



**AGENDA**  
**RIO DELL PLANNING COMMISSION**  
**REGULAR MEETING - 6:30 P.M.**  
**WEDNESDAY, JUNE 26, 2013**  
**CITY COUNCIL CHAMBERS**  
**675 WILDWOOD AVENUE, RIO DELL**

*WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue and on the City's website at [riodellcity.com](http://riodellcity.com). Your City government welcomes your interest and hopes you will attend and participate in Rio Dell City Council 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) 2013/0626.01 - Appointment of Vice-Chair to the Rio Dell Planning Commission **(ACTION)**

E. CONSENT CALENDAR

- 1) 2013/0626.02 - Approve Minutes of the May 14, 2013 Special 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) 2013/0626.03 - Public Hearing/Approve Resolution No. PC-064-2013 Approving a Conditional Use Permit for Dias Artistries (APN 053-151-001) **(ACTION)**

H. CONTINUED PUBLIC HEARING

- 1) 2013/0626.04 - Continue Discussion of Draft Zoning Matrix Code and Proceed with Staff Direction on Proposed Revisions **(ACTION)**

I. REPORTS/STAFF COMMUNICATIONS

J. ADJOURNMENT

*The next Regular Planning Commission meeting is scheduled for  
July 24, 2013 at 6:30 p.m. in the City Council Chambers*

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*675 Wildwood Avenue  
Rio Dell, CA 95562*



TO: Planning Commissioners

THROUGH: Jim Stretch, City Manager

FROM: Karen Dunham, City Clerk

DATE: June 26, 2013

SUBJECT: Appointment of 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 Vice-Chair.

**BUDGETARY IMPACT**

None

**BACKGROUND AND DISCUSSION**

At the January 23, 2013 Planning Commission meeting the Commission elected Commissioner Johnson to serve as Vice-Chair. He resigned his position on the Planning Commission effective April 24, 2013 with his appointment to the City Council.

At this time, I am requesting an appointment be made to fill the vacant position. All members of the Commission are considered to be nominated unless a member wishes to decline nomination.

Ballots will be provided at the meeting.

**CITY OF RIO DELL  
PLANNING COMMISSION  
SPECIAL MEETING  
MAY 14, 2013**

**CALL TO ORDER**

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

Present were Commissioners Chapman, Angeloff, and Long. Absent was Commissioner Millington.

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

**CONSENT CALENDAR**

Motion was made by Angeloff/Long to approve the consent calendar including the approval of minutes of the April 24, 2013 regular meeting. Motion carried 3-0.

**PUBLIC PRESENTATIONS**

None

**SCHEDULED MATTERS/PUBLIC HEARINGS**

Public Hearing/Approve Resolution No. 062-2013 Recommending Approval of the Conditional Use Permit (CUP) for the Journey (Assembly of God Church) for a 6' x 10' Sign

Community Development Director Caldwell provided a staff report and said the Assembly of God Church made application for a Conditional Use Permit (CUP) to allow the placement of a 6' x 10' (60 square feet), non-illuminated sign on the existing roof over the entry to the church. After submittal of the application, the design for the proposed sign was revised, and the sign is now proposed to be 5' x 12' (60 square feet).

Community Development Director Caldwell said what is unique about this property is that the church property consists of two Assessor Parcel numbers (APN's). One parcel contains a portion of the parking lot and is zoned Urban Residential (UR); the other parcel containing the church is zoned Rural ( R). He said if the church were located in the UR zone, they would be limited to a two square foot nameplate including only the name and address of the use. He said in order to exceed the two square feet, a variance would be required.

Community Development Director Caldwell then reviewed Section 17.30.260(d) of the

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Rio Dell Municipal Code in regard to sign regulations and said signs, not illuminated, appurtenant to any permitted use, not over 75 square feet in the aggregate and divided into not more than three single or double signs shall be permitted in the Rural zone with a use permit. He said there is an existing 14 square foot sign located in front of the church therefore, with the addition of the proposed 60 square foot sign; the signage will not exceed the 75 square foot limit.

Community Development Director continued with review of the required findings which included Zoning Consistency; General Plan Consistency; Land Use Compatibility; Site Suitability; Public Interest, Health, Safety and Welfare; and California Environmental Quality Act (CEQA) exemption.

Community Development Director Caldwell said he sent out notices to 25 neighboring properties and there were no responses or concerns expressed.

A public hearing was opened to receive public comment on the proposed Conditional Use Permit; there being no public comment, the public hearing was closed.

Commissioner Long stated for the record that he was doing some work on the church's web site but that it had no impact on this project.

Community Development Director Caldwell said he will be attending the Chamber of Commerce meeting on May 22<sup>nd</sup> at such time he will be sitting down with the business community to take a comprehensive look at the sign regulations and asking for input.

