



AGENDA

RIO DELL PLANNING COMMISSION
REGULAR MEETING– 6:30 P.M
THURSDAY, MARCH 26, 2015
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

E. CONSENT CALENDAR

- 1) 2015/0326.01 - Approve Minutes of the October 23, 2014 Regular Meeting (**ACTION**)
- 2) 2015/0326.02 - Approve Minutes of the January 22, 2015 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) 2015/0326.03 - 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 April 23, 2015 at 6:30 p.m.

**CITY OF RIO DELL
PLANNING COMMISSION
REGULAR MEETING
OCTOBER 23, 2014**

Before the meeting was called to order, City Clerk Dunham swore in and seated the newly appointed Planning Commissioner, R. L. "Bud" Leonard. Jared Wilson was not present for swearing in and seating at this time.

The regular meeting was then called to order at 6:38 p.m. by Commissioner Long.

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

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

CONSENT CALENDAR

Approval of the Consent Calendar was continued to the next regular meeting with a full Commission.

PUBLIC PRESENTATIONS

There was no public comment received.

SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSION

Review Smither Bean Coffee Drive-Thru – 541 Wildwood Avenue and Find that the Proposed Project is Exempt from the Design Review Regulations, Section 17.25.050 of the Rio Dell Municipal Code

Community Development Director Caldwell provided a staff report and said the applicant is proposing to convert a portion of an existing 880 square foot vacant building located at 541 Wildwood Ave. (former gas station) to a drive-thru coffee business. He said the proposal includes an addition of approximately 83 square feet to provide a drive-up window. He explained that additions of less than 10% of the existing building that utilize the same materials, colors and design are exempt from Design Review regulations and although staff believes the project is consistent with the intent of the exemption, is requesting the Planning Commission review the proposal and make the determination.

Staff also noted that properties with existing buildings south of Davis Street on Wildwood Avenue are exempt from providing additional parking spaces however; some landscaping is required in parking areas containing three or more parking spaces.

**PLANNING COMMISSION
OCTOBER 23, 2014 MINUTES
Page 2**

Staff stated that the applicant expressed concern regarding the 6 foot landscaping requirement and said a six foot planting area adjacent to the sidewalks is not proportionate to the size of his parcel. He said he believes a minimum of three feet or 3% of the width of the lot as a planting strip is more appropriate.

Community Development Director Caldwell noted that staff has the authority to modify landscaping provisions and agrees that a six foot planting strip would encroach onto the parking area. He said his recommendation would be to ask for a new landscaping plan and get concurrence from the City Manager.

He said staff would also like to encourage the applicant to install a gable roof over the existing building and extend the roof over the drive-thru lane and change the gable to run perpendicular to the drive-thru lane. He said that although the applicant is under no obligation to do so, staff believes it would make the building more visually appealing and provide a covered area to serve the vehicles driving through.

Staff commented that although this project is exempt from providing additional parking spaces, there is still the requirement that all parking spaces, access drives and maneuvering areas be improved and maintained, with striping and wheel stops. He said there are some issues with regard to the existing driveways and said each access driveway has to be located a minimum of 50 feet from the nearest intersection unless a lesser or greater distance is approved or required by the Public Works Director. He said the existing driveway from Wildwood Avenue will remain unchanged but the driveway on Elm Street will need to be relocated further away from the intersection.

Staff said the only other issue is related to the color of the building. He said the applicant is proposing to repaint the building from its current color to light blue and although the proposed change does not completely comply with the exemptions provisions, staff believes the change will enhance the appearance of the building and that the proposed addition and repainting of the building is consistent with the intent of the exemption and therefore can be considered exempt from Design Review.

He said the primary purpose for bringing this forward is to keep the Commission informed. He stated the recommendation is that the Planning Commission make the finding that the project is exempt from the Design Review regulations, Section 17.25.050 of the Rio Dell Municipal Code.

Commissioner Millington asked what the reason is for keeping the color of a building the same.

Community Development Director Caldwell explained the idea is to maintain the character of the surrounding area however; the Planning Commission does have some

discretionary authority on the color of buildings.

Commissioner Millington also asked if staff feels that a three foot strip of planting is enough to absorb some of the water runoff.

Staff responded that his recommendation is that the applicant be encouraged to install a small retention/detention basin similar to what was done for the Dollar General store.

