



AGENDA
RIO DELL CITY COUNCIL
REGULAR MEETING – 6:30 P.M
THURSDAY, JANUARY 15, 2013
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.

In compliance with the Americans with Disabilities Act, 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 this meeting.

THE TYPE OF COUNCIL BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CEREMONIAL MATTERS
- E. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. As such, a dialogue with the Council or staff is not intended. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

- F. CONSENT CALENDAR

The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Council members if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually in the next section, "SPECIAL CALL ITEMS".

- 1) 2013/0115.01 - Approve Minutes of the January 3, 2013 Regular Meeting
(ACTION) 1
- 2) 2013/0115.02 - Approve Minutes of the January 8, 2013 Special Meeting (ACTION) 11
- 3) 2013/0115.03 - Approve Re-Appointment of Gordon Johnson, Nick Angeloff and
Billie Joe Long to the Rio Dell Planning Commission for three year
terms ending December 31, 2015 (ACTION) 12
- 4) 2013/0115.04 - 2012 Building and Planning Activity Report (RECEIVE & FILE) 21

G. SPECIAL PRESENTATIONS

- 1) 2013/0115.05 - Introduction of the new Executive Director of Humboldt Waste
Management Authority, Jill Duffy

H. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) "SPECIAL CALL ITEMS" from Consent Calendar
- 2) 2013/0115.06 - Ratify the Mayor's Appointments and Alternates to the External
Advisory Boards/Committees/Commissions (ACTION) 32

I. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

- 1) 2013/0115.07 - Approve Resolution No. 1191-2013 Approving by Ratification the City
Manager's Signature on the CalTrans State Transportation Commission
Funding Request for the Wildwood Avenue Project and Right-of-Way
Certification, and Application to the California Land Commission
For a Lease to Drill Horizontally under the Eel River for the Wastewater
Pipe to the Irrigation Site, and Direct the City Manager to work with
the City Attorney to Draft Amendments to the RDMC to Delegate the
City Manager Signing Authority (ACTION) 34
- 3) 2013/0115.08 - Conduct Second Reading (by title only) and Approve Ordinance
No. 299-2013 Establishing Medical Marijuana Regulations - Public
Hearing (ACTION) 63

J. REPORTS/STAFF COMMUNICATIONS

- 1. City Manager
- 2. Chief of Police
- 3. Finance Director
- 4. Community Development Director

K. COUNCIL REPORTS/COMMUNICATIONS

- L. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS: No Closed Session Items Scheduled
- M. PUBLIC COMMENT REGARDING CLOSED SESSION
- N. RECESS INTO CLOSED SESSION
- O. RECONVENE INTO OPEN SESSION
- P. ORAL ANNOUNCEMENTS
- Q. ADJOURNMENT

*The next Regular meeting will be on February 5, 2013
at 6:30 PM in City Hall Council Chambers*

**RIO DELL CITY COUNCIL
REGULAR MEETING
JANUARY 3, 2013
MINUTES**

The Regular Meeting of the Rio Dell City Council was called to order at 6:30 p.m. by Mayor Pro Tem Marks.

ROLL CALL: Present: Mayor Pro Tem Marks, Councilmembers Leonard, Thompson and Wilson

Absent: Mayor Woodall (excused)

Others Present: City Manager Stretch, Finance Director Beauchaine, Chief of Police Hill, Water/Roadways Superintendent Jensen, Wastewater Superintendent Chicora, Community Development Director Caldwell and City Clerk Dunham

Mayor Pro Tem Marks announced this item is being removed from the Consent Calendar for action at this time, prior to seating of the new Councilmembers.

Approve Resolution No. 1184-2013 Accepting the Certification of Votes for the November 6, 2012 General Election

Motion was made by Thompson/Leonard to approve *Resolution No. 1184-2013 Accepting the Certification of Votes for the November 6, 2012 General Election*. Motion carried 4-0.

CEREMONIAL MATTERS

Swearing in and Seating of Newly Elected Council Members Thompson and Wilson

City Clerk Dunham swore in the two newly elected member to the City Council; Jack Thompson and Frank Wilson to four year terms ending in 2016. Both incumbents ran for election unopposed.

Election of Mayor and Mayor Pro Tempore

Councilmember Thompson requested this item be continued to a time when the full Council is present. Council concurred to hold a special meeting on Tuesday, January 8, 2013 at 3:00 p.m. for the election of Mayor and Mayor Pro Tempore.

Recognition of Officer John Beauchaine for 10 Years of Service

Chief Hill presented Officer John Beauchaine with a pin in recognition of ten years of service with the Rio Dell Police Department. He said he has been, and continues to be a great asset to the City and serves as Field Training Officer and is responsible for administering a ten week training program for every new full time and reserve officer that is hired. He also serves as the department's property manager and has received specialized training in many areas.

Swearing in of Reserve Police Officer Dimitriy Gavryush

City Clerk Dunham swore in Dimitriy Gavryush as Reserve Police Officer to the Rio Dell Police Department.

PUBLIC PRESENTATIONS

Nick Angeloff, 156 Grayland Heights addressed the Council as the newly appointed board member to the Rio Dell Chamber of Commerce and as an incentive to bring in new businesses asked that the City consider some sort of waivers for water and sewer charges for new businesses for the first three months.

Adam Dias spoke on behalf of the Eagle Prairie Arts District and said they are joining the Chamber of Commerce in hopes of promoting new business and said the Arts District is considering renting the vacant commercial building at 406 Wildwood and also asked for consideration of a reduction in water and sewer charges for 3-6 months.

CONSENT CALENDAR

Motion was made by Leonard/Thompson to approve the consent calendar including approval of minutes of the December 4, 2012 regular meeting; Approval of Resolution No. 1186-2013 amending the final City Budget for emergency City Hall repairs and terminating the emergency declaration as set forth in Rio Dell Resolution No. 1178-2012; approval of letter of support to Humboldt County Board of Supervisors regarding proposal to rename the Arcata-Eureka Airport to Redwood Coast Regional Airport; approval of Pay Request No. 10 to Wahlund Construction/Sequoia Construction Specialties in the amount of \$782,438.82 for work related to the Wastewater Treatment Plant Upgrade and Disposal Project; approval of Resolution No. 1187-2013 amending City Budget in the amount of \$10,000 for drainage repairs; adoption of job specifications for City Manager, Water/Roadways Superintendent, Water/Wastewater Treatment Plant Operator I/II, and Utility Worker I/II, set salary range for Water/Wastewater Treatment Plant Operator I/II, and approval of Resolution no. 1190-2013 amending Position Allocation Table. Motion carried 4-0.

SPECIAL PRESENTATIONS

Update on Wastewater Treatment Plant Upgrade and Disposal Project

City Manager Stretch provided a brief introduction of Ken Wahlund and Brett Rinehart who were present to bring the City Council up to date regarding the proposed recycled water transmission main horizontal directional drilling across the Eel River.

Ken Wahlund began by introducing his partner, Ryan Richards and said Brett Rinehart was present to answer any technical questions the Council may have. He explained what they are proposing is to install approximately 2050 ft. of 14" SDR-11 HDPE pipe at a depth of

approximately 60 ft. below the river bottom instead of the original design to place 12" pipe inside the existing Highway 101 South bridge. He said over the past 30 years, horizontal directional drilling has become the preferred construction method to cross major waterways and the impact to the pipeline is much less in the event of an earthquake.

Brett Rinehart provided four examples of similar projects where horizontal directional drilling was done successfully. He then reviewed costs and based on their estimates, the HDD pipe crossing can be completed at the same cost as the original bridge crossing. He noted that the actual construction cost is approximately \$100,000 less for the HDD crossing however this amount is being spent on design, permitting, geotechnical reports and surveying. He explained the proposed Horizontal Directional Drilling (HDD) crossing is lower risk, easier and faster to install and provided greater long term durability, lower maintenance and less potential for warranty issues.

Mr. Rinehart continued with review of permitting requirements and stated that SHN has been hired to assist with permitting for the project including preparing an addendum to the CEQA document which will need to be approved by the Council once completed. He reported that there are no permits required by the County of Humboldt, Army Corp of Engineers or Department of Fish and Game. There are, however permits required by the State Lands Commission and Cal-Trans. He said the encroachment permit application with Cal-Trans is expected to be submitted by January 11, 2013 and expected to be approved in 30-60 days from that date.

Mr. Rinhart said in the event that the project is not completed by May 15, 2013, although it is anticipated that it will be, the annual percolation pond would have to be constructed near the river below the wastewater treatment plant and would be done by Wahlund Construction at no additional cost to the City.

Council consensus was that the HDD was the preferred method.

Mayor Pro Tem Marks asked what the warranty is on the pipe; Brett Rinehart said it would be covered under the normal industry warranty but the expected life of the pipe is 100 years.