Motion was made by Angeloff/Long to adopt Resolution No. PC 062-2013 *Recommending Approval of the Journey (Assembly of God) Conditional Use Permit for a 5' x 12' Sign*. Motion carried 3-0.

Public Hearing/Approve Resolution No. PC 063-2013 Recommending Approval to Amend the Non-Conforming Use Regulations, Section 17.30.160 of the Rio Dell Municipal Code

Community Development Director Caldwell provided a staff report and said staff has been contacted by lending institutions time and time again regarding the ability to rebuild non-conforming uses in the event they are destroyed or damaged by fire, flood or earthquake. He said the current regulations only allow the restoration of reconstruction of non-conforming uses so long as the damage does not exceed 60% or more of the current market value of the structure. An exception was made for owner-occupied, single story structures located within the Town Center zone, regardless of the degree of damage. He further stated the intent is to amend the current non-conforming use regulations to allow the same or similar exceptions for owner-occupied structures in all commercial zones.

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He estimated there to be 25-30 non-conforming residential uses throughout the City. He said the inability to rebuild these non-conforming residences that are damaged more than 60% of the current market value of the structure could pose a financial hardship on the owners well as the lender. He added that the City's Housing Element contains policies that encourage the maintenance and improvement of the City's housing stock.

Community Development Director Caldwell stated another issue related to non-conforming uses has to do with a property owner's ability to do normal repairs and maintenance since the current provisions limit the maintenance and repairs to no more than 25% of the market value of the structure in any one year. He commented that most other jurisdictions allow the maintenance and repair of non-conforming uses without limitation.

As such, he said staff is recommending that the Commission recommend to the City Council approval of amending the non-conforming regulations of the RDMC.

Commissioner Angeloff referred to Section 17.30.160 (3)(a) *Non-Conforming Uses* which states that a non-conforming owner-occupied residence that is destroyed or damaged by any casualty, may be restored within two (2) years after such destruction or damage but shall not be enlarged except as provided in Section 17.30.160 (1)(a) of this Code and questioned the two (2) year limitation.

Community Development Director Caldwell explained there may be issues with an insurance claim or weather could delay the start of a project. Commissioner Angeloff said it seems there could potentially be a situation where it could take longer than two (2) years.

Commissioner Long referred to the revised language under Sub-Section (5) and asked what the logic is regarding the inability to restore a structure that has been declared a public nuisance; he stated it seems the City would want to encourage repairs.

Community Development Director Caldwell explained that if a structure is declared a nuisance, something is seriously wrong with the property and likely is a matter of health and safety.

Discussion continued regarding the criteria for declaring a structure a public nuisance. Commissioner Angeloff stated he would like to see a provision that allows repairs to occur beyond the two (2) year limit and asked what is meant by "any authorized City official" in regard to declaring a structure a public nuisance. Community Development Director Caldwell explained the City Building Official is the City official that declares structures to be a public nuisance.

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Commissioner Long asked if there is a mechanism for another family member, if they are will, to step up and perform the repairs.

Community Development Director Caldwell agreed to provide Commissioners with a copy of the Draft Nuisance Abatement Ordinance.

Community Development Director Caldwell suggested the language under Section 17.30.160(5) be amended to allow an exception to the provisions with a CUP.

The Commissioners agreed with the amended language to read:

(5) Ordinary maintenance and repair may be made to a non-conforming structure or a structure in which a non-conforming use is conducted but no such structure that is declared by any authorized City official to be a public nuisance by reason of physical condition shall be restored, repaired or rebuilt ***unless a Conditional Use Permit (CUP) is applied for and approved within 90 days of such declaration.***

Commissioner Angeloff said he sees where there could be potential abuse of the Code if certain City officials leave the City. Community Development Director Caldwell stated there is new language in the Draft Nuisance Abatement Ordinance regarding the hearing officer and suggested a reference be made to the Nuisance Ordinance in the Non-Conforming Use Regulations.

Commissioner Angeloff said he would like to insure consistency between the two documents.

Commissioner Chapman referred to the fourth "Whereas" of the proposed resolution where it refers to an exception for owner-occupied, one-story structures in the Town Center zone that allows the restoration or reconstruction and said it sounds like only single story structures can be rebuilt.

Community Development Director Caldwell explained that within the Town Center zone, it only applies to owner-occupied single story residences and he copied the same language.

A public hearing was open to receive public comment on the proposed resolution.

