AGENDA
RIO DELL PLANNING COMMISSION
REGULAR MEETING – 6:30 P.M.
TUESDAY, APRIL 25, 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) 2017/0425.01 - Approve Minutes of the March 28, 2017 Regular Meeting **(ACTION)** **1**

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) 2017/0425.02 - Resolution No. PC-108-2017 Approving the Design Review Conditional Use Permit for Dennis Wendt subject to Conditions of Approval APN 205-111-012 - Case No. DR-CUP 17-01 **(DISCUSSION/POSSIBLE ACTION)** **8**

2) 2017/0425.03 - Resolution No. PC-110-2017 recommending the City Council amend the Sign Regulations, Section 17.30.300(1)(e) of the Rio Dell Municipal Code (RDMC) to correct an error and allow illuminated appurtenant signs in all commercial zones including the Town Center and Industrial Commercial zones **(DISCUSSION/POSSIBLE ACTION)** **29**

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, May 23, 2017 at 6:30 p.m.

RIO DELL PLANNING COMMISSION
REGULAR MINUTES
MARCH 28, 2017

The Regular meeting of the Rio Dell Planning Commission was called to order at 6:33 p.m. by Commissioner Angeloff.

Present were Commissioners Angeloff, Kemp, Marks, Strahan, and Woodall.

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

CONSENT CALENDAR

Approve Minutes of the February 28, 2017 Regular Meeting
Motion was made by Kemp/Marks to approve the consent calendar including approval of the minutes of the February 28, 2017 regular meeting as presented. Motion carried 5-0.

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 as the Commission is aware; this item has been discussed at a number of meetings over the past few months. He said staff presented the Commission's recommendations to prohibit cargo containers in all residential zones, including existing containers to the City Council at their meeting on March 7, 2017. He said that based on public testimony received at that meeting, the Council directed staff to take the ordinance back to the Planning Commission to reconsider existing cargo containers in residential zones as legal non-conforming structures, provided they conform to the Commission's recommended development standards.

He reviewed the nine (9) development standards as outlined in the staff report and said the first issue the Commission needs to consider is whether they want to allow existing cargo containers in residential zones as legal non-conforming uses.

He pointed out that currently there are only eight (8) existing containers throughout the City; two (2) of which are temporary due to construction of a residence on Rigby Ave. He recommended the Commission deliberate on that issue then take public testimony.

Commissioner Woodall asked for clarification that in essence what this would mean is that existing containers would be grandfathered in and no additional containers would be allowed in residential zones.

Community Development Director Caldwell commented that she was correct if that is the direction the Commission wants to take.

Commissioner Marks asked if the existing containers would have to meet the current setback requirements and referred to a cargo container on Ogle Ave. that is located between the house and the side yard fence.

Community Development Director Caldwell noted that the container would have to be located a minimum of five (5) feet from the side yard property line and five (5) feet from the existing structure as well. In addition, they would need to comply with the 50% maximum lot coverage requirement for residential zones.

Commissioner Kemp commented that he felt that existing containers should be allowed to remain on the respective parcels provided they meet the proposed development standards. He expressed concern that if the Planning Commission prohibits cargo containers then next may be pre-fab sheds because someone doesn't like the way they look, which he said may not even be legal to prohibit.

Community Development Director Caldwell said anytime you retro-actively impose conditions on property it does question whether it's legally defensible.

Commissioner Marks stated that she did some research on cargo containers and expressed concern regarding toxic chemicals and pesticides on containers coming in from China. She said exposure exists because of the toxicity in the wood floors and wanted to make that statement to make sure people understand the risk.

Commissioner Strahan commented that if the existing containers are grandfathered in, other people will see them and purchase them, assuming they are allowed. He

asked how those would be handled and if they would have the ability to exercise the exception provision of the ordinance.

Community Development Director Caldwell noted that they would be treated like any other zoning violation with the option to apply for a variance however; the hope is to get the word out to the community, perhaps through the City Newsletter as well as notifying the business that sells containers at the former Eel River Sawmills site that they are prohibited in residential zones.

Commissioner Woodall commented that Travis Wildgrube, the property owner at Center and Ireland would not be able to place his containers where they would be screened from public view. She indicated that she doesn't have a problem with the existing containers located in the residential zones and that the only two (2) that really bother her are the containers located at 101 Auto Parts and the neighboring automotive repair shop at 23 Center St.

Community Development Director Caldwell stated that Mr. Wildgrube would be obligated to do whatever possible to minimize the visual impact of his existing containers with possible plantings and noted that he mentioned that he had plans to construct a roof over them.

Commissioner Marks asked what the maximum number is for containers on a residential parcel and referred to the parcel on Painter St. (Tim Roscoe) with possible three (3) existing containers.

Commissioner Angeloff opened public comment.

Tim Roscoe addressed the Commission and said he has several containers on his property and had planned on getting two (2) additional containers as a means of temporary storage. He said placing permanent storage structures on his property is not an option due to potential future development of the property and also disagreed with the proposed requirements to place the containers on a gravel surface or to obtain building permits and said it seems a bit excessive. He added that it almost seems like the City is trying to regulate something before it needs to be regulated simply for the sake of regulation.

He also questioned the definition of "screened from public view" and said with removal of his vegetation, Bryan Richter has a clear view of his containers. He said

if necessary, he could paint the containers or move them around on the property.

Community Development Director Caldwell said under the current code they would be required to be screened which could be with some sort of vegetation or a fence.

Tim Roscoe noted that it would take an 8 foot or possibly a 10 foot fence to completely screen them but if that's the intent of the City he has no objection doing that.

He said another issue is with those people who have large parcels that would like to utilize shipping containers for storage as mentioned by Mayor Pro Tem Johnson at a previous meeting.

Community Development Director Caldwell explained the variance process is an option for those residents and said Mayor Pro Tem Johnson's statement was qualified by the fact that a container on his property would not be visible from the street or anywhere else.

Tim Roscoe said the last issue that concerns him is no electricity to the units and said the units sweat and get very warm in the summer and get very cold in the winter.

Kathy Wildgrube, 6 Painter St., addressed the Commission and explained once again that she has two (2) shipping containers; one utilized as a wood shed and the other to store family heirlooms. She said initially the City didn't like the color of the containers so she painted them a neutral color even though they were the same color as her house.

She said she was thrown for a loop when she missed a meeting and learned that the City Council rejected the Planning Commission's recommendation to allow containers in residential zones as she thought everything was basically decided. She said her hope is that existing containers will be grandfathered in as they are strong and secure and "keep the tweakers out" noting that her husband's truck was broken into a couple of times in the past.

Travis Wildgrube, 197 Center St. addressed the Commission and said that he currently has one (1) shipping container on his property that basically sits down in a fish bowl so it can't really be screened from public view. He said he also has a

second container on the way with plans to put the two (2) together with a roof and siding. He noted that he purchased the property approximately three (3) years ago with no garage and when he can financially afford to build one he will. As such, everything he has is basically stored in the containers. He said in the meantime, he is hoping the containers will be grandfathered in and said he will do whatever it takes to make it work.

There being no further public comment, Commissioner Angeloff closed public comment.

Commissioner Angeloff commented that the pattern seems to follow with him not being in attendance at some of the meetings so assumes the blame for some of the confusion. He said that he has seen in other communities where shipping containers were encouraged for storage purposes and it got out of control which is the logic behind overall regulation.

He said it seems that it may appear to be sort of a rush by some people to get these onto the properties before the regulations become effective so they will be grandfathered in and said should the Commission make the recommendation to grandfather them in and the Council adopts the regulations, asked when they would become effective and asked if the City could potentially face a big rush by residents to get them in under the wire.

Community Development Director Caldwell explained that the Commission can actually set a limit on the number of containers per parcel that can be considered as legal non-conforming uses.

Commissioner Woodall said that she hasn't been on the Commission long enough where anything has been sent back to them by the City Council for reconsideration so even though she agreed with Commissioner Strahan, she is not quite sure she feels the same way since obviously the Council sent it back to the Commission to reconsider for a reason. She asked if it is the Commission's responsibility to look at it from the Council's perspective

Community Development Director Caldwell explained that the Planning Commission is charged with making a recommendation to the City Council and if that recommendation is different than what the Council wants to do, it is what it is

as the Council makes the final decision. He said the Commission needs to think as an independent body and make recommendations based on their own opinions.

Commissioner Angeloff commented that the Council is basically affording the Planning Commission the opportunity to deliberate and think objectively to consider the Council's suggestions that cargo/shipping containers in residential zones be restricted to those that currently exist.

Community Development Director Caldwell said as he mentioned before, the Commission could recommend limiting the number of containers per parcel to two (2) or perhaps set a minimum parcel size of perhaps 10,000 sq. ft. in which containers may be placed.

Commissioner Strahan asked if that would then open it up to anyone with the minimum parcel size.

Community Development Director Caldwell noted that it would still only pertain to existing containers.

Commissioner Marks asked if this would also apply to cargo/shipping containers in commercial zones such as the former M & M Automotive or 101 Auto Parts.

Community Development Director Caldwell explained that existing containers in commercial zones will have to comply with development standards for that particular zone and either be removed or brought into compliance by perhaps moving it to the real of the parcel.

Commissioner Strahan asked if the variance provision would still be in effect should the decision be to not grandfather in existing containers.

Community Development Director Caldwell said they would still have the opportunity to apply for a variance and as required by law, everyone within a radius of 300 feet would be notified so if any of those neighbors had any concerns they would be given the opportunity to address the Commission.

A question arose regarding the size limitation for containers.

Community Development Director Caldwell clarified that containers can be no larger than 8' x 20'.

Motion was made by Angeloff/Woodall to recommend to the City Council amending Section 17.30.020 Accessory Uses and Buildings of the Rio Dell Municipal Code (RDMC) to include existing Cargo/Shipping Containers used as Accessory Structures in residential zones as legal non-conforming uses limited to two (2) containers per parcel subject to development standards and allowing for exceptions by the Planning Commission when certain findings can be made. Motion carried 4-1; Commissioner Strahan dissenting.