Mayor Pro Tem Marks then asked for questions from the public.

Steve Lewis stated he used to live in southern Humboldt and the line at Briceland was often breaking due to seismic activity and asked how the pipe would be repaired if that were to happen here; Brett explained all the repair would be done within the inside of the pipe and specialized equipment would be used to infuse the seam in place. He said in the event of a catastrophic event it would be a big job but the repairs could be done.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

Authorize the City Manager to Execute Contract Agreement with Bartly Wells Associates to Update the Wastewater Connection Fee

Finance Director Beauchaine provided a staff report and stated the City previously contracted with Bartle Wells Associates to conduct a wastewater rate study and after further discussion of the City's fees, it was brought to her attention that the wastewater connection fees has not been increased in 26 years. Bartle Wells has agreed to review and update the wastewater connection fee for \$5,000. She said staff's recommendation is that the Council approve the scope of services to ensure the City captures all potential revenue available and due to the City through future wastewater connections.

Ayala Talpia asked for clarification on who is being charged the \$5,000; Finance Director Beauchaine explained the City will be paying a firm to evaluate the wastewater connection fee.

Motion was made by Thompson/Leonard to authorize the City Manager to execute a contract agreement with Bartle Wells Associates to update the wastewater connection fee. Motion carried 4-0.

Deny Extension of Water Service to APN's 205-031-033 and 205-071-003

Community Development Director Caldwell provided a staff report and said the City was recently approached with a request to extend water to two parcels located outside City boundaries. The property owner, Ray Chism recently purchased three parcels on Monument Road, one of which is developed with a single family residence and is currently being provided water from the City. He said the other two parcels are currently vacant and he would like to have water service extended to those two parcels.

Community Development Director Caldwell explained that under the Cortese-Knox-Hertzberg Act of 2000, Government Code Section 56133 authorizes a city or district to provide new or extended services by contract or agreement outside its jurisdictional boundaries if the city or district requests and receives approval from the Local Agency Formation Commission (LAFCo). LAFCo may authorized a city to provide new or extended services outside its jurisdictional boundaries, but within its sphere of influence in anticipation of a later annexation into the city, or outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory under special circumstances.

Community Development Director Caldwell said at this point, staff does not recommend that the City make application to LAFCo requesting their approval of the extension of services and subsequent annexation for a number of reasons, one of which is that the City's water supply comes from an infiltration gallery located in the Eel River and the production of water is tied to the water levels in the river. In late summer months, production can barely keep up with demand. Another reason is that the County would likely recommend annexation of that portion of Monument Road and this section of the road is in poor condition and subject to active landslides. The City does not have the funds to maintain the road.

Councilmember Wilson asked if the approximate 786 available water connections quoted in the staff report were in addition to existing services, and if the City could be forced to annex; Kevin Councilmember Wilson asked if the approximate 786 available water connections quoted in the staff report were in addition to existing services, and if the City could be forced to annex; Kevin commented that the number of available water connections was in addition to existing services and that the City is not required to annex at this time however he foresees LAFCo coming back to the City in the future with that request since the City does provide water services to some of those parcels.

Adam Dias asked why and what is the remedy for providing more water; Water/Roadways Superintendent Jensen explained the City is allowed is allowed certain CSF and has limited water storage tank capacity. City Manager Stretch commented that there are also problems with the clarifiers which need to be replaced to keep the tanks full during high turbidity periods.

Steve Lewis asked where the City was getting its water and if it is enough to keep up with the growth of the City; Water/Roadways Superintendent Jensen explained the City's water supply comes from an infiltration gallery located in the Eel River and the available connections cannot accommodate the planned growth of the City.

Mr. Lewis asked what CSF stood for; Randy explained it as *cubic feet per second*.

Motion was made by Wilson/Leonard to deny the extension of water service to APN's 205-031-033 and 205-071-003 by not making application to LAFCo requesting their approval of the extension of services and subsequent annexation. Motion carried 4-0.

ORDINANCES/SPECIAL RESOLUTIONS

Approve Resolution No. 1185-2013 Amending City of Rio Dell Employee Handbook

City Manager Stretch provided a staff report and said as the Council is aware, the personnel rules of an agency are constantly under review and subject to amendment as situations arise. The proposed amendments will add a number of provisions that were either overlooked when the old policy was replaced, memorialize a number of unwritten personnel practices or address issues that have developed since the new policy was adopted in July of 2010. The amendments were presented as "Attachment "A" to the Employee Handbook. The proposed amendments included a section for *Acting Pay* when an employee is required to perform the duties of his/her supervisor; amendments to Section 3.31 regarding *Probation Periods*; amendments to Section 3.37 under *Types of Appointments and Initial Salary*; and amendment to Section 5.04 under *Compensation Plan*.

Mayor Pro Tem Marks asked if employee anniversary dates were changed to January 1st of each year; Finance Director Beauchaine said employee anniversary dates will remain as their first date of employment.

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Motion was made by Thompson/Leonard to approve *Resolution No. 1185-2013 Amending the City of Rio Dell Employee Handbook*. Motion carried 4-0.

Approve Resolution No. 1188-2013 Amending City Budget in the Amount of \$2,579 for League of California Cities Membership Dues for 2013

City Manager Stretch stated in past years, the City was a member of the League of California Cities. Due to budget constraints, the membership was dropped, knowing that the City would still get the benefits of the League's work at no cost. He said the City does benefit from their legislative and ballot advocacy in the state capital as well as from the litigation undertaken in the defense of local revenues and his recommendation is that the City share in the cost of its representation by becoming a member once again.

Councilmember Thompson stated that he would be willing to support paying membership dues but is not willing to fund for City Council travel to attend LOCC conferences.

Mayor Pro Tem Marks said the problem is that there have been no guidelines established for City Council attendance at conferences and workshops and in the past a councilmember attended but didn't come back and share the information with other members. She suggested the idea of using SKIPE as a tool to view conferences in the future.

City Manager Stretch said the action is to merely authorize becoming a member of the League and amend the budget to fund the annual dues in the amount of \$2,579, not to appoint a City Council member as representative to the League. He commented that the LOCC sends a representative to the Humboldt County Library on a monthly basis to update administrators on what going on around the capital.

Mayor Pro Tem Marks said she would like to establish guidelines or policies regarding attendance at conferences or workshops.

Motion was made by Thompson/Leonard to approve becoming a member of the League of California Cities with membership dues to be budgeted at \$2,579 in the City Council's budget for calendar 2013; and approve *Resolution No. 1188-2013 Amending the City Budget to Join the League of California Cities*. Motion carried 4-0.

Introduce and Conduct First Reading (by title only) of Ordinance No. 299-2013 Establishing Medical Marijuana Regulations

Community Development Director Caldwell provided a staff report beginning with background on the enactment of Prop 215 in 1996 which legalized the cultivation of medical marijuana. He said staff was directed to prepare Medical Marijuana Regulations to regulate the cultivation of medical marijuana for personal use in residences and detached accessory buildings. He further stated that the purpose of the Medical Marijuana Regulations is to ensure that the cultivation of medical marijuana for personal use is conducted in a manner that is consistent with the State law

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and which promotes the health, safety, comfort, convenience, and general welfare of the residents, businesses and neighborhoods to be protected from public health, safety, and nuisance impacts that can accompany the residential cultivation and processing of medical marijuana for an individual patient's use; and the need to eliminate or at least limit to the extent possible, the harmful environmental impacts that can accompany marijuana cultivation.

He said that due to the high monetary value placed upon marijuana there have been a number of home invasions robberies, thefts and violent crimes related to marijuana cultivation throughout the County. In addition, the City has experienced a number of residential fires from overloaded or improperly modified electrical systems used to power grow lights and exhaust fans. Another point is that widespread indoor cultivation of marijuana in the County and Cities has led to a decrease in needed rental housing stock, as rental units are being solely converted to grow houses.

Community Development Director Caldwell said the draft ordinance mirrors what the County and the Cities of Arcata and Eureka have proposed. The draft ordinance was presented to the planning commission at their November 28th regular meeting and Commissioners felt that the City should allow greenhouses because they would prefer to see a greenhouse broken into rather than a residence; greenhouses are not dependent on artificial light; and low income patients growing legally cannot afford the electrical costs associated with grow lights. The Commission also discussed whether or not the City should allow exceptions to the area and wattage standards due to a patients needs and recommendation by a physician. The Commission chose not to recommend exception provisions since both the City of Arcata and Eureka have such provisions but have not received any exception requests.

