



AGENDA
RIO DELL PLANNING COMMISSION
REGULAR MEETING– 6:30 P.M
THURSDAY, JUNE 26, 2014
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. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Planning Commission meetings often.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. 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.

E. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

- 1) 2014/0626.01 - Adopt Resolution No. PC 082-2014 recommending the City Council amend the Fence Regulations, Section 17.30.090 of the Rio Dell Municipal Code (ACTION)
- 2) 2014/0626.02 - Adopt Resolution No. PC 083-2014 recommending the City Council Amend Section 17.30 of the Rio Dell Municipal Code to renumber the General Provisions and Exceptions to accommodate recent amendments (ACTION)

3) 2014/0626.03 - Continued review and discussion of:

- Draft Land Use Matrix
- Potential New Use Types
- Appropriate Zones for New Use Types
- Definitions

H. ADJOURNMENT





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

The next Regular meeting is scheduled for July 24, 2014 at 6:30 p.m.

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



For Meeting of: June 26, 2014

To: Planning Commission
From: Kevin Caldwell, Community Development Director 
Through: Jim Stretch, City Manager 
Date: June 17, 2014
Subject: Fence Regulations, Section 17.30.090 of the Rio Dell Municipal Code (RDMC)

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the existing Fence Regulations;
2. Open the public hearing, receive public input and deliberate;
3. Find that:
 - (a) The proposed text amendment is consistent with the General Plan; and
 - (b) The proposed text amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);
4. Adopt Resolution No. PC 082-2014 recommending that the City Council amend the Fence Regulations to be consistent with the California Building Code (CBC).

Background and Discussion

The 2013 California Building Code (CBC) was amended to exempt fences up to seven (7) feet in height. The City's current fence regulations, Section 17.30.090 of the Rio Dell Municipal Code (RDMC) reflect the previous exemption of fences up to six (6) feet in height.

The current fence regulations also refer to the Uniform Building Code (UBC). The Uniform Building Code was replaced by the California Building Code (CBC) in 2000. Staff is accordingly recommending that the fence regulations accurately reflect the California Building Code (CBC).

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 no polices in the General Plan which would prohibit amending the fence regulations to be consistent with State law and to accurately reflect the California Building Code (CBC).

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 amendments, including the recommended Performance Standards, staff believes there is no evidence to suggest that the amendments will have a *significant* effect on the environment.

Attachments

Attachment 1: Existing Fence Regulations, Section 17.30.090 of the Rio Dell Municipal Code (RDMC) with the recommended changes.

Attachment 2: Resolution No. PC 082-2014 recommending that the City Council amend the Fence Regulations to be consistent with the California Building Code (CBC).

17.30.090 Fences.

(1) Corner Lots -- Sight Distance.

In any residential district on a corner lot, there shall be no fence, wall, or hedge higher than three (3) feet, nor any obstruction to vision other than a post, column, or tree not exceeding one foot in diameter, between a height of three (3) feet and a height of ten (10) feet above the established grade of either street, within an area thirty (30) feet from the intersection of the street lot lines.

(2) Height Regulations.

Any fence or wall used as a fence shall not exceed a height of ~~six (6)~~ **seven (7)** feet within the required front, side, or rear yard of any lot; provided, however, that in any residential district, a fence or wall used as a fence shall not exceed a height of four (4) feet within a required front yard, nor ~~six (6)~~ **seven (7)** feet within any required rear yard or side yard, except where otherwise permitted by these regulations.

(3) Exceptions.

The Planning Commission may modify by special use permit, the height 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 fence height 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 special use permit, the Planning Commission may require such changes or alterations in the fence 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:

- Fence height
- Design
- Materials
- Setback from property line
- Screening or landscaping

(1) A fence or wall used as a fence which exceeds six (6) feet in height shall be defined as a "detached accessory structure" for the purpose of regulation under the provisions of this ordinance, and all applicable provisions of the ~~Uniform Building Code~~ **California Building Code** shall apply. [Ord. 167 § 6.05.5 1982.]

RESOLUTION NO. PC 082-2014



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
RECOMMENDING APPROVAL OF AMENDING THE FENCE REGULATIONS, SECTION
17.30.090 OF THE RIO DELL MUNICIPAL CODE:**

WHEREAS the 2013 California Building Code (CBC) was amended to exempt fences up to seven (7) feet in height; and

WHEREAS the City's current fence regulations, Section 17.30.090 of the Rio Dell Municipal Code (RDMC) reflect the previous exemption of fences up to six (6) feet in height; and

WHEREAS the current fence regulations also refer to the Uniform Building Code (UBC); and

WHEREAS the Uniform Building Code was replaced by the California Building Code (CBC) in 2000; and

WHEREAS staff is accordingly recommending that the fence regulations accurately reflect the California Building Code (CBC); 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 amendment is consistent and compatible with the General Plan and any implementation programs that may be affected; and

WHEREAS the proposed amendment has 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 the Fence Regulations, Section 17.30.090 of the Rio Dell Municipal Code.

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on June 26, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gary Chapman, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 082-2014 adopted by the Planning Commission of the City of Rio Dell on June 26, 2014.


