in residential zones not be considered legal nonconforming uses and that they be brought into compliance within 180 days after the effective date of the ordinance.

In regards to the use of cargo/shipping containers in commercial zones, staff would recommend that they not be allowed in the Town Center (TC) zones other than on a temporary basis during construction or grading operations for the site where located and when utilized solely for the storage of supplies and equipment that are used for construction or grading on that site.

In Community Commercial (CC), Neighborhood Center (NC) and Industrial Commercial (IC) zones staff would recommend the following development standards:

- Must be painted the same color as the building or a solid neutral color (i.e. beige, taupe and browns); and
- Be sited behind the building and not prominently visible from the street;

Staff will be recommending that Chapter 17.10, Definitions of the RDMC be amended to include the following definition of "Cargo/Shipping Container":

Cargo/Shipping Container means a container made of steel or similar material which is designed for securing and protecting items for transport or storage. Cargo/Shipping containers include, but are not limited to, containers commonly used as shipping containers on ships and railroads, and/or tractor trailers, PODS (Portable On Demand Storage) and other similar units.

17.30.020 Accessory Uses and Buildings

(1) A use legally permitted in the zone that is accessory to and subordinate to the principal use of the site and serves a purpose which does not change the character of the principal use. Accessory uses, as defined herein, shall be permitted as appurtenant to any permitted use, without the necessity of securing a use permit, unless particularly provided in this chapter; provided, that no accessory use shall be conducted on any property in any urban residential, suburban residential or suburban zone unless and until the main building is erected and occupied, or until a use permit is secured. [Ord. 252 § 6.02, 2004.]

(2) Detached accessory buildings in suburban residential, urban residential, residential multifamily and suburban zones shall conform to the following development standards. See "Building Height" definition, Section 17.10.010.

(a) Maximum Building Height

(i) Fifteen feet (15') on lots 20,000 square feet or less.

(ii) Twenty feet (20') on lots larger than 20,000 square feet.

(b) Maximum Gross Floor Area

(i) 1,000 square feet on lots 20,000 square feet or less.

(ii) 1,500 square feet on lots larger than 20,000 square feet.

(3) Exceptions. The Planning Commission may modify by use permit, the height and floor area requirements of this part, upon a showing of good cause. For any such modification, the Planning Commission shall be required to make the following findings:

(a) The proposed modification will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area;

(b) The proposed modification will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and

(c) The proposed modification will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.

(d) In issuing a use permit, the Planning Commission may require such changes or alterations to the building as it may deem necessary to satisfy the findings specified in this part. Such changes or alterations may include, but shall not be limited to the following:

- Building height

- Building area
- Setback from property line
- Screening or landscaping

(4) Detached accessory buildings may not be located within five feet of any main building, nor within five feet of a side line, nor as to encroach on any easement. Minimum yards: side, five feet, shall have the street side yard of 20 feet; rear, 10 feet.

(5) Detached accessory buildings used as second dwelling units shall not be located within 10 feet of lot lines or within five feet of an alley. The second dwelling unit shall be subject to the minimum yard requirements of the zoning district in which it is located.

(5) Accessory buildings attached to main buildings shall be structurally a part thereof and shall comply with main building yard requirements except as follows:

(a) A passive solar addition to a main building, as defined herein, may be permitted in the required front, rear, or side yard, except street side yard; provided, that no such addition shall reduce the distance between the main building and the front or rear property line to less than 15 feet, nor less than five feet from a side property line, and that no such addition shall occupy more than five percent of the area of the front or rear yard, nor more than 10 percent of the side yard area. [Amended during 2010 codification; Ord. 252 § 6.21.5, 2004.]

(6) Cargo/Shipping Containers used as accessory structures in Suburban Residential, Urban Residential, Residential Multifamily, Suburban, Rural and Natural Resource zones shall conform with the following development standards:

(a) Parcel must be developed with the primary use;

(b) Containers shall be no more than 8' x 20';

(c) Unit(s) must be placed on the rear half of the parcel;

(d) Must not exceed allowable lot coverage;

(e) Must comply with the setback requirements of the zone;

(f) May not be placed within any easements;

(g) Must be painted a solid neutral color (i.e. beige, taupe and browns) or a color(s) to match the residence;

(h) Containers cannot be stacked;

(g) The allowable number of containers on a parcel shall be based on the size of the parcel as follows:

