



AGENDA
RIO DELL PLANNING COMMISSION
REGULAR MEETING - 6:30 P.M.
TUESDAY, MARCH 28, 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

E. CONSENT CALENDAR

- 1) 2017/0328.01 - Approve Minutes of the February 28, 2017 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) 2017/0328.02 - Adopt Resolution No. PC-106-2017 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)**

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, April 25, 2017 at 6:30 p.m.*

**RIO DELL PLANNING COMMISSION
REGULAR MINUTES
FEBRUARY 28, 2017**

The Regular 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 Strahan. Absent was Commissioner Kemp (excused).

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

CEREMONIAL MATTERS

Swearing in of Julie Woodall as Planning Commissioner and Bryan Richter as Alternate Planning Commissioner for three (3) year terms ending 12/31/19

City Clerk Dunham administered the Oath of Allegiance to Planning Commissioner Woodall and she took her seat with the other commissioners. The swearing in of Bryan Richter was tabled to the next meeting as he was not available at this time.

CONSENT CALENDAR

Approve Minutes of the January 10, 2017 Special Meeting

Motion was made by Marks/Strahan to approve the consent calendar including approval of the minutes of the January 10, 2017 special meeting as presented. Motion carried 4-0.

PUBLIC PRESENTATIONS

None

SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

Adopt Resolution No.106-2017 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

Community Development Director Caldwell provided a staff report and said this item was first brought before the Commission for discussion at their meeting of October 27, 2016. The Commission at that time identified development standards for Cargo/Shipping Containers used as accessory structures in the various zoning designations of the City. He said staff compiled the recommendations and is now

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presenting them to the Commission for final consideration and recommendation to the City Council.

He informed the Commission that staff did send out notices to the 18 citizens that attended the previous meeting(s) when the matter was discussed to allow them the opportunity to provide any additional comments. However; Sue Strahan was the only member of the public present at this time.

Discussion arose regarding proposed development standards for the use of cargo/shipping containers in Residential zones and the Natural Resources (NR) zone based on recommendations by the Commission at the prior meetings.

Community Development Director Caldwell said discussion also occurred regarding the number of containers based on parcel size and at that time the Commission felt that parcels less than 10,000 sq. ft. be limited to one (1) container, parcels 10,000 sq. ft. to 20,000 sq. ft. limited to two (2) containers, 20,000 sq. ft. to 1 acre three (3), and parcels greater than one (1) acre be limited to four (4) containers. He commented that there are a couple of commissioners that recommended modifying the number of containers allowed on site.

Staff then asked for comments from the Commission regarding any recommended changes or modifications before presenting recommendations to the City Council.

Commissioner Woodall reviewed some of the regulations she found in other city's ordinances and referred to (c) of the proposed development standards that stated that "unit(s) must be placed on the rear half of the parcel" and said many other jurisdictions require that the container(s) not be visible from the street at all.

She also indicated that she likes the idea of not allowing any advertising or other signage on containers as well as the requirement to obtain a building permit for placement of a container. She said another concern had to do with storing hazardous materials in containers and said as staff pointed out, it would depend on what is considered as hazardous material. As such, she said perhaps the Fire District could make that determination.

Commissioner Woodall also asked if there was a way to insure that containers are not used as dwellings.

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Community Development Director Caldwell explained that cargo/shipping containers are considered accessory structures and not considered as residential dwelling units. He noted that there are however; companies that construct high-end homes out of these cargo containers but even then, they would fall into another category.

Commissioner Woodall also mentioned potential language to require that existing containers in violation of the regulations to be given 120 days to bring them into compliance.

Community Development Director Caldwell said he agreed with having a 120 day or even a 180 day compliance requirement and that it was actually included in the first ordinance draft however; the Commission chose to remove that provision and instead to allow existing containers to remain as is under the "grandfather" clause.

He asked for clarification regarding containers not being visible from the street and whether that would include private streets.

Commissioner Woodall said that would be a discussion for the Commission as a whole.

Community Development Director Caldwell suggested the Commission discuss each individual item presented by Commissioner Woodall and come to a consensus.

Commissioner Marks said she would also like to revisit the number of containers allowed based on parcel size as well as which zoning designations they would be allowed.

Community Development Director Caldwell pointed out that originally the Commission did not seem to be in favor of allowing containers in residential zones until members of the public addressed the Commission.