Debi August, Realtor representing the sellers of the former Residential Care Home at 56 N. Pacific Ave. said the property has historically been used as single-family residential

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and the property owners were unaware of the of the rezoning to Commercial (Neighborhood Center). She commented that the property would be almost impossible to sell without amendment of the Non-Conforming Use Regulations and felt the revisions were imperative. She added that it is such a pleasure to listen to the city planner and planning commissioners, recognizing their desire to be good to citizens and to protect their property rights. She said there are some necessary repairs that need to be done to the structure and it would be devastating if they were not allowed to make those repairs under the current Non-Conforming Use Regulations.

Community Development Director Caldwell commented that the residence to the east of this property is also non-conforming as well as a few others on Eeloa Ave. He noted the revision will benefit at least 25-30 residences.

There being no further public comment, the public hearing closed.

Motion was made by Angeloff/Long to adopt Resolution PC 063-2013 *Recommending Approval of Amending the Non-Conforming Regulations, Section 17.30.160 of the Rio Dell Municipal Code* subject to the recommended revisions. Motion carried 3-0.

Review Draft Zoning Matrix Code and Provide Staff Direction on Proposed Revisions

Community Development Director Caldwell stated the intent was to provide the draft Matrix at the last meeting and allow Commissioners time for review and to come back at this time with any suggested revisions.

He said the goal is to prepare a Zoning Use Matrix that identifies the principally and conditionally permitted uses for each of the zoning districts, and to also identify use types that are not currently defined within the Zoning Ordinance or possibly not compatible with other allowed uses in that zone.

Community Development Director Caldwell stated there will be two or three more meetings to review the Matrix before final approval. He said the Matrix is an important component of the zoning and will help developers as well as staff. He added that a City-wide mailer will be going out within the next week and information regarding the Matrix will be included in hopes of getting more public involvement.

Community Development Director Caldwell suggested the focus be to first identifying every use type, then determine the appropriate zone for those uses.

Commissioner Angeloff stated a zoning map with the various use types would be extremely helpful. Community Development Director Caldwell said he will contact the County regarding the status of the updated zoning map.



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A public hearing was opened to receive public comment on the proposed Zoning Matrix Code.

Frank Wilson addressed the Commission and said the Matrix is a useful tool that will help streamline the process and hopefully bring in new business. He applauded the efforts of the community development director and the planning commission to revitalize Rio Dell. He commented that as a citizen, he does not want to see wrecking yards allowed in any zone of the City.

Motion was made by Angeloff/Long to close the public hearing and continue the matter to the June 26, 2013 regular meeting. Motion carried 3-0.

**REPORTS/STAFF COMMUNICATIONS**

Community Development Director Caldwell announced the deadline for applications for the vacancy on the Planning Commission closes on Thursday at 5:00 p.m. and once that appointment is made, the Commission will need to select a new Vice-Chair; said on the next agenda he expected to have a Variance application and possibly some zoning text amendments. Also, he said he will be bringing forward Parkland Dedication fees, proposing they apply to all developments rather than just Planned Developments.

Commissioner Angeloff asked what Parkland Dedication fees are used for. Community Development Director Caldwell explained the idea is to promote parklands and that the monies can only be used for land acquisition and maintenance of parks.

Commissioner Angeloff commented that the parking lot at the tennis courts is in need of pavement. Community Development Director Caldwell said it is one of the items being considered under the City's Capital Improvement Program (CIP).

Community Development Director Caldwell then reported that staff will be meeting with representatives of the Dollar General on Thursday regarding potential development at Wildwood and Davis St. Commissioner Angeloff stated an archeological site was identified as somewhere north of Davis St. but the exact location is unknown. Community Development Director Caldwell said he will be sure to include the tribes with regard to noticing.

Commissioner Angeloff then stated that he was appointed to the Home CBR Board and said that he doesn't believe there is a potential conflict of interest but if so, he needs to know. Community Development Caldwell said he will mention it to the city manager and perhaps the city attorney to make sure there is no conflict of interest.

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**ADJOURNMENT**

The meeting adjourned at 7:40 p.m. to the June 26, 2013 regular meeting.

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Gary Chapman, Chair

Attest:

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Karen Dunham, City Clerk

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



For Meeting of: June 26, 2013

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through:  Jim Stretch, City Manager

Date: June 19, 2013

Subject: Dias Artistries Conditional Use Permit  
File No. 053-151-001; Case No. CUP 13-02

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**Recommendation:**

That the Planning Commission:

1. Receive staff's report regarding the proposed Conditional Use Permit;
2. Open the public hearing, receive public input, close the public hearing and deliberate;
3. Assuming that public testimony is substantially in support of the proposal, find that:
  - (a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;
  - (b) The proposed use is consistent with the general plan and any applicable specific plan;
  - (c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
  - (d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;
  - (e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and

(f)The Conditional Use Permit has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);

