



AGENDA

RIO DELL PLANNING COMMISSION REGULAR MEETING

TUESDAY, AUGUST 27, 2024-6:00 PM

City 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.

City Council and Planning Commission meetings held in City Hall Council Chambers are open to in-person attendance by the public.

Public Comment by Email:

In balancing the health risks associated with COVID-19 and the need to conduct government openly and transparently, public comment on agenda items can be submitted via email at publiccomment@cityofriodell.ca.gov. Please note which item 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.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL MATTERS

1. 2024/0827.01 – Selection of Chair and Vice-Chair **(ACTION)** - Pg. #3

E. CONSENT CALENDAR

1. 2024/0827.02 - Approve Minutes of the June 6, 2024 Special Meeting **(ACTION)** - Pg. #4

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.

Written public comment must be submitted via email no later than 1-hour before the meeting 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. 2024/0827.03 - Approve Resolution No. PC 178-2024 Recommending the City Council approve a minor text amendment to the Vacation Dwelling Unit Regulations regarding appeals **(ACTION)**- Pg. #9
2. 2024/0827.04 - Adopt Resolution No. PC 179-2024 Recommending the City Council amends the Rio Dell Municipal Code (RDMC) to establish Chapter 8.45 “Noise Control Ordinance” **(ACTION)** - Pg. #14

H. STAFF COMMUNICATIONS/UPDATES

I. ADJOURNMENT

The next Regular Planning Commission meeting is scheduled for

September 24, 2024 at 6:00 p.m.

675 Wildwood Avenue
Rio Dell, CA 95562



STAFF REPORT

TO: Rio Dell Planning Commission

FROM: Karen Dunham, City Clerk

DATE: August 27, 2024

SUBJECT: Appointment of Chair and Vice-Chair to the Rio Dell Planning Commission

RECOMMENDATION

Vote to elect a person among the appointed voting members of the Commission to serve as Chair and Vice-Chair for the terms ending December 31, 2024

BUDGETARY IMPACT

None

BACKGROUND AND DISCUSSION

Section 2.60.030(3) of the Rio Dell Municipal Code (RDMC) establishes that the Planning Commission elects a Chair and Vice-Chair from among the appointed voting members at their first meeting in January of each year or as soon after that.

Commissioner Angeloff has served as Chair since January 2015. The position of Vice-Chair has been vacant since the resignation of Jacqui Wilson.

Currently, staff is requesting appointments to be made to the respective seats. All members of the Commission are considered to be nominated unless a member wishes to decline nomination.

At the August 20, 2024, City Council meeting, the Council approved an amendment to the Planning Regulations of the RDMC to elect the Chair and Vice-Chair on a bi-annual basis. The effective date of the ordinance will be 30 days after its adoption so as a result, the election of these positions in January 2025 will be for 2-year terms.

Ballots will be provided at the meeting.

**RIO DELL PLANNING COMMISSION
SPECIAL MEETING MINUTES
JUNE 6, 2024**

CALL TO ORDER

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

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

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

CEREMONIAL MATTERS

Swearing in of newly appointed Planning Commissioner Reshell Gurney

City Clerk Dunham administered the Oath of Allegiance and seated the newly appointed Planning Commissioner Reshell Gurney for the term ending December 31, 2025.

Selection of Chair and Vice-Chair

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

CONSENT CALENDAR

Approve Minutes of the March 12, 2024 Special Meeting

Commissioner Millington corrected the minutes and said that the last sentence of page 1 should read "There were "no" objections from the Commission.

A motion was made by Millington/Arsenault to approve the Consent Calendar including approval of minutes of the March 12, 2024 special meeting as corrected. Motion carried 4-0.

PUBLIC PRESENTATIONS

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

SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

**RIO DELL PLANNING COMMISSION
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Approve Resolution No. PC 177-2024 Approving a Conditional Use Permit (CUP) for Civic Use of the Building at 185 Wildwood Ave. for Family Humboldt Motorcycle Club subject to Conditions of Approval – File No. 053-141-024 – Case No. CUP 2024-02

Community Development Director Caldwell provided a staff report recommending approval of a Conditional Use Permit for the Family Humboldt Motorcycle Club subject to the Conditions of Approval as submitted.