<u>Parcel Size</u>	<u>Number of Containers</u>
<u>10,000 square feet or less</u>	<u>1</u>
<u>10,001 to 20,000 square feet</u>	<u>2</u>
<u>20,000 to 1 acre</u>	<u>3</u>
<u>Parcels larger than 1 acre</u>	<u>4</u>

(7) Cargo/Shipping Containers used as accessory structures in Community Commercial and Neighborhood Center zones shall conform to the following development standards:

(a) Parcel must be developed with the primary use;

(b) Unit(s) must be placed on the rear half of the parcel;

(c) Must not exceed allowable lot coverage;

(d) Must comply with the setback requirements of the zone;

(e) May not be placed within any easements;

(f) Must be painted a solid neutral color (i.e. beige, taupe and browns) or a color(s) to match the primary building;

(g) Containers cannot be stacked;

(8) Cargo/Shipping Containers used as accessory structures in the Industrial Commercial zone shall conform to the following development standards:

(a) Parcel must be developed with the primary use;

(b) Must not exceed allowable lot coverage;

(c) Must comply with the setback requirements of the zone;

(d) May not be placed within any easements;

(e) Must be painted a solid neutral color (i.e. beige, taupe and browns) or a color(s) to match the primary building;

(f) Containers cannot be stacked;

RESOLUTION NO. PC 106-2017



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
RECOMMENDING THAT THE CITY COUNCIL AMEND SECTION 17.30.020
ACCESSORY USES AND BUILDINGS OF THE RIO DELL MUNICIPAL CODE (RDMC)
TO INCLUDE CARGO/SHIPPING CONTAINERS USED AS ACCESSORY STRUCTURES.**

WHEREAS staff has been contacted a number of times the past few years from those who would like to place and utilize cargo/shipping containers on their parcels and those who have expressed concern regarding the visual appearance of cargo containers; and

WHEREAS the City does not currently have any regulations regarding the use of cargo/shipping containers used as accessory structures; and

WHEREAS shipping containers are an increasingly common sight in the City and throughout the nation; and

WHEREAS in response many jurisdictions have enacted regulations regarding the placement and use of cargo/shipping containers the past few years to protect the character of neighborhoods and communities, reduce the potential for health and safety hazards, maintain and protect the visual qualities and property values of an area; and

WHEREAS the Planning Commission recommends allowing cargo/shipping containers in certain zones subject to specific development standards intended to protect the character of neighborhoods and maintain and protect the visual qualities and property values of an area; and

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

WHEREAS the City has reviewed and processed the proposed amendment 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 is 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 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 amend Section 17.30.020 *Accessory Uses and Buildings* of the Rio Dell Municipal Code (RDMC) to include Cargo/Shipping Containers used as accessory structures.

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a special meeting of the Planning Commission of the City of Rio Dell on January 10, 2017 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Nick Angeloff, 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 106-2017 adopted by the Planning Commission of the City of Rio Dell on January 10, 2017.

Karen Dunham, City Clerk, City of Rio Dell

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



For Meeting of: January 10, 2017

To: Planning Commission
From: Kevin Caldwell, Community Development Director 
Through: Kyle Knopp, City Manager 
Date: December 8, 2016
Subject: Recommended Amendments to Ordinance No. 352-2016 Commercial Medical Cannabis Land Use Regulations Section 17.30.195 Rio Dell Municipal Code

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding amending Ordinance No. 352-2016 Commercial Medical Cannabis Land Use Regulations Section 17.30.195 Rio Dell Municipal Code; and
2. Open the public hearing, receive public input and deliberate; and
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); and
4. Adopt Resolution No. PC 105-2017 recommending that the City Council amend Ordinance No. 352-2016 Commercial Medical Cannabis Land Use Regulations Section 17.30.195 Rio Dell Municipal Code regarding Permit Renewals, Changes to Ownership or Modifications to Premises, Inspections, Cultivation setbacks in the Industrial Commercial Zone and the definition of "Indoor" cultivation.

Background

The City Council recently adopted Cannabis Activity Permit fees. Based on the fee structure minor amendments are needed regarding Permit Renewals, Changes to Ownership or Modifications to Premises and Inspections. The recommended amendments are below:

(14) Term of Conditional Use Permit; ~~Inspections.~~

- (a) Any Conditional Use Permit issued pursuant to this section shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless the required compliance inspections have been conducted and the permitted site has been found to comply with all conditions of approval and the renewal fee and operation fee submitted.