He said the proposed regulations are consistent with the adopted Humboldt County District Attorney's Prosecution Guidelines which states that patients or their caregivers cultivating marijuana indoors will not be prosecuted if the cultivation is within 100 square feet cumulatively by the vegetation canopy; and contains 99 plants or less, including starts; and is using 1500 watts or less of illumination by artificial growing lights of any kind. Notwithstanding the exception provisions, staff's recommendations like that of other local jurisdictions is that the indoor cultivation of fifty (50) square feet or less of medical marijuana that is ten (10) feet tall or less per residence or detached accessory building is subordinate to, incidental, and accessory to the residential use. The maximum wattage of illumination by artificial growing lights cannot exceed 1200 watts, and no outdoor cultivation will be allowed.

Councilmember Wilson said he understands the idea of the Ordinance is to control the cultivation of medical marijuana but expressed concern about enforcement. He said based on his research, he learned that 8,000 watts would be need for a typical grow. He asked how dirt and chemicals are disposed of and said it seems to him that the ordinance does not have enough controls to be effective. He said there is legitimate need for medical marijuana but there needs to be stronger controls. He noted that basically anyone can go to a doctor and get a 215 card and

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there is no mechanism to stop them from growing it for “so called” medical purposes and turning around and selling it. He said he would like to see medical marijuana regulated at the state level.

Community Development Director Caldwell stated as far as pesticides, he spoke with the City Attorney and was told that marijuana cannot be treated any differently than any other plant in regard to pesticides. Also under HIPPA, patient’s privacy rights are protected. He said to address complaints from citizens about smell and odors; carbon filters will be required for indoor grows. There should be no evidence of an indoor grow and the police department can respond to complaints and inspect the premises where indoor grows are present.

Councilmember Wilson asked Chief Hill if it’s within his jurisdiction to inspect an indoor grow based on an odor complaint; he said the way 215 laws are now, there is not much he can do but with passage of the ordinance he will have more authority to enforce compliance.

Councilmember Thompson said as a board member to HWMA and RCEA he feels it is very important to adopt an ordinance regulating the cultivation of medical marijuana and said the ordinance as proposed is a step in the right direction. He said the City of Arcata is imposing a tax on large electrical consumers and for the City to impose such a tax it would cost between \$300,000 - \$400,000. His concern is that if Rio Dell is the only City without the tax, everyone will move here to grow medical marijuana.

Mayor Pro Tem Marks stated she has received complaints from elderly women who say they fell like prisoners in their own home because they are afraid to make a complaint regarding odor and don’t want the person to know who the accuser is. Chief of Police Hill said that names are not revealed.

Mayor Pro Tem Marks opened the public hearing to receive public comment on the proposed ordinance.

Steven Lewis stated that approximately 6 months ago he was spared from being arrested because of having a legal 215 card. He said he lives in low-income subsidized housing on Center St. and every 45 days or so he cooks marijuana and makes biscuits to relieve back pain which upsets his neighbor because of the odor. He said he is a legal medical marijuana recipient but he can see how much opportunity there is for abusing the laws. He said he would like to see Rio Dell stand up to the Federal Government who he feels is abusing their rights when it comes to medical marijuana laws. He said cannabis indica is legal and what is mostly grown here is cannabis sativa.

Adam Dias spoke as a business owner and said the majority of growers are pro-business. He said Garberville convinced growers to contribute to the community and they do. The same for Rio Dell should apply. He said the amount of marijuana sold out of Rio Dell over 3 months

would generate enough money to pave the City streets. If we treat the growers as they are and not how we want them to be, the City may benefit. He said the only real way to deal with enforcement is to approach it from a business perspective; if the electrical is not permitted or they are not in compliance, shut them down.

Nick Angeloff said the Council might want to consider imposing progressive fines and to require that growers contribute to the community in some way. He said perhaps it should be where if someone is in violation and they continue to be, a fine of \$500.00 per day is assessed. Chief Hill pointed out that it is unlawful to tax the cultivation of medical marijuana and the State and Federal government prohibits Cities from allowing or recognizing it as a legal business.

There being no further public comment, the public hearing closed at 8:02 p.m.

Councilmember Thompson referred to a letter presented from the pharmacist at Green's Pharmacy pointing out the availability of a prescription form of cannabis called *Marinol*, (AKA *Dronabinol*) which is provided in capsule form that has been used for years for a few medical conditions associated with cancer and HIV. The medication is used for nausea and vomiting associated with chemotherapy and also for appetite stimulation in patients.

Councilmember Wilson reiterated that the ordinance is a step in the right direction but does not have the teeth to have any more than minimal effect. He commented that an energy tax such as the City Arcata needs to be imposed.

Motion was made by Leonard/Thompson to introduce Ordinance No. 299-2013 (by title only) establishing Medical Marijuana Regulations, Section 17.30.155 of the Rio Dell Municipal Code and continue the public hearing and consideration of the proposed ordinance to the next regular meeting of January 15, 2013 for second reading and adoption. Motion carried 4-0.

REPORTS/STAFF COMMUNICATIONS

Chief of Police Hill reported on recent activities in the police department and said his offices were almost back in order and are still waiting for delivery of the new desk in the reception area; their new software would be arriving next week and the department now has 3 Reserve Police Officers.

Finance Director Beauchaine reported on recent activities in the finance department and said the City's auditors were scheduled to be here January 8, 2013 and most of her department's time was spent in preparation for their visit.

Community Development Director Caldwell reported he was contacted by Danco Builders who are interested in doing a multi-unit development project in Rio Dell under a grant and said on the next Planning Commission agenda would be the draft Circulation Element; and an amendment to the sign ordinance.

COUNCIL REPORTS/COMMUNICATIONS

Mayor Pro Tem Marks asked about the status of implementing a credit/debit card machine to allow customers another method to pay their bills; City Manager Stretch said he gathered some information and will provide it to Council.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 8:13 p.m. to the January 15, 2013 regular meeting.

Melissa Marks, Mayor Pro Tem

Attest:

Karen Dunham, City Clerk

**RIO DELL CITY COUNCIL
SPECIAL MEETING
JANUARY 8, 2013
MINUTES**

A Special Meeting of the Rio Dell City Council was called to order at 3:00 p.m. by Mayor Woodall.

ROLL CALL: Present: Mayor Woodall, Councilmembers Marks, Thompson, and Wilson.

Absent: Councilmember Leonard (excused)

Others Present: Clerk Ralston

CEREMONIAL

Election of Mayor

Clerk Ralston passed ballots to council members for the election of Mayor. The results of the votes were announced by the name of the councilmember and for whom they voted. Councilmember Thompson received three of the four votes cast for the position of Mayor; and Mayor Woodall received one vote.

Councilmembers were then asked to vote for their choice for the position of Mayor Pro Tem by written ballot. Clerk Ralston announced three votes were received for Councilmember Wilson and one vote for Councilmember Woodall for the position of Mayor Pro Tem.

Councilmember Thompson assumed his position as Mayor and Councilmember Wilson assumed his position as Mayor Pro Tem.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 3:14 p.m. to the January 15, 2013 regular meeting.

Julie Woodall, Mayor

Attest:

Carla Ralston, Clerk

675 Wildwood Avenue
Rio Dell, CA 95562



TO: Mayor and Members of the City Council
THROUGH: Jim Stretch, City Manager
FROM: Karen Dunham, City Clerk
DATE: January 15, 2013
SUBJECT: Appointment for Vacancies on the Rio Dell Planning Commission

RECOMMENDATION

Approve the re-appointments of Gordon Johnson, Nick Angeloff and Billy Joe Long to the Rio Dell Planning Commission for three year terms ending December 31, 2015.

BUDGETARY IMPACT

None

BACKGROUND AND DISCUSSION

There are currently three (3) vacancies on the Rio Dell Planning Commission as the result of three expired terms. The Notice of Vacancy was posted on December 26, 2012 with the last day for submittal of applications being January 10, 2013.

As you are aware, the procedures for appointments by the City Council for vacant positions on Boards or Commission as set forth in Resolution No. 1127-2011, allows applicants the opportunity to make a short presentation to the Council at a public meeting.

Provided there are no objections or questions from the Council, we are asking that the Council simply forgo balloting and approve the re-appointment of the three members whose terms expired on December 31, 2012 since there have been no other applicants wishing to be considered for appointment at this time. The Commissioners will be sworn in and seated at the January 23, 2013 Planning Commission meeting.

ATTACHMENT: (3) Applications for Commission Appointment

CITY OF RIO DELL
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532

 RECEIVED

1-8-13

APPLICATION FOR COMMISSION/BOARD

NAME Gordon Johnson DATE 1/8/13
ADDRESS PO Box 91 or 165 Sequoia HOME PHONE 764-3050
Rio Dell, CA BUSINESS PHONE _____

I AM INTERESTED IN SERVING ON THE FOLLOWING BOARD/COMMISSION:

Planning Comm.