4. Adopt Resolution No. PC 064-2013 approving the Conditional Use Permit.

## Summary



Adam Dias has made application for a Conditional Use Permit to permit an existing wood-working business crafting art from wood in an existing 1000+/- square foot building formerly used as a gas station. It should be noted that the business has been operating for over a year. Galleries conducted *entirely within an enclosed building* are principally permitted uses in the Town Center zone. The business includes the outside storage and processing of wood, including slabs and burls. The City recently amended the Town Center development standards to conditionally permit some light

manufacturing uses and uses that are not entirely conducted within an enclosed building. All work other than the transfer of the material from the outside to the inside will be conducted inside an existing enclosed building. The Building includes a workshop area and a viewing/gallery area. Included as Attachment 2 is the Plan of Operation and site plan. It must be noted that the applicant has amended the Plan of Operation so as to not include any future cargo containers for storage and to not conduct any operations outside the building.

## Required Findings/Staff Analysis

### Section 17.35.030 Rio Dell Municipal Code (RDMC) Conditional Use Permits.

#### 1. Zoning Consistency

*(a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;*

Land Use: The property is zoned Town Center (TC). A copy of the Town Center Development Standards is included as Attachment 2. 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. Artisan studios and showrooms including, but not limited to: woodworking, glass blowing, metal works, ceramics, crafts, and clothing manufacturers are conditionally permitted uses in the Town Center zone.

Parking: Section 17.30.180 of the Rio Dell Municipal Code (RDMC) identifies Parking and Loading requirements, including the required number of spaces, landscaping, lighting, surface requirements, striping, wheel stops, number of spaces, handicap spaces, bicycle and motorcycle parking and loading spaces.

The property is developed with four (4) standard parking spaces with wheel stops and one (1) signed handicap space. The spaces are improved with asphalt and/or concrete which is consistent with the surfacing requirements of the Parking Regulations. Although the site does provide the required number (one (1) space for every 250 square feet of gross floor area), Section 17.30.180(16)(a)(i) of the RDMC is an exception to the required number of parking spaces for existing structures located on Wildwood Avenue, south of Davis Street.

Again, the use is within an existing building and no additions, structural alterations, additional parking spaces, lighting or loading spaces are proposed as part of the Conditional Use Permit. Because there are no additional parking requirements, the applicant is not subject to the landscaping and striping requirements. If the project were subject to the landscaping requirements, the applicant would be required to landscape 10% of the gross area of the parking lot, provide a six (6) foot landscaped strip between Wildwood Avenue and the parking area and a six (6) foot landscaped strip adjacent to the residential use adjoin the parcel to the south. In addition, trees that reach a minimum height of twenty (20) feet would be required within the parking lot at a minimum ration of one (1) tree for every five (5) parking spaces.

No outdoor lighting is proposed as part of the project. If lighting were proposed, outdoor lighting fixtures are limited to a maximum height of fifteen (15) feet and the fixtures must be directed downward and away from adjoin properties and public rights-of-way, so that no on-site lighting directly illuminates adjacent properties. Staff has included this provision as an operational condition of approval.

Design Review: Section 17.25.050 *et. seq.* for the RDMC contains the Design Review Regulations. The Design Review Regulations apply to new buildings and/or structures, additions of more than 10% to existing structures and repairs and/or maintenance that utilize different materials and alters the design of the original building. Again, the building is existing and no additions or structural alterations are proposed. Therefore the project is not subject to the Design Review Regulations.

Signs: Although one would think that appurtenant signs are principally permitted, they are not. However, staff is working on amending the sign regulations. In any event, Section 17.30.260(d) of the RDMC contains the current applicable sign provisions. Below is a copy of the pertinent regulation:

*(d) Signs, not illuminated, appurtenant to any permitted use, not over 75 square feet in the aggregate and divided into not more than three single or double signs shall be permitted with a use permit in any zone except urban residential, suburban residential, or suburban zones.*

The existing/proposed non-illuminated sign "Dias Artistries" is approximately fifteen (15) square feet in size. Therefore, the sign complies with maximum allowable size.

Based on the information submitted, comments received from referral agencies, the use is allowed in the Town Center zone and complies with all other applicable provisions of Zoning Regulations.

## 2. General Plan Consistency

*(b) The proposed use is consistent with the general plan and any applicable specific plan;*

The General Plan designation is also Town Center. Again, the purpose of the Town Center or TC designation 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. Commercial retail uses, including artisan workshops and galleries are considered permitted uses.

There are Land Use and Noise Element policies that require noise attenuation techniques to ensure compatibility with various land use types. All operations other than transporting the raw materials from yard into the workshop occur within the building. A propane fork lift is used to move the material from the outside to the inside of the building. The little noise generated by the forklift is minimal and considered insignificant. Staff has included an operational condition to require that all noise producing activities be conducted within the building.