Commissioner Leonard commented that any new paint on a building, no matter what color is an improvement.

Commissioner Millington asked if the entire structure will be used for the newly proposed drive-thru coffee shop.

Staff responded that it is his understanding that only a small portion will be utilized for the drive-thru coffee shop and said his vision would be to include a bakery and sandwich shop with the coffee and perhaps have a patio with tables and chairs.

Commissioner Long asked for public comment on the proposed project.

Melissa Marks asked if the building is restricted to any particular type of business.

Community Development Director Caldwell explained the Town Center allows for a broad range of uses including restaurants.

Commissioner Long commented that getting the building back in service is a good thing.

Community Development Director Caldwell noted that the site actually contains 2 separate lots and that a lot line adjustment application came before the Commission but has not yet been completed. He said the applicant is proposing to construct apartments on the back lot but there is a problem with the parking requirements. He expressed concern about the loss of commercial land.

Melissa Marks asked if the applicant will be required to pave the street.

Community Development Director Caldwell commented that Elm Street is in poor condition and because the business will create a traffic impact he may be required to do some road improvements. He said he suggested to the applicant that the matter be referred to the City Engineer for an analysis although he would have to pay for it. He said he anticipates the owner will be required to at least fill the pot holes and slurry seal a portion of Elm St.

**PLANNING COMMISSION
OCTOBER 23, 2015 MINUTES
Page 4**

Commissioner Long asked if it will come back to the Planning Commission for approval.

Staff responded that road improvements are approved by the Public Works Director through the Encroachment Permit process.

Commissioner Long commented that as a private business, those road repairs should not become a burden to the tax payers.

Commissioner Millington commented that the applicant also discussed the idea of putting in a commercial kitchen which is a great idea.

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

Motion was made by Millington/Leonard finding that the proposed project is exempt from the Design Review regulations, Section 17.25.050 of the Rio Dell Municipal Code. Motion carried 3-0.

Continued Review and Discussion of Draft Land Use Matrix

Community Development Director Caldwell presented Commissioners with the latest draft of the Land Use Matrix and said the intent was to continue the review and bring the new commissioners up to date but since Commissioner Wilson was not present suggested the matter be continued to the next meeting. Commissioners concurred.

Community Development Director Caldwell commented that the next regular meeting falls on Thanksgiving so it is likely staff will be scheduling a special meeting to continue review of the Land Use Matrix and possibly consider a variance application and/or minor subdivision application.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 7:26 p.m. .

Billy Long, Acting Chair

Attest:

Karen Dunham, City Clerk

**CITY OF RIO DELL
PLANNING COMMISSION
REGULAR MEETING
JANUARY 22, 2015**

The regular meeting was then called to order at 6:30 p.m. by Commissioner Angeloff.

Present were Commissioners Angeloff, Long, Leonard and Millington.

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

PUBLIC PRESENTATIONS

None

CEREMONIAL

Swearing in and Seating of Planning Commissioner Jared Wilson

City Clerk Dunham swore in and seated the newly appointed Planning Commissioner, Jared Wilson.

Selection of Chair and Vice-Chair

Staff reported that with the resignation of Commissioner Chapman in July, 2014, Commissioner Angeloff has been serving as Acting Chair to the Planning Commission and vacancies exist for both the position of Chair and Vice-Chair.

City Clerk Dunham stated that all members of the Commission are considered to be nominated unless a member wishes to decline nomination. She then provided Commissioners with ballots to vote for the respective positions. Commissioner Millington declined nomination on both positions.

Commissioner Angeloff, having received 4 out of 5 votes was selected as Chair. Likewise, Commissioner Long was selected as Vice-Chair, receiving 4 out of 5 votes for that position.

SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSION

Approve Resolution No. 086-2015 Recommending Approval of a Text Amendment to Section 17.30.050 of the Rio Dell Municipal Code (RDMC) to Establish (1) a Young Domestic Animals Substitution Schedule, and (2) Animal Shelter Setback Requirements in Residential Zones (Urban Residential (UR), Suburban Residential (SR) and Residential Multifamily (RM) (ACTION)

Community Development Director Caldwell provided a staff report and said staff has been contacted by citizens on a number of occasions with questions or complaints

**PLANNING COMMISSION
JANUARY 22, 2015 MINUTES
Page 2**

regarding animal shelter/enclosure setbacks from property lines and residences. He said although the Rio Dell Municipal Code references Section 17.30.050 as *Animals and Animal Shelters*, there are no provisions regarding animal shelters.