He explained that Family Humboldt Motorcycle Club acquired 185 Wildwood Ave., formerly the Rio Dell Pizza Factory. The use is considered a civic use which is allowed in the Town Center zone with a Conditional Use Permit.

Community Development Director Caldwell reviewed the Required Findings and Staff Analysis and said that based on the information submitted by the applicant and the recommended Conditions of Approval, the evidence supports the finding that the proposed use as conditioned is in conformance with all applicable policies of the Zoning Regulations and General Plan.

The club is a 501(C)3 Non-Profit organization whose purpose is to raise funds to donate to local motorcycle riders and their families who have been injured or died in an accident. The building will primarily be used as a meeting hall in which the members meet once a week from 7-9 p.m. with open house fundraisers to occur one Saturday a month from 12:00 p.m. to 10:00 p.m. with music ending at 9:00 p.m.

Community Development Director Caldwell noted that staff sent out approximately 53 public notices to the surrounding properties for comment and no comments were received.

Staff reviewed the Conditions of Approval and said that the preparation of any food on site will require a permit from the Humboldt County Department of Environmental Health and no sale of alcohol is allowed without the required license from the Department of Alcohol and Beverage Control (ABC).

In addition, under the California Clean Air Act, smoking is prohibited in the building within twenty-five (25) feet of the doors of any other building. He said that based on the lack of comments, staff feels the use is compatible with the neighborhood and the site is suitable for the proposed use. In the event, that the club is found to violate any of the Conditions of

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Approval, the Planning Commission has the authority to revoke the Conditional Use Permit (CUP).

James Surber, President of the Family Humboldt Motorcycle Club said that he appreciated the opportunity to be part of the community and to restore one of the commercial buildings downtown. He commented that they have spent a lot of time and money to remodel the building. They also cleaned up the adjoining parking lot that is not part of their use but needed to be cleaned up.

Commissioner Arsenault asked about signage for the club.

James Surber said that they would like to use the existing sign location with generic lettering omitting the words "Motorcycle Club."

Community Development Director Caldwell noted that any signage would need to comply with the City's sign regulations, not to exceed 100 square feet, and that the existing signage is within the allowed square footage.

Commissioner Millington referred to the Plan of Operation with the purpose of raising funds to donate to local motorcycle riders and their families who have been injured or died in an accident. She asked what is considered "local".

James Surber explained that the local area includes all of Humboldt County. He noted that they also purchase bicycles and helmets for kids.

Commissioner Gurney asked if they would be willing to donate to Rio Dell kids at Christmas noting that there is a need here. She commented that she had a friend who lost her husband in a motorcycle accident and one of the local clubs stepped up and paid her bills for 3 months.

Commissioner Knight mentioned that at one of the Nuisance Advisory Committee meetings, the building was identified as a sub-standard structure and asked if that was just referring to the apartment at the rear of the building.

Community Development Director Caldwell said that he inspected the apartment and was surprised to see that someone had actually lived there as it was in very poor condition.

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James Surber referred to the apartment as the “Winchester Mystery House” and said that they boarded it up until it could be demolished.

Commissioner Knight called for public comment.

Tim Marks addressed the Commission and said that the property was gifted but asked who the legal owner was on the Deed.

Community Development Director Caldwell said that the Family Humboldt Motorcycle Club is the legal owner.

Tim Marks commented that the patio area at the rear of the building seems to be a gathering place for the homeless. He said that he owns the property behind the building and has seen at least two people coming out of that area.

Community Development Director Caldwell referred to number (9) of the Conditions of Approval which requires the applicant to apply for a demolition permit to remove the unpermitted addition to the back of the building.

Commissioner Knight asked if the Planning Commission could require that the back portion of the parcel be completely fenced to deter unwanted visitors.

Community Development Director Caldwell said that the Commission could include a condition to close off the back gate and cover the opening.

Tim Marks suggested covering the open patio area.

James Surber agreed to take a look at closing off the back gate and covering the opening as suggested. He questioned the use of barbed wire fencing.

Community Development Director Caldwell noted that barbed wire is only allowed at the Rio Dell Humboldt Business Park but they could apply for an exception if necessary.

A motion was made by Arsenault/Gurney to approve Resolution No. PC-177-2024 approving a Conditional Use Permit (CUP) for Civic Use of the building at 185 Wildwood Avenue for the Family Humboldt Motorcycle Club subject to Conditions of Approval. Motion carried 4-0.