OCCUPATION Semi retired civil engineer

HOW LONG HAVE YOU LIVED IN RIO DELL? 34+ yrs

PROFESSIONAL AND/OR COMMUNITY ACTIVITIES _____

Member of Planning Comm. in Rio Dell for the last 2-yr.

ADDITIONAL PERTINENT INFORMATION/REFERENCES _____

I am a registered civil engineer and a licensed general engineering contractor in CA.

EDUCATION Eureka High School (1963), BS in Civil Engineering in 1963 from Humboldt State College

Please answer the following two questions:

1) Why are you interested in serving on this board/commission?

I have been fortunate to have served on the Rio Dell PC for the last 2-yrs. Rio Dell has been and continues to be a great place to raise a family and now to enter semi-retirement.

2) What special talents/experience/education do you possess that will be useful in this position?

Licensed engineer, land surveyor and contractor
2 yrs on the PC
34+ yrs as a resident of Rio Dell
I served as a City Engineer / Director of Public Works in Oregon for 2 yrs.
I enjoy being a member of the Rio Dell Planning Comm.

Note: A Resume may be attached

Return form to the City of Rio Dell at 675 Wildwood Ave., Rio Dell, CA 95562

CITY OF RIO DELL
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532

RECEIVED
12-27-12

APPLICATION FOR COMMISSION/BOARD

NAME Nick Angeloff DATE 12/27/12

ADDRESS 156 Grayland Heights Road, Rio Dell, CA 95562
HOME PHONE 764-5883 BUSINESSPHONE 407-6205

I AM INTERESTED IN SERVING ON THE FOLLOWING BOARD/COMMISSION:
PLANNING COMMISSION

OCCUPATION: DIRECTOR OF ECONOMIC DEVELOPMENT

HOW LONG HAVE YOU LIVED IN RIO DELL: 11 YEARS

PROFESSIONAL AND/OR COMMUNITY ACTIVITIES:
EXISTING PLANNING COMMISSIONER, VP OF EAGLE PRAIRIE ARTS DISTRICT, SCOTIA SCHOOL SITE COUNCIL,
DELL, EXECUTIVE DIRECTOR SAVE THE SCOTIA GYM, HWMA PAC MEMBER FOR RIO

ADDITIONAL PERTINENT INFORMATION/REFERENCES

EDUCATION BA HUMBOLDT STATE, MA SACRAMENTO STATE

RECEIVED
DEC 28 2012

Please answer the following two questions:

- 1) Why are you interested in serving on this board/commission?
I AM ACTIVE IN THE COMMUNITY, ALREADY SERVE ON THE PLANNING COMMISSION, AND WISH TO CONTINUE MY SERVICE TO THE COMMUNITY. I BELIEVE I HAVE BEEN A COMMITTED MEMBER OF THE PLANNING COMMISSION AND MY CONTINUED SERVICE WILL BENEFIT THE COMMUNITY.

- 2) What special talents/experience/education do you possess that will be useful in this position?
I AM FAMILIAR WITH THE PLANNING PROCESS AND THE REGULATORY ENVIRONMENT WITHIN WHICH WE MAKE DECISIONS.

Note: A Resume may be attached

Return form to the City of Rio Dell at 675 Wildwood Ave., Rio Dell, CA 95562

Nick Angeloff, MA
156 Grayland Heights Drive, Rio Dell, CA 95562
707.407.6205 (Mobile)
email: nangeloff.ceo@gmail.com

Blue Lake Rancheria Tribe
428 Chartin Way
Blue Lake, CA 95525
Director of Economic Development
4/12-present
PLEASE DO NOT CONTACT

Ninisaan
541 Second Avenue
Rio Dell, CA 95562
Executive Director
1/1/12 - Present

Wiyot Tribe
1000 Wiyot Drive
Loleta, CA 95551
CEO
4/15/11 - 12/31/12

Bear River Band of the Rohnerville Rancheria
27 Bear River Drive
Loleta, CA 95551
Tribal Historic Preservation Officer
1/06-4/11

Education

MA in Anthropology, California State University Sacramento- 2011
BA in Anthropology/ Minor in Native American Studies from Humboldt State University-1998.
Henry M. Gunn High School, Palo Alto, CA 1985

Papers/Publications:

Homogeneity and Variability among Borax Lake Assemblages of Northern California- presented at the Society for California Archaeology Annual Meetings 2003.

The Punta Gorda Rock Shelter and The Effects of Erosion on Cultural Sites Along the Lost Coast of the King Range National Conservation Area. Presented at the Society of California Archaeology Meetings 2006.

From the Mouths of Your Ancestors. 2006 Bear River Band of the Rohnerville Rancheria.

Mid Holocene Climate Change in Northern California- Paper presented at the Strategic Partnership Coalition Climate Change Symposium 2008.

The Memorandum of Agreement Process with the Bureau of Land Management and the Bear River Band of Rohnerville Rancheria- presented at National Association of Tribal Historic Preservation Officers 2009 annual meeting.

Federal/Tribal Relationships Regarding NAGPRA: BLM and BRBRR – Presented at the 2010 National NAGPRA Conference, Washington DC.

An Overview of the Borax Lake Pattern- Paper presented at the 2010 Society for California Archaeology Meetings and the

Archaeological Supply Company
541 Second Avenue
Rio Dell, CA 95562 (707) 764-5883
Owner
1/04-present

Bureau of Land Management
1695 Heindon Road
Arcata, CA 95521 (707) 825-2300
7/04-11/06

Cultural Resource Facility
Center for Indian Community Development
Arcata, Ca. 95521 (707) 826-5247
6/03-7/04

Anthropological Research Center
Institute of Archaeology and Cultural Studies, Department of Anthropology
California State University Sacramento
Sacramento, Ca., 95819-6106 (916) 278-5330
10/2000-2/2000

2010 State of Jefferson Meetings.

The Smith Creek Cooperative Archaeological Project- Paper presented at the 2010 Society for California Archaeology Meetings.

Technological Organization and Variability Within the Borax Lake Pattern of Northern California. Paper presented at the 2011 Society for American Archaeology Meetings in Sacramento, CA.

Grant History

2006 Northern California Indian Development Council- language grant- \$9,000

-Produced "From the Mouths of Your Ancestors", a language dictionary with audio and photos

2007 National Park Service Tribal Historic Preservation Office grant- \$61,000

-Created the Tribal Historic Preservation Office at the Bear River Band

2007 Institute of Museum and Library Services: Library Basic grant- \$6,000

-Provides basic library services to the Bear River Band of the Rohnerville Rancheria

2007 Institute of Museum and Library Services: Native American/Native Hawaiian Museum grant- \$49,000

-Digitized historic archival materials into a geographic information system linking the digital archives to points and polygons within the GIS and created two exhibits from the archival materials.

2008 Native American Graves Protection and Repatriation Act grant- \$74,000

-Initiated consultation with the Phoebe Hearst museum of Anthropology, Army Corps of Engineers, California State Museum and the Fowler Museum regarding human remains and subject artifacts for the Bear River Band of the Rohnerville Rancheria.

2008 Institute of Museum and Library Services: Library Enhancement grant- \$134,000

-Digitally cataloged and enhanced the Bear River Band of the Rohnerville Rancheria's existing library collection.

2008 Institute of Museum and Library Services Museum grant- \$48,000

-Digitally cataloged the Bear River Band of the Rohnerville Rancheria's existing artifact/art collection, procured and outfitted the Tribe's new museum with curation equipment.

2008 IMLS Library Basic grant- \$6,000

-Provides basic library services to the Bear River Band of the Rohnerville Rancheria

2008 National Park Service Tribal Historic Preservation Office grant- \$68,000

-Continues the operation of the Tribal Historic Preservation Office.

2009 Endangered Language Fund grant- \$7,000

-Provides funding for one year to the Bear River Band Language class.

2009 Tribal Preservation Fund grant- \$40,000

-Provides funding for archaeological research in the Smith Creek watershed in cooperation with CSU Sacramento and Humboldt Redwood Company.

2009 National Park Service Tribal Historic Preservation Office grant- \$61,000

-Continues the operation of the Tribal Historic Preservation Office.

CITY OF RIO DELL
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



APPLICATION FOR COMMISSION/BOARD

NAME Billy Joe Long DATE 12/28/2012
ADDRESS 94 Painter St. HOME PHONE 707.764.3855
Rio Dell, CA 95562 BUSINESS PHONE 707.506.6228

I AM INTERESTED IN SERVING ON THE FOLLOWING BOARD/COMMISSION:

OCCUPATION Computer Consultant / Repair Technician

HOW LONG HAVE YOU LIVED IN RIO DELL? 30+ years

PROFESSIONAL AND/OR COMMUNITY ACTIVITIES Currently serving on the Planning Commission, serving on the HUMA Planning Advisory Committee

ADDITIONAL PERTINENT INFORMATION/REFERENCES _____

EDUCATION College of the Redwoods graduate - Computer Science Major
A.S. Programming } A.S. Computer Applications and
A.S. Networking } office Systems

Please answer the following two questions:

1) Why are you interested in serving on this board/commission?