He also noted that staff discovered an error in reviewing Ordinance No. 252-2004 with regard to the minimum parcel size for small animals and said the ordinance clearly identifies the minimum parcel size as 10,000 and not 15,000 as identified in the RDMC. He said because the error is typographical a text amendment is not required.

Community Development Director Caldwell stated that staff also discovered that the City does not have any provisions related to the substitution of younger animals, maintenance of shelters or enclosures or the killing or dressing of large or medium domestic animals.

Staff then reviewed the recommended provisions for animal shelter/enclosure setbacks from property lines and residences in residential zones as follows:

	Large Animals	Medium Animals	Small Animals
Distance from Dwelling	40 feet	30 feet	25 feet
Distance from front line	50 feet	50 feet	50 feet
Distance from side lot line	20 feet	15 feet	10 feet

Commissioner Millington asked if these provisions are exclusive to barnyard animals.

Community Development Director Caldwell explained that the provisions only apply to barnyard animals; provisions for cats and dogs are in the Animal Control Ordinance which is enforced by the Police Department.

Commissioner Angeloff asked if variance provisions would also apply to animal shelters. Staff's response was that they would.

Commissioner Leonard asked if enforcement is based on complaints or if staff will be out looking for violations.

Community Development Director Caldwell said violations are typically complaint driven as staff doesn't have time to walk the streets looking for code violations.

Commissioner Leonard said basically if someone doesn't want to turn in their neighbor, the violation will basically fall by the wayside.

**PLANNING COMMISSION
JANUARY 22, 2015 MINUTES
Page 3**

Staff agreed and pointed out that often times the neighbors talk and work it out on their own.

Commissioner Angeloff opened the public hearing to receive public comment on the proposed text amendment.

Melissa Marks commented that in looking at other City's ordinances, if they are your own chickens the shelters can be located closer than 25 feet from the residence.

Community Development Director Caldwell explained the common assumption when referring to a residence is that it is the neighbor's house rather than the owner's. Under Section 17.30.050(4) (Notes), it was suggested (c) be added to clarify that the setback from residences applies to neighbors structures.

Next was review of the *Young Domestic Animals Substitution Schedule* and staff explained that this section allows for additional animals by substituting an adult animal with animals younger than 6 months old.

Commissioner Millington commented that she found it odd that 1 adult rabbit can be substituted for 3 young rabbits when rabbits rarely have a litter of 3 or less; and the same applies to chickens. It was suggested the number of small domestic animals be changed from 3 to 12.

Melissa Marks commented that some jurisdictions limit the size of chicken coups based on the square footage of the lot and actually encourage residents to raise chickens because of the economy. She said there is a City that actually gives every family 3 chickens and because they eat food scraps, it helps with regard to mandated waste reduction.

Community Development Director Caldwell pointed out that the minimum lot size for chickens or rabbits is 10,000 square feet however; he would support reducing the lot size to 5,000 or 6,000 square feet.

Motion was made by Angeloff/Leonard to reduce the minimum parcel size for small animals, including poultry and rabbits from 10,000 square feet to 5,000 square feet.

Scott Eldridge, Grayland Heights resident asked if these parcels would be able to meet the setback requirements.

Community Development Director Caldwell stated that if they could not meet the setback requirements, they would always have the option of applying for a variance.

**PLANNING COMMISSION
JANUARY 22, 2015 MINUTES
Page 4**

Melissa Marks asked if there would need to be a limit on the size of the coup or hutch.

Commissioner Long suggested there be some type of mechanism to avoid nuisances.

Discussion continued regarding provisions for having in excess of 10 small animals on lots larger than 5,000 square feet and how that relates to young animals.

Scott Eldridge mentioned that during his delivery of mail he has noticed a lot of birds in 30 x 30 foot enclosures and while having thirty chickens on a 5,000 square foot lot may be attainable it may not be humane. He said his hens are noisy because they have spoiled them by giving them bananas. He said people need to know how to properly care for them so they don't create a nuisance. He also commented that roosters should not be allowed at all.