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Community Development Director Caldwell thanked the Commissioners for their willingness to meet for the special meeting.

STAFF COMMUNICATIONS/STAFF UPDATES

Community Development Director Caldwell said that he was not sure if there would be a need to hold the regularly scheduled meeting on June 25th since no projects were pending but at the next meeting held, there would be the appointment of the Chair and Vice-Chair.

Commissioner Millington asked if there were any updates on Phase 2 and Phase 3 of the Riverside Estates Mobile Home Park.

Community Development Director Caldwell said that there were no pending plans for future development of the park and that one of the development issues is a second access to the park.

Commissioner Arsenault asked when the Dog Park would be completed.

Community Development Director Caldwell indicated that the dog park was scheduled to be completed in about a month. He said work was underway on the exercise equipment at Triangle Park and were waiting on the ADA-compliant bark to complete the project. The Eel River Trail (from Edwards Dr. to Davis St.) was expected to begin in a week or so to include everything except the ADA ramp at the end of Davis St. which was approved but not funded.

ADJOURNMENT

The meeting adjourned at 6:41 p.m. to the June 25, 2024 regular meeting. Motion carried 4-0.

Patrick Knight, Acting Chair

Attest:


Karen Dunham, City Clerk



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

For the Meeting of August 27, 2024

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: August 13, 2024

Subject: Minor Text Amendment to the Vacation Dwelling Unit Regulations

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed subdivision approval extension;
2. Open the public hearing, receive public input and deliberate;
3. Close the public hearing;
4. Approve Resolution No. PC 178-2024 recommending the City Council approve the proposed minor text amendment.

Discussion

Staff recently discovered what we believe to be an error in the Vacation Dwelling Unit regulations regarding appeals. The codified language, Section 17.30.360(4) of the Rio Dell Municipal Code (RDMC) states that appeals may be filed within 30 days following approval. When the Ordinance was crafted, staff intended that the appeal period be 10 days, which is consistent with Section 17.35.060 of the Rio Dell Municipal Code. Copies of both provisions are below.

17.30.360(4) Appeals.

(a) Except as provided in subsection (4)(b) of this section, within **30 days** following the decision of the Director on a vacation dwelling unit permit application, the decision may be appealed to the Planning Commission by the applicant or any property owner located within 100 feet of the vacation dwelling unit property. An appeal shall be filed with the City Clerk and state specifically wherein it is claimed there was an error or abuse of discretion by the Director. Notice of the date, time and place of an appeal to the Planning Commission shall be provided to all property owners located within 100 feet of the vacation dwelling unit property at least 10 days prior to the appeal meeting.

(b) The decision of the Director to deny the annual permit renewal may be appealed to the Planning Commission solely by the applicant. **The appeal must be filed within 10 days of the date of denial.**

17.35.060 Appeals.

(1) The City Manager or any person aggrieved by an action of the Planning Commission may take an appeal to the City Council by filing a notice of appeal with the City Clerk and with the Planning Commission within **10 days** of the action of the Planning Commission. The City Manager is authorized to submit appeals without any further pre-submittal action by the City Council. The notice of appeal filed with the City Clerk shall be accompanied by a filing fee adopted by resolution of the City Council. No filing fee shall be required for any appeal filed by the City Manager. Upon receipt of the notice of

appeal, the Planning Commission shall transmit to the City Council all the papers constituting the record upon which the action appealed from was taken.

Staff is recommending that the Vacation Dwelling Unit regulations appeal period be amended to be consistent with the appeal provisions identified in Section 17.35.060 of the RDMC.

CEQA:

This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that the minor text amendment may have a significant adverse effect to the environment.

Attachments:

Attachment 1: Resolution No. PC 178-2024 recommending that the City Council amend Section 17.30.360(4) of the RDMC be consistent with the appeal provisions identified in Section 17.35.060 of the RDMC.