My family and I have made Rio Dell our home, and we are very interested in the decisions being made in and for our city. It seems the best way to stay informed is to be a part of the process.

2) What special talents/experience/education do you possess that will be useful in this position?

The nature of my job involves a lot of research, and a good eye for detail. I believe these skills will be of service to the City of Rio Dell, as well as my business. I am also a 'people person', and feel I can keep a thumb on the pulse of popular opinions concerning city policy and regulations.

Note: A Resume may be attached

Return form to the City of Rio Dell at 675 Wildwood Ave., Rio Dell, CA 95562

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



For Meeting of: January 15, 2013

To: City Council
From: Kevin Caldwell, Community Development Director 
Through: Jim Stetch, City Manager 
Date: January 7, 2013
Subject: 2012 Permit Activity Annual Report

Recommendation:

That the City Council:

1. Receive staff's report regarding the 2012 Permit Activity.

Summary

Attachment 1 identifies the Planning projects that were processed during 2012. Not including the Albin General Plan Amendment and Zone Reclassification, staff processed three General Plan Amendments. Those amendments included the Broussard, Eel River Industrial Park and Town Center/Edwards General Plan Amendments. In addition, staff processed nine text amendments. The Teasley subdivision, Smither lot line adjustment, Close lot line adjustment and Keller variance were also processed and approved.

The City issued 89 Building Permits in 2012, including permits for five new housing units. Attachment 2 identifies the Building Permits that were issued in 2012.

Attachments:

1. 2012 Planning Activity Report.
2. 2012 Building Permit Activity Report.

General Plan Amendments & Zone Reclassifications	
Ordinance 280-2012 Adopted: January 17, 2012	Subject: Home Occupation Permits.
Project Description: Amended the City's Urban Residential and Suburban Residential zones to eliminate the requirement of a Conditional Use Permit (CUP) for Home Occupations. The Home Occupation provisions, Section 17.25.080 of the Rio Dell Municipal Code (RDMC), clearly allowed Home Occupations as an accessory use in all residential zones, provided the Home Occupation meets the development or performance standards contained therein.	
Ordinance 281-2012 Adopted: January 17, 2012	Subject: Second Dwelling Units.
Project Description: A number of the City's provisions were either not consistent with State law and/or were poorly written. The City's previous regulations: (1) contained discretionary language when in fact approval of second units that meet the development standards is ministerial; (2) required that one of the dwelling units be owner-occupied; (3) precluded second units on lots less than 6,000 square feet, except in Town Center second units are allowed on lots of 5,000 square feet or more; (4) precluded manufactured or mobilehome as second units; and (5) inferred that detached second units are allowed in the rear yard setback.	
Ordinance 282-2012 Adopted: February 7, 2012	Subject: Broussard Plan Amendment, Zone Reclassification and Lot Line Adjustment.
Project Description: A General Plan Amendment and Zone Reclassification that redesignated approximately 5,050 square feet from Town Center (TC) to Urban Residential (UR). The amendments were required as part of an approved lot line adjustment.	
Ordinance 283-2012 Adopted: February 7, 2012	Subject: Lot Size Modification Provisions.
Project Description: A text amendment that established Lot Size Modification provisions, Section 17.30.130 of the Rio Dell Municipal Code (RDMC).	
Ordinance 284-2012 Adopted: February 7, 2012	Subject: Yard Regulations, Setback Averaging and Corner Setbacks.
Project Description: A text amendment that amended the City's Yard Regulations, Section 17.30.280 of the Rio Dell Municipal Code (RDMC) to allow setback averaging in Residential zones and to establish setback requirements for corner lots.	

General Plan Amendments & Zone Reclassifications	
Resolution 1150-2012 Adopted: April 3, 2012	Subject: Fence Regulations.
Project Description: Adoption of Resolution No. 1150-2012 recognizing and reaffirming the existing Fence Regulations, Ordinance No. 167.	
Ordinance 289-2012 Adopted: April 17, 2012	Subject: Election Sign Regulations.
Project Description: Amended Section 17.30.260 of the Rio Dell Municipal Code (RDMC) by establishing Election/Political sign regulations.	
Ordinance 290-2012 Adopted: _____	Subject: Albin General Plan Amendment and Zone Reclassification.
Project Description: A General Plan Amendment and Zone Reclassification amending approximately 3 acres from Community Commercial (CC) to Urban Residential (UR). The Planning Commission unanimously recommended that the City Council deny the application. At the request of the applicant, the project has been pulled from consideration at this time. However, it's anticipated the applicant will request the Council consider the application sometime this spring.	
Ordinance 291-2012 Adopted: July 17, 2012	Subject: Design Review Regulations.
Project Description: A text amendment to establish Design Review Regulations, Section 17.25.050 of the Rio Dell Municipal Code (RDMC). The purpose of the Design Review process is to promote orderly and harmonious growth within the City. The intent of the design review process is to establish discretionary review of development projects that require additional site and design considerations beyond conformance with minimum standards of the Zoning Code.	
Ordinance 292-2012 Adopted: July 3, 2012	Subject: Eel River Industrial Park.
Project Description: A General Plan Amendment and Zone Reclassification amending approximately 18 acres from Public Facility to Industrial Commercial and about 7 acres from Public Facility to Natural Resources.	

General Plan Amendments & Zone Reclassifications	
Ordinance 295-2012 Adopted: November 8, 2012	Subject: Parking Regulations Amendment.
Project Description: A text amendment repealing the existing Parking Regulations and establishing new Parking Regulations, Section 17.30.180 of the Rio Dell Municipal Code (RDMC).	
Ordinance 297-2012 Adopted: November 8, 2012	Subject: Town Center and Edwards Acquisition Amendments.
Project Description: A General Plan and Zone Reclassification amending the Town Center/Urban Residential zoning designations, the allowed uses and development standards of the Town Center zone, the Edwards Suburban Low/Public Facility map designations and General Plan Land Use Policies LU-5 and LU-19 and Tables 1-1 and 1-2 of the General Plan.	
Subdivisions	
Resolution PC 052-2012 Adopted: July 25, 2012	Subject: Teasley Minor Subdivision
Project Description: A minor subdivision of a 24,750 square foot parcel into two parcels of about 12,040 and 12,710 square feet respectively. Both proposed parcels were developed with single family homes and residential accessory structures.	
Lot Line Adjustments	
Resolution PC 054-2012 Adopted: July 25, 2012	Subject: Close Lot Line Adjustment
Project Description: A lot line adjustment between two parcels of approximately 3,580 (APN 052-102-02) square feet and 35,340 (APN 052-102-06) square feet on property known as 1328 Eeloa Avenue. The purpose of the lot line adjustment was to site the existing commercial building (CC Market) on its own parcel. Once completed the lot line adjustment will result in two parcels of about 12,730 (APN 052-102-02) and 26,190 (APN 052-102-06) square feet respectively.	
Resolution PC 055-2012 Adopted: July 25, 2012	Subject: Smither Lot Line Adjustment
Project Description: A lot line adjustment between two parcels on property known as 541 Wildwood Avenue. The purpose of the lot line adjustment was to site the existing commercial building on its own parcel. The two existing parcels are 5,000 (50' x 100') square feet each. The proposed lot line adjustment will result in two parcels of 6,860 and 3,140 square feet respectively.	