Staff finds that the proposed use is consistent with the following General Plan goal: "To promote a variety of commercial uses and allow light manufacturing in appropriate commercial areas." There are no other goals or policies which would preclude the proposed use in the Town Center designation. Therefore, the proposed use is consistent with the General Plan.

## 3. Land Use Compatibility

*(c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;*

Staff believes the only potential issues associated with the proposed use are noise and visual impacts. As discussed above, due to the fact that the manufacturing activities will be conducted inside the existing building, staff believes the minimal noise impacts are compatible with the existing and future land uses in the vicinity.

The business does include the outdoor storage of wood materials, including slabs and burls. The applicant is proposing to build a wooden fence from the building to the southerly property line to screen the materials from the view from Wildwood Avenue. However, the materials would still be visible from Columbus Street and First Avenue. As such staff is recommending that a fence be constructed around the perimeter of the storage area to minimize visual impacts to the surrounding property and from the adjacent streets. The project has been conditioned accordingly. Please see Exhibit A.

Based on the proposed use, Plan of Operation and recommended conditions of approval, staff believes the design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity

#### 4. Site Suitability

*(d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;*

Again, other than the outdoor storage of the wood materials, the use is within an existing building and no additions or structural alterations are proposed. No additional parking spaces or driveway encroachments are proposed or necessary. Access is excellent and utilities are in place. There are no physical constraints affecting the parcel. Staff believes the site is physically suitable for the use.

#### 5. Public Interest, Health, Safety and Welfare

*(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located;*

The project was referred to the Rio Dell Fire Department and they have indicated that wood working operations are subject to Section 1303.2, "Housekeeping" requirements in Chapter 13 of the California Fire Code (CFC).

**1303.2 Housekeeping.** Accumulation of combustible dust shall be kept to a minimum in the interior of buildings. Accumulated combustible dust shall be collected by vacuum cleaning or other means that will not place combustible dust in suspension in air. Forced air or similar methods shall not be used to remove dust from surfaces.

The applicant utilizes an explosion proof commercial grade dust collection system. In addition, three (3) commercial fire extinguishers are located within the building.

Based on the fact that the use has been in place for over a year and the City has not received any complaints, the Plan of Operation and the recommended operational conditions, staff believes the use is not detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity.

#### 6. California Environmental Quality Act

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

Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the use, including the Plan of Operation and the recommended operational conditions,

staff believes there is no evidence to suggest that the amendment will have a *significant* effect on the environment.

**Attachments:**

Attachment 1: Exhibit A, Recommended Conditions of Approval.

Attachment 2: Plan of Operation and Plot Plan.

Attachment 3: Resolution No. PC 064-2013

Attachment 4: CEQA Notice of Exemption



**EXHIBIT A**  
**Conditions of Approval**  
**Dias Artistries Conditional Use Permit**  
**File No. 053-151-001; Case No's. CUP 02-13**

**Conditions of Approval**

1. The applicant shall pay the \$50.00 CEQA Notice of Exemption filing fee (payable to the County of Humboldt) within five (5) days all other associated processing fees within 30 days of billing.
2. The applicant shall install a fence to screen materials from public view within 60 days from the approval of the Conditional Use Permit.

**Operational Conditions**

1. All outdoor storage materials and equipment shall be screened from public view.
2. All manufacturing shall occur within the building.
3. The applicant shall maintain at least one (1) two (2) gallon water fire extinguisher on-site at all times or as directed by the Fire Department.
4. The applicant shall comply with Section 1303.2 of Chapter 13 of the California Fire Code (CFC).

**1303.2 Housekeeping.** Accumulation of combustible dust shall be kept to a minimum in the interior of buildings. Accumulated combustible dust shall be collected by vacuum cleaning or other means that will not place combustible dust in suspension in air. Forced air or similar methods shall not be used to remove dust from surfaces.

5. Any new buildings or structures are subject to the Design Review regulations, Section 17.25.050 *et seq* of the Rio Dell Municipal Code (RDMC).
6. Cargo containers are not allowed as storage structures.
7. Any future commercial spray booth must be approved for use in the State of California.
8. The storage of finishes including but not limited to lacquers, paints, stains, glues and epoxies shall be in accordance with industry standards unless otherwise directed by the Rio Dell Fire Department.
9. Refuse and recycling storage containers shall be secured and screened from public view.
10. Signs shall be restricted to non-illuminated signs, not exceeding 75 square feet in the aggregate and divided into not more than three single or double signs.

