



AGENDA

Subcommittee: Planning and Community Development
Meeting Date: February 19, 2019 4:00 p.m.
Meeting Time: 4:00 p.m.
Meeting Location: City Hall Conference Room
124 N. Cloverdale Boulevard, Cloverdale, CA

Subcommittee Members:

Chair: Jason Turner
Councilmember Martz Cruz

Asst. City Manager/CDD Kevin Thompson
City Manager David Kelley

1. **Call to Order:**
2. **Communications:**
E-mail correspondence received from John Olvern
3. **Public Comment:** Members of the public may, at this time, comment on any item not on this agenda. Please limit comments to three minutes. Members of the public may comment on items on the agenda when the subcommittee considers that item.
4. **Approval of Minutes:** December 18, 2018
5. **Current Items for Discussion**
 - a) Update on Six Acres Water Company/South Cloverdale Water Company
 - b) Update on the Sustainable Groundwater Management Act/Potter Valley Relicensing Project
 - c) Possible zoning amendment for the Downtown Commercial and Transit Orientated Development Zones
 - d) Discussion of "Right-to-Industry" Ordinance
 - e) Planning Commissioner Interview Update
 - f) Update Community Development Planning Log
6. **Information Only Memos**
7. **Future Agenda Items (subject to change)**
8. **Pending Items**
9. **Good of the Order**
10. **Adjournment:** Adjourn to next scheduled meeting, April 16, 2018 at 4:00 p.m.

CERTIFICATION – Pursuant to Government Code § 54954.2, the agenda for this meeting was properly posted on 2/14/2019

From: Linda Overn
Sent: Sunday, January 13, 2019 11:45 PM
To: Melanie Bagby
Subject:

Good afternoon. I am not sure to whom I should send this note. My name is John Overn and my wife Linda and I moved into the Del Webb in Clover Springs one year ago. We found our home after tragically having been evacuated from our home of 15 years in Santa Rosa during the Tubbs Fire on October 9, 2017. Sadly we lost our home and everything we owned to the fire that dreadful night. We're doing our best to begin anew and would love more than anything to get a dog as part of our new beginnings and life. However, I was disappointed when I learned that there are no dog parks where a dog can release some pent up energy by running and playing off leash. I'm told we'd have to go to Healdsburg and other towns to let our dog play off the leash. It's not practical to take our dog to other towns to let him play and run freely.

If you know of any areas or parks that do allow us to take a medium sized off leash we'd love to know where they are. We would also love to add our input in perhaps having an area designated for dogs in one of the larger parks in town--Furber park for example. It's close enough to the retirement community for elderly folks that can't hike and walk their dogs for miles and miles. Please share our concerns with those who oversee the design and future growth for Cloverdale as I know we're not the only family with this concern. We love our little town and we'd love to remain here forever. Thank you for taking the time to read this.



DRAFT MINUTES

Subcommittee: Planning and Community Development
Meeting Date: December 18, 2018
Meeting Time: 4:00 p.m.
Meeting Location: City Hall Conference Room
124 N. Cloverdale Boulevard, Cloverdale, CA

Subcommittee Members:

Chair: Councilmember Melanie Bagby Asst. City Manager/CDD Kevin Thompson
Councilmember Mary Ann Brigham City Manager David Kelley

1. **Call to Order:** Chair Bagby called the meeting to order at 4:01 p.m. Committee members present- Councilmember Bagby, Councilmember Brigham, City Manager Kelley, and Asst. City Manager/Community Development Director Thompson
2. **Communications:** None
3. **Public Comment:** Bruce Reuser expressed concerns about some overgrown cactus plants located at the bottom of Vista View, commenting that cars have been either swinging wide to avoid or hitting the cactuses. City Engineer/Public Works Director Rincon reported that he would look into the situation.
4. **Approval of Minutes:** The Minutes of October 16, 2018 were approved.
5. **Current Items for Discussion**

Due to public members present, item e was moved for discussion prior to item a.

*e) Discussion of "Right-to-Industry" Ordinance

Assistant City Manager/Community Development Director Thompson reported that a request was received from Reuser Inc. to review and consider a Right-to-Industry Ordinance, designed to protect industrial businesses that are located near residentially zoned areas. The Ordinance would require disclosure to purchasers of homes within 300' of existing industrial facilities and industrially zoned land to ensure that purchasers are fully aware the zoning.

Public Comment: Merle Reuser discussed a past situation that caused a business to close and voiced a need to protect industrial zoned businesses.