Variances

Resolution PC 058-2012
Adopted: September 26, 2012

Subject: Keller Variance

Project Description: A variance to the required 5 foot side-yard setback to allow the reconstruction/replacement of an existing garage in the same location. This existing garage, which was likely built decades ago, is/was 1 ½ feet from the property line

BUILDING PERMIT LOG - 2012

DATE	PERMIT NO.	APPLICANT/OWNER	CONTRACTOR	APN/ADDRESS	DESCRIPTION OF WORK	VALUATION
1/5/2012	11201	ROB SIRRINE	REDWOOD EMPIRE ROOF	610 DAVIS ST.	RE-ROOF	
1/6/2012	11202	RIO DELL TERRACE	EVANS MECHANICAL	325 CENTER ST. APT 19	WALL HEATER	
1/11/2012	11203	NICK ANGELOFF	N/A	541 SECOND AVE.	ELECTRICAL	
					NEW HOUSING UNITS FOR 2012	5
					TOTAL PERMITS FOR 2012	89
					TOTAL PERMITS FOR 2011	71
					TOTAL PERMITS FOR 2010	89

BUILDING PERMIT LOG

DATE	PERMIT NO.	APPLICANT/OWNER	CONTRACTOR	APN/ADDRESS	DESCRIPTION OF WORK	VALUATION
1/12/2012	11204	DEAN SMITHER	SMITHER CONSTRUCTION	750 IRELAND AVE,	GRADING PERMIT	
1/13/2012	11205	DARIO PRIMOFIORE	N/A	590 VIEW AVE.	ELECTRICAL UPGRADE	
1/17/2012	11206	MERILYN ROSS	N/A	390 WILDWOOD AVE.	STORAGE BIN	
1/17/2012	11207	AM NORTHWESTERN	AF BUILDERS	918 HILDA ct.	SPRINKLER SYSTEM	
1/20/2012	11208	DALE WILSON	DAVE WILSON CONST.	385 ORCHARD ST.	ELECTRICAL UPGRADE	
1/30/2012	11209	SYLVIA TEAGUE	LEGACY ELECTRIC	190 CEDAR ST.	100 AMP ELECTRICAL	
2/2/2012	21201	WES NALLY	EVANS MECHANICAL	141 N. PACIFIC AVE.	FURNACE, WATER HEATER	
2/7/2012	21202	MERILYN ROSS	N/A	390 WILDWOOD AVE.	NEW DOOR	
2/9/2012	21203	FRED GRUNDMAN	BARSANTI CONSTRUCTION	1285 EELOA AVE.	CARPORT	17,850
2/14/2012	21204	ANDREW GONZALES	N/A	153 ELKO ST.	STORAGE SHED	
2/14/2012	21205	MIGUEL MAGDELENO	N/A	118 FIRST AVE.	RE-ROOF	
2/14/2012	21206	RIO DELL TERRACE	EVANS MECHANICAL	325 CENTER APT. #4	WALL HEATER	
2/14/2012	21207	RIO DELL TERRACE	EVANS MECHANICAL	325 CENTER APT. #7	WALL HEATER	
2/16/2012	21208	BARBARA PEAVY	WYCKOFF'S	441 DIXIE ST.	GAS LINE	
3/2/2012	31201	JOE ENES	N/A	572 THIRD AVE.	100 AMP ELECTRICAL	
3/2/2012	31202	TIM MARKS	N/A	109 FIRST AVE.	GAS FURNACE	
3/5/2012	31203	WARREN JACKSON	N/A	130 WILDWOOD AVE.	REPAIR	
3/7/2012	31204	FLORENCE MOORE	N/A	420 THIRD AVE.	RE-ROOF	
3/8/2012	31205	ROBERT BOLEN	EVANS MECHANICAL	1080 MAY AVE.	WALL HEATER	

BUILDING PERMIT LOG						
DATE	PERMIT NO.	APPLICANT/OWNER	CONTRACTOR	APN/ADDRESS	DESCRIPTION OF WORK	VALUATION
3/9/2012	31206	WARREN JACKSON	N/A	130 WILDWOOD AVE.	SUPPLEMENTAL PERMIT	
3/29/2012	31207	CALVIN FISHER	N/A	210 BELLEVIEW AVE.	ADDITION	29,347
4/3/2012	41201	KAREN DUNHAM	JULIEN CONSTRUCTION	108 OGLE AVE.	GAS FURNACE	
4/5/2012	41202	RIO DELL TERRACE	EVANS MECHANICAL	325 CENTER APR. #21	GAS FURNACE	
PENDING	41203	DENNIS WENDT	WENDT CONSTRUCTION	1053 NORTHWESTERN	GRADING	
4/16/2012	41204	JACK ABOUSOUD	E & J LIQUORS	127 WILDWOOD AVE.	SUBWAY REMODEL	46,500
PENDING	41205	RAD KELLAR	N/A	202 COLUMBUS ST.	12 x 24 STORAGE SHED	
4/16/2012	41206	HUMBOLDT GABLES	N/A	40 W. DAVIS ST.	BATHROOM REMODEL	
4/17/2012	41207	WALLY CLOSE	WYCKOFF'S	1340 EELOA AVE.	WATER HEATER/GAS LINE	
4/18/2012	41208	WALLY CLOSE	TOWN & COUNTRY	1340 EELOA AVE.	GAS FURNACE	
PENDING	51201	JAMES CORTAZAR	N/A	720 DINSMORE RANCH	GARAGE CONVERSION	30,000
5/8/2012	51202	DONNA WHEELER	SANDERS ROOFING	1241 EELOA AVE.	RE-ROOF	
5/11/2012	51203	MICHELE FARLEY	RCM ELECTRIC	22 ALPINE	100 AMP ELECTRICAL	
5/16/2012	51204	FRED GRUNDMAN	BARSANTI CONSTRUCTION	1285 EELOA AVE.	SUPPLEMENTAL PERMIT	3,500
5/8/2012	51205	CAROLYN McCANN	N/A	551 PACIFIC AVE.	INSTALL WOOD STOVE	
5/16/2012	51206	CAROLYN McCANN	N/A	551 PACIFIC AVE.	ELEC/SUB PANEL/WINDOW	
6/1/2012	61201	TIM MARKS	N/A	355 PAINTER ST.	FURNACE	
6/5/2012	61202	GLENN LIPSCOMB	LIPSCOMB CONST.	150 GRAYLAND HGTS.	NEW S.F.R.	159,439
6/7/2012	61203	CORY LEACH	CORY LEACH CONST.	350-358 WILDWOOD	3 APARTMENT UNITS	326,795

BUILDING PERMIT LOG						
DATE	PERMIT NO.	APPLICANT/OWNER	CONTRACTOR	APN/ADDRESS	DESCRIPTION OF WORK	VALUATION
6/12/2012	61204	SHIRLEY DOWD	ZION CARLSON	895 RIVERSIDE DR.	RE-ROOF	
6/13/2012	61205	FRANCES COOK	EVANS MECHANICAL	174 BELLEVIEW AVE.	GAS FURNACE	
6/13/2012	61206	TIM BETHURUM	EVANS MECHANICAL	228 SEQUOIA AVE.	WATER HEATER	
6/18/2012	61207	THERESA BRUCE	EVANS MECHANICAL	230 CHERRY LANE	GAS FURNACE	
7/3/2012	71201	TRAVIS ARNETT	N/A	671 SIDE ST.	REPAIR	
PENDING	71202	ANTHONY PONNAY	N/A	351 FIRST AVE.	STORAGE SHED	
7/11/2012	71203	RICK PARSELLS	N/A	278 BELLEVIEW AVE.	ELECTRICAL UPGRADE	
7/12/2012	71204	JEFF THROGMORTON	N/A	1525 RIO VISTA DR.	ELECTRICAL SERVICE	
7/24/2012	71205	LARRY MADDEN	N/A	365 SECOND AVE.	RE-ROOF	
7/30/2012	71206	MIKE PORTER	N/A	885 RIVERSIDE DR.	REPAIRS	15,000
7/31/2012	71207	RAY ELLIOTT	McMURRAY & SONS	1010 MAY AVE.	RE-ROOF	
7/31/2012	71208	SHAWN STRINGER	REDWOOD EMPIRE	575 VIEW AVE.	RE-ROOF	
8/6/2012	81201	FRED DIPUCCI	N/A	198 N. FERN ST.	WOOD STOVE	
8/3/2012	81202	VINCE CAMPBELL	WYCKOFF'S	1070 RIO DELL AVE.	WATER HEATER	
8/10/2012	81203	FRED GRUNDMAN	BARSANTI CONSTRUCTION	1185 EELOA AVE.	COVER DECK	
PENDING	81204	TRAVIS ARNETT	N/A	671 SIDE ST.	REMODEL MOBILE HOME	10,450
8/16/2012	81205	JOSHUA WIENER	TRINIDAD ELECTRIC	1121 MILLER CT.	ELEC. FOR HOT TUB	
8/17/2012	81206	DON WATSON	McMURRAY & SONS	168 S. SEQUOIA AVE.	RE-ROOF	
8/20/2012	81207	DEAN SMITHER	SMITHER CONSTRUCTION	541 WILDWOOD AVE.	FIRE WALL	