STAFF COMMUNICATIONS

Community Development Director Caldwell commented that the recommendation regarding cargo/shipping containers will be presented to the Council at their meeting of April 4, 2017.

He also noted that that the next regular Planning Commission is scheduled for April 25, 2017 and staff anticipates having two (2) Design Review applications on the agenda for the former Eel River Sawmill site; one from Dennis Wendt and one from Glenn White.

ADJOURNMENT

Motion was made by Commissioner Marks/Kemp to adjourn the meeting at 7:15 p.m. to the April 25, 2017 regular meeting. Motion carried 5-0.

_____
Nick Angeloff, Chair

Attest:

_____
Karen Dunham, City Clerk

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

For Meeting of: April 25, 2017

To: Planning Commission

From: Kevin Caldwell, Community Development Director

Through: Kyle Knopp, City Manager

Date: April 17, 2017

Subject: Wendt Design Review Conditional Use Permit
File No. 205-111-012; Case No. DR-CUP 17-01

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, based on the project as conditioned, find that:

Zoning Consistency

- The proposed project is consistent with the applicable Zoning regulations and complies with the applicable "Guiding Principles and Design Concepts" in Section 17.250.050(5) Rio Dell Municipal Code (RDMC); and

- The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community; and

- The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of existing or anticipated buildings on adjoining and nearby properties; and

- The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and

General Plan Consistency

- The proposed project is consistent with the General Plan

California Environmental Quality Act

- The Design Review 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 108-2017 approving the Design Review Conditional Use Permit subject to the recommended Conditions of Approval in Exhibit A.

Summary

Dennis Wendt has submitted an application for a Conditional Use Permit for the Design Review of a proposed 9,600 square foot, 34 foot tall warehouse with an office and restrooms on a 14+/- acre parcel. There are a number of issues that are presented and discussed herein. ***The project as proposed is <u>not</u> consistent with the City's Zoning Regulations. However, the project as conditioned can be found consistent with the City's Zoning Regulations.*** Following is a list of the issues that your Commission must consider in approving the proposed project.

Issue 1: Given the height of the building and the fact that the applicant indicated the current prospective tenant intends on utilizing the second floor for cultivation, the parking requirements would double and 38 spaces would be required including two handicap spaces. In order to avoid future potential parking issues, staff is recommending that the project be conditioned to either provide 38 parking spaces or restrict the building to one story. Staff has conditioned the project accordingly. **Please refer to Exhibit A.**

Issue 2: The applicant is proposing two overhead doors on the side of the building adjacent to the parking area. This is somewhat unusual in that when access into the building through the doors occurs, it displaces those four parking spaces. Staff recommends that the doors be eliminated or four additional parking spaces be provided. Staff has conditioned the project accordingly. **Please refer to Exhibit A.**

Issue 3: The applicant is proposing direct access from the 50 foot ingress/egress easement into the parking area. As the site plan indicates, vehicles will pull directly into the parking spaces and back out onto the easement. Staff recently discovered that there is an existing power pole in the middle of the access easement, behind the parking area. This certainly presents a conflict. Based on the parking location, the existing power pole it is possible that the proposed parking lot configuration and access could result in future potential conflicts with pedestrians, bicyclist and vehicles.

Section 17.30.180(13)(i) requires a six foot landscaping strip between the parking area and the street, curb, gutter and sidewalk. If the project did provide the required landscaping strip between the parking area and the street, curb, gutter and sidewalk, these potential conflicts would be eliminated. ***As proposed the project does not comply with this section of the parking regulations.***

In addition, Section 17.30.310 et. seq. requires the construction of curb, gutter, sidewalks and street improvements as conditions of approval of an entitlement permit. This is consistent with a number of Goals and Policies of the Circulations Element, including Policies 3-1 and 3-2, requiring pedestrian and bicycle improvements. These regulations and policies are consistent with AB 1328, Complete the Streets legislation and the United States Department of Transportation Policy Statement on bicycle and pedestrian improvements. Accordingly, staff is obligated to recommend that the project be conditioned to be consistent with the City's regulations and require the construction of curb, gutter, sidewalks and street and a six foot landscaping strip between the parking area and the street, curb, gutter and sidewalk improvements.

In regards to the required curb, gutter, sidewalks, the Planning Commission may recommend to the City Council, upon determination of hardship, other than financial hardship, by reason of unusual circumstances applicable to the owner of any parcel of property subject to the provisions of this section, waiver of any and all provisions of this section. It's is incumbent on the applicant to provide justification to your Commission to recommend a waiver to the City Council. The applicant believes that based on the projects location, including the fact that the access road is not a publicly maintained road that there is no need to construct onsite sidewalks and a bike lane.

The City has been very clear that the City will be conditioning projects over at the former Eel River Sawmill site to require pedestrian (sidewalks) and bicycle improvements (bike lanes).

Issue 4: Section 17.30.180(13)(c) of the RDMC requires that when a parking area is located adjacent to a nonresidential structure, a landscape strip shall be provided adjacent to the structure, exclusive to any building entries or areas immediately adjacent to the wall of the structure that serve as pedestrian access ways. The project as currently proposed does not comply with this provision. The project has been conditioned to either (1) provide a landscape strip between to parking area and the structure; or (2) provide a pedestrian access way

(sidewalk) adjacent to the wall of the structure. ***As proposed the project does not comply with this section of the parking regulations.***

Discussion

As previously indicated, the City has received an application for a Conditional Use Permit for the Design Review of a proposed 9,600 square foot warehouse with an office and restrooms on a 14+/- acre parcel. The parcel was recently created by lot line adjustment. The project site is located over the former Eel River Sawmill site, which is now identified as the Humboldt Rio Dell Business Park.

It's anticipated that the building will be used for medical cannabis related manufacturing. The use will require a separate Conditional Use Permit.

The proposed building is subject to the City's Design Review regulations, Section 17.25.050 *et seq* of the Rio Dell Municipal Code (RDMC). The purpose of the City's adopted Design Review Guiding Principles and Concepts are:

- To encourage high quality land/site planning, architecture and landscape design;
- To ensure physical, visual, and functional compatibility between uses: and
- To ensure proper attention is paid to site and architectural design, thereby protecting land values.

Attachment 1 includes proposed building elevations, site plan and landscaping plan.

Required Findings/Staff Analysis

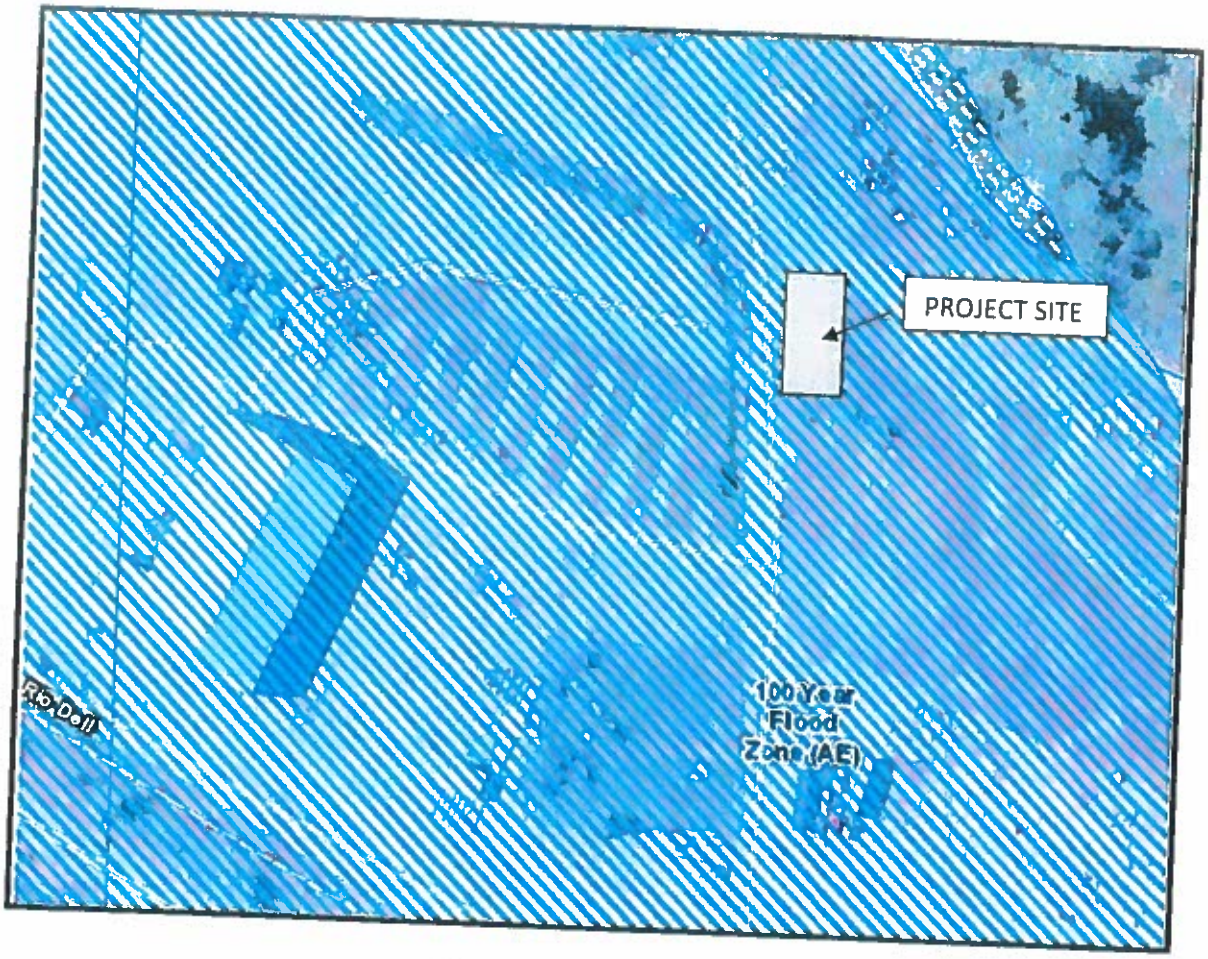
Section 17.35.030 Rio Dell Municipal Code (RDMC) Conditional Use Permits.