Commissioner Angeloff modified his motion and Commissioner Long seconded the motion to recommend to the City Council to approve amending Section 17.30.050 of the RDMC to reduce the minimum parcel size for the keeping of small domestic animals from 10,000 square feet to 5,000 square feet with the maximum number of small animals on parcels less than 10,000 established at 5; and that the existing language for parcels larger than 10,000 square feet remain unchanged at 10 small animals and 1 additional animal for each additional 500 square feet. Motion carried 5-0.

Scott Eldridge commented that in Seattle, Washington they surprisingly encourage citizens to have chickens and allow them on parcels as small as 2,500 square feet. He also expressed concern about the type of allowable materials used to construct animal shelters and said he actually converted his kids playhouse for his chicken coup. He said he would not want to see shelters consisting of pallets and sheet metal.

Community Development Director Caldwell noted that animal shelters are not subject to design review regulations but if a situation arises where a structure is unsightly or appears to be unsafe, the matter can be brought back to the Commission for further review. He also pointed out that if it falls under the definition of "visual blight" in the nuisance ordinance, staff can send a letter and respectfully ask the owner to upgrade the shelter.

Next was review of *Maintenance and Operational Standards*. Community Development Director Caldwell explained that all animals are to be effectively contained on the site and not be allowed to run free on any parcel or in a public right-of-way. Also, shelters must be maintained in a neat and sanitary manner, the operation cannot produce any sedimentation on any public road or adjoining property and the slaughtering of medium or large animals is prohibited in residential zones.

**PLANNING COMMISSION
JANUARY 22, 2015 MINUTES
Page 5**

Commissioner Millington suggested small domestic animals be precluded.

Community Development Director Caldwell explained the provision does not include the slaughtering of small domestic animals.

Melissa Marks commented that there are businesses that will come out with a trailer and take care of slaughtering animals.

Commissioner Wilson left the meeting at this time, 7:30 p.m.

Commissioner Angeloff stated that he has no problem with the killing of chickens provided it is not done in the view of children. Commissioner Long agreed.

Community Development Caldwell suggested language is added to read: *The killing or dressing of small domestic animals, including rabbits and poultry, shall not be visible from a public street or right-of-way.*

Commissioner Long commented that it seems it would be hard to enforce what happens in someone's backyard and it also may be infringing on people's rights.

Motion was made by Angeloff/Millington to recommend adding the language as proposed by staff under subsection (d) related to the killing of small domestic animals. Motion carried 4-0.

Continued Review and Discussion of Draft Land Use Matrix

Community Development Director Caldwell gave the Commission the option of continuing review of the Land Use Matrix where the Commission last left off, or to schedule a special meeting with a full Commission to review it all at once.

Commissioners concurred to continue the matter to a special on February 10, 2015 at 6:30 p.m.

STAFF COMMUNICATION/REPORTS

Community Development Director Caldwell brought to the Commission's attention the provisions regarding lot mergers and said there are a handful of parcels in the City that contain 2 parcels under 1 assessor parcel number. Historically the City has recognized them as 2 separate lots with verification from the title report that they have not been merged. He said it recently came to staff's attention under Section 16-45.020 of the RDMC that if any one of two or more contiguous parcels held by the same owner does not conform to existing zoning regulations so as not to permit its development, and at least one parcel has not been developed with a building for which a building permit is

**PLANNING COMMISSION
JANUARY 22, 2015 MINUTES
Page 6**

required, then such parcels shall be considered as merged.

He said this provision came to his attention when a recent buyer inquired about development of the vacant lot.

He noted that one option would be to reduce the minimum lot size in the Urban Residential zone from 6,000 square feet to 5,000 square feet, although he would not recommend it.

He said after discussing it with the applicant his recommendation to the City Manager is to recognize the undeveloped parcel as a separate parcel provided the owner can provide verification by the title report that the parcels have not been merged and obtain a Certificate of Subdivision Compliance.

Commissioner Millington was opposed to the recommendation and said if the owner is forced to merge the parcels it sounds like a “taking” of land.

Community Development Director Caldwell stated that basically the City’s hands are tied because of required compliance with the Subdivision Map Act.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 7:26 p.m.

Billy Long, Acting Chair

Attest:

Karen Dunham, City Clerk