Karen Dunham, City Clerk, City of Rio Dell


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



For Meeting of: June 26, 2014

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: June 17, 2014

Subject: Chapter 17.30 of the Rio Dell Municipal Code (RDMC)

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the existing Fence Regulations;
2. Open the public hearing, receive public input and deliberate;
3. Find that:
 - (a) The proposed text amendment is consistent with the General Plan; and
 - (b) The proposed text amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);
4. Adopt Resolution No. PC 083-2014 recommending that the City Council amend Chapter 17.30 of the Rio Dell Municipal Code (RDMC) to renumber the General Provisions and Exceptions to accommodate recent amendments.

Background and Discussion

The City has added a number of new regulations to Chapter 17.30, General Provisions and Exception, to the Rio Dell Municipal Code (RDMC) over the past couple of years. The Sections of Chapter 17.30 are in increments of ten, i.e. 17.30.10, 17.30.20, 17.30.30 and so on. Staff

has had to deviate from the sequential order in order to accommodate recently approved new regulations. Staff is now recommending that Chapter 17.30 be reformatted to reestablish the regulations in increments of ten. Below is the recommended renumbering of the regulations found in Chapter 17.30

Existing Section	Proposed Section	Provision
17.30.010	17.30.010	Applicability
17.30.020	17.30.020	Accessory Uses and Buildings
17.30.030	17.30.030	Adult entertainment.
17.30.040	17.30.040	Airports
17.30.050	17.30.050	Animals and Animal Shelters.
17.30.060	17.30.060	Assemblages of Persons and Vehicles
17.30.070	17.30.070	Camping
17.30.075	17.30.080	Cottage Industry
17.30.073	17.30.090	Density Bonus
17.30.078	17.30.100	Emergency Shelters/Transitional Housing
17.30.080	17.30.110	Environmentally Sensitive Habitat Areas
17.30.090	17.30.120	Fences
17.30.100	17.30.130	Flag Lot Regulations
17.30.110	17.30.140	Flood Zone Regulations
17.30.120	17.30.150	Home Occupation Businesses and Address of Convenience
17.30.130	17.30.160	Lot Size Modifications
17.30.140	17.30.170	Manufactured/mobile homes on individual lots.
17.30.150	17.30.180	Manufactured/mobile home park development standards.
17.30.155	17.30.190	Medical Marijuana Regulations
17.30.160	17.30.200	Nonconforming Uses
17.30.170	17.30.210	Outdoor Advertising
17.30.180	17.30.220	Parking and Loading facilities.

Existing Section	Proposed Section	Provision
17.30.190	17.30.230	Parkland Dedication
17.30.200	17.30.240	Public Uses.
17.30.210	17.30.250	Public Utility Buildings and Uses.
17.30.220	17.30.260	Quasi-Public Uses.
17.30.230	17.30.270	Recreational Vehicle Park Development Standards.
17.30.240	17.30.280	Removal of Natural Materials.
17.30.250	17.30.290	Second Dwelling Units.
17.30.260	17.30.300	Signs and Nameplates.
17.30.270	17.30.310	Street Dedication and Improvement.
17.30.280	17.30.320	Swimming Pools.
17.30.290	17.30.330	Tract Offices.
17.30.300	17.30.340	Yards.

Although not codified, staff will be amending the Zoning Regulations Table of Contents to reflect the renumbering of Chapter 17.30.

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 no polices in the General Plan which would prohibit amending the General Provisions and Exceptions to reestablish the original intended numerical sequence of the regulations.

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 amendments, to reestablish the original intended numerical sequence of the regulations, staff believes there is no evidence to suggest that the amendments will have a *significant* effect on the environment.

Attachments

Attachment 1: Resolution No. PC 083-2014 recommending that the City Council amend Chapter 17.30 of the Rio Dell Municipal Code (RDMC) to renumber the General Provisions and Exceptions to accommodate recent amendments.

RESOLUTION NO. PC 083-2014



RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
RECOMMENDING THAT THE CITY COUNCIL AMEND CHAPTER 17.30 OF THE RIO
DELL MUNICIPAL CODE (RDMC) TO RENUMBER THE GENERAL PROVISIONS AND
EXCEPTIONS TO ACCOMMODATE RECENT AMENDMENTS:

WHEREAS the City has added a number of new regulations to Chapter 17.30, General Provisions and Exception, to the Rio Dell Municipal Code (RDMC) over the past couple of years; and

WHEREAS the Sections of Chapter 17.30 are in increments of ten, i.e. 17.30.10, 17.30.20, 17.30.30 and so on; and

WHEREAS staff has had to deviate from the sequential order in order to accommodate recently approved new regulations; and

WHEREAS the Planning Commission is now recommending that Chapter 17.30 be reformatted to reestablish the regulations in increments of ten; 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 amendment is consistent and compatible with the General Plan and any implementation programs that may be affected; and

WHEREAS the proposed amendment has 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 Chapter 17.30 of the Rio Dell Municipal Code (RDMC) to renumber the General Provisions and Exceptions to accommodate recent amendments.

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, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gary Chapman, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 083-2014 adopted by the Planning Commission of the City of Rio Dell on June 26, 2014.

Karen Dunham, City Clerk, City of Rio Dell