AGENDA

RIO DELL PLANNING COMMISSION
"VIRTUAL" SPECIAL MEETING
TUESDAY, FEBRUARY 9, 2021 – 6:30 P.M.
CITY HALL COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME....*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 and on the City's website at www.cityofriodell.ca.gov. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell Planning Commission meetings often.*

SPECIAL PUBLIC HEALTH EMERGENCY ALTERATIONS TO MEETING FORMAT CORONAVIRUS (COVID-19)

Due to the unprecedented public health threats posed by COVID-19 and the resultant need for social distancing, changes to the City Council and Planning Commission format are required. Executive Order N-25-20 and N-29-20 from Governor Gavin Newsom allow for telephonic Planning Commission meetings and waives in-person accessibility for Planning Commission meetings, provided that there are other means for the public to participate. Therefore, and effective immediately, and continuing only during the period in which state or local public health officials have imposed or recommended social distancing measures, the City Council and the Rio Dell Planning Commission will only be holding "virtual" meetings.

Public Comment by Email:
In balancing the health risks associated with COVID-19 and need to conduct government in an open and transparent manner, public comment on agenda items can be submitted via email at publiccomment@cityofriodell.ca.gov. Please note which project the comment is directed to and email your comments to the above email address. The City Clerk will read comments out loud, for up to three minutes and provide an immediate response to the comment(s).

Zoom Public Comment:
When the Chair announces the agenda item that you wish to comment on, call the conference line and turn off your TV or live stream. Please call the toll-free number 1-888-475-4499, enter meeting ID 987-154-0944 and listen for the prompts to join the meeting. You will continue to hear the meeting on the call. When it is time for public comment on the item you wish to speak on, press star (*) 6 to unmute your phone. You will hear a prompt that will indicate your phone is unmuted. Please state your name and begin your comment. You will have 3 minutes to comment.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL MATTERS

E. CONSENT CALENDAR

1) 2021/0209.01 - Approve Minutes of the October 27, 2020 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 allowed under the Ralph M. Brown Act. 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.

Due to the COVID-19 situation public comment must be submitted via email at publiccomment@cityofriodell.ca.gov. Your comments will be read out loud, for up to three minutes.

G. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

1) 2021/0209.02 - **Cortazar Subdivision**
Adopt Resolution No. PC-156-2021 Approving a modification to an approved subdivision of a 140+/- acre parcel into three (3) parcels increasing the size of Parcel 3 from 2.6 acres to 16+/- acres and reducing the site of the remainder from 142+/- acres to 128+/- acres **(ACTION)** **9**

H. STAFF COMMUNICATIONS

I. 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, February 23, 2021 at 6:30 p.m.

RIO DELL PLANNING COMMISSION
REGULAR MEETING MINUTES
OCTOBER 27, 2020

CALL TO ORDER

Commissioner Angeloff called the regular "virtual" meeting of the Rio Dell Planning Commission to order at 6:30 p.m.

Present were Commissioners Angeloff, Arsenault, Kemp, Millington, and Wilson.

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

CEREMONIAL MATTERS

Appointment of Chair and Vice-Chair
Ballots for the positions of Chair and Vice-Chair were provided to Commissioners prior to the meeting. Commissioners were given the opportunity to decline nomination in which Commissioner Kemp declined nomination for both positions.

City Clerk Dunham announced that completed ballots were received from all five commissioners. The results were as follows:

Chair	-	5 votes for Commissioner Angeloff
Vice-Chair	-	4 votes for Commissioner Wilson
		1 vote for Commissioner Millington

Commissioner Angeloff was then appointed as Chair and Commissioner Wilson as Vice-Chair for the terms ending December 31, 2021.

CONSENT CALENDAR

Planning Commission Chair Angeloff asked if any Planning Commissioner or member of the public had any questions or corrections to the minutes as presented. There were no questions or corrections received.

Approve Minutes of the October 13, 2020 Special Meeting
Motion was made by Millington/Kemp to approve the minutes of the October 13, 2020 special meeting as submitted. Motion carried 5-0.

PUBLIC PRESENTATIONS

None

SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

Bonow Roadside Farm Stand – 610 Belleview Ave. Adopt Resolution No. PC-154-2020 Approving the Bonow Conditional Use Permit Subject to Conditions of Approval (File No. 052-011-001 – Case No. CUP-20-02)
Community Development Director Caldwell provided a staff report recommending approval of a Conditional Use Permit (CUP) to allow a roadside farm stand for Andrew and Mary Bonow at 611 Belleview Ave. He noted that the parcel is zoned Suburban (S) which provides for retail sales of items produced on the property including nurseries and greenhouses with a Conditional Use Permit (CUP). The application is for a roadside farm stand of 120 square feet or less so no building permit is required. However, the applicants are required to comply with the required setbacks and lot coverage and provide an ADA accessible parking space including a path of travel.