BUILDING PERMIT LOG						
DATE	PERMIT NO.	APPLICANT/OWNER	CONTRACTOR	APN/ADDRESS	DESCRIPTION OF WORK	VALUATION
8/27/2012	81208	IDELYNE SIIPOLA	DAVE WILSON CONST.	494 DAVIS ST.	ELECTRICAL UPGRADE	
8/31/2012	81209	MORGAN DRAKE	N/A	210 WILLOW LANE	SECOND DWELLING UNIT	61,940
8/14/2012	81210	JESSE BIGGER	N/A	302 WOODLAND DR.	RESIDENTIAL ADDITION	123,740
9/6/2012	91201	LISA DISMORE	REDWOOD EMPIRE ROOF	519 RIGBY AVE.	RE-ROOF	
9/26/2012	91202	TIM & MELISSA MARKS	N/A	355 PAINTER ST.	PROCH HANDRAIL	
10/2/2012	101201	MARILYN MARTINO	N/A	1267 EEOA AVE.	RE-ROOF	
10/4/2012	101202	PHIL AYCOCK	N/A	140 WEBSTER ST.	GREENHOUSE	18,720
10/5/2012	101203	DIANE ROSTOW	N/A	305 COLUMBUS ST.	GAS FURNACE/FIRE DAMAGE	
10/8/2012	101204	STEVE SAUNDERS	HILLTOP BUILDERS	762 RIGBY AVE.	RE-ROOF	
10/18/2012	101205	RIO DELL TERRACE	EVANS MECHANICAL	325 CENTER APT. 19	WATER HEATER	
10/23/2012	101206	FRANCES POND	DAVE WILSON CONST.	1165 RIVERSIDE DR.	RESIDENTIAL REMODEL	20,000
10/24/2012	101207	MICHAEL CROSBIE	BRYAN RICHTER CONST.	101 PAINTER ST.	ELECTRICAL UPGRADE	
10/24/2012	101208	GEORGE WHITCHURCH	EVANS MECHANICAL	84 EDWARDS DR.	GAS FURNACE	
10/30/2012	101209	GLENN BESHEARS	N/A	203 OGLE AVE.	METAL GARAGE	
10/31/2012	101210	JOHN & DAVINA GRAY	N/A	169 BELLWVIEW AVE.	GAS FURNACE/GAS LINE	
11/2/2012	111201	JUAN GARCIA	N/A	1001 RIVERSIDE DR.	WOOD STORAGE COVER	
11/2/2012	111202	ELIZABETH VARELAS	ELLENA CONSTRUCTION	318 FIRST AVE.	RESIDENTIAL ADDITION	33,060
11/2/2012	111203	NICK ANGELOFF	N/A	156 GRAYLAND HEIGHTS	RE-ROOF	
11/7/2012	111204	STEPHANIE SANCHEZ	EVANS MECHANICAL	251 MONUMENT ROAD	GAS FURNACE	


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



**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
JANUARY 15, 2013**

TO: Mayor and Members of the City Council

THROUGH: Jim Stretch, City Manager

FROM:  Karen Dunham, City Clerk

DATE: January 15, 2013

SUBJECT: 2013-2014 Assignments of the Mayor and City Councilmembers to
Boards/Committees/Commissions

RECOMMENDATION

Ratify the Mayor's appointments and alternates to the external organizations and internal advisory bodies listed on the following attachment:

BUDGETARY IMPACT

None

BACKGROUND AND DISCUSSION

It is the responsibility of the Mayor after each election to make council appointments to the various boards and committees. Attached is a list of the agencies and their respective meeting days and times and the current representatives.

ATTACHMENTS:

City Council Board/Committee/Commission Assignments

CITY COUNCIL BOARD/COMMIITTEE/COMMISSION ASSIGNMENTS

	<u>Appointee</u>	<u>Alternate</u>
Humboldt County Association of Governments (HCAOG) <ul style="list-style-type: none"> Meets 3rd Thursday at 4:00 PM in Eureka 	Woodall	Leonard
Humboldt County Convention & Visitors Bureau Meets Quarterly for lunch (various locations)	Leonard	Wilson
Humboldt County Waste Management Authority (HCWMA) <ul style="list-style-type: none"> Meets 3rd Thursday @ 6:30 PM in Eureka 	Thompson	Wilson
Humboldt Transit Authority (HTA) <ul style="list-style-type: none"> Meets 3rd Wednesday at 9:00 AM at HTA 	Woodall	Leonard
League of California Cities (Redwood Empire Division) (LOCC) <ul style="list-style-type: none"> Meets Quarterly (various locations) 	Woodall	Marks
Redwood Region Economic Development Commission (RREDC) Leonard <ul style="list-style-type: none"> Meets 4th Monday at 6:30 PM in Eureka 	Leonard	Marks
Local Agency Formation Commission (LAFCO)	Thompson (unofficial rep.)	
Redwood Coast Energy Authority Meets 3 rd Monday at 3:00 PM in Eureka	Thompson	Leonard
Humboldt/Del Norte Hazardous Response Authority Leonard <ul style="list-style-type: none"> Meets Quarterly at 4:30 PM in Eureka 	Leonard	Wilson

Internal Committees


Traffic Committee	Wilson	Marks
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As updated 11-1-11

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



TO: Honorable Rio Dell City Council

FROM: Jim , City Manager

DATE: January 15, 2013

SUBJECT: Ratification of City Manager's signature on City documents

Recommended Council Action:

1. Adopt attached Resolution 1191- 2013 ; a Resolution approving by ratification the City Manager's signature on the (CalTrans) State Transportation Commission funding request for the Wildwood Avenue project and Right of Way Certification, and application to the California Land Commission for a lease to drill horizontally under the Eel River for the wastewater pipe to the irrigation site at Metropolitan Avenue, and
2. Direct the City Manager to work with the City Attorney to draft amendments to the Rio Dell Municipal Code to delegate signing authority to the Rio Dell City Manager, under certain situations.

Background

Recently the City Council approved the submittal of an application to the California Transportation Commission in the amount of \$589,000 for the Wildwood Landscape Enhancement. The City Manager signed the application and had it submitted after the Council took its action.

Likewise, at the meeting on 1-3-13 the City Council received an informational presentation from Wahlund Construction about the horizontal drilling under the Eel River to deliver process wastewater to the irrigation filed at Metropolitan Road. It was mentioned that there was a lease application with the State Lands Commission in order to pass a pipeline under the river and that there was the deadline of 1-7-13 to submit the application for their April 1, 2013 meeting. The City Manager signed the Lease Application after the 1-03-13 meeting.

In neither case was the City informed that the agencies would later request evidence from the City that the City Manager had the authority to sign the applications. And, though it is assumed to be within his/her authority as set forth in the Rio Dell Municipal Code, it is not specifically mentioned. Hence, the City Manager has drafted Resolution 1191-2013 for your consideration.

Simply stated, the Resolution approves by ratification the City Manager signing of documents on projects previously approved by the City Council.

It is also recommended that the City Manager work with the City Attorney to carefully draft an amendment to the Manager's authority as set forth in the Rio Dell Municipal Code to authorize the signing of documents for the City as necessary, under certain circumstances.

Attachment: 1) Resolution 1191-2013 approving by ratification City Manager's signing of official City documents.

2) Three documents signed by City Manager for City

RESOLUTION NO. 1191-2013

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF RIO DELL RATIFYING THE RIO
DELL CITY MANAGER'S SIGNATURE
ON OFFICIAL CITY DOCUMENTS**

WHEREAS, Rio Dell Municipal Code Section 2.15.010 et seq. provides that the Rio Dell City Manager is the administrative head of the government of the City, under the direction of the City Council, and is responsible for the efficient administration of all City affairs under his/her control; and

WHEREAS, Rio Dell Municipal Code Section 2.15.050 (13) provides that the City Manager shall perform such other duties and exercise such other powers as may be delegated to him/her from time to time by ordinance, resolution or action of the Council; and

WHEREAS, there are occurrences when the City Council takes an action on a matter at a duly noticed public meeting that requires the signature of an authorized City official, though it may not be specifically noted in the Council's action who the signor shall be; and

WHEREAS, the City Manager has recently executed for the City a funding request and right of way certification to the California Transportation Commission for the Wildwood Avenue Landscape and Enhancement, and a lease application to the State Lands Commission related to the alignment of the wastewater pipeline under the Eel River to the wastewater irrigation site at Metropolitan Ave, and

WHEREAS, though not previously requested, both State agencies have now requested evidence of the authority of the City Manager to sign the applications.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Rio Dell hereby adopts this Resolution to approve by ratification the City Managers signature on the following documents:

1. California Transportation Commission (CalTrans) allocation request of \$589,000 for the Wildwood Avenue Pedestrian and Landscape project, signature dated August 24, 2012, and

2. CalTrans Right of Way Certification Local Assistance Project (Off State Highway System) form, relative to the Wildwood Pedestrian and Landscape project (undated), and
3. California Lands Commission lease application for the horizontal drilling and placement of the wastewater pipe under the Eel River bed to the wastewater irrigation field at Metropolitan Avenue, signature dated January 4, 2013.