The committee discussed the Ordinance, the importance of protecting industrial land use, and directed that an Ordinance be drafted and brought back to the Committee for review prior to forwarding to the City Council for consideration.

a) Update on Six Acres Water Company/South Cloverdale Water Company

ACM/CDD Thompson reported that he and PW Director/City Engineer Rincon have been participating in monthly conference calls with the Six Acres group and the recommended this item forward to the City Council at the Feb 12th meeting for discussion.

b) Update on the Sustainable Groundwater Management Act/Potter Valley Relicensing Project

The Committee discussed an update on the Potter Valley Project written by Rush Schneider, commenting that more news will be available in January after the Upper River Watershed meeting.

c) Discussion of contract with First Carbon for CEQA services

ACM/CDD Thompson reported that this item is pertaining to the Baumgardner property, which is a residential project that includes both single and multi-family units. He commented that the review process would likely be a lengthy one. He stated that this contract is the first step in the process and

recommended that it be brought forward to the City Council for review at the Jan 8th meeting. The Committee concurred.

d) Possible zoning amendment for the Downtown Commercial and Transit Orientated Development Zones

Councilmember Brigham recused herself because she owns property that is zoned Transit Orientated Development (TOD) and left the room. The Committee discussed the Use Table that was provided in the packet, which illustrates the suggested amendment to the Zoning designations.

Public Comment:

Bob Cox, Planning Commissioner, commented that the TOD Zone was put into place in anticipation of high-density residential units, stating that that has changed since there are no high-density units expected to go into Thyme Square now. Councilmember Bagby thanked him for his good comment and suggested that although high-density is one of the reasons for the TOD Zoning, the SMART station was the primary motivation for TOD Zoning. The Committee stated that the recommended changes are a good start and expressed the need to look at the downtown area plan, and the General Plan for impacts to the rail trail. City Manager Kelley acknowledged there may be a need for a more comprehensive discussion later to develop a long-term solution, stating that staff is proposing the land use changes as a quick fix for now to address the current needs. The Committee agreed to send a preliminary draft to start the process with the Council and Planning Commission. Councilmember Brigham returned to room to participate in the remainder of the meeting.

e) **Discussed above*

f) Update Community Development Planning Log

ACM/CDD Thompson provided an update on projects, including the Baumgardner Annexation, a daycare proposed at 505 South Cloverdale Blvd., and the status of the Tree Ordinance.

6. **Information Only Memos:** None

7. **Future Agenda Items (subject to change):**

- Update on the Sustainable Groundwater Management Act/Potter Valley Relicensing Project
- Discussion of "Right-to-Industry" Ordinance
- Update Community Development Planning Log

8. **Pending Items:** None

9. **Good of the Order:** None

10. **Adjournment:** The meeting adjourned at 4:41 p.m.- next meeting date tentatively set for Tuesday, February 19, 2019, at 4:00 p.m. or alternate date as requested.



Date: February 19, 2019

To: Planning and Community Development Subcommittee

From: Kevin Thompson, Community Development Director

Re: First Draft Right-to-Industry Ordinance

Attached is the first draft of a proposed Right-to-Industry Ordinance requested by the Subcommittee at their December 2018 meeting. The draft ordinance is modeled after the City of Hughson and Mendocino County's ordinances. Right-to-Industry Ordinances are uncommon in the State of California. Its main purpose is to require disclosures be provided on proposed residentially development within 300' of industrially zoned properties.

Staff is requesting feedback and direction to bring the draft ordinance to the Planning Commission for a review and recommendation.

SECTION 2. PURPOSE AND INTENT

1. The City of Cloverdale encourages industry that is compatible with the policies in the General Plan. It is declared policy of the City of Cloverdale that new development be compatible with surrounding land uses. Industrial and other land uses, in particular residential uses, may be difficult to harmonize and are often considered incompatible. It is the purpose of the section to minimize conflicts between industrial and other urban uses. Another purpose of this section is to reduce the loss of industry by limiting the circumstances under which industrial operations may be deemed a nuisance.
2. It is also the intent of the City of Cloverdale to require new development within 300 feet of industrial land, as defined by CMC XX, to include deed restrictions recognizing the right to industry on neighboring parcels currently being used for industrial operations, as defined in CMC XX. A purpose of the notification requirement is to promote a good neighbor policy by informing prospective purchasers and tenants of nonindustrial and of the effects associated with living close to industry. Such concerns may include but are not limited to, the noises, odors, dust, chemicals, smoke and hours of operation that may accompany industrial operations. It is intended that, through mandatory disclosures, purchasers and users will better understand the impact of living in or near industrial areas.
3. This section is not be construed as in any way modifying or abridging state law as set out in the California Civil Code, Health and Safety Code, Division 7 of the Water Code, or any other applicable provision of state law relative to nuisances; rather it is only to be utilized in the interpretation and enforcement of the provisions of this code and city regulations.

Section 2

Nuisance. No industrial activity, operation or facility, or appurtenances thereof, conducted or maintained on industrial lands for commercial purposes, and in a manner consistent with proper and accepted customs and standards as established and followed by similar industrial operations in the same locality, shall be or become a nuisance, private or public, after the same has been in operation for more than three years if it was not a nuisance at the time it began.

Deed Restriction. As a condition of approval of a discretionary development permit found in CMC XX including but not limited to tentative, vesting tentative, final and parcel maps, use permits, rezoning and pre-zoning, the owner(s) of the subject property shall be required to insert a deed restriction recited below. The deed restriction shall be recorded by the owner(s) and run with the land.