# CHAPTER 13

## COMBUSTIBLE DUST-PRODUCING OPERATIONS

### SECTION 1301 GENERAL

**1301.1 Scope.** The equipment, processes and operations involving dust explosion hazards shall comply with the provisions of this chapter.

**1301.2 Permits.** Permits shall be required for *combustible dust*-producing operations as set forth in Section 105.6.

### SECTION 1302 DEFINITIONS

**1302.1 Definition.** The following word and term shall, for the purposes of this chapter and as used elsewhere in this code, have the meaning shown herein.

**COMBUSTIBLE DUST.** Finely divided solid material which is 420 microns or less in diameter and which, when dispersed in air in the proper proportions, could be ignited by a flame, spark or other source of ignition. Combustible dust will pass through a U.S. No. 40 standard sieve.

### SECTION 1303 PRECAUTIONS

**1303.1 Sources of ignition.** Smoking or the use of heating or other devices employing an open flame, or the use of spark-producing equipment is prohibited in areas where *combustible dust* is generated, stored, manufactured, processed or handled.

**1303.2 Housekeeping.** Accumulation of *combustible dust* shall be kept to a minimum in the interior of buildings. Accumulated *combustible dust* shall be collected by vacuum cleaning or other means that will not place *combustible dust* into suspension in air. Forced air or similar methods shall not be used to remove dust from surfaces.

### SECTION 1304 EXPLOSION PROTECTION

**1304.1 Standards.** The *fire code official* is authorized to enforce applicable provisions of the codes and standards listed in Table 1304.1 to prevent and control dust explosions.

**TABLE 1304.1  
EXPLOSION PROTECTION STANDARDS**

STANDARD	SUBJECT
NFPA 61	Agricultural and Food Products
NFPA 69	Explosion Prevention
NFPA 70	National Electrical Code
NFPA 85	Boiler and Combustion System Hazards
NFPA 120	Coal Preparation Plants
NFPA 484	Combustible Metals, Metal Powders and Metal Dusts
NFPA 654	Manufacturing, Processing and Handling of Combustible Particulate Solids
NFPA 655	Prevention of Sulfur Fires and Explosions
NFPA 664	Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities

# Plan of Operations

*Dias Artistries*  
390 Wildwood Ave  
Rio Dell Ca. 95562  
(707) 267-4920

5/17/13

## Machinery:

- I will be using small non commercial machinery including but not limited to: palm sanders, angles grinders, sharpening stones, small propane torches, nail guns, electric and gasoline fired chainsaws, hand and bench planners, wood lathe, point of use dust collection systems, drill press, band saw, skill saw, scroll saw, belt sander, table saw, miter saw, router table, air compressor, small enclosed sandblasting chamber, and many other small wood working tools. I will be using these tools to construct natural burl wood art pieces to be displayed for resale in my gallery which is on location.
- I will also be selling at The Eagle Prairie Arts Collective, and possibly another location in town. All the above mentioned tools can be found at any building supply store and are used by home owners in hobby shops throughout every town in California, not excluding Rio Dell. I do not use any heavy duty commercial or industrial grade equipment. I have created noise barriers to keep my equipment in compliance with state decibel requirements. (Most diesel trucks are far louder and intrusive than any of my equipment.)

## Finishing:

- I will only be apply store bought finishes and glues, such as, but not limited to, epoxy resin, tung oil, Watco oil, bees oil, brush on varnishes, polyurethane, and lacquer. All chemicals are in compliance with state regulations and will be stored in a separate well ventilated room that is not at all accessible to the public. I will not be spraying any finishes. I will reserve the right to install a commercial spray booth that meets State standards, but for the time being, I will only use hand applied finishes.

## Safety:

- The public will not have access to my work area, although they will be able to view my work area from the gallery. This is an open art studio, however, do to the nature of my work, the public will only be allowed to view my work area from a secure area. I will have no less than 3 commercial fire extinguishers on hand through out my shop. I will use a metal bucket for disposing rags, and I carry one million in liability insurance for my shop. I am in compliance with ADA rules as they apply to my facility.

5/17/13

Operating Hours:

- Hours of operation will meet the city standards for construction. However, I reserve the right to house special events that may go later than 8pm. I will not operate loud equipment other than the hours of 10am and 5pm. outside my work shop. However, I reserve the right to operate quiet non disturbing equipment in my shop during the hours of 8am to 8pm.

Storage and new structures:

- I will utilize my lot for storage of wood and other building materials. I may decide at some point to build a separate building or storage building. This building will be in compliance with city and county code. This building may be a shipping container, metal building or wooden structure. If I use a shipping container, or metal building, I will design them with false fronts per the cities request.

Signs:

- All signs will meet the city's sign ordinance.