Commissioner Marks stated that she did a lot of research about cargo/shipping containers and expressed concern about toxic chemicals and pesticides on containers coming in from China. If they are allowed to be placed on dirt rather than gravel or concrete surface there could potentially be contamination to the soil.

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Community Development Director Caldwell stated that the Commission originally discussed the idea of requiring containers to be placed on gravel or other all-weather surfaces.

Commissioner Angeloff stated that Commissioner Kemp was unable to attend the meeting but submitted a written request that the Commission consider limiting the number of containers in residential zones, limiting lighting of containers to a 110 circuit, and that they be painted a neutral color with no advertising on the containers.

He said the idea of limiting the electrical voltage was to preclude containers being used for illegal marijuana grows and asked if it could simply be stated as such in the ordinance, or if it would breach other City regulations.

Community Development Director Caldwell said under the current personal medical marijuana regulations, accessory structures are allowed to be used for cultivation up to 50 sq. ft. of canopy and no more than 1200 watts of electricity. He noted that 1200 watts of power would require a 220 circuit. He said with the new state regulations, cities cannot completely ban cultivation of personal recreational cannabis and a person would be allowed to grow six (6) plants either in a secured greenhouse or within the residence or another accessory structure.

He commented that the City Council can establish restrictions with regard to personal recreational cannabis cultivation and can require building permits and inspections to make sure structures are wired properly and have the proper filtering systems. If the Commission wants to make the recommendation to eliminate containers in residential zones and to prohibit the use of containers for cannabis grows it is the Commission's discretion however; it is ultimately up to the City Council to make the final decision.

Community Development Director Caldwell suggested taking it a step further to not allow any power in containers because otherwise, it would be hard to police.

After further discussion the consensus of the Commission was to recommend to the City Council the following regulations:

1) Cargo/Shipping Containers used as accessory structures in all residential zones and the Town Center zone are prohibited;

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2) Existing Cargo/shipping Containers shall not be considered a legal non-conforming use and/or structure and shall be removed within 180 days after adoption of the ordinance;

3) Cargo/Shipping Containers used as accessory structures in the Natural Resources zone shall be subject to development standards including a Building Permit, electrical service is prohibited, the parcel must be developed with the primary use, no more than one (1) container per parcel, size of the container is limited to no more than 8' x 20', the container must be placed on a gravel, decomposed granite or other all-weather surface as approved by the Director of Public Works, units must be placed on the rear half of the parcel and screened from public view, must not exceed allowable lot coverage, must comply with the setback requirements of the zone, may not be placed within any easements, must be painted a solid neutral color or a color to match the residence, no signage is allowed on the container, existing containers shall not be considered a legal non-conforming use and/or structure and shall be relocated and/or modified to comply with the provisions of this section within 180 days after adoption of the ordinance.

The consensus of the Commission was to also recommend cargo/shipping containers used as accessory structures in Community Commercial and Neighborhood Center zones conform to similar development standards with the allowable number of containers on a parcel based on the size of the parcel as follows:

- 10,000 sq. ft. or less - 1 container
- 10,001 to 20,000 sq. ft. - 2 containers
- 20,001 to 1 acre - 3 containers
- Parcels larger than 1 acre - 4 containers

Discussion continued regarding existing cargo/shipping containers in Commercial and Industrial zones and the inclusion of exception language in the ordinance.

The Commission agreed to include provisions in the Industrial Commercial zone to require containers be placed on gravel or other all-weather surface and that a Building Permit be required.

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With regard to exception provisions, the recommendation was to allow the Planning Commission to modify by use permit, the requirements in each of the zones in addition to existing cargo containers with regard to development standards including the number and/or location requirements upon showing of good cause provided certain findings can be made.

Commissioner Angeloff called for public comment on the proposed resolution.

Sue Strahan commended the Commission for doing a great job modifying the regulations.

Motion was made by Angeloff/Marks to adopt Resolution PC-106-2017 recommending the City Council amend Chapter 17.30.020 "Accessory Uses and Buildings" of the Rio Dell Municipal Code (RDMC) to include Cargo/Shipping Containers used as Accessory Structures with modifications as stated. Motion carried 4-0.

ADJOURNMENT

Motion was made by Commissioner Marks/Woodall to adjourn the meeting at 7:40 p.m. to the March 28, 2017 regular meeting. Motion carried 4-0.