APPROVED this day of by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jack Thompson, Mayor

Attest:

Karen Dunham, City Clerk

RESOLUTION NO. 1191-2013

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF RIO DELL RATIFYING THE RIO
DELL CITY MANAGER'S SIGNATURE
ON OFFICIAL CITY DOCUMENTS**

WHEREAS, Rio Dell Municipal Code Section 2.15.010 et seq. provides that the Rio Dell City Manager is the administrative head of the government of the City, under the direction of the City Council, and is responsible for the efficient administration of all City affairs under his/her control; and

WHEREAS, Rio Dell Municipal Code Section 2.15.050 (13) provides that the City Manager shall perform such other duties and exercise such other powers as may be delegated to him/her from time to time by ordinance, resolution or action of the Council; and

WHEREAS, there are occurrences when the City Council takes an action on a matter at a duly noticed public meeting that requires the signature of an authorized City official, though it may not be specifically noted in the Council's action who the signor shall be; and

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APPROVED this day of by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jack Thompson, Mayor

Attest:

Karen Dunham, City Clerk

Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodellcity.com



Jen Buck
District Local Assistance Engineer
Caltrans, Office of Local Assistance
PO Box 3700, Eureka, CA 95502-3700

Date: August 20, 2012

PPNO: 2260
EA: 112000004

Project Description:

The project consists of pedestrian and streetscape improvements on Wildwood Avenue between Douglas Street and the Eagle Prairie Bridge. Improvements include medians, gateway sign, planting strips and or boxes, tree planting, installation of irrigation lines for trees, reconfiguration of parking and striping (no net loss), and other related improvements.

Location: Wildwood Avenue between Douglas Street
and the Eagle Prairie Bridge, Rio Dell, CA
County: Humboldt
Assembly District: 1
Senate District: 2

Dear Jen Buck,

We request that the California Transportation Commission allocate \$538,000 of Regional Improvement Program or Interregional Improvement Program funding for the construction of this project.

Project Description:

Downtown Pedestrian and Streetscape Improvements (In Rio Dell, on Wildwood Avenue between Douglas Street and Eagle Prairie Bridge. Pedestrian and streetscape improvements.)

Output/Outcome:

Output/Outcome includes scenic, landscape and traveler improvements along 0.35 miles of Wildwood Avenue, between Douglas Street and the Eagle Prairie Bridge.

Improvements will include re-configuration of parking and striping to allow for safe passage of bicyclists and enhance the downtown area, medians, gateway sign, planting strips and or boxes, installation of irrigation lines for trees and other related improvements.

Construction of the project will convey a sense of arrival to downtown, establish a positive image and reinforce community identity, promote pedestrian and vehicular safety, support the redevelopment effort in the downtown area and establish the design tone for streetscape improvements for future streetscape projects in Rio Dell.

**REQUEST FOR FUNDING ALLOCATION
LOCAL HIGHWAY PROJECTS**

A. Fund Allocation Summary

<u>Project Component</u>	Fund Allocation (This Request)
Environmental Studies & Perm Permits	\$ _____
Plans, Specifications & Estimate	\$ _____
Right of Way	\$ _____
Construction	\$ <u>538,000</u>
Total	\$ 538,000

B. Total Project Funding Plan by Fiscal Year

PA&ED	\$41,000	2011/12
PS&E	\$10,000	2011/12
CON	\$538,000	2012/13

C. Type of STIP Funding

Federal (100%)/State (0%)

D. Request for Additional STIP Funding

Additional funding required \$ 0
 County reserves available \$ _____
 County share advance required \$ _____

E. Request for Advance of STIP Funding

STIP Funding is requested for current Fiscal Year.

F. Status of Project

- 1) Completion of Environmental Document:
The NEPA Document was finished on _____
- 2) Right of Way Certification:
All project activities will take place within the City Right of Way, and the Right of Way Certification is to be completed by September, 2012.
- 3) Construction
The project is planned to be advertised in November 2012.

G. Timely Use of Funds

We request that the CTC allocate these funds at the October 31st/November 1st meeting.

H. Local Agency Certification:

This Request for Funding allocation has been prepared in accordance with the *Procedures for Administering Local Grant Projects in the State Transportation Improvement Program (STIP)*. I certify that the information provided in the attached checklist is accurate and correct. I understand that if the required information has not been provided this form will be returned and the funding allocation may be delayed. Please advise us as soon as the fund allocation has been approved. You may direct any questions to

JAMES R STRETCH at (707) 764-3592
(Name) (Phone No.)

Signature: [Handwritten Signature] Title: CITY MANAGER Date: 8-24-12

I. Regional Transportation Planning Agency/County Transportation Commission Concurrence:
(See attached Request for Funding Allocation Checklist for requirements.)

Concurred:

Signature: _____ Date: _____
(Title) (Agency/Commission)

J. Caltrans District Local Assistance Engineer Acceptance:

I have reviewed the information submitted on the Request for Funding and agree it is complete and has been prepared in accordance with the procedures outlined in Chapter 23 of the *Local Assistance Program Guidelines*.

Signature: _____ Date: _____
(Title)

Attachments:

- Project Programming Request
- Funding Allocation Checklist
- For Transportation Enhancement (TE) projects, attach the DLA approved TE application
- Others (as required, i.e., State-only funding exception approval, Justification for construction deadlines longer than 36 months, Pre-award Audit Request, Audit Disposition letter, State-only Finance Letter, Local Road Rehabilitation Project Certification, etc.)

Distribution: (1) Original + 1 copy to DLAE
(2) Copy to Regional Planning Agency/County Transportation Commission

**EXHIBIT 13-B Right of Way Certification Local Assistance Project
(Off State Highway System)**

CITY OF Rio Dell

(Please note: This form is intended for use on local assistance projects, off the State Highway System, where federal funds are used and where right of way or rights in real property are required. This form could also be used when local agencies of work on the State Hwy System.)

RIGHT OF WAY CERTIFICATION NO. 1

PROJECT: RPSTPLE - 5396 (007)
Federal Program #

Project Location:
City of Rio Dell on Wildwood Avenue between
Douglas Street and Eagle Prairie Bridge

General Description of Project:

The project consists of pedestrian and streetscape improvements on Wildwood Avenue between Douglas Street and the Eagle Prairie Bridge. Improvements include medians, gateway sign, planting strips and or boxes, tree planting, installation of irrigation lines for trees, reconfiguration of parking and striping (no net loss), and other related improvements.

1. STATUS OF REQUIRED RIGHT OF WAY

No acquisition of real property is required for this project.

2. STATUS OF ACCESS CONTROL

Conventional Highway, not required.

3. STATUS OF AFFECTED RAILROAD OPERATING FACILITIES

None affected.

4. MATERIAL SITE(S)

None required.

Materials will be stored on City property if necessary.

5. DISPOSAL SITE(S)

None required.

The acquisition or use of parcels for disposal is not required for this project.

6. STATUS OF REQUIRED UTILITY RELOCATIONS -

None required

All work will be done within the City Right of Way, within the existing road alignment. No utilities will be relocated.

7. RIGHT OF WAY CLEARANCE

There were no improvements or obstructions located within the limits of this project.

8. AIRSPACE AGREEMENTS

There are no airspace lease properties within the limits of this project.

9. COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS

Compliance was not required as there were no displacements for this project.

10. COOPERATIVE AGREEMENTS

None required

11. ENVIRONMENTAL MITIGATION

No environmental mitigation parcels are required for this project.

12. CERTIFICATION

I hereby certify the right of way on this project as conforming to 23 CFR 635.309(b), (c)(1) or (c)(2).
The project may be advertised with contract award being made at any time.

13. INDEMNIFICATION BY LOCAL AGENCY

The City agrees to indemnify, defend, and hold harmless the Department of Transportation (Caltrans) from any and all liabilities which may result in the event the right of way for this project is not clear as certified. The City shall pay from its own nonmatching funds, any costs which arise out of delays to the construction of the project because utility facilities have not been removed or relocated, or because rights of way have not been made available to the City for the orderly performance of the project work.

CITY OF Rio Dell

By: 

As authorized Resolution No. _____

Dated _____

The undersigned Caltrans Official has reviewed this Right of Way Certification as to form and content. Based on the review of the documents submitted, the Certificate is accepted on behalf of the local public agency. It remains the sole responsibility of the local public agency to ensure compliance with the Federal Uniform Act and this Certificate is accepted on their behalf.

Accepted as to form and content:

By _____

Title _____

Date _____

Distribution: Local agency completes this form, signs and sends it to the DLAE, who forwards it to District Right of Way for signature. Right of Way signs the completed form, keeps a copy for their files and sends original back to DLAE, who makes a copy of this file and sends the original back to the local agency. (There is an exception: If the local agency is doing work on an Interstate Highway, and requesting a Right of Way Certification #3 with a work-around, the Certification [Exhibit 13- B]] is sent to HQ Right of Way Local Programs, who forwards it to FHWA for their approval. But