Waste:

- All waist produced in my facility will be disposed of in the same fashion that any other waist produced by a operating business. I produce waist that goes into a dump. I also produce waist that goes to scrap metal, recycling waist, as well as organic wood waist. This waist is minor, and is disposed via green waist plants, fire wood, and garden mulch. I do not produce any chemical waist that need special treatment.
- I do not discharge chemicals or waste into the air. All dust is collected via explosion proof commercial grade dust collection systems.

## Kevin Caldwell

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**From:** Dias Artistries [diasarts@hotmail.com]  
**Sent:** Thursday, May 23, 2013 3:08 PM  
**To:** kcaldwell@riodelcity.com  
**Subject:** Use Permit

Hay Kevin... I called earlier and left you a voice mail, just wanted to touch base before the weekend. Please let me know if I need to fill out any additional paperwork or amend my plan of operations to exclude the use of gas fired chainsaws. Also, given the concern over noise levels, I have decided to just run all my equipment indoors, so I will not need the DB Reader.

Have a good weekend!

Adam Dias

Columbus St.

Curb

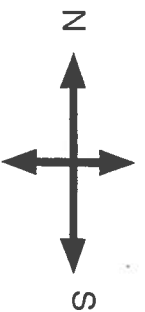
Lot Grade is ~~XXXX~~ ?