Nick Angeloff, Chair

Attest:

Karen Dunham, City Clerk

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



For Meeting of: March 28, 2017

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: March 22, 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 the City Council's direction to return the Ordinance to the Planning Commission for further discussion of the use of cargo containers in residential zones; and
2. Open the public hearing, receive public input and deliberate; and
3. Provide staff direction on the Commission's recommendations to the City Council

Background

As the Commission is aware, the Commission discussed the use of cargo/shipping containers at a number of meetings over the past few months. Staff presented the Commission's February 28th recommendations to the Council at their meeting of March 7, 2017. Based in large part to public testimony received at the Council meeting, the Council requested staff to have your Commission consider existing cargo containers in residential zones as legal non-conforming structures, provided they comply with the Commission's recommended development standards. Below is a copy of the Commission's recommendations:

- A Building Permit is required, electrical service is prohibited;
- Parcel must be developed with the primary use;
- Container must be placed on a gravel, decomposed granite or other all-weather surface as approved by the Director of Public Works;
- Unit(s) must be placed on the rear half of the parcel and screened from public view;
- Must not exceed allowable lot coverage;
- Must comply with the setback requirements of the zone;
- May not be placed within any easements;
- Must be painted a solid neutral color (i.e. beige, taupe and browns) or a color(s) to match the residence;
- No signage is allowed on the container;

Councilmember Johnson indicated that he has three (3) acres and he could place a container that would not be visible from the street or to the neighbors. Although he has no plans to place a cargo container, he would like that option. This led to a discussion regarding exceptions for cargo containers in residential zones when the cargo containers on large where would not be visible. The minutes from the Council's meeting of March 7, 2017 are included as Attachment 1.

As the Commission is aware your original recommendation to the Council included an exception process for the number and location of cargo containers. The Commission could recommend that an exception to the prohibition of cargo containers residential zones. The exception could be based on parcel (e.g. 1 acre or more) and or where the cargo container would not be visible from a public way and/or a neighboring property.

Attachment 1: Minutes from the Council's meeting of March 7, 2017.

Attachment 2: Copy of Ordinance No. 355-2017 which includes the Commission's original recommendation to the City Council.

ORDINANCE NO. 355-2017



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL AMENDING SECTION 17.30.020 ACCESSORY USES AND BUILDINGS OF THE RIO DELL MUNICIPAL CODE (RDMC) TO (1) PROHIBIT CARGO/SHIPPING CONTAINERS IN RESIDENTIAL ZONES; (2) ESTABLISH DEVELOPMENTS STANDARDS FOR CARGO/SHIPPING CONTAINERS IN OTHER ZONES AND TO (3) ALLOW FOR EXCEPTIONS BY THE PLANNING COMMISSION WHEN CERTAIN FINDINGS CAN BE MADE.

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

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

Section 1. Chapter 17.10, Definitions of the RDMC is 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.

Section 2. Section 17.30.020(2) of the Rio Dell Municipal Code is amended to read in as follows:

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 Town Center zones are prohibited.

(a) Existing Cargo/Shipping Containers shall not be considered a legal non-conforming use and/or structure and shall be removed within 180 days after adoption of the implementing ordinance.

(7) Cargo/Shipping Containers used as accessory structures in Natural Resource zones shall conform with the following development standards:

(a) A Building Permit is required, electrical service is prohibited;

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

(b) No more than one (1) container per parcel;

(c) Container shall be no more than 8' x 20';

(d) Container must be placed on a gravel, decomposed granite or other all-weather surface as approved by the Director of Public Works;

(e) Unit(s) must be placed on the rear half of the parcel and screened from public view;

(f) Must not exceed allowable lot coverage;

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

(h) May not be placed within any easements;

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

(j) No signage is allowed on the container;

(k) Existing Cargo/Shipping Containers shall not be considered a legal non-conforming use and/or structure and shall be relocated and/or modified to comply with the provisions of this section within 180 days after adoption of the implementing ordinance.

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

(a) 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>

(b) A Building Permit is required, electrical service is prohibited;

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

(d) Unit(s) must be placed on the rear half of the parcel and screened from public view;

(e) Container must be placed on a gravel, decomposed granite or other all-weather surface as approved by the Director of Public Works;

(f) Must not exceed allowable lot coverage;

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

(h) May not be placed within any easements;

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

(j) Containers cannot be stacked;

(k) Existing Cargo/Shipping Containers shall not be considered a legal non-conforming use and/or structure and shall be relocated and/or modified to comply with the provisions of this section within 180 days after adoption of the implementing ordinance.