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 Industrial Commercial (IC). The purpose of the Industrial Commercial zone is to provide for industrial and commercial uses. At this time no specific use has been proposed. However, as indicated previously, it's anticipated that the building will be used for medical cannabis related manufacturing. The use will require a separate Conditional Use Permit.

Flood Zone: The parcel is located within the 100 year flood zone according to FEMA's Flood Insurance Rate Map (FIRM), Panel No. 1240 of 2015.



Source: Humboldt County GIS

Section 17.30.140 of the RDMC requires that if a proposed building site is located in a flood zone, any proposed new construction or substantial improvement, including manufactured and mobile homes, must:

(a) Be designed or modified and anchored to prevent flotation, collapse or lateral movement of the structures;

(b) Use construction materials and utility equipment that are resistant to flood damage; and

(c) Use construction methods and practices that will minimize flood damage.

In addition, to our local regulations, the project is also subject to FEMA's flood regulations (Title 44 Code of Federal Regulations, Section 61.7 and 61.8) which require that the first floor of the structure be located one foot above the Base Flood Elevation (BFE). As such a Flood Elevation Certificate is required, this identifies among other site features, the BFE and the elevation of the floor of the building. Staff has conditioned the project accordingly. **Please refer to Exhibit A.**

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 applicant is proposing a 9,600 square foot 34 foot tall warehouse with office space and restrooms. Staff has not been provided a breakdown of the square feet of each use. Based on the size of the proposed building, 9,600 square feet, Section 17.30.180(17)(a) of the RDMC requires one parking space for every 500 square feet for warehouse uses. Office areas require one space for every 250 square feet. Based on the parking requirements, the applicant is required to provide 19 parking spaces. The site plan identifies 19 parking spaces, 18 regular spaces and 1 handicap space.

Issue 1: However, if a second floor is constructed and used for warehouse type uses, including manufacturing, cultivation, packaging and distribution uses, the parking requirements would double and 38 spaces would be required including two handicap spaces. In order to avoid future potential parking issues, staff is recommending that the project be conditioned to either provide 38 parking spaces or restrict the building to one story. Staff has conditioned the project accordingly. **Please refer to Exhibit A.**

Issue 2: The applicant is proposing two overhead doors on the side of the building adjacent to the parking area. This is somewhat unusual in that when access into the building through the doors occurs, it displaces those four parking spaces. Staff recommends that the doors be eliminated or four additional parking spaces be provided. Staff has conditioned the project accordingly. **Please refer to Exhibit A.**

One handicap space per 25 parking spaces is required. The handicap space must be permanently signed and the space painted with the international symbol of accessibility. The submitted site plan identifies the required handicap parking space, striping and signage.

Section 17.30.180(6) of the RDMC identifies the minimum dimensions of parking spaces and aisles. The applicant is proposing perpendicular spaces. As such the minimum dimensions are 8.5 feet wide and 19 feet long. The submitted site plan identifies the size of the proposed parking spaces as 9 feet wide and 20 feet long. The proposed parking satisfies the number and size requirements of the parking regulations.

Section 17.30.180(7)(a) of the RDMC requires all parking spaces, access drives and maneuvering areas to be improved with and permanently maintained with an all weather durable asphalt, concrete of comparable surface as required by the Director of Public Works. The submitted site plan indicates that the access drive and parking area will be improved with asphalt. Staff has included as an operational condition that the paving be permanently maintained in good condition. **Please refer to Exhibit A.**

Section 17.30.180(8) of the RDMC requires that the parking spaces be clearly delineated with white 4 inch wide lines and that the stripping be continuously maintained in a clear and visible manner. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Section 17.30.180(9) of the RDMC requires concrete curbing at least 6 inches in height and 6 inches wide around the perimeter of the parking and landscaped areas. It appears that there is a proposed curb around the three southern parking spaces and three landscaped bulb-outs or medians. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Section 17.30.180(10) of the RDMC identifies driveway and access requirements. The purpose of the driveway provisions is to limit the number of driveways to avoid potential conflicts with pedestrians, bicyclist and vehicles. The number of access drives per parcel shall be the minimum number required to serve the intended use of the parcel.

Issue 3: The applicant is proposing direct access from the 50 foot ingress/egress easement into the parking area. As the site plan indicates, vehicles will pull directly into the parking spaces and back out onto the easement.

Staff believes in general that parking movements in and out directly into a street, may result in conflicts with pedestrians, bicyclist and vehicles. Staff recently discovered that there is an existing power pole in the middle of the access easement, behind the parking area. This certainly presents a conflict. Based on the parking location, the existing power pole it is possible that the proposed parking lot configuration and access could result in future potential conflicts with pedestrians, bicyclist and vehicles. Section 17.30.180(13)(i) requires a six foot landscaping strip between the parking area and the street, curb, gutter and sidewalk. If the project did provide the required landscaping strip between the parking area and the street, curb, gutter and sidewalk, these potential conflicts would be eliminated. As proposed the project does not comply with this section of the parking regulations.

In addition, Section 17.30.310 et. seq. requires the construction of curb, gutter, sidewalks and street improvements as conditions of approval of an entitlement permit. This is consistent with a number of Goals and Policies of the Circulations Element, including Policies 3-1 and 3-2, requiring pedestrian and bicycle improvements. These regulations and policies are consistent with AB 1328, Complete the Streets legislation and the United States Department of Transportation Policy Statement on bicycle and pedestrian improvements.

Section 17.30.310(5) basically states that before a building or structure can be occupied or utilized, curb, gutter, sidewalks, street and drainage improvements shall be required and offer of dedication made. See below:

> *5) Improvements. Before a building or structure subject to the provisions of this section may be occupied or utilized, curbs, gutters, sidewalks, streets, and private drainage structures shall be constructed at the grade and location specified by the Director of Public Works, unless there already exists within the present right-*

of-way, on the property the owner has agreed to dedicate, curbs, gutters, sidewalks or drainage structures and streets which shall be in accordance with City standards and RDMC Title 16, if applicable

Section 17.30.130(6) does allow the Planning Commission to recommend a waiver to the City Council. See below:

> *(6) Waiver. The Planning Commission may recommend to the City Council, upon determination of hardship, other than financial hardship, by reason of unusual circumstances applicable to the owner of any parcel of property subject to the provisions of this section, waiver of any and all provisions of this section.*

Section 17.30.130(7) allows the applicant to appeal the Planning Commission's decision to the City Council. See below:

> *(7) Appeal. Any person required to dedicate land or make improvements under the provisions of this section may appeal any determination or decision made hereunder to the City Council. Such appeal shall be in writing and shall be accompanied by any appeal fee established or set by the City Council. The appeal shall state in clear and concise language the grounds thereof. In addition, any member of the City Council may appeal any decision or determination made under this section to the City Council for hearing thereof.*
>
> *The City Council may make such modifications in the requirements of this section or may grant such waivers or modification of the determinations required or made hereunder as it shall determine is required to prevent an unreasonable hardship under the facts of any case and as long as each such modification or waiver is in conformity with the general spirit and intent of this section.*

Although an offer of dedication is required, the City is under no obligation to accept the offer. The City has been very clear that the City will be conditioning projects over at the former Eel River Sawmill site to require pedestrian (sidewalks) and bicycle improvements (bike lanes). The applicant believes that based on the projects location, including the fact that the access road is not a publicly maintained road that there is no need to construct onsite sidewalks and a bike lane.

In order to construct sidewalks, a bicycle lane and provide a six foot landscaping strip between the parking area and the curb, gutter and sidewalk, the applicant would have to shift the building to the east. This may also be necessary if in fact a second floor is constructed in order to provide the required additional parking.

Based on Section 17.30.130, staff is obligated to condition the project to require curb, gutter, sidewalk, including the striping of a bicycle lane along the frontage of the easement. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Should the Commission condition the project as required by Section 17.30.130 to require curb, gutter, sidewalks, street and drainage improvements and the offer of dedication, the applicant can appeal decision to the City Council. ***However, a Variance would be required for relief from the requirements of providing the six foot landscaping strip between the access road and the parking area as required by Section 17.30.180(13)(i).***

Section 17.30.180(10)(b) of the RDMC requires that each access driveway be located a minimum of 50 feet from the nearest intersection, as measured from the centerline of the access road driveway to the centerline of the nearest travel lane of the intersecting street, unless a lesser or greater distance is approved or required by the Director of Public Works. There are no existing intersections at this time.

Section 17.30.180(11)(b) of the RDMC requires that one-way driveways be a minimum of 16 feet wide and two-way driveways be a minimum of 25 feet wide. Again, at this point no driveways are proposed of the access road. Should the project be amended to utilize driveways into the site, the driveways will be required to meet the minimum widths identified above.

Sections 17.30.180(12), (13) and (14) of the RDMC identifies parking area landscape requirements for parking lots containing 3 spaces or more. Landscaping has to be provided throughout the parking lot as a combination of ground cover, shrubs and trees. The landscaping plan does incorporate the use of ground cover including grass, shrubs and trees.