RESOLUTION NO. 178-2024



**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
RECOMMENDING THAT THE CITY COUNCIL AMEND THE APPEAL PROVISIONS OF
SECTION 17.30.360(4) OF THE RIO DELL MUNICIPAL CODE (RDMC) TO BE
CONSISTENT WITH THE APPEAL PROVISIONS IDENTIFIED IN SECTION 17.35.060
OF THE RDMC**

WHEREAS staff recently discovered what we believe to be an error in the Vacation Dwelling Unit regulations regarding appeals; and

WHEREAS the codified language, Section 17.30.360(4) of the Rio Dell Municipal Code (RDMC) states that appeals may be filed within 30 days following approval; and

WHEREAS when the Vacation Dwelling Unit Ordinance was crafted, staff intended that the appeal period be 10 days, which is consistent with the appeal provisions of Section 17.35.060 of the Rio Dell Municipal Code; and

WHEREAS the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment under Title 14 of the California Code of Regulations, Section 15061(b)(3). No further environmental review is necessary.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Rio Dell recommends that the City Council amend the appeal provisions in the Vacation Dwelling Unit regulations, Section 17.30.360(4) of the Rio Dell Municipal Code to be consistent with the appeal provisions found in Section 17.35.060 of the Rio Dell Municipal Code

APPROVED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of August 27, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Nick Angeloff, 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 178-2024 adopted by the Planning Commission of the City of Rio Dell on August 27, 2024.

Karen Dunham, City Clerk, City of Rio Dell



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

For the Meeting of August 27, 2024

☐ Consent Item; ☒ Public Hearing Item

To: Planning Commission

From: Kevin Caldwell, Community Development Director

Through: Kyle Knopp, City Manager

Date: August 13, 2024

Subject: Ordinance No. 408-2024 amending the Rio Dell Municipal Code (RDMC) to establish Chapter 8.45 "Noise Control Ordinance" of the Rio Dell Municipal Code (RDMC) to establish noise standards for the City

Recommendation:

That the Planning Commission:

1. Allow staff to discuss Ordinance No. 408-2024 amending the Rio Dell Municipal Code (RDMC) to establish Chapter 8.45 "Noise Control Ordinance" of the Rio Dell Municipal Code (RDMC) to establish noise standards for the City; and
2. Open public comment and receive comments from the public; and
3. Close public comment; and

4. Direct staff to make any changes to the draft ordinance if necessary; and
5. Adopt Resolution No. 179-2024 recommending that the City Council approve the proposed Ordinance.

Summary:

The City of Rio Dell currently does not have a municipal noise ordinance to protect the peace, health, safety, welfare, and quality of life of its community members and visitors from excessive, unnecessary, and unreasonable noise. Adopting a Noise Control Ordinance will provide guidance for community members and visitors and allow for police and code enforcement staff to mitigate and penalize excessive, unnecessary, and unreasonable noise.

Discussion:

Because the City of Rio Dell does not have a Noise Ordinance, the City must rely on California Penal Code (PC) Section 415 (2) which states: "Any person who maliciously and willfully disturbs another person by loud and unreasonable noise" has committed a misdemeanor. However, pursuit and conviction of PC Section 415(2) involves several complex requirements, including: a willing and participatory victim, a thorough police report inclusive of evidence, and involvement of the County District Attorney's Office.

A noise ordinance allows appropriate enforcement staff to respond to a noise complaint, determine if the noise is disturbing the peace per the guidelines and standards set forth in the proposed ordinance (Attachment 1), and administer the appropriate penalty.

The proposed ordinance includes standards for determining excessive noise levels. Table 8.45.1 identifies acceptable noise levels for various use types. Noise nuisances are identified by the sound level of the objectionable noise versus ambient noise; the intensity and duration of the noise, proximity to residential neighborhoods and other sensitive land uses; whether the origin of the noise is natural or unnatural; and the nature and zoning of the area. The Council may remember that the City amended the Nuisance regulations in 2020 to address neighborhood concerns regarding the use of generators.

While the intent of the Noise Ordinance is to prohibit all disturbing, excessive, and offensive noises, some activities are exempt. Examples of exempt activities include but are not limited to emergency work and response, garbage removal, noise created by recreational activities on public property which are permitted by law and for which a license or permit has been granted by the City (e.g. parades, sporting events, rodeos, concerts, firework displays, permitted special events), and other activities detailed in the proposed ordinance.

The proposed Ordinance incorporates a lot of information from the City of Fortuna's recently adopted Noise Ordinance. Fortuna staff reviewed the noise ordinances of various California cities including Eureka, Arcata, Ferndale, Sebastopol, Rohnert Park, Novato, Anderson, and Petaluma, among others.