Notices were sent to property owners within a 300-foot radius of the proposes farm stand in which no responses were received.

Community Development Director Caldwell reviewed the proposed Conditions of Approval and recommended adoption of Resolution No. PC-154-2020 approving the Conditional Use Permit (CUP) as recommended.

Commissioner Kemp asked if the ADA parking space and path of travel would be gravel or pavement.

Community Development Director Caldwell indicated that the ADA space was proposed to be located next to the farm stand building and that it would be paved.

Commissioner Kemp pointed out that the ADA parking space would need to be van-accessible and asked for the width of the parking space.

Community Development Director Caldwell recalled the space to be nine (9) feet wide with 5-foot accessibility from the driver's side door. He pointed out that this is likely the only farm stand in Humboldt County with an ADA parking space because of it being located in a Suburban (S) zoning designation rather than an Ag zone. He said that he spoke with the County inspector and although he had not

received any requests for farm stands located outside of an AG zone, he confirmed that ADA accessibility was required.

Commissioner Kemp commented that the required width for a van-accessible ADA parking space is 12-feet with a 5-foot area for unloading.

Community Development Director Caldwell clarified that the applicant would be required to comply with whatever the State code requires.

Commissioner Kemp then questioned the reason for only allowing the applicant to sell products grown on site and said that it doesn't make sense that they would not be allowed to sell other products.

Commissioner Wilson agreed.

Community Development Director Caldwell commented that the code in the Suburban (S) zone allows for retail sales of items produced on the property, however, he didn't see a problem with selling other products, such as something perhaps like honey produced by a neighbor.

Commissioner Kemp suggested modifying the Conditions of Approval to allow for the sale of other products.

Community Development Director Caldwell said that there is nothing in the ordinance that precludes the sale of other products suggesting that the Conditions could be modified to allow for the sale of other ag related items.

Consensus of the Commissioners was that the Conditions of Approval be modified to allow for the sale of other ag related items not produced on the property.

Commissioner Arsenault referred to the maps on pages 14 and 18 of the agenda packet and said that the map on page 14 shows the project site located within the flood zone.

Community Development Director Caldwell explained that the back portion of the parcel is located within the 100-year flood zone and another portion of the parcel within the 500-year flood zone. The farm stand however, is located outside both of

those flood zones.

The applicant, Andrew Bonow clarified that the dotted line on the map represented the location of the culvert and not the farm stand.

He commented that he liked the idea of being able to sell other products aside from what is grown on the property as suggested by the Commission.

Community Development Director Caldwell commented that he had no problem with allowing the sale of other ag related products not produced on the property such as honey or candles.

Commissioner Angeloff called for public comment in which no public comment was received.

Motion was made by Wilson/Kemp to Adopt Resolution No. 154-2020 approving the Bonow Conditional Use Permit for a roadside farm stand at 610 Belleview Ave. subject to Conditions of Approval as modified. Motion carried 5-0.

Humboldt High-Grade – 350 Northwestern Ave. – Adopt Resolution No. PC-155-2020 Approving a Conditional Use Permit (CUP) and Design Review for Commercial Cannabis Activities including Cultivation, Processing and Distribution subject to Conditions of Approval (File No. 205-111-037 – Case No. CUP-CCLUO-20-03 & CUP-DR-20-03)

Community Development Director Caldwell provided a staff report recommending approval of a Conditional Use Permit for Humboldt High-Grade for 22,000 square feet of indoor cannabis cultivation including a retail nursery, processing, packaging and distribution. He noted that the activities would be within a two-story 62,000 square foot building and that Design Review is required for the proposed building and landscaping.

Revised recommended Conditions of Approval were provided to Commissioners prior to the meeting as supplemental information to include items that were inadvertently omitted from the original conditions. The conditions were revised to include:

26. The applicant shall install a black wrought iron/steel/aluminum fencing along the frontage of Northwestern Avenue.

27. The applicant shall submit a Drainage Plan/Study. Sheet flows across Northwestern Avenue will not be allowed. On-site drainage shall include retention/detention basins and utilize the existing ditch along Highway 101.

Community Development Director Caldwell said that the applicant has requested an exception to allow the use of a generator until PG&E power is available which staff is supportive of with certain conditions as outlined in the staff report.

He said that the front of the building is proposed to incorporate a gable entrance, a gable eyebrow on the roof, a shed roof off the gable entrance and associated columns, vertical contrasting bands and a stone veneer along the bottom of the building. In addition, staff is recommending that the rear of the building incorporate some of the design characteristics of the front of the building to make it more aesthetically pleasing.