Section 17.30.180(12)(a)(iii) of the RDMC encourages on-site stormwater detention/retention, pollutant cleansing and groundwater recharge. In addition, it is a City policy that there is no net increase in stormwater runoff during a 25 year storm event as a result of a project. The site plan does identify a Low Impact Development (LID) area south of the proposed building. However, it is not clear if the LID acts as a 25 year detention/retention basin and where and how the stormwater will be discharged. The City's Open Space and Conservation Element, Policies CO 5.2-7 and CO 5.6-2 require the incorporation of detention/retention facilities and bio swales. As such, staff is recommending that the project be conditioned to require the applicant to submit a drainage/hydraulics analysis to verify that there is no net increase in stormwater runoff during a 25 year storm event as a result of a project to identify the use of detention/retention facilities and bio swales. **Please refer to Exhibit A.**

Section 17.30.180(13)(a) of the RDMC requires that parking areas be screened from streets and adjoining properties and contains the following perimeter parking landscaping requirements:

(i) A proposed parking area adjacent to a public street shall be designed with a landscaped planting strip between the street right-of-way and parking area with a minimum depth of 6 feet.

(ii) Landscaping within the planting strip shall be designed and maintained to screen cars from view from the street to a minimum height of 18 inches, but shall not exceed any applicable height limit for landscaping within a setback.

(iv) Trees that reach a mature height of at least 20 feet shall be provided within the planting strip in addition to trees within the parking lot interior required by Subsection (a)(v). Trees types shall have root systems that will not extend beyond the planting area.

(v) Plant materials, signs, or structures within a traffic safety sight area of a driveway shall comply with Section 17.30.090(1) (Corner Lots – Sight Distance).

Issue 4: As previously indicated, the project as currently proposed ***does not*** provide a landscaped planting strip between the street right-of-way and parking area with a minimum depth of 6 feet.

Issue 5: Section 17.30.180(13)(c) of the RDMC requires that when a parking area is located adjacent to a nonresidential structure, a landscape strip shall be provided adjacent to the structure, exclusive to any building entries or areas immediately adjacent to the wall of the structure that serve as pedestrian access ways. The project as currently proposed does not comply with this provision. The project has been conditioned to either (1) provide a landscape strip between to parking area and the structure; or (2) provide a pedestrian access way (sidewalk) adjacent to the wall of the structure. **Please see Exhibit A.**

Section 17.30.180(14) of the RDMC requires that 10% of the gross area of the parking lot be landscaped. The parking area is approximately 4975 square feet. Accordingly, 500 square feet of landscaping within or adjacent to the parking area is required. The amount of proposed landscaping exceeds the required 500 square feet.

In addition pursuant to Section 17.30.180(14)(a) of the RDMC, trees that reach a minimum height of twenty (20) feet are required within or adjacent to the parking lot at a minimum ration of one (1) tree for every five (5) parking spaces. The applicant is proposing four maple trees, two Armstrong Maples and two Bowhall Maples. Both varieties grow to a mature height between 30 and 40 feet.

Pursuant to Section 17.30.180(14)(b) of the RDMC, parking areas for nonresidential uses shall provide a screen or perimeter landscape strip where the parking area adjoins a side or rear property line unless, the sites share a joint access drive. The parking area does adjoin a side property line south of the proposed building. The applicant is proposing to landscape the area with three lithodora grace wards. Please refer to the Landscaping Plan. Again, this area and all other landscaped areas are required to be curbed. Again, the project has been conditioned accordingly. **Please refer to Exhibit A.**

Pursuant to Section 17.30.180(15) of the RDMC, outdoor lighting fixtures are limited to a maximum height of fifteen (15) feet and the fixtures must be directed downward and away from adjoining properties and public rights-of-way, so that no on-site lighting directly illuminates adjacent properties. The applicant is proposing six wall mount fixtures attached to the building and two recessed light fixtures above the front door. The project has been conditioned so that each light fixture be LED and be directed downward and away from

adjoining properties and public rights-of-way and so that no on-site light fixture directly illuminates adjacent properties. **Please see Exhibit A.**

Section 17.30.180(19) of the RDMC identifies bicycle parking requirements. The number of required bicycle spaces required is based on the number of required parking spaces. Below is a copy of the bicycle parking demands.

Vehicle Parking Spaces Required	Number of Bicycle Spaces Required
3 - 25	3
26 - 50	5
51 - 75	10
76 - 100	15
100+	20

Section 17.30.180(19)(b)RDMC

As previously indicated, given the height of the building and the fact that the applicant indicated the current prospective tenant intends on utilizing the second floor for cultivation, the parking requirements would double and 38 spaces would be required including two handicap spaces. In order to avoid future potential parking issues, staff is recommending that the project be conditioned to either provide 38 parking spaces or restrict the building to one story. Staff has conditioned the project accordingly. **Please refer to Exhibit A.**

In addition, based on Section 17.30.180(19) of the RDMC, the applicant is required to provide five (5) bicycle spaces. Staff has conditioned the project accordingly. **Please see Exhibit A.**

Section 17.30.180(20) of the RDMC identifies motorcycle parking requirements. Parking lots with 20 or more spaces are required to provide motorcycle parking facilities. Based on the required parking spaces at this time, the applicant is required to provide two motorcycle parking spaces. Each motorcycle space shall have a minimum dimension of four (4) feet by seven (7) feet long. Staff has conditioned the project accordingly. **Please see Exhibit A.**

Section 17.30.180(21) of the RDMC identifies the number of required loading spaces. Industrial and manufacturing uses are required to provide 1 loading space for 5,000 to 40,000 square feet of gross floor area. The gross area of the proposed building is 9,600 square feet. Therefore one 11' x 35' loading space with at least 14 feet of vertical clearance is required. The regulations (§ 17.30.180(21)(c)(3)& (d)) do require that all vehicular maneuvers occur on-site and that vehicles enter from and exit in a forward motion only and that the loading area be screened with a combination of dense landscaping and solid masonry walls with a minimum height of six feet. However, there is an exception to the location and screening requirements where the Community Development Director in consultation with the Director of Public Works may modify these requirements.

Although not identified on the site plan, there is an area immediately north and adjacent to the building which appears to be suitable for a loading zone. However, vehicles would not be able to enter from a forward motion only. The vehicle would have to be backed into the loading area. The loading area must be striped and identified for "loading only" and the striping and notation must be continuously maintained in a clear and visible manner. Based on the location of the potential loading area and the surrounding development, staff does not believe there is a need to screen the loading area. Staff has conditioned the project to identify the required loading area on the site plan and on the ground. **Please refer to Exhibit A.**

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. The Planning Commission is required to review and approve, conditionally approve, or deny Design Review applications using the guiding principles and design concepts, application review process, and findings identified in Section 17.25.050(8) of the RDMC. Below are the Guiding Principles and Design Concepts:

- To encourage high quality land/site planning, architecture and landscape design;
- To ensure physical, visual, and functional compatibility between uses: and
- To ensure proper attention is paid to site and architectural design, thereby protecting land values.

As indicated above the project is also subject to the required Design Review findings found in Section 17.25.050(8) of the RDMC. The required findings are as follows:

(1) The proposed project is consistent with the objectives of the General Plan, complies with applicable Zoning regulations, Specific Plan provisions, Special Planning Area provisions, and is consistent with the applicable "Guiding Principles" and "Design Concepts" in ***Section 17.250.050(5)*** *Rio Dell Municipal Code (RDMC).*

Staff will address General Plan consistency in Section 2 of this staff report. This section of the staff report is addressing the zoning consistency finding, including land use, parking, landscaping and design review.

(2) The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.

Attachment 1 includes proposed building elevations. The proposed building is a 60' x 160' CBC Steel Building with a ridge height of 34 feet. There is a covered entry at the front of the building with two concrete masonry unit (CMU) pillars and a free standing monument sign near

the entrance. The proposed building utilizes two earth tone colors, taupe sand and dark bronze, with taupe sand being the primary color and dark bronze being the accent color. In addition to the corners, the long run of the building is broken up with four accent colored downspouts that break up the appearance of the building. The building certainly looks like an industrial warehouse building.

The Planning Commission could condition the project to add a couple additional accents, including a contrasting belly band around the building and a three or four foot stone or brick veneer across the front of the building. I understand that the applicant has reservations about a metal belly band due to potential rust. A painted belly band may be an option.

Based on the submitted plans, staff believes that the design of the building and associated landscaping could be found to enhance the character of the area and community.

(3) The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of existing or anticipated buildings on adjoining and nearby properties.

The project site is fairly close to the existing large former mill building which is a typical industrial looking building without any landscaping. As indicated above staff believes the proposed design of the building could be found to not only be compatible with the character of the existing buildings and properties in the area, but could be found to enhance the area as well. Staff is recommending either a cyclone fence with privacy slats, a 6 foot board on board fence or a concrete masonry unit wall surrounding the trash/recycling bins and any other freestanding equipment, including propane tanks, back-up generators and HVAC equipment. Staff is also recommending that utilities be placed underground. The project has been conditioned accordingly. **Please see Exhibit A.**

Staff has previously addressed the proposed exterior lighting associated with the project. In regards to signage, Section 17.30.300 of the RDMC identifies the City's sign regulations.

In regards to signage, staff believes there's is an error in the sign regulations in that appurtenant signs in other than the Community Commercial (CC) zone are limited to non-illuminated signs no larger than 75 square feet. Staff will be preparing a clean-up amendment to the sign regulations addressing illuminated signs in the other commercial and industrial zones in the City. The proposed sign is approximately 22 square feet. The sign is not proposed to be back lit. However, the applicant is proposing to install a spotlight in the landscaping below to illuminate the sign. The sign cannot be illuminated until the sign regulations allow it. The project has been conditioned accordingly. **Please see Exhibit A.**

4) The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

As previously indicated based on the project location, surrounding uses and anticipated levels of use, it may be unlikely that the proposed parking lot configuration would result in future potential conflicts with pedestrians, bicyclist and vehicles.

Again, Section 17.30.310 et. seq. requires the construction of curb, gutter, sidewalks and street improvements as conditions of approval of an entitlement permit. This is consistent with a number of Goals and Policies of the Circulations Element. Goals include developing and maintaining a safe, balanced vehicular and non-vehicular (i.e. pedestrian, bicycle) transportation system and encourage bicycle and walking as an alternative to vehicular use. Again, these regulations, goals and policies are consistent with AB 1328, Complete the Streets legislation and the United States Department of Transportation Policy Statement on bicycle and pedestrian improvements. These improvements would certainly reduce the potential for conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation and encourage bicycle and walking as an alternative to vehicular use.

Based on the information submitted, ***recommended conditions of approval***, the future use is allowed in the Industrial Commercial zone and complies with all other applicable provisions of Zoning Regulations, including parking, design review and signage. ***If the project is not conditioned as recommended by staff, the project would not comply with the zoning regulations and the Planning Commission could not make the required findings.***

2. General Plan Consistency

The proposed use is consistent with the General Plan and any applicable specific plan;

The General Plan designation is also Industrial Commercial. The purpose of the Industrial Commercial designation is to provide for industrial and commercial uses. At this time no specific use has been proposed. However, as indicated previously, it's anticipated that the building will be used for medical cannabis related manufacturing. The use will require a separate Conditional Use Permit.

As discussed earlier, the General Plan also includes policies to encourage Low Impact Development (LID) techniques to minimize stormwater runoff and encourage groundwater recharge. The project has been conditioned to design stormwater facilities to accommodate a 25 year storm event, including the use of bio-swales and detention/retention facilities. **Please refer to Exhibit A.**

The General Plan also encourages landscaping to minimize visual impacts and ensure compatibility with adjacent and surrounding properties. Other than the required six foot landscaping strip between the road and the parking area, the project has incorporated

landscaping elements that will enhance the appearance of the project and the surrounding properties.

Again, the General Plan includes a number of Goals and Policies in the Circulations Element that apply to pedestrian and bicycle improvements. Goals include developing and maintaining a safe, balanced vehicular and non-vehicular (i.e. pedestrian, bicycle) transportation system and encourage bicycle and walking as an alternative to vehicular use.

In addition, the proposed project 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 Industrial Commercial designation. Therefore, the proposed use as conditioned is consistent with the General Plan.

3. 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. Because the use is principally permitted, it is considered a ministerial project. Pursuant to Section 15268 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations ministerial projects are statutorily exempt if the project complies with the zoning regulations. Based on the recommended conditions of approval, the project would comply with the zoning regulations.

Attachments:

Attachment 1: Proposed Building Elevations, Site Plan and Landscaping Plan.

Attachment 5: Resolution No. PC 108-2017 approving the Design Review Conditional Use Permit subject to the recommended Conditions of Approval in Exhibit A.

EXHIBIT A

Conditions of Approval

Wendt Design Review Conditional Use Permit

Case No. DR-CUP 17-01

Conditions of Approval

1. The applicant shall submit a revised site/landscaping plan identifying:

   - 38 parking spaces, including two handicap spaces, not within the access area of any proposed overhead doors to be accessed through the parking area;
   - Five bicycle parking spaces/racks (§ 17.30.180(19));
   - Two motorcycle spaces (§ 17.30.180(20));
   - One 11' x 35' loading space with at least 14 feet of vertical clearance (§ 17.30.180(21));
   - Curb, gutter, sidewalk and bicycle lane along the eastern edge of the 50 foot access easement (§ 17.30.310);
   - A six foot landscaping strip between the back of the sidewalk and the parking area (§ 17.30.180(13)(a)(i));
   - A landscaping strip or pedestrian access way (sidewalk) between the parking area and the building. If a pedestrian access way (sidewalk) is proposed, a minimum of four clear feet of travelway is required (§ 17.30.180(13)(c));
   - The location of the underground utilities;
   - The location of the power poles within the 50 foot access easement and proposed safeguards (e.g. bollards, curbs, both) to protect the power pole from vehicles;
   - Concrete curbing at least six inches in height and six inches wide for parking areas located adjacent to fences, walls, property lines, landscaped areas and structures (§ 17.30.180(9)(a));
   - The location of the trash/recycling bins and any other freestanding equipment, including propane tanks, back-up generators and HVAC equipment and proposed

screening utilizing either a cyclone fence with privacy slats, a 6 foot board on board fence or a concrete masonry unit wall.

2. The applicant shall submit a hydraulics/drainage plan to accommodate a 25 year storm events so that there is no net increase of stormwater runoff from the site, including the area on the other side of the access road. The plan shall incorporate Low Impact Development (LID) stormwater techniques, including the use of detention/retention facilities and bio-swales.

3. The proposed sign shall not be illuminated until the sign regulations have been amended to allow it.

Operational Conditions

1. All outdoor storage materials and equipment shall be screened from public view.

2. The building, parking lot, stripping and landscaping shall be maintained in good condition. The stripping shall be permanently maintained in a clear and visible manner.

3. The storm drain system, including the detention/retention basin shall be maintained to ensure it works properly.

4. Each light fixture shall be directed downward and away from adjoining properties and public rights-of-way and so that no on-site light fixture directly illuminates adjacent properties.

Informational Notes

1. If potential archaeological resources, paleontological resources or human remains are unearthed during grading activities, all work ground disturbing activities shall be stopped and a qualified archaeologist funded by the applicant and approved by the City of Rio Dell and the Bear River Band of the Wiyot Nation, shall be contracted to evaluate the find, determine its significance, and identify any required mitigation (e.g., data recovery, resource recovery, in-situ preservation/capping, etc.). Any such mitigation shall be implemented by the developer prior to resumption of any ground disturbing activities.

2. In accordance with California Health and Safety Code §7050.5 and California Public Resources Code §5097.94 and 5097.98, if human remains are uncovered during project subsurface construction activities, all work shall be suspended immediately and the City of Rio Dell, Humboldt County Coroner and the Bear River Band of the Wiyot Nation shall be immediately notified. If the remains are determined by the Coroner to be Native American in origin, the Native American Heritage Commission (NAHC) shall be notified within 24 hours of

the determination, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.

RESOLUTION NO. PC 108-2017

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL APPROVING THE WENDT DESIGN REVIEW CONDITIONAL USE PERMIT.

WHEREAS Dennis Wendt has submitted an application for a Conditional Use Permit for the Design Review of a proposed 9,600 square foot, 34 foot tall warehouse with an office and restrooms on a 14+/- acre parcel; and

WHEREAS the parcel was recently created by lot line adjustment. The project site is located over the former Eel River Sawmill site, which is now identified as the Humboldt Rio Dell Business Park; and

WHEREAS the property is zoned Industrial Commercial (IC); and

WHEREAS the purpose of the Industrial Commercial zone is to provide for industrial and commercial uses; and

WHEREAS although no specific use has been proposed at this time, it's anticipated that the building will be used for medical cannabis related manufacturing; and

WHEREAS all cannabis related activities require a Conditional Use Permit; and

WHEREAS it's expected that the cannabis Conditional Use Permit application will be forthcoming; and

WHEREAS the building is subject to the City's Design Review regulations, Section 17.25.050 *et seq* of the Rio Dell Municipal Code; and

WHEREAS the City processed the application pursuant to Section 17.25.050 of the Rio Dell Municipal Code; and

WHEREAS the project ***as conditioned*** is consistent with the City's adopted Design Review Guiding Principles and Concepts, which are:

- To encourage high quality land/site planning, architecture and landscape design;

- To ensure physical, visual, and functional compatibility between uses: and

- To ensure proper attention is paid to site and architectural design, thereby protecting land values.

WHEREAS the proposed project 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 ***as conditioned***:

- 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 proposed use is consistent with the City's Design Review regulations; and

- The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community; and

- The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of existing or anticipated buildings on adjoining and nearby properties; and

- The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and

- The use is principally permitted and is considered a ministerial project. Pursuant to Section 15268 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations ministerial projects are statutorily exempt.

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 April 25, 2017 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Nick Angeloff, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 108-2017 adopted by the Planning Commission of the City of Rio Dell on April 25, 2017.

_____
Karen Dunham, City Clerk, City of Rio Dell

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

For Meeting of: April 25, 2017

To: Planning Commission

From: Kevin Caldwell, Community Development Director

Through: Kyle Knopp, City Manager

Date: April 20, 2017

Subject: Sign Regulations

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding amending Section 17.30.300(e) of Rio Dell Municipal Code, the City's existing sign regulations to correct an error; and
2. Open the public hearing, receive public input and deliberate; and
3. Adopt Resolution No. PC 110-2017 recommending that the City Council amend Section 17.30.300(1)(e) of the Rio Dell Municipal Code to correct an error and allow illuminated appurtenant signs in all commercial zones, including the Town Center and Industrial Commercial zones.

Background and Discussion

Staff recently discovered an error in the existing sign regulations, Section 17.30.300 of the Rio Dell Municipal Code (RDMC). The City adopted the current zoning regulations in 2004. The vast majority, including the sign regulations, of the adopted regulations were carried over from the original zoning regulations, Ordinance 59.

A property owner recently contacted the City regarding placing a sign in the Town Center zone. Upon a review of the sign regulations, staff discovered that appurtenant signs are restricted to the Community Commercial (CC) zone. The current sign regulations are included as Attachment 1. The applicable provision is identified below:

17.30.260 Signs and nameplates.

(e) Signs, appurtenant to any permitted use and not to exceed three square feet per front foot of the site on which it is displayed: provided. that any site shall be permitted at least 50 square feet, but in no case more than 300 square feet. and divided into not more than six single- or double-faced signs. shall be permitted in any ***CC zone (emphasis added).***

Staff reviewed the original sign regulations, Section 6.18, Ordinance 59 included as Attachment 2, and determined that there was an error in carrying over the previous regulations into the current regulations. Section 6.18(e) of the original sign regulations are provided below:

6.18 Signs and nameplates.

(e) Signs, appurtenant to any permitted use and not to exceed three square feet per front foot of the site on which it is displayed; provided, that any site shall be permitted at least 50 square feet, but in no case more than 300 square feet, and divided into not more than six single- or double-faced signs. shall be permitted in any ***C or M-L zone (emphasis added).***

It is clear that the original sign provisions applied to all commercial zones and the Limited Industrial (M-L) zone. The 2004 amendments established the Town Center (TC) designation and replaced the Limited Industrial (M-L) zone with the Industrial Commercial (IC) zone. Accordingly, staff is recommending that Section 17.30.260(1)(e) be amended to include all commercial zones, including the Town Center and Industrial Commercial zones.

Another issue that requires an amendment is the fact that the regulations do not reference whether or not illuminated signs are allowed. However, as one can see in Attachment 2, there is a hand-written note indicating that illuminated signs are allowed. Staff believes this was the intent and that the historical application of the provision is consistent with ability to install illuminated signs. As such, staff is recommending that the regulations include a provision that appurtenant illuminated signs are allowed in commercial zones, including the Town Center zone and the Industrial Commercial zone.

Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.30.010 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 17.30.010(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 17.30.010(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 Amendment Required Findings:

1. The proposed amendment is in the public interest.

The amendment of the sign regulations is in the public interest in that it would correct what staff believes was an error or oversight when the current regulations were adopted in 2004. In addition, the success of a business depends in part on the location and visibility, including signage. A vibrant commercial district is in the public's interest.

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

One of the primary purposes of the General Plan is to facilitate planned, orderly development and to promote economic development, the public health, safety and welfare of the community. There are a number of policies which encourage a vibrant commercial community. Appropriate and visible signage is an important factor in the success of any business. There are no specific General Plan goals, policies or discussions that are contrary to the recommended amendments. Therefore, staff believes the proposed minor amendments are consistent with the General Plan.

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

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

Financial Impact

The City is responsible for the costs associated with the proposed amendment. The cost is insignificant and will not result in additional budget expenditures or revisions.

Alternatives

The Planning Commission may choose not to recommend approval of the proposed amendments. Staff does not recommend this alternative.

Attachments:

1. Existing Sign Regulations, Section 17.30.300 Rio Dell Municipal Code.

2. Resolution No. 110-2017 recommending that the City Council amend Section 17.30.300(1)(e) of the Rio Dell Municipal Code to correct an error and allow illuminated appurtenant signs in all commercial zones, including the Town Center and Industrial Commercial zones.

17.30.300 Signs and Nameplates.

(1) On-Site Signs. Nameplates (which shall be limited to a statement of the name, address and occupational designation of the occupant) and signs shall be permitted in conformity with the following regulations:

(a) One nameplate, not illuminated, appurtenant to any permitted use, not exceeding two square feet shall be permitted in urban residential, suburban residential, or suburban zones, and not exceeding four square feet shall be permitted in all other zones.

(b) One sign, not illuminated, to advertise the sale of property on which it is displayed and not exceeding six square feet shall be permitted in any zone; not exceeding 15 square feet shall be permitted in any CC, NC, or TC zone.

(c) Signs, not illuminated and not exceeding 100 square feet in aggregate, to advertise the sale of lots in the subdivision in which they are displayed shall be permitted with a use permit in any zone.

(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.

(e) Signs, appurtenant to any permitted use and not to exceed three square feet per front foot of the site on which it is displayed; provided, that any site shall be permitted at least 50 square feet, but in no case more than 300 square feet, and divided into not more than six single- or double-faced signs, shall be permitted in any CC zone.

(f) Traffic or other municipal signs, legal notices, railroad crossing signs, public telephone signs, signs placed by a public utility showing the location of underground facilities, danger and such temporary, emergency or non-advertising signs as may be approved by the City Council shall be permitted in all districts without the necessity of obtaining a use permit.

(g) No permit for any sign shall be issued and no sign shall be constructed or maintained which does not comply with all provisions of this title or which has less horizontal or vertical clearance from communications lines and energized electrical power lines than that prescribed by the laws of the State of California or rules and regulations duly promulgated by agencies thereof.

(2) Off-Site Signs. No sign advertising a commercial good, product or service which is located on a different lot or parcel of land from which the commercial advertiser's place of business is located shall be permitted, except with a use permit. Limited temporary off-site signs providing location and other information relating to local events and activities shall be permitted if installed with the permission of the property owner. [Ord. 252 § 6.18, 2004.]

(3) Election Campaign Signs. Temporary campaign signs relating to federal, state, county, city, school district, special district, or other governmental agency elections are permitted in all zones subject to the following regulations:

(a) Signs may be displayed up to 60 days before a scheduled election and must be removed within 10 days after the election;

(b) Signs shall be limited to 4 square feet and 48 inches in height. No more than 4 signs shall be allowed on any one parcel;

(c) No sign may be placed on private property without the consent of the property owner.

(d) Signs may be freestanding or attached to existing buildings or fences. However they are not permitted on street signs, trees, shrubs, bus stops, power poles, utility cabinets or other public appurtenances;

(e) Signs may not be placed within 15 feet of any fire hydrant, street sign or traffic signal, or interfere with, confuse, obstruct or mislead traffic;

(f) Signs may not be placed within a public right of way, nor within 30 feet of an intersection and no closer than 3 feet from the curb. Where no curb exists, signs shall be at least 5 feet from the edge of the pavement;

(g) Homeowners are allowed to place political signs in the windows of their property;

(h) Signs may not be illuminated, including motion and/or flashing lights, but may be placed where existing lighting may permit them to be seen at night. [Ord. 289 17.30.260, 2012.]

RESOLUTION NO. 107-2017

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL RECOMMENDING AMENDING THE SIGN REGULATIONS, SECTION 17.30.300 OF THE RIO DELL MUNICIPAL CODE:

WHEREAS staff recently discovered an error in the existing sign regulations, Section 17.30.300 of the Rio Dell Municipal Code (RDMC); and

WHEREAS the City adopted the current zoning regulations in 2004 and the vast majority, including the sign regulations, of the adopted regulations were carried over from the original zoning regulations, Ordinance 59; and

WHEREAS staff discovered that appurtenant signs are restricted to the Community Commercial (CC) zone; and

WHEREAS the original sign provisions, Section 6.18 of the Rio Dell Municipal Code (RDMC) applied to all commercial zones and the Limited Industrial (M-L) zone; and

WHEREAS the 2004 amendments established the Town Center (TC) designation and replaced the Limited Industrial (M-L) zone with the Industrial Commercial (IC) zone; and

WHEREAS staff is recommending that Section 17.30.300(1)(e) be amended to include all commercial zones, including the Town Center and Industrial Commercial zones; and

WHEREAS the current regulations do not reference whether or not appurtenant illuminated signs are allowed; and

WHEREAS staff is recommending that the regulations include a provision that appurtenant illuminated signs are allowed in commercial zones, including the Town Center zone and the Industrial Commercial zone; 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 deemed to be in the public interest; 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 a comprehensive view of the General Plan and any implementation programs that may be affected; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendment has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; 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

WHEREAS the City has determined that the establishment of sign regulation regarding the placement of political and election signs is 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 RESOLVED that the Planning Commission of the City of Rio Dell recommends that the City Council:

1. Finds that the proposed amendments are in the public interest and consistent with an overall comprehensive view of the General Plan; and

2. Finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

3. Finds that based on the nature of the project, 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.

4. Adopt Ordinance No. 300-2013 amending Section 17.30.260(1)(e) of the Rio Dell Municipal Code to allow appurtenant illuminated signs in commercial zones, including the Town Center zone and the Industrial Commercial zone.

PASSED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of April 25, 2017 by the following vote:

I HEREBY CERTIFY that the forgoing Resolution was duly noticed, introduced and approved at a regular meeting of the Planning Commission of the City of Rio Dell on April 25, 2017 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Nick Angeloff, Chairperson

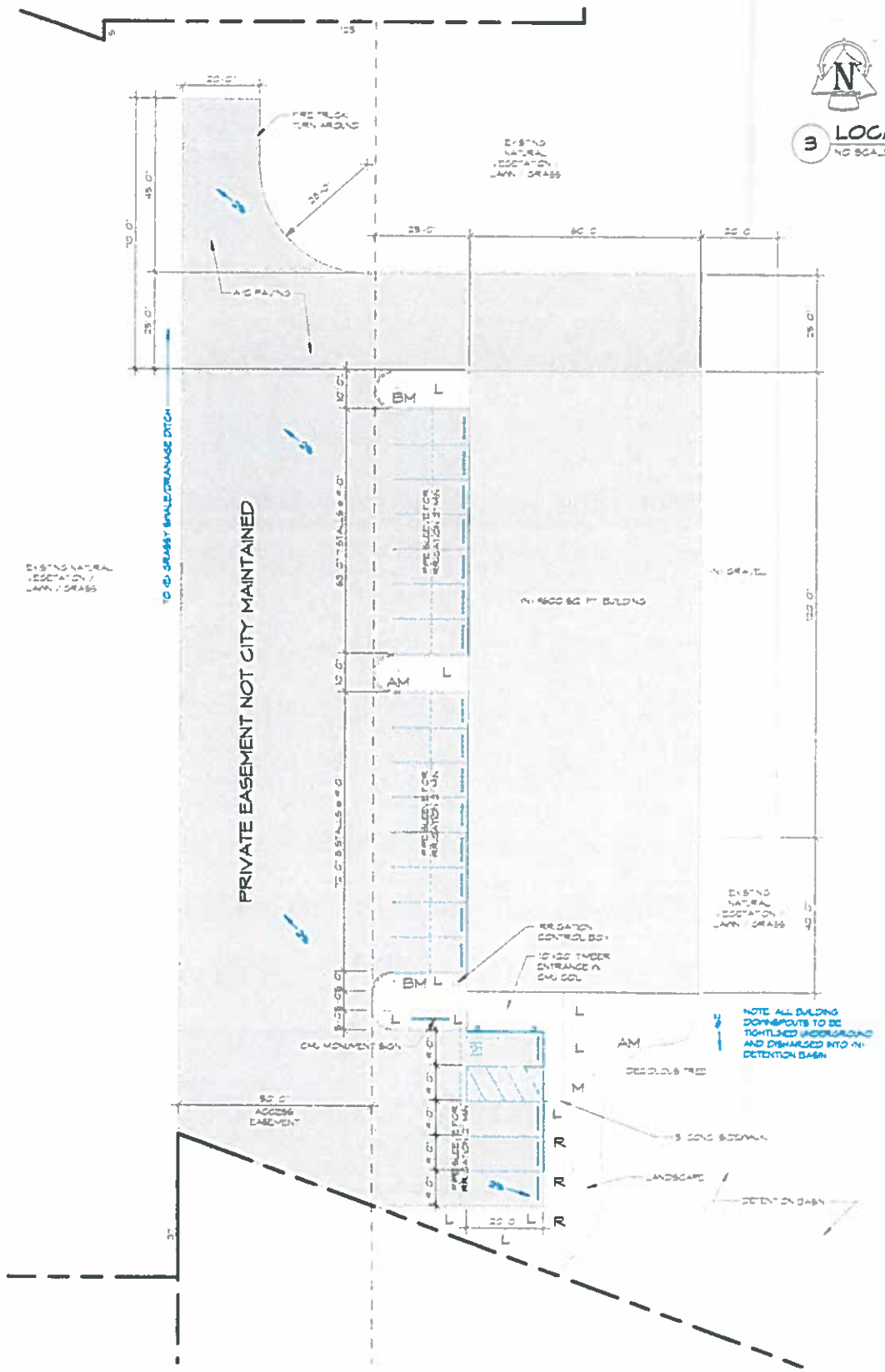
ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. 110-2017 adopted by the Planning Commission of the City of Rio Dell on April 25, 2017.

_____
Karen Dunham, City Clerk, City of Rio Dell

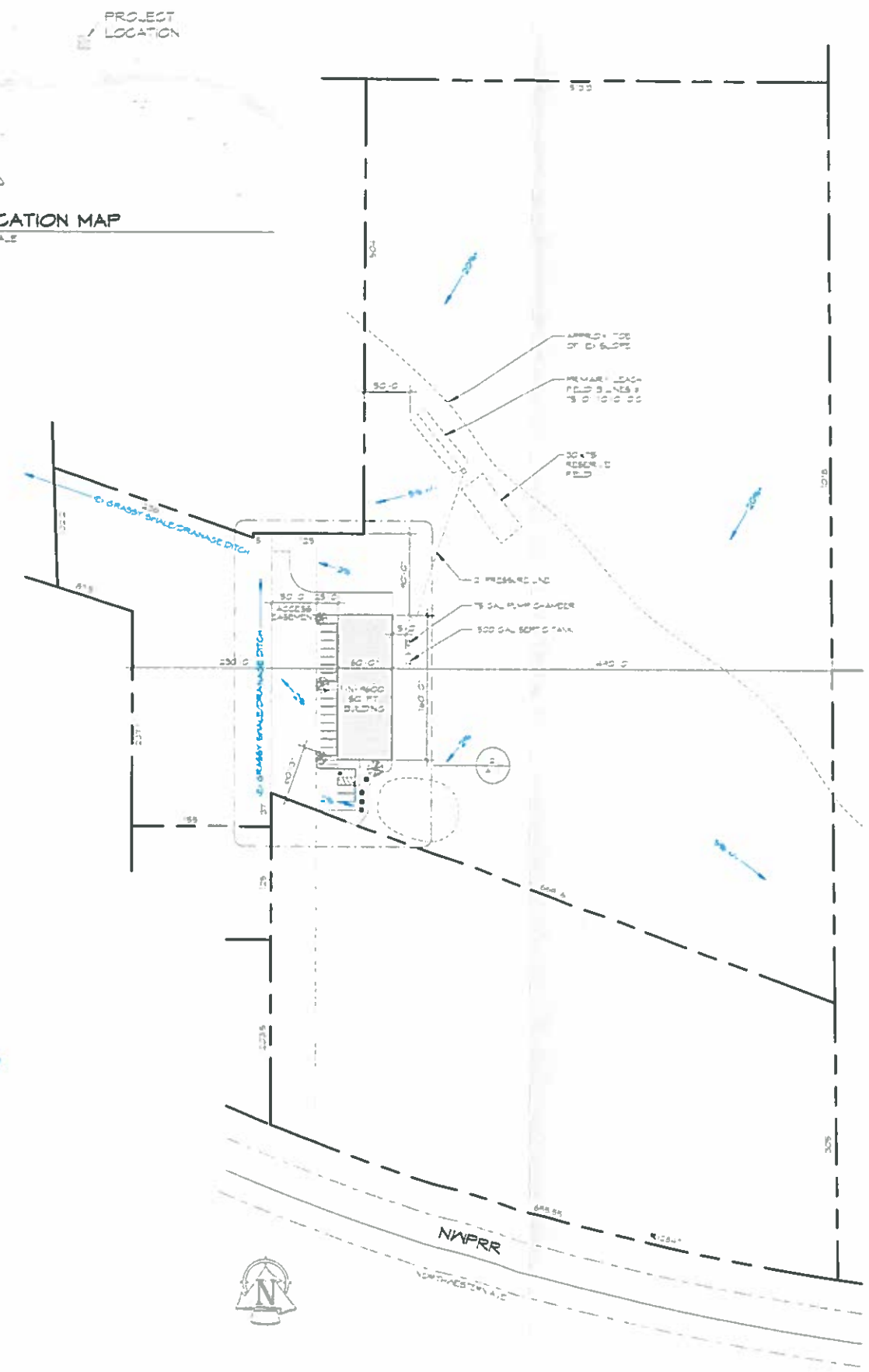
5 PLANTING LEGEND
1" = 20'-0"

4 LANDSCAPE NOTES
1" = 1'-0"



2 ENLARGED SITE PLAN
1" = 20'-0"

3 LOCATION MAP
NO SCALE



1 SITE PLAN
1" = 50'-0"

NOT FOR CONSTRUCTION

CLEEKO

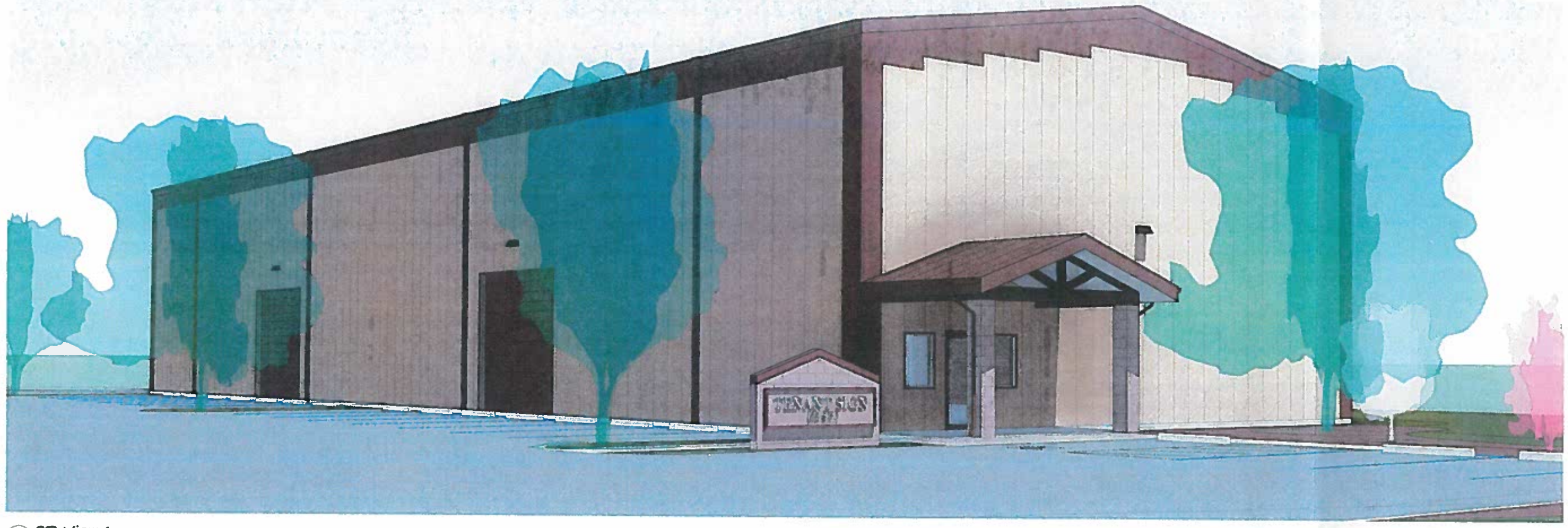
WENDT METAL BUILDING RIO DELL

SITE PLAN

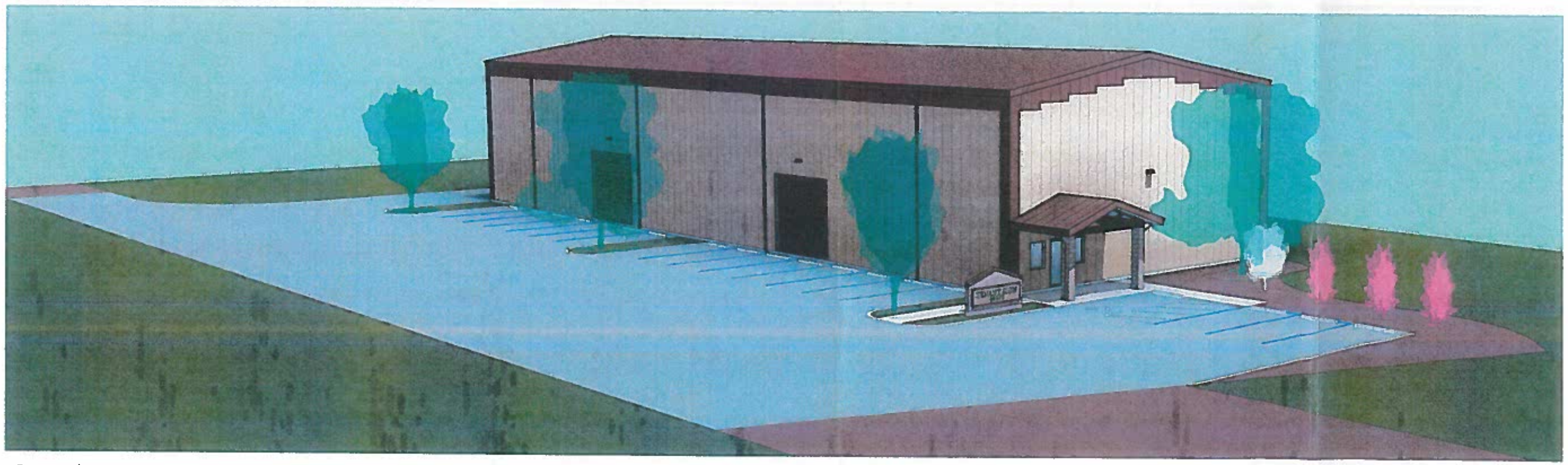
SHEET NUMBER
A1.1

DATE
DRAWN BY
CHECKED BY
WENDT METAL BUILDING RIO DELL

ATTACHMENT 1



1 3D View 1



2 3D View 2

NOT FOR CONSTRUCTION

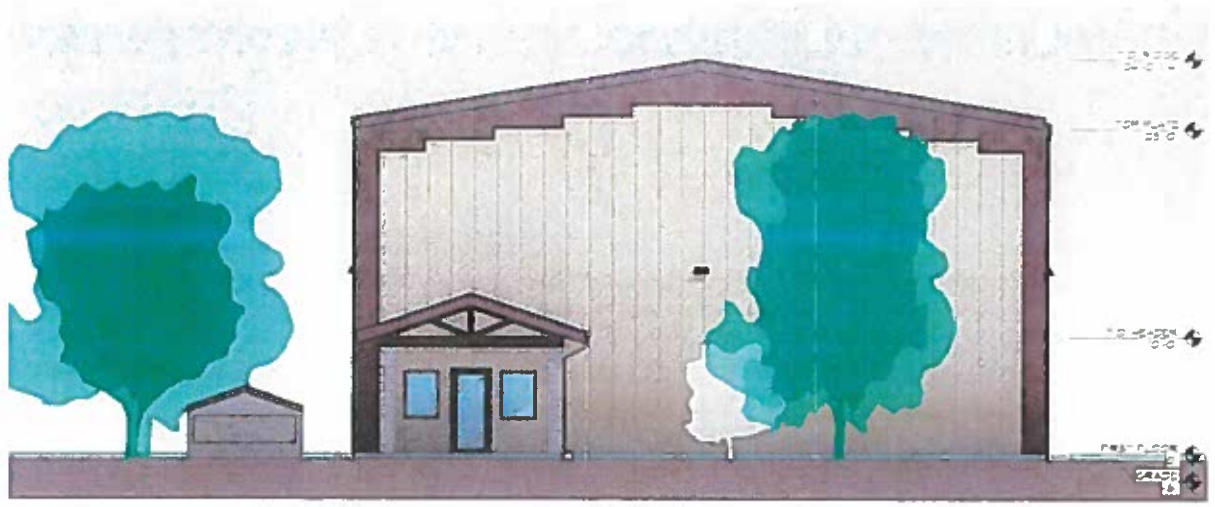
CLEEKCO

WENDT METAL BUILDING RIO DELL

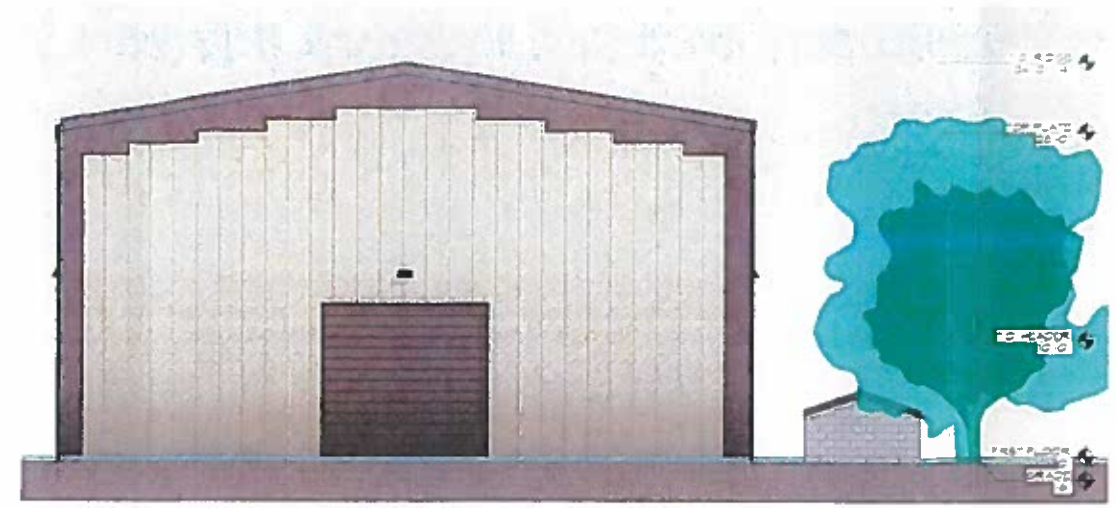
SHEET NAME
3D VIEW

SHEET NUMBER
A1.0

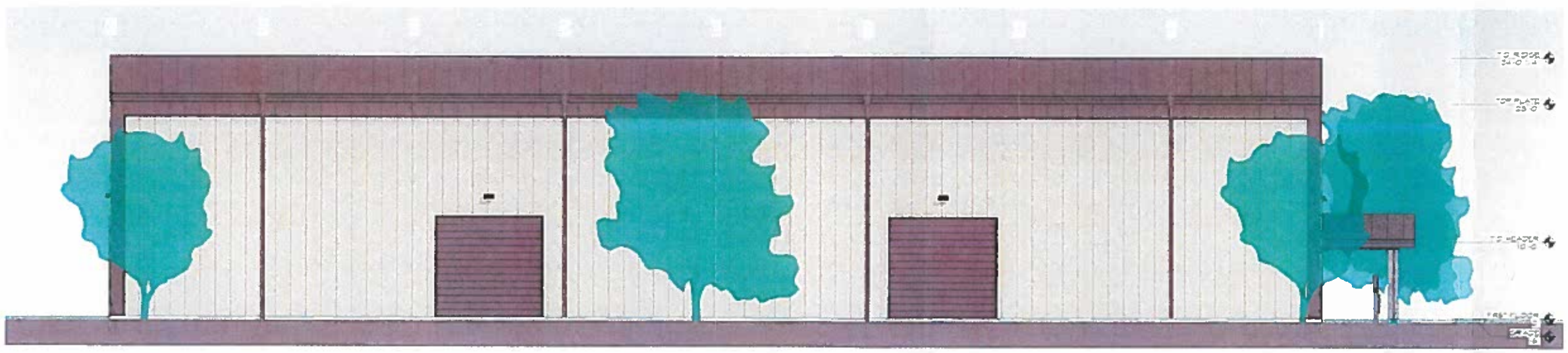
DATE
DRAWN BY
CHECKED BY



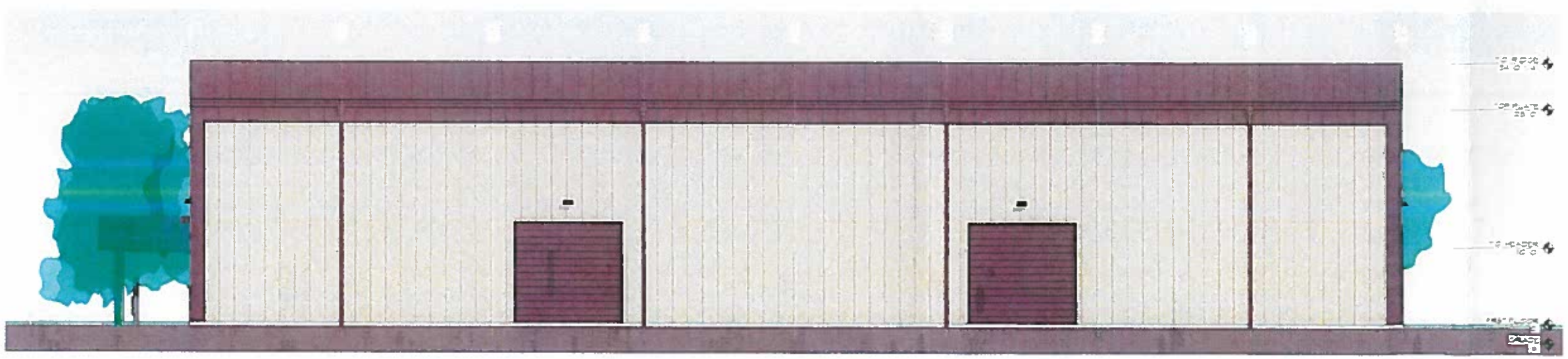
2 SOUTH
1/8" = 1'-0"



1 NORTH
1/8" = 1'-0"



3 WEST
1/8" = 1'-0"



4 EAST
1/8" = 1'-0"

5 FINISH MATERIALS
1/2" = 1'-0"

NOT FOR CONSTRUCTION

CLEEKC

WENDT METAL BUILDING RIO DELL

ELEVATIONS

SHEET NUMBER
A3.1

DATE
DRAWN BY
CHECKED BY
WENDT METAL BUILDING RIO DELL