RIGHT TO INDUSTRY DEED RESTRICTION

The City of Cloverdale permits operations of properly conducted industrial operation within the City of Cloverdale. You are hereby notified that the property you are purchasing is in or near an industrial area. You may be subject to inconvenience or discomfort from lawful industrial operations. Discomfort and inconvenience may include, but are not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, and/or the operations of machinery during a 24-hour period. One or more of the inconveniences described may occur as a result of industrial operations which are in compliance with existing laws and regulations and accepted customs and standards. If you live near an industrial area, you should be

prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in an area with an active industrial sector.

The City of Cloverdale Right to Industry Ordinance does not exempt industrial operator or others from compliance with the law. Should an industrial operator or other person not comply with appropriate state, federal or local laws, legal recourse is possible by, among other ways, contacting the appropriate agency. This Right-to-Industry Deed Restriction shall be included in all subsequent deeds and leases for this property; the City Council may determine that such a restriction is not longer necessary.

Notification to Buyers. Every transferor of property subject to the notice recorded pursuant to this section the applicant shall provide to any transferee in writing the notice of right to industry recited below. The notice of right to industry shall be contained in each offer for sale, counter-offer for sale, agreement or any other form of agreement or contract for the transfer of property; provided that the notice and the transferee shall acknowledge of receipt.

NOTICE OF RIGHT TO INDUSTRY

The City of Cloverdale permits operation of properly conducted industrial operations within the City of Cloverdale. You are hereby notified that the property you are purchasing/leasing/renting is in or near an industrial area. You may be subject to inconvenience or discomfort from lawful industrial operations.

Discomfort and inconvenience may include, but are not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, and/or the operation of machinery during any 24-hour period. One or more of the inconveniences described may occur as a result of industrial operations which are in compliance with existing laws and regulations and accepted customs and standards. If you live near an industrial area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in an area with an active industrial sector.

The City of Cloverdale Right to Industry Ordinance does not exempt industrial operators or others from compliance with law. Should an industrial operator or other person not comply with appropriate state, federal or local laws, legal recourse is possible by, among other ways, contacting the appropriate agency. This notification is given in compliance with Cloverdale Municipal Code Section XX. By initialing below, you are acknowledging receipt of this notification.

Transferor's Initials Transferee's Initials

The failure to include the foregoing notice shall not invalidate any grant, conveyance, lease or encumbrance. The notice required by this section shall be included in every agreement for transfer entered into after the effective date of the ordinance codified in this section, including property subject to the deed restriction cited in subsection XX of this section.

Right-to-Industry Notice.

1. To provide all affected property owners with constructive notice of the city of Cloverdale's right-to-industry policy a right-to-industry notice shall be mailed to all owners of property. The right-to-industry notice shall contain and be substantially in the form of the following:

CITY OF CLOVERDALE

RIGHT-TO-INDUSTRY DISCLOSURE NOTICE

The City of Cloverdale recognizes and supports the right to industry in a manner consistent with accepted customs and standards. Residents of property in the City should be prepared to accept the inconveniences or discomforts associated with industrial operations, including but not limited to noise, odors, fumes, dust, the operation of machinery of any kind during any 24-hour period.

The City of Cloverdale has determined that inconveniences or discomforts associated with such industrial operations shall not be considered to be a nuisance if such operations are consistent with accepted customs and standards. If you have questions about this policy, please contact the City of Cloverdale Community Development Director.

2. For all discretionary approvals of parcel maps or final maps involving industrial land, or real property located adjacent to industrial land, the planning officer shall include as a condition of approval that the final recorded map shall contain the following statement:

All persons purchasing lots within the boundaries of this approved map should be prepared to accept the inconveniences associated with industrial operations, such as noise, odors, dust or fumes. The City of Cloverdale has determined that such inconveniences shall not be considered to be a nuisance if industrial operations are consistent with accepted customs and standards.

3. All building permits for new residential construction or mobile home placement shall be accompanied by a "right-to-industry notice" in substantially the form provided in subsection (E)(1) of this section.

Penalty for Violation. Failure to comply with any provision of this section shall not prevent the recording of any document, nor shall it affect title to real property or any mortgage or deed of trust made in good faith or for value. However, any person who violates any provision of this section is subject to the provisions of CMC XX. This section is in no way intended to limit damages that may be awarded in nuisance suits.

Resolution of Disputes. Any dispute or controversy that arises regarding any inconveniences or discomforts occasioned by industrial uses or facilities should be settled by direct negotiation of the parties involved. Any such dispute or controversy that cannot be settled by direct negotiation of the parties involved should be submitted to a private mediator, a community mediation service, or another agency which provides dispute resolution services prior to the filing of any court action. Any costs associated with negotiation, mediation or dispute resolution pursuant to this section shall be borne by the parties. (Ord. XX)