Yard Area

390 Wildwood Ave  
Rio Dell Ca. 95562

Property Line

5/12/13



Property Line



Work Shop

Back Fence Area



Yard Area

Gallery

Wooden Fence

Wooden Fence

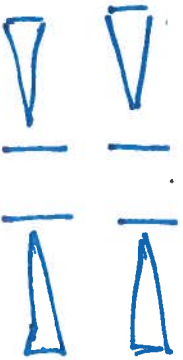


Overhang

Gateway



Parking Area



Property Line

Parking Area

Driveway

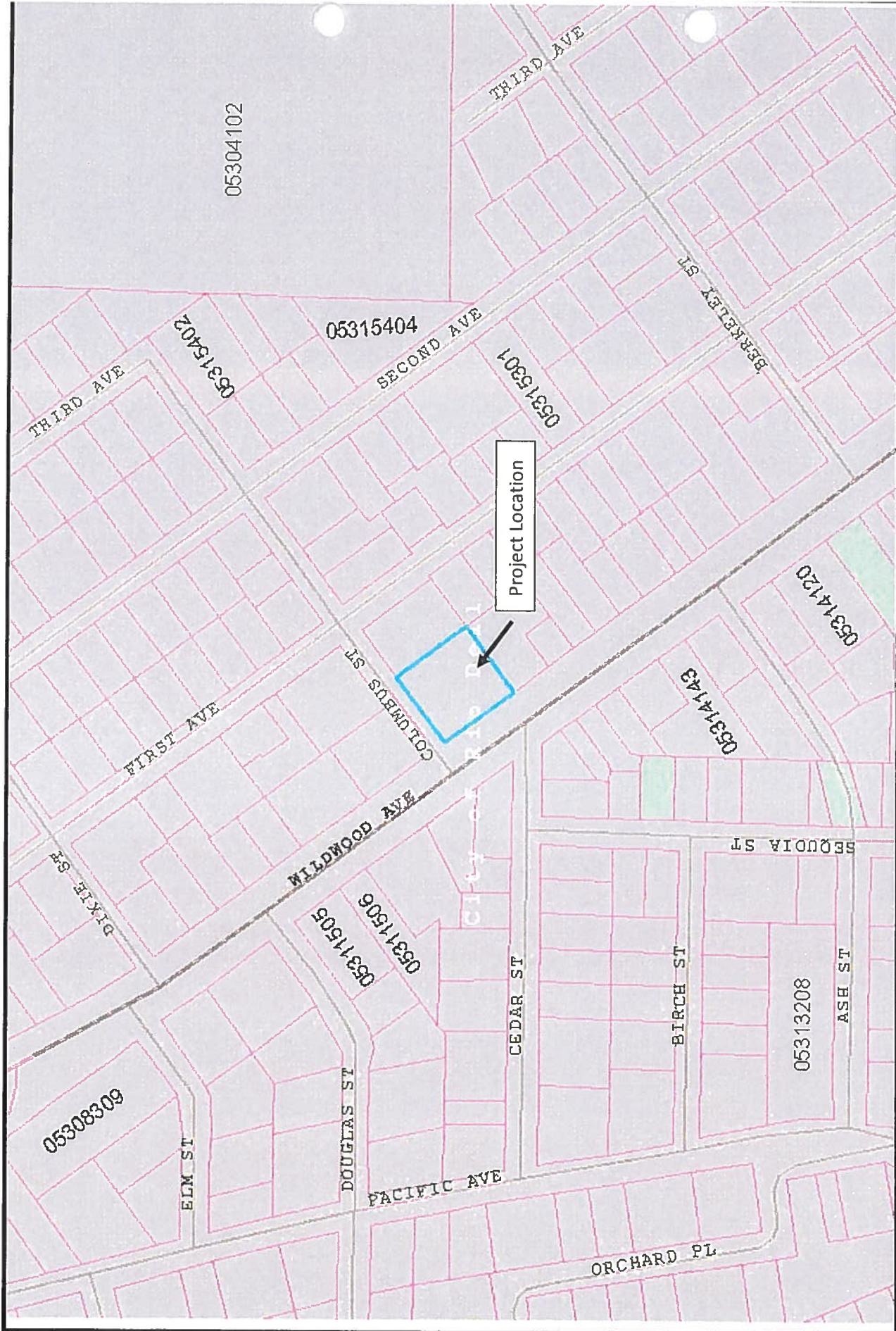
Storm Drain

Driveway

Sidewalk

Driveway

Wildwood Ave



Dias Artistries  
390 Wildwood Avenue, Rio Dell, CA. 95562  
APN 053-151-001

City of Rio Dell  
Community Development Department

Conditional Use Permit  
May 2013

**RESOLUTION NO. PC 064 – 2013**



RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL  
APPROVING DIAS ARTISTRIES CONDITIONAL USE PERMIT:

**WHEREAS** Adam Dias has made application for a Conditional Use Permit to permit an existing wood-working business crafting art from wood in an existing 1000+/- square foot building formerly used as a gas station; and

**WHEREAS** galleries conducted *entirely within an enclosed building* are principally permitted uses in the Town Center zone; and

**WHEREAS** the business includes the outside storage and processing of wood, including slabs and burls; and

**WHEREAS** the City recently amended the Town Center development standards to conditionally permit some light manufacturing uses and uses that are not entirely conducted within an enclosed building; and

**WHEREAS** the City processed the application pursuant to Section 17.35.030 of the Rio Dell Municipal Code; 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:

- The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of Rio Dell Municipal Code; and
- The proposed use is consistent with the General Plan and any applicable specific plan; and
- The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity; and



- The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and
- Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and
- 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 use, including the Plan of Operation and the recommended operational conditions, staff believes there is no evidence to suggest that the amendment will have a *significant* effect on the environment.

**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 June 26, 2013 by the following vote:

AYES:  
 NOES:  
 ABSENT:  
 ABSTAIN:

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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 064-2013 adopted by the Planning Commission of the City of Rio Dell on June 26, 2013.

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Karen Dunham, City Clerk, City of Rio Dell

To:  Office of Planning and Research  
P.O. Box 344, Room 212  
Sacramento, CA. 95812-4044

From: (Public Agency)

County Clerk  
County of Humboldt  
825 Fifth Street  
Eureka, CA. 95501

City of Rio Dell  
675 Wildwood Avenue  
Rio Dell, CA. 95562

Project Title: **Dias Artistries Conditional Use Permit**

Project Applicant: **Adam Dias**

Project Location - Specific

The project site is located in the City of Rio Dell on property known as 383 Belleview Avenue

Project Location – City: **Rio Dell** Project Location – County: **Humboldt**

Description of Nature, purpose and Beneficiaries of Project:

An application for a Conditional Use Permit to permit an existing wood-working business crafting art from wood in an existing 1000+/- square foot building formerly used as a gas station.

Name of Public Agency Approving Project: **City of Rio Dell**

Name of Person or Agency Carrying Out Project: **Adam Dias**

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268); \_\_\_\_\_
- Declared Emergency (Sec. 21080(b)(3); 15269(a)); \_\_\_\_\_
- Emergency Project (21080(b)(4); 15269(b)(c)); \_\_\_\_\_
- Categorical Exemption. State type and section number: \_\_\_\_\_
- Statutory Exemptions. State code number: \_\_\_\_\_
- Other Exemptions. State code number: 15061(b)(3)

Reasons why project is exempt:

Based on the nature of the use, including the Plan of Operations and the recommended operational conditions, there is no evidence to suggest that the amendment will have a significant effect on the environment.

Lead Agency **Kevin Caldwell**  
Contact Person: **Community Development Director**

Area Code/Telephone/Extension: **(707) 764-3532**

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project  Yes  No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: **Community Development Director**

Signed by Lead Agency  Signed by Applicant Date received for filing at OPR: \_\_\_\_\_

Authority cited: Section 21083 and 21110, Public Resources Code

Reference: Sections 21108, 21152 and 21152.1, Public Resources Code

Revised 2011