(9) 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) A Building Permit is required, electrical service is prohibited;

(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) Container must be placed on a gravel, decomposed granite or other all-weather surface as approved by the Director of Public Works;

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

(h) No signage is allowed on the container;

(i) Containers cannot be stacked;

(j) Existing Cargo/Shipping Containers shall not be considered a legal non-conforming use and/or structure and shall be relocated and/or modified to comply with the provisions of this section within 180 days after adoption of the implementing ordinance.

(10) Exceptions. The Planning Commission may modify by use permit, the number and/or location 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 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:

- Location
- Screening
- Setback from property line

Section 3. 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 4. 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 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 7, 2017 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 February 21, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Frank Wilson, 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. 355-2017 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the February 21, 2017.

Karen Dunham, City Clerk, City of Rio Dell

Introduction and First Reading (by title only) of Ordinance No. 355-2017 Amending Chapter 17.30.020 "Accessory Uses and Buildings" of the Rio Dell Municipal Code (RDMC) to Include Cargo/Shipping Containers used as Accessory Structures

Community Development Director Caldwell provided a staff report and said the Planning Commission held three (3) separate public hearings discussing the use of cargo/shipping containers as accessory structures. He said that initially they were supportive of their use in residential zones however; at the last meeting, after a lengthy discussion, the Commission made some significant changes including recommending to the City Council that cargo/shipping containers not be allowed in residential zones. In addition, the Commission also recommended that the definitions in the zoning code for cargo/shipping container be amended to read:

"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."

He stated that the Commission is also recommending that existing Cargo/Shipping Containers not be considered a legal non-conforming use and that they be required to be removed within 180 days after adoption of the ordinance.

Also, containers used as accessory structures in the Natural Resources (NR), Community Commercial (CC), and Neighborhood Center (NC) zones are required to conform to the same development standards as required in the Industrial Commercial (IC) zone including the allowable number of containers on a parcel subject to the size of the parcel.

Community Development Director Caldwell said the real question is whether the Council wants to allow cargo/shipping containers in residential zones.

Councilmember Strahan commented that she was in attendance at the last Planning Commission meeting and felt they conducted a pretty thorough review of the regulations before coming up with the recommendations as presented.

Community Development Director Caldwell noted that there was approximately 1.5 hours of discussion on the subject but unfortunately there were no members of the public present with the exception Councilmember Strahan.

Mayor Pro Tem Johnson commented that he has approximately three (3) acres and under the proposed regulations he would not be allowed to have a container as an accessory structure. He said although he has no plans at this time to utilize one, he would nevertheless like to have the option.

Mayor Wilson opened the public hearing to receive public input on the proposed ordinance.

Kathy Wildgrube, 6 Painter St. addressed the Council and said she currently has two (2) cargo/shipping containers on her property. She said that she was not able to attend the last Planning Commission meeting as she was sick but she was led to believe from the previous meetings that provided residents complied with the development standards, they would be in allowed to keep them. She commented that she painted her containers a neutral color as requested by the City and agreed to obtain a building permit if deemed necessary. She said to change the regulations now and give residents 180 days to remove them from their property seems unfair and underhanded. She explained that one of the containers is used to store family heirlooms and the other to store firewood and lawn equipment and they are safe and secure units. She urged the Council to consider "grandfathering in" existing containers as long as they are in compliance with certain performance standards. She also pointed out that 3 or 4 years ago when she purchased the containers she came into the city and was told there were no regulations prohibiting them or a requirement for a building permit.

Tim Roscoe, property owner on the 100 block of Painter St. stated that he also has cargo/shipping containers on his property but they are not visible from the street. He said cargo containers don't seem to be causing blight in the city although he has seen a couple in front yards that are rusted and pretty unsightly. He said there are some advantages to utilizing cargo containers as accessory structures as they can be locked securely, noting that Rio Dell is not the most secure town. He commented that he was also in attendance at the Planning Commission meetings when the regulations were discussed and was under the impression the Planning Commission was in agreement with the recommendation to the City Council to allow the use in residential zones with the performance standards as originally proposed. He questioned the number of cargo/shipping containers currently existing on residential parcels in the City.

Community Development Director Caldwell said he was aware of six or seven existing containers located on residential parcels but not aware of any on parcels 6,000 square feet or less.

