

**RIO DELL PLANNING COMMISSION  
REGULAR MEETING MINUTES  
SEPTEMBER 24, 2024**

**CALL TO ORDER**

Commissioner Knight called the regular meeting of the Rio Dell Planning Commission to order at 6:00 p.m.

Present were Commissioners Knight, Arsenault, and Millington. Absent were Commissioners Angeloff and Gurney (excused)

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

**CEREMONIAL MATTERS**

Selection of Chair and Vice-Chair

This item was continued to the next regular meeting with the full Commission present.

**CONSENT CALENDAR**

Approve Minutes of the June 6, 2024 Special Meeting

Arsenault/Millington made a motion to approve the Consent Calendar including approval of the minutes of the June 6, 2024 special meeting. Motion carried 3-0

**PUBLIC PRESENTATIONS**

Commissioner Knight called for public comment on non-agenda items. No public comment was received.

**SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS**

There was a change in the order of the agenda, moving Item G(3) up.

Adopt Resolution PC 180-2024 Approving the Wendt-Studebaker Lot-Line Adjustment  
File No. 205-111-068 – Case No. LLA 02-2024

Community Development Director Caldwell provided a staff report recommending approval of the Wendt-Studebaker lot-line adjustment between two parcels at the Humboldt-Rio Dell Business Park adjusting approximately 1.47 acres from APN 205-111-075 to APN 205-111-068. The purpose of the lot line adjustment was to utilize the north boundary of the road as the common property line.

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Community Development Director Caldwell reviewed the required findings, staff analysis, and the conditions of approval. He said that 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 lot line adjustment is in conformance with all applicable policies of the Zoning Regulations, General Plan, and Building Regulations.

Commissioner Knight opened the public hearing to receive public comment on the proposed lot line adjustment. No public comment was received and the public hearing closed.

Arsenault/Millington made a motion to adopt Resolution No. PC 180-2024 approving the Wendt-Studebaker lot line adjustment subject to the conditions of approval. Motion carried 3-0.

Approve Resolution No. PC 178-2024 Recommending the City Council Approve a Minor Text Amendment to the Vacation Dwelling Unit Regulations Regarding Appeals

Community Development Director Caldwell provided a staff report recommending approval of a minor text amendment to the Vacation Dwelling Regulations regarding appeals.

He explained that Section 17.30.360(4) of the Rio Dell Municipal Code (RDMC) states that appeals may be filed within 30 days following approval which staff believes was an error in the Vacation Dwelling Unit regulations. He said that the intent was to allow 10 days for appeals following approval, which is consistent with 17.35.050 of the Rio Dell Municipal Code (RDMC).

Commissioner Millington asked for clarification that the text amendment was only to correct a minor error changing the appeal period from 30 days to 10 days.

Community Development Director Caldwell said she was correct and that the other discretionary permits allow for a 10-day appeal period.

Commissioner Knight opened a public hearing to receive public comment on the proposed text amendment. No public comment was received and the public hearing closed.

Millington/Arsenault made a motion to approve Resolution No. PC-178-2024 recommending the City Council approve a minor test amendment to the Vacation Dwelling Unit Regulations regarding appeals. Motion carried 3-0.

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Adopt Resolution No. PC 179-2024 Recommending the City Council Amend the Rio Dell Municipal Code (RDMC) to Establish Chapter 8.45 “Noise Control Ordinance”

Community Development Director Caldwell provided a staff report recommending the City Council amend the Rio Dell Municipal Code (RDMC) to establish Chapter 8.45 “Noise Control Ordinance”

He explained that Chapter 8 of the Rio Dell Municipal Code (RDMC) is the Nuisance provision and the Planning Commission normally only addresses matters under Chapter 17 which are the Zoning regulations. Because the noise ordinance impacts zoning entitlements, staff thought it would be a good idea to bring it to the Commission for input and/or a recommendation to the City Council.

Community Development Director Caldwell noted that the City Council recently amended Chapter 15.05 of the Rio Dell Municipal Code (RDMC) “Construction Codes” to establish construction activity noise regulations. The proposed Noise Ordinance would go a step further and identify definitions and define such things as a weighted sound level, ambient noise, and decibel, which is the measurement unit used for loudness of sound and/or noise.

He indicated that he borrowed a lot of the language from the City of Fortuna and referred to Table 8.45.1 – Allowable Exterior Sound Levels which identified the land use type, time intervals, and maximum exterior noise levels by decibels which he indicated are normal noise levels.

He continued with a review of some of the exceptions to the noise levels identified in the table such as noise from emergency response vehicles, church bells, approved fireworks during specific holidays, manned aircraft, garbage trucks, school-sanctioned activities conducted on school grounds, public works operations, or other activities as granted by the Community Development Director or Building Official under Section 8.45.120 of the regulations.