(a) Permit Renewal. A Permit renewal application, renewal fee and operating fee must be submitted at least forty-five (45) days before the expiration of the Permit. Failure to submit a renewal application prior to the expiration date of the license will result in the automatic expiration of the Permit on the expiration date. A Permit may not be renewed if any violations of or non-compliance with the Permit or these regulations exists. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure the new standards are met.

(15) Changes to Ownership or Modification to Premises.

A Conditional Use Permit is non-transferable to another location, and no transfer to another Owner or modifications to a permitted facility may be made except in accordance with these regulations.

(a) Transfer of Ownership. A request for change in Permit ownership shall be submitted to the City at least sixty (60) days prior to the anticipated transfer, together with the required fee. Requests submitted less than sixty (60) days before the transfer will be processed only in the City's discretion and may be subject to an expedited processing fee. A new Owner(s) shall meet all requirements for applicants of an initial permit. The request shall include the following information:

i. Identify information for the new Owner(s) and management as required by the initial permit application, including names and contact information and Section 17.30.195(i) of the Rio Dell Municipal Code; and

ii. The specific date on which the transfer is to occur; and

iii. Acknowledgement of full responsibility for complying with the existing permit and any conditions attached thereto.

(b) Modifications to the Facility. Prior to making any modifications to a permitted facility, the permittee shall submit to the City, at least thirty (30) days in advance of initiating the modifications, a request for determination of City approvals, together with the appropriate fee. The request shall contain a detailed description to allow the City to determine what, if any permits and/or other approvals are needed.

(16) Inspections

Each permitted activity is subject to a minimum of at least one quarterly on-site compliance inspection, to be conducted by appropriate City officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The applicant shall be required to pay the Inspection Fee in effect at that time.

If the inspector or other City official determines that the site does not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Conditional Use Permit and License, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed.

(15) (17) Appeal of Annual Inspection Determination

Within ten (10) business days after delivery of the statement of non-compliance, the determination by the inspector that the site is or is not in compliance may be appealed by any interested party to the Planning Commission. The appeal shall be made, in writing, on a form provided by the City. The fee for filing the appeal is based on the adopted fee schedule in effect at the time of the appeal.

- (a) The appeal shall be heard by the Planning Commission within thirty (30) days following the filing of the appeal. The Planning Commission shall render a written ruling on the appeal within three (3) business days following the hearing.
- (b) The decision of the Planning Commission may be appealed to the City Council in accordance with Section 17.35.050 of the Rio Dell Municipal Code. If a timely appeal to the City Council is not filed, the ruling by the Planning Commission shall be final.

(18) Revocation by Operation of Law

Any Conditional Use Permit issued under this Section shall be revoked by operation of law, and without prior notice to the permit holder, in the event the permitted activity is made illegal under the laws of the State of California.

The City shall notify any state license authority, as defined by the MCRSA, whenever the Conditional Use Permit and License has been revoked or terminated.

~~(16)~~ (19) Fees, Taxes and Other Charges

The Council may establish fees, taxes or other charges for a commercial cannabis activity permit by resolution or ordinance. The failure to pay all applicable fees, taxes and other charges when due shall be a violation of the Section as contemplated by subsection 17.30.195(5), above.

Staff is also recommending amending the current cultivation setback requirement of fifty (50) feet in the **Industrial Commercial** zone to zero (0) feet. As the Commission is aware, cultivation activities are allowed in the Industrial Commercial and Natural Resources zones. The originally recommended setback of fifty feet was based on possible cultivation activities in the Rural (R) zoning designation. The Industrial Commercial zone allows a zero (0) foot setback. Below is the recommended language:

(10) Performance Standards for all MCCLUO Cultivation Operations:

- (c) The area of cannabis cultivation shall be located as shown on the application site plan, set back at least 50 feet from any property line in the Natural Resource (NR) zone and 1000 feet from any School. Cannabis cultivation is declared to be development, subject to compliance with Section 17.30.110, Environmentally Sensitive Habitat Area's (ESHA's). For purposes of this section, where enhanced, reduced, or modified watercourse or wetland setbacks have been agreed to by the operator and the RWQCB under enrollment pursuant to NCRWQB Order No. 2015-0023 and/or preparation of a Water Resources Protection Plan, these may control and supersede any setback applied pursuant to Section 17.30.110.