CEQA:

This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty that there is no possibility the Noise Control Ordinance may have a significant adverse effect to the environment. Additionally, the Noise Control Ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15308 in that the Noise Control Ordinance establishes maximum acceptable noise levels and enforcement mechanisms to protect the environment from excessive, unnecessary, and unreasonable noise.

ATTACHMENT 1: 1. Resolution No. 179-2024 recommending that the City Council amend the Rio Dell Municipal Code (RDMC) to establish Chapter 8.45 "Noise Control Ordinance" of the Rio Dell Municipal Code (RDMC) to establish noise standards for the City.

RESOLUTION NO. 179-2024



**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
RECOMMENDING THAT THE CITY COUNCIL AMEND CHAPTER 15.05
“CONSTRUCTION CODES” OF THE RIO DELL MUNICIPAL CODE (RDMC) TO
ESTABLISH CONSTRUCTION ACTIVITY NOISE REGULATIONS.**

WHEREAS every so often the City is contacted by contractors and neighbors regarding construction noise and allowed hours and days of construction; and

WHEREAS currently there are no regulations in the Rio Dell Municipal Code (RDMC) regarding allowed hours and days of construction; and

WHEREAS staff believes it is in the public interest to establish allowed hours and days of construction; and

WHEREAS the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment under Title 14 of the California Code of Regulations, Section 15061(b)(3). No further environmental review is necessary.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Rio Dell recommends that Chapter 15.05 of the Rio Dell Municipal Code (RDMC) be amended as follows:

Chapter 15.05 is hereby amended as follows:

Sections:

15.05.010 Administration.

15.05.020 Building codes.

15.05.030 Work exempt from permit.

15.05.040 Fees for permits and inspections.

15.05.050 Person may do own work.

15.05.060 ~~Penalty.~~ Construction noise.

15.05.070 Penalty.

15.05.060 ~~Penalty~~ Construction noise.

(1) No person shall, while engaged in construction, remodeling, digging, grading, demolition, painting, plastering or any other related building activity, operate any tool, equipment or machine in a manner which produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, unless authorized to do so in accordance with subsection (2) of this section.

(2) Hours of construction. No construction activity shall commence prior to 7:00 a.m. nor continue later than 8:00 p.m., seven days a week, Monday through Sunday. The term "construction activity" shall include any physical activity, including those identified in subsection (1), on the construction site or in the staging area, including the delivery of materials. In approving modified hours, the Chief Building Official may specifically designate and/or limit the activities permitted during the modified hours.

(3) The provisions of subsection (2) of this section shall not apply to the following:

(a) Emergency work performed pursuant to written authorization of the City Manager, or Community Development Director, or Building Official

(b) Maintenance, repair or improvement of any public work or facility by public employees, by any person or persons acting pursuant to a public works contract, or by any person or persons performing such work or pursuant to the direction of, or on behalf of, any public agency; provided, however, this exception shall not apply to the City, or its employees, contractors or agents, unless:

- i. The City Manager or department director determines that the maintenance, repair or improvement is immediately necessary to maintain public services;
- ii. The maintenance, repair or improvement is of a nature that cannot feasibly be conducted during normal business hours; or
- iii. The City Council has approved project specifications, contract provisions, or an environmental document that specifically authorizes construction during hours of the day which would otherwise be prohibited pursuant to this section.

(4) No landowner, construction company owner, contractor, subcontractor, or employer shall permit or allow any person or persons working under their direction and control to operate any tool, equipment or machine in violation of the provisions of this section.

(5) Modification. At any time before commencement of or during construction activity, the chief building official may modify the permitted hours of construction upon twenty-four (24) hours written notice to the contractor, applicant, developer or owner. The chief building official can reduce the hours of construction activity below the 7:00 a.m. to 8:00 p.m. time frame or increase the allowable hours.

(3) Sign required. If the hours of construction activity are modified, then the general contractor, applicant, developer or owner shall erect a sign at a prominent location on the construction site to advise subcontractors and material suppliers of the working hours. The contractor, owner or applicant shall immediately produce upon request any written order or permit from the chief building official pursuant to this section upon the request of any member of the public, the police or city staff.

APPROVED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of August 27, 2024 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Nick Angeloff, 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 179-2024 adopted by the Planning Commission of the City of Rio Dell on August 27, 2024.

Karen Dunham, City Clerk, City of Rio Dell