He continued with review of the required findings related to Zoning Consistency and Land Use and said that the proposed project is consistent with the objectives of the General Plan, and complies with applicable Zoning regulations.

He said that the applicant is requesting a parking exception based on levels of anticipated use and is proposing a total of 21 parking spaces which staff is supportive of.

In addition, the applicant submitted a revised landscaping plan to incorporate Crepe Myrtle trees around the perimeter of the property rather than Redwood Trees as originally proposed.

Staff recommended the Commission adopt Resolution PC-155-2020 approving a Conditional Use Permit (CUP) for Humboldt High-Grade and Design Review for the commercial cannabis activities as described subject to the Conditions of Approval.

Commissioner Arsenault referred to the site plan on page 48 of the agenda packet and noted that it appears the loading zone is located on the leach field.

Community Development Director Caldwell clarified that it was mis-labeled on the site plan and that the arrow to the right identified the leach field for future

development. The triangular shape to the left represented the location for the proposed leach field.

Commissioner Arsenault expressed concern about the unfinished building to the north of the project and asked if there is a way to place a timeframe on construction of these buildings.

Community Development Director Caldwell noted that staff would need to reach out to the City Attorney to advise the City in that regard. He pointed out that this is a separate project and the applicants are very anxious to move forward with their project. It would be rare to get into the same situation as the project to the north although they are planning on moving forward with that project. He commented that most operators want to avoid additional permit fees and compliance issues.

Commissioner Arsenault asked if the City could require that an applicant show their financial ability to complete a project.

Community Development Director Caldwell explained that the City does not to do that and expressed the need to focus on the project at hand to avoid potential violation of the Brown Act.

Commissioner Angeloff noted that these applicants are the same as the ones that developed the former sawmill building south of the proposed project are reputable operators.

Commissioner Arsenault clarified that he did not have an issue with the proposed project but with the unfinished project to the north.

Commissioner Kemp suggested the Commission keep in mind what is currently going on in the world with the economy and pointed out that that developer to the north is not the only one having problems. He said that a developer doesn't put this much money into a project just to abandon it. He mentioned another project that the property owner has not followed through with (Brain & Stormi Davis) and said that the Commission needs to consider the economy and provide some leniency.

Commissioner Wilson referred to a typo on page 28 of the staff report (second paragraph) correcting the word "He" to "The" City.

Commissioner Angeloff called for public comment. No public comment was received.

Motion was made by Kemp/Millington to adopt Resolution No. PC-155-2020 Approving a Conditional Use Permit (CUP) and Design Review for Commercial Cannabis Activities for Humboldt High-Grade at 350 Northwestern Avenue including Cultivation, Processing and Distribution subject to Conditions of Approval. Motion carried 5-0.

STAFF COMMUNICATIONS

Community Development Director Caldwell reported that the Commission typically does not schedule meetings in November or December due to the holidays however, there may be the need for a special meeting to consider a modification to the Cortazar Subdivision. He once again thanked the Commission for its willingness to facilitate special meeting when necessary.

He said that he also spoke to representatives of Marathon 101 and 102 and they may be requesting a modification to their cannabis activity permit to include retail sales.

Commissioner Kemp thanked Community Development Director Caldwell for sending the modifications to the Conditions of Approval prior to the meeting.

Commissioner Arsenault asked for an update on the element 7 project in the former Green Bean building.

Community Development Director Caldwell reported that the second set of corrections to the plans were sent to Interwest and were expected to be approved by next week. He estimated the business to be up and running by the first of the year.

ADJOURNMENT

The meeting adjourned at 7:15 p.m. to the November 24, 2020 regular meeting.

_____
Nick Angeloff, Chair

Attest:

_____
Karen Dunham, City Clerk

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

For Meeting of: February 9, 2020
☐ Consent Item; ☑ Public Hearing Item

To: Planning Commission

From: Kevin Caldwell, Community Development Director

Through: Kyle Knopp, City Manager

Date: February 1, 2021

Subject: Cortazar Subdivision Modification
File No. 205-031-061; Case No. PMS 16-01

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed subdivision;

2. Open the public hearing, receive public input and deliberate;

3. Close the public hearing;

4. Find that the proposed subdivision: (1) is consistent with the Rio Dell General Plan; (2) complies with the requirements and standards of the City's zoning regulations; (3) complies with the requirements and standards of the City's subdivision regulations; (4) is physically suitable for the type of development; and (5) is Categorically Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

5. Adopt Resolution No. 156-2021 approving the proposed subdivision modification.

Summary

The original subdivision was presented to and approved by your Commission at your meeting of September 22, 2020. At the time the applicant proposed three (3) parcels of about 2.6 acres each and a remainder of about 142+/- acres. ***The proposed modification includes increasing the size of Parcel 3 from 2.6 acres to 16+/- acres and reducing the size of the Remainder from 142+/- acres to 128+/- acres.*** Parcel 3 is developed with a single-family residence. The parcels will be provided with community water and dependent on on-site septic systems. Please see the Revised Tentative Map, **Attachment 1**.

As indicated in the previous Staff Report, the project had been on hold for the past few years. The proposed project is the subdivision of the 150+/- acre Remainder Parcel that was created in 2005. **Attachment 2** includes a copy of the Parcel Map. When the parcel was created years ago, the Fire Department was opposed to any additional subdivisions until the road was improved and water mains extended to provide adequate fire flows. City staff, the Fire Chief and the applicant recently held a conference call to work out a compromise so the applicant can move forward with the proposed Minor Subdivision. The Fire Department is supportive of the proposed subdivision subject to the following conditions:

1. The 6" main shall be extended to the west of the ranch house;
2. A fire hydrant shall be located near the end of the 6" main;
3. A 6" main shall be extended to the barn and a fire hydrant installed;
4. The mains shall be hydro-tested and flush-tested at a minimum 200 psi;
5. Access to the existing fire hydrant below the 100,000-steel tank shall be improved, including a turn-around area;
6. Dinsmore Ranch Road shall be graded and rocked to the driveway location on proposed Parcel 1;
7. The vegetation/brush along Dinsmore Ranch Road west of the ranch house up the driveway location on proposed Parcel 1 shall be cleared to the satisfaction of the Fire Department and the Department of Public Works;
8. A Knox-Box shall be required on the existing gate on Monument Road near the existing fire hydrant and on any gates on the proposed three parcels;
9. A 5,000-gallon dedicated emergency water storage with wharf hydrant at a location approved by the Fire Department for Parcells 1 and 2 at the time of development;

10. A 5,000-gallon dedicated emergency water storage with wharf hydrant at a location approved by the Fire Department for Parcel 3;

11. A new pressure reducer valve shall be installed at the Monument Road fire hydrant location.

The project has been conditioned to require the applicant to submit written verification that the Fire Department recommendations have been implemented and they have no objection to recording the Parcel Map.

It should be noted that the intersection of Dinsmore Ranch Road and Monument Road is adjacent to a slide that occurred on the south side of Monument Road in 2018. The slide has reduced the width of Monument Road at the intersection. The slide and road are scheduled to be repaired in the late spring or summer of 2021. The proposed work will include improvements at the intersection of Dinsmore Ranch Road and Monument Road. Below is a copy of some recent email correspondence with the Project Engineer:

Hi Kevin,

The current design plans are attached. The roadway is not proposed to be realigned at Dinsmore Ranch Road so the improvements should not compound the situation. In fact, there are a couple features that I think may actually improve access for fire. First, we are planning on paving the first 14' of Dinsmore Ranch Road (which is currently gravel). This will help keep the gravel off Monument Road and also provide better traction for vehicles turning onto Dinsmore Ranch Road. And second, a 4' wide paved shoulder will be installed on the south side (eastbound lane) of Monument Road, effectively widening the paved roadway section. In the event of an emergency, this additional width would provide the fire department with some more room to turn and maneuver (albeit they would need to cross into the opposing lane).

As far as schedule, my understanding is that the project will be bid and awarded this winter/spring, with construction targeted for summer/fall. I've copied representatives from the County in case they have some additional insight.

Let me know if you have any additional questions.

Thanks,

Josh

Josh Wolf, PE

GHD

It should also be noted that the applicant has installed the 6" water main without required, approved Improvement Plans. As-Built Improvement plans were recently submitted. However, they have not been reviewed and approved by staff or the City Engineer. Should the City decide not to assume the improvements, the applicant will need to enter into a Maintenance Agreement.

The applicant has submitted evidence in support of making the required findings. Therefore, staff recommends that the Planning Commission approve the project as conditioned.

Based on a site inspection, the nature of the proposed project, comments from referral agencies, staff believes the project will not result in a significant impact on the environment.

Required Findings

Pursuant to Section 66474 of the Subdivision Map Act and Title 16 of the Rio Dell Municipal Code (RDMC) in order approve this project the Planning Commission must determine that the applicant has submitted evidence in support of making all of the following required findings:

1. That the proposed subdivision together with the provisions for its design and improvements is consistent with the City's General Plan; and

2. That the proposed subdivision complies with the requirements and standards of the City's zoning regulations; and
3. That the proposed subdivision complies with the requirements and standards of the City's subdivision regulations; and

4. That the proposed subdivision is physically suitable for the type of development; and

5. The proposed subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Staff Analysis

1. General Plan Consistency:

The General Plan designation for the project site is Rural (R). The purpose of the Rural zone is to provide for low density residential and agricultural uses. The Rural designation requires an average parcel size of five (5) acres. The proposed subdivision will result in four (4) parcels on 150+/- acres complying with the five (5) acre average parcel size.

There are a number of General Plan goals and policies related to the proposed subdivision. The following information identifies the evidence which supports the finding that the proposed subdivision is in conformance with all applicable policies of the General Plan.

GP Policy Natural Environment G2.1-3; "Preserve drainage channels, habitat and open space."

There is a large pond and associated wetland area on the northwest corner of the Remainder parcel. There are no drainage channels or wetlands on any of the three (3) parcels.

GP Goal Natural Environment G2.1-5; "Regulate clearing and development of steep slopes, river, stream and drainage channels."

The proposed subdivision will not require the clearing and development of steep slopes, rivers or streams. The building sites for Parcels 1 and 2 are fairly flat and will only require minimal grading.

GP Goal Natural Environment G2.1-9; "Minimize loss of life and property from natural and man-made hazards."

The parcel is not located within the 100-year flood zone according to FEMA's Flood Insurance Rate Map (FIRM) of the area. The area is within a Moderate Slope Stability area. Based on a site inspection and the slopes (5%+/-), staff has not required a Soils/Geologic Report.

GP Policy Soils & Geologic Resources P2.1.1-4; "Require geo-technical reports to ensure that slope and stability measures are incorporated into project design."

As indicated above, the site is in an area of "Moderate Instability". Again, based on a site inspection and the slopes (5%+/-), staff has not required a Soils/Geologic Report.

GP Policy Water Resources P2.1.2-3; Incorporate on-site drainage facilities such as retention and infiltration systems to reduce run-off and maximize infiltration.

Given the location and proposed density, stormwater runoff is not an issue with the proposed subdivision.

GP Policy Public Services P2.2.3-2; "Cooperate with the Rio Dell Fire Protection District to ensure that emergency services are adequate."

As previously discussed, the Rio Dell Fire Protection District has worked closely with the applicant and the City in identifying conditions of approval to facilitate the proposed subdivision. Again, the Fire Department is supportive of the proposed subdivision subject to the following conditions:

1. The 6" main was extended to the west of the ranch house;

2. A fire hydrant shall be located near the end of the 6" main;

3. A 6" main shall be extended to the barn and a fire hydrant installed;

4. The mains shall be hydro-tested and flush-tested at a minimum 200 psi;

5. Access to the existing fire hydrant below the 100,000-steel tank shall be improved, including a turn-around area;

6. Dinsmore Ranch Road shall be graded and rocked to the driveway location on proposed Parcel 1;

7. The vegetation/brush along Dinsmore Ranch Road west of the ranch house up the driveway location on proposed Parcel 1 shall be cleared to the satisfaction of the Fire Department and the Department of Public Works;

8. A Knox-Box shall be required on the existing gate on Monument Road near the existing fire hydrant and on any gates on the proposed three parcels;

9. A 5,000-gallon dedicated emergency water storage with wharf hydrant at a location approved by the Fire Department for Parcells 1 and 2 at the time of development;

10. A 5,000-gallon dedicated emergency water storage with wharf hydrant at a location approved by the Fire Department for Parcel 3;

11. A new pressure reducer valve shall be installed at the Monument Road fire hydrant location.

In addition, staff is recommending that the applicant attempt to establish a Road Maintenance Association (RMA) for the continued maintenance of Dinsmore Ranch Road. **Please refer to Exhibit A.**

GP Policy Public Services P2.2.3-4; "Encourage new development to contribute its fair share of infrastructure improvements to serve the proposed development."

Again, the project has been conditioned to require the applicant to improve the access road by grading, rocking and vegetation reduction to the proposed driveway location on Parcel 1. Again, staff is also recommending that the applicant form a Road Maintenance Association (RMA) The project has been conditioned accordingly. **Please refer to Exhibit A.**

Section 17.30.310 et. seq. of the Zoning Regulations requires the construction of curb, gutter, sidewalks and street improvements as conditions of approval of an entitlement permit. This is also consistent with a number of Goals and Policies of the Circulations Element, including

Policies 3-1 and 3-2, requiring pedestrian and bicycle improvements. Furthermore, 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.

Given the rural nature of the subdivision and proposed density, staff is not recommending the applicant be required to install curb, gutter and sidewalks along the frontage of the parcels.