Travis Wildgrube, property owner of the parcel at Center St. and Ireland Ave. addressed the Council and said he currently has one (1) cargo container and has plans for a second container with the idea of installing a peaked roof, siding and rollup door to make it resemble a shop. He said if the Council makes the decision to prohibit them in residential zones, he will be out another \$2,000.

Councilmember Garnes asked what triggered this action.

Community Development Director Caldwell explained the issue has been on staff's radar for the past couple of years but more recently received some complaints and inquiries so decided to bring forth some regulations for the Council to consider.

Larry Salmon, 550 Painter St. said as a realtor he looks at the issue from a little different point of view and said there needs to be some type of regulations due to potential fire danger if the containers are placed too close to other structures. He said on the other hand, as a property owner, he would like to see regulations that would allow the ability to utilize cargo containers as accessory structures provided they are placed on the rear portion of a parcel if the parcel is large enough. He said he can't imagine containers being allowed to be placed on the front portion of 6,000 square foot parcels or up against other structures; allowing them on larger parcels with performance standards would be reasonable.

Discussion continued regarding exception provisions.

Community Development Director Caldwell said if the Council would like to allow containers on larger residential parcels, perhaps the table related to the number of containers allowed pursuant to the parcel size could be amended to include one (1) container on residential parcels 10,000 square feet or larger and no containers on parcels less than 10,000 square feet.

Councilmember Garnes used Mayor Pro Tem Johnson's parcel as an example and said if he had a container on his parcel that no one could see, asked why anyone would care since it would not be harming anyone.

Community Development Director Caldwell said that discussion did not come up at the Planning Commission meeting but one concern was that there may be some clandestine activity occurring which is the reason for the permits; to inspect the structure for safety and to make sure they are in compliance with setback requirements.

Mayor Pro Tem Johnson commented that he would like to have options available for residential property owners and suggested the matter be sent back to the Planning Commission for further review and to come up with provisions for existing containers.

Mayor Wilson agreed and said there needs to be some regulations and perhaps notification to neighbors such as required under the Conditional Use Permit process.

Councilmember Strahan disagreed and said the Planning Commission did a good job when coming up with a recommendation to the Council. She pointed out that they are only talking about residential zones and that regulation for commercial zones has already been established. She said that she understands citizen's concerns but they will be given 6 months to remove the containers with the option for an extension if needed. She said she thinks the Council needs to look out for residential citizens and allowing containers to be placed anywhere in the City provides opportunity for clandestine activities to occur.

Community Development Director Caldwell said another option for the Council to consider

would be to treat existing cargo/shipping containers as legal non-conforming uses so only those in place at the effective date of the ordinance would be allowed to remain. He noted that staff would need to craft language to that affect and take it back to the Planning Commission including the same performance standards as established for the other zones.

Councilmember Marks stated that he likes the ordinance the way it is and that he thinks cargo containers are ugly and that he would not put one on his property put would instead, build a nice stick built structure.

Councilmember Garnes agreed with the basic ordinance but said the Council needs to consider those residents who already have existing containers in place and to also take into consideration that when they placed them on their parcels they were not out of compliance. Also, if someone has one located on their parcel and it is not visible to anyone it doesn't infringe on anyone's rights and should be allowed with the proper permits.

City Manager Knopp suggested the matter be referred back to the Planning Commission and that they bring back to the Council a proposal based on grandfathering in existing containers and reaffirming the rules for new containers coming in.

Community Development Director Caldwell commented that staff could also craft some exception language regarding the placement of containers that are not visible to anyone and refer it to the Planning Commission at their meeting of March 28, 2017.

The consensus of the Council was 3-2 with Councilmembers Marks and Strahan dissenting.

Mayor Wilson strongly recommended affected residents attend the Planning Commission meeting on March 28th to voice their concerns.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

Amend Scope of Work on the City's Safe Drinking Water State Revolving Fund (SDWSRF) Planning Grant Related to Water System Capital Improvements

City Manager Knopp provided a staff report and explained that since the original submission of the grant application some conditions have changed in the City that need to be addressed in the planning grant scope.

He reviewed the scope of work under the original grant and said the plans under the grant were developed at a time with certain things in place including pending litigation with regard to the infiltration gallery that has since been resolved. Also, the City has learned a lot more about the limits of the infiltration gallery as far as what it can handle through what has been the biggest drought period in years. He noted that comments were received back from the State and with the Metropolitan Wells Project underway; it makes the infiltration gallery modifications less appealing. He said the City also received some settlement money for the infiltration