Commissioner Knight opened the public hearing to receive public comment on the proposed ordinance.

**Sharon Wolfe**, 3 Painter St., addressed the Commission and criticized Fortuna’s Noise Ordinance for being poorly written. She said that there were a lot of important items left out. She said that she watched the August 5th Fortuna City Council meeting where the

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Noise Ordinance was discussed and they continued the item to a Study Session and amendment of their General Plan. She commented that they want to expand the noise time past 8:00 p.m. for commercial land uses because they have businesses that are open past 8:00 p.m.

She noted that Supervisor Bushnell attended the meeting and expressed many of her same concerns. She pointed out that a well-done ordinance is a good thing for a community; a badly done ordinance is a weapon and can be used against people indiscriminately.

She provided an example and said that interior noise levels for residential areas cannot exceed 45 decibels when windows are closed which means that people would not be allowed to speak above a whisper.

She then referred to language from the city of Galt's Noise Control Standards which stated the following:

*In an apartment, condominium, townhouse, duplex, or multiple dwelling unit it shall be unlawful for any person to create any noise from inside his unit that causes the noise level when measured in a neighboring unit during the period from 10:00 p.m. to 7:00 a.m. to exceed:*

- 1) Forty-five (45) dBA for a cumulative period of more than five (5) minutes in any hour;*
- 2) Fifty (50) dBA for a cumulative period of more than one (1) minute in any hour;*
- 3) Fifty-five (55) dBA for any period of time.*

*In addition, if the ambient noise level exceeds that permitted by any of the noise level categories, specified in subsection A of this section, the allowable noise level shall be increased in five (5) dBA increments in each category to encompass the ambient noise level.*

Sharon Wolfe added that the tenants are the ones who would suffer the most with a poorly written ordinance and could potentially get thrown out of their residence with three or more noise complaints that may or may not be justified.

She said that she purchased a decibel meter and went outside her home on Sunday afternoon when nothing was going on and the ambient noise level was between 55-60

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decibels. She indicated that part of that noise is because Rio Dell sits in an echo chamber. She pointed out that older homes have walls that are hollow and are essentially a speaker box so people walking by her home could likely hear her speaking inside her home.

She encouraged the Commission to look closely before adopting Noise Regulations and noted that the city of Eureka has a bare-bones ordinance that mainly addresses noise levels after 10:00 p.m. She strongly encouraged the adoption of a well-written ordinance that is enforceable with enough language around it to protect tenants from potentially losing housing.

She also objected to the inspection provision which stated that it is unlawful for any person to refuse or restrict entry, and free access to any part of a premise, or refuse inspection, testing, or noise measurement of any activity, device, facility, or process, or the City may seek a warrant to inspect, test, or measure noise.

She commented that a vacuum cleaner measures approximately 70 decibels meaning that a person is only allowed to vacuum for 3 minutes which would be the same for mowing a lawn.

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

Community Development Director Caldwell thanked Sharon for her comments. He said that based on those comments, staff is recommending the item be continued to a later date after further research and modification of the noise regulations.

Commissioner Arsenault commented that he wasn't sure what type of noise would be at 60 decibels and asked if a colicky baby would qualify.

Sharon estimated a colicky baby to be at 110 decibels.

Commissioner Arsenault referred to the time interval of 8:00 p.m. to 7:00 a.m. with a maximum exterior noise level of 55 decibels and expressed concern that someone could have music playing outside all night long.

Commissioner Knight pointed out that in the summertime, people mow their lawns after 8:00 p.m. because it is still daylight out.

Commissioner Millington said that the ordinance does not address animal noise.

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Community Development Director Caldwell explained that there are already provisions in the Rio Dell Municipal Code (RDMC) related to barking dogs.

Community Development Director Caldwell suggested the item be withdrawn rather than continued until staff gathers additional information and considers whether or not to bring it back to the Commission for further consideration.

Arsenault/Millington made a motion to withdraw Resolution No. PC 179-2024 recommending the City Council amend the Rio Dell Municipal Code to establish Noise Control regulations. Motion carried 3-0.

**STAFF COMMUNICATIONS/UPDATES**

Community Development Director Caldwell said that at the next regular meeting scheduled for October 22, staff would be bringing forward a text amendment to the Industrial and Industrial Commercial zoning designations to clean up the code and get the allowable uses for each zone on one page.

**ADJOURNMENT**

The meeting adjourned at 6:38 p.m. to the October 22, 2024 regular meeting.

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Patrick Knight, Acting Chair

Attest:

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Karen Dunham, City Clerk