Staff was recently approached by a potential permittee regarding indoor cultivation in a building (not a greenhouse by definition) with a clear roof. The idea is to reduce energy consumption by supplementing the indoor grow with sunlight. Apparently this type of cultivation is gaining popularity due to its ability to reduce energy consumption associated with indoor cultivation. This building type is a hybrid between the "indoor" and mixed light definition. See below:

"Indoor" means indoor cultivation using exclusively artificial lighting.

"Mixed-Light" means cultivation occurring in a greenhouse using a combination of natural and supplemental artificial lighting at a maximum threshold as set forth in

performance standards in Section 17.30.190(8) of this ordinance, or as to be determined by the Department of Food and Agriculture, whichever is less.

Staff is recommending that the "indoor" definition be amended as follows:

"Indoor" means indoor cultivation using exclusively artificial lighting or a combination of artificial lighting and natural sunlight in a building with a glass, polycarbonate plastic or similar roof.

Procedural Requirements

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 Findings

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

There are a no polices in the General Plan which preclude or discourage the recommended minor text amendments. As such, the proposed amendments are consistent and compatible with the General Plan.

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

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 minor text amendments, staff believes there is no evidence to suggest that the minor amendments will have a *significant* effect on the environment.

Attachments

Attachment 1: Resolution No. PC 105-2017 recommending that the City Council amending Ordinance No. 352-2016 Commercial Medical Cannabis Land Use Regulations Section 17.30.195 Rio Dell Municipal Code regarding Permit Renewals, Changes to Ownership or Modifications to Premises, Inspections, Cultivation setbacks in the Industrial Commercial Zone and the definition of "Indoor" cultivation.

RESOLUTION NO. PC 105-2017



RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
RECOMMENDING THAT THE CITY COUNCIL AMEND ORDINANCE NO. 352-2016
COMMERCIAL MEDICAL CANNABIS LAND USE REGULATIONS SECTION 17.30.195
RIO DELL MUNICIPAL CODE REGARDING PERMIT RENEWALS, CHANGES TO
OWNERSHIP OR MODIFICATIONS TO PREMISES, INSPECTIONS, CULTIVATION
SETBACKS IN THE INDUSTRIAL COMMERCIAL ZONE AND THE DEFINITION OF
"INDOOR" CULTIVATION.

WHEREAS the City Council recently adopted Cannabis Activity Permit fees; and

WHEREAS based on the recently adopted fee structure minor amendments are needed regarding Permit Renewals, Changes to Ownership or Modifications to Premises and Inspections; and

WHEREAS cultivation activities are allowed in the Industrial Commercial and Natural Resources zones; and

WHEREAS the Planning Commission recommends amending the current the current regulations regarding Permit Renewals, Changes to Ownership or Modifications to Premises and Inspections; and

WHEREAS the Industrial Commercial zone allows a zero (0) foot setback from property for structures; and

WHEREAS the originally recommended setback of fifty feet was based on possible cultivation activities in the Rural (R) zoning designation; and

WHEREAS the Planning Commission recommends amending the current cultivation setback requirement of fifty (50) feet in the Industrial Commercial zone to zero (0) feet; and

WHEREAS staff was recently approached by a potential permittee regarding indoor cultivation in a building (not a greenhouse by definition) with a clear roof; and

WHEREAS the concept of a building with a clear roof is to reduce energy consumption by supplementing the indoor grow with sunlight; and

WHEREAS apparently this type of cultivation is gaining popularity due to its ability to reduce energy consumption associated with indoor cultivation; and

WHEREAS the Planning Commission recommends modifying the definition of “indoor” to include a combination of artificial lighting and natural sunlight in a building with a glass, polycarbonate plastic or similar roof; and

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

WHEREAS the City has reviewed and processed the proposed amendment 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 is 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 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 amend Ordinance No. 352-2016 Commercial Medical Cannabis Land Use Regulations Section 17.30.195 Rio Dell Municipal Code regarding Permit Renewals, Changes to Ownership or Modifications to Premises, Inspections, Cultivation setbacks in the Industrial Commercial Zone and the definition of “Indoor” cultivation.

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a special meeting of the Planning Commission of the City of Rio Dell on January 10, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Nick Angeloff, 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 105-2017 adopted by the Planning Commission of the City of Rio Dell on January 10, 2017.

Karen Dunham, City Clerk, City of Rio Dell