General Plan Policy Public Services P2.2.3-4; Require underground utilities for new development.

The project has been conditioned to require power, phone and cable to buried underground to the proposed parcels. **Please refer to Exhibit A.**

Based on comments from referral agencies, information submitted by the applicant and the recommended conditions of approval, the evidence supports the finding that the proposed subdivision is in conformance with all applicable policies of the General Plan.

2. Zoning Consistency:

The property is zoned Rural (R). Again, the purpose of the Rural zone is to provide for low density residential and agricultural uses. The Rural designation requires a five (5) acre minimum parcel size. However, the Zoning Regulations contain provisions for Lot Size Modifications provided the lots are not less than half of what the zone requires and the total number of lots created by the subdivision and do not exceed that allowed by the applicable General Plan and zone designations. Again, the applicant is proposing two (2) parcels of about 2.6 acres each a 16+/- acre parcel and a Remainder Parcel of about 128 acres.

All other zoning regulations, including setbacks, building height, lot coverage and parking will be evaluated at the time the parcels are proposed to be developed.

Based on the proposed subdivision, the proposed project complies with the requirements of the City's Zoning Regulations.

3. Subdivision Regulations Consistency:

The City's Subdivision Regulations, Title 16 of the Rio Dell Municipal Code (RDMC) and the City's Standard Improvement Specifications identifies the requirements for subdivisions.

Section 16.05.030 of the RDMC requires General Plan and Zoning compliance. As previously discussed the project as conditioned is consistent the General Plan polices and the City's zoning regulations.

Section 16.05.040 identifies the Tentative Map requirements identify the required information on the map. The submitted Tentative Map for the proposed subdivision complies with the requirements of Section 16.10.040 of the RDMC.

Section 16.10.050 identifies the required application submittal requirements, which includes the Tentative Map, Soils Report, Drainage Report when necessary and Title Reports.

As indicated above, the site is in an area of "Moderate Instability". Again, based on a site inspection and the slopes (5%+/-), staff has not required a Soils/Geologic Report. In regards to the Drainage report, as stated previously, given the location and proposed density, stormwater runoff is not an issue with the proposed subdivision. As such, staff did not require a Drainage Report. A Title Report was submitted. The Title Report will have to be updated at the time the Parcel Map is reviewed prior to recordation.

Section 16.10.120 et. seq. of the City's Subdivision Regulations identifies the mapping requirements. The subdivision is considered a minor subdivision, four parcels and a "Remainder". The "Remainder" is not a parcel for map purposes pursuant to Section 66424.6(a)(1) of the Subdivision Map Act. A "Remainder" parcel is not for the purpose of sale, lease or financing pursuant to Section 66424.6(a). However, the "Remainder" may be subsequently sold without any further requirement of the filing of a Parcel Map of Final Map (§ 66424.6(d).

Based on the proposed improvements and recommended conditions of approval, staff believes the proposed subdivision is consistent with the City Subdivision Ordinance and the City's Standard Improvement Specifications.

4. That the proposed subdivision is physically suitable for the type of development:

Based on a site inspection and recommended conditions of approval, staff believes the proposed lots are suitable for residential development.

5. The proposed subdivision is not likely to cause substantial environmental damage or substantially and avoidably impact fish or wildlife or their habitat.

The project was referred to a number of agencies for comment and recommendations. No agencies, including the California Department of Fish and Wildlife (CDFW), identified any concerns or recommendations.

Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15315 of the CEQA Guidelines this exemption applies to the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local

standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

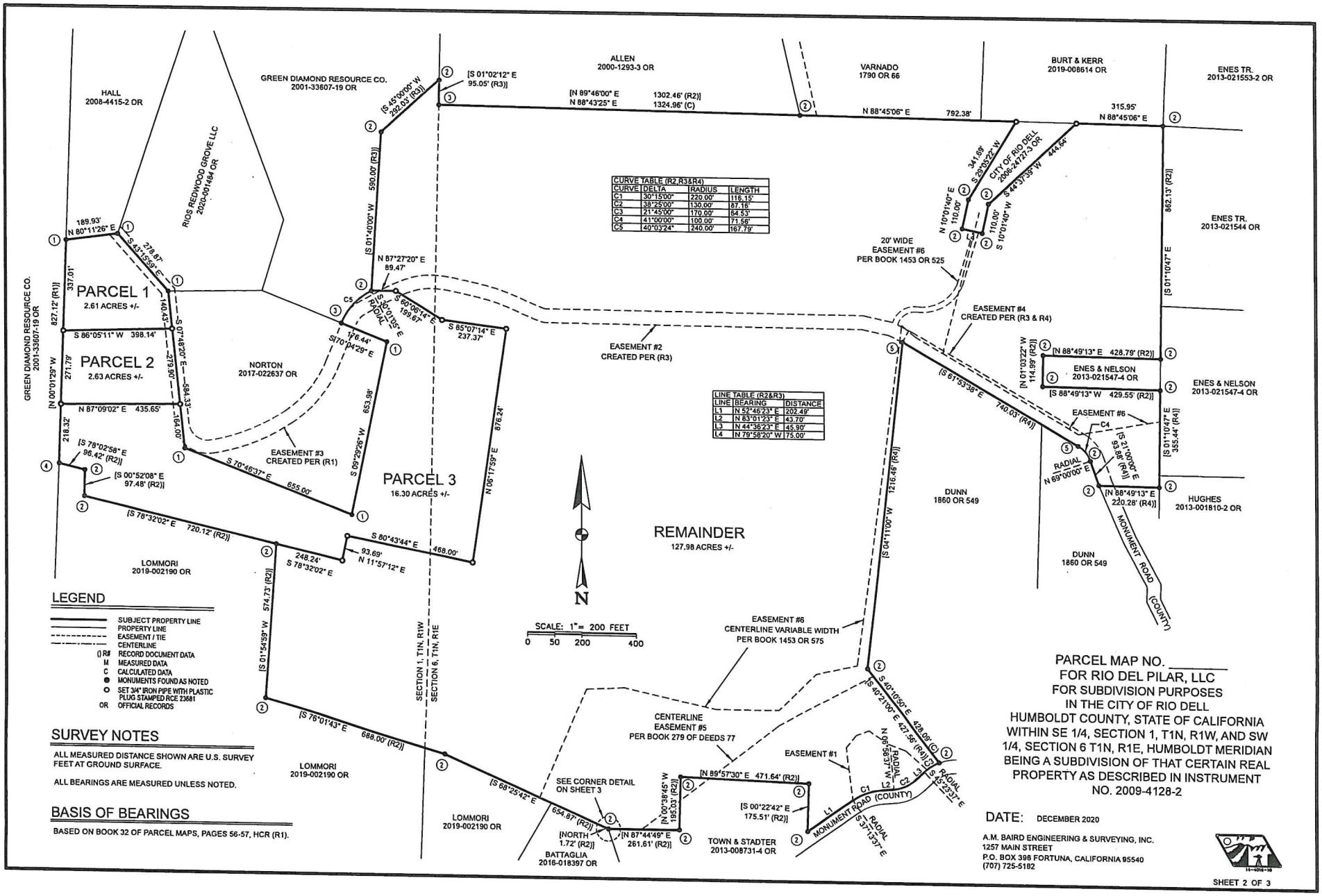
Attachments:

Attachment 1: Tentative Map

Attachment 3: Conditions of Approval

Attachment 4: Resolution No. PC 156-2021

ATTACHMENT 1



BOOK _____ OF PARCEL MAPS, PAGE_____

Cortazar Minor Subdivision
File No. 205-031-061; Case No. PMS 16-01 Modification
Conditions of Approval

Approval of the subdivision is conditioned upon the following terms and requirements which must be fulfilled before the Parcel Map may be recorded.

1. Map Expiration: The approval of the Tentative Map shall expire 24 months after all appeal periods have lapsed.

2. Taxes: All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable to the satisfaction of the County's Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Final Map to satisfy this condition.

4. Map Type: The applicant must cause to be filed a Parcel Map in accordance with the Final Map requirements of Section 16.10.120 et. seq. of the Rio Dell Municipal Code (RDMC). The approved lot line adjustment shall be reflected on the Final Map. A subdivision map checking deposit of $500.00 shall be paid at the time the subdivision map is submitted for checking. County Recorder fees shall be paid prior to submittal of the map to the County recorder for filing.

5. Improvement Plans: Pursuant to Section 16.25.060 of the Rio Dell Municipal Code (RDMC) the applicant shall submit improvement/construction plans for the **required water mains and fire hydrants and the pressure reducer valve.** Improvement plans must be prepared by a Civil Engineer registered by the State of California. Improvement plans shall be on 24" x 36" sheets, unless otherwise approved by the City Engineer.

The Improvement Plans shall be reviewed, signed as approved by the City Engineer (GHD). A plan checking deposit of $500.00 shall be paid at the time the Improvement Plans are submitted for checking. The City Engineer shall review and approve the Improvement Plans prior to any construction activity.

6. Required Improvements:

1. The 6" main was extended to the west of the ranch house;

2. A fire hydrant shall be located near the end of the 6" main;

3. A 6" main shall be extended to the barn and a fire hydrant installed;

4. The mains shall be hydro-tested and flush-tested at a minimum 200 psi;

5. Access to the existing fire hydrant below the 100,000-steel tank shall be improved, including a turn-around area;

6. Dinsmore Ranch Road shall be graded and rocked to the driveway location on proposed Parcel 1;

7. The vegetation/brush along Dinsmore Ranch Road west of the ranch house up the driveway location on proposed Parcel 1 shall be cleared to the satisfaction of the Fire Department and the Department of Public Works;

8. A Knox-Box shall be required on the existing gate on Monument Road near the existing fire hydrant and on any gates on the proposed three parcels;

9. A 5,000-gallon dedicated emergency water storage with wharf hydrant at a location approved by the Fire Department for Parcells 1 and 2 at the time of development;

10. A 5,000-gallon dedicated emergency water storage with wharf hydrant at a location approved by the Fire Department for Parcel 3;

11. A new pressure reducer valve shall be installed at the Monument Road fire hydrant location. All work shall be overseen by the Department of Public Works.

7. Road Maintenance Association. The applicant shall form a Road Maintenance Association for Dinsmore Ranch Road. The Applicant shall provide a permanent maintenance plan acceptable to City for all improvements including, but not limited to roads and drainage systems (pipes/culverts, drainage inlets, discharge points). An engineer's estimate for the cost of yearly maintenance must be approved by the City. Maintenance shall be provided by a maintenance association, district, or other means as approved by the City.

8. Unknown Improvements: Other on-site and/or off-site improvements may be required which cannot be determined from the Tentative Map at this time. These improvements, if any, will be determined after a complete review of the required Improvement Plans.

9. Easements: All easements, including Drainage easements that encumber or are appurtenant to the subdivision shall be shown graphically on the Parcel Map. Those easements that do not have a metes and bounds description shall be noted on the Parcel Map and shown as to their approximate location.

10. Utilities: All future utilities, including water, power, phone, cable tv, etc. shall be placed underground to the residences.

11. Rio Dell Fire Protection District: The applicant shall provide written verification from the Rio Dell Fire Protection District that their concerns have been satisfied and they have no objection to the recordation of the Parcel Map.

12. Waterline: The applicant shall enter into a Waterline Maintenance Agreement should the City not accept the installed waterline.

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 156-2021

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL APPROVING THE CORTAZAR SUBDIVISION MODIFICATION:

WHEREAS the applicant is proposing a modification to a previously approved subdivision creating three (3) parcels of about 2.6 acres each and a Remainder Parcel of about 142 acres; and

WHEREAS the proposed modification includes increasing the size of Parcel 3 from 2.6 acres to 16+/- acres and reducing the size of the Remainder from 142+/- acres to 128+/- acres; and

WHEREAS proposed Parcel 3 is developed with a single-family residence; and

WHEREAS the parcels will be provided City water and dependent on septic systems; and

WHEREAS pursuant to Section 66474 of the Subdivision Map Act and Title 16 of the Rio Dell Municipal Code (RDMC) in order approve this project the Planning Commission must determine that the applicant has submitted evidence in support of making all of the following required findings:

1. That the subdivision together with the provisions for its design and improvements is consistent with the City's General Plan; and

2. That the subdivision complies with the requirements and standards of the City's zoning regulations; and

3. That the subdivision complies with the requirements and standards of the City's subdivision regulations; and

4. That the subdivision is physically suitable for the type of development; and

5. The subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; and

WHEREAS the applicant has provided evidence that the subdivision is consistent with the General Plan, Zoning and Subdivision regulations. In addition, the parcels are suitable for their intended use and there is no evidence to suggest that approving the subdivision will cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; and

WHEREAS staff has determined that the subdivision is Statutorily Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations; and

NOW, THEREFORE, BE IT RESOLVED the Planning Commission finds that based on evidence on file and presented in the staff report and the recommended conditions of approval that the proposed subdivision complies with all of the following required findings:

1. That the subdivision together with the provisions for its design and improvements is consistent with the City's General Plan; and

2. That the subdivision complies with the requirements and standards of the City's zoning regulations; and

3. That the subdivision complies with the requirements and standards of the City's subdivision regulations; and

4. That the subdivision is physically suitable for the type of development; and

5. The subdivision is not likely to cause substantial environmental damage or substantially and avoidably fish or wildlife or their habitat; and

BE IT FURTHER RESOLVED that the Planning Commission of the City of Rio Dell approves the subdivision subject to conditions of approval.

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 February 9, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Nick Angelofff, Chair

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 156-2021 adopted by the Planning Commission of the City of Rio Dell on February 9, 2021.

_____

Karen Dunham, City Clerk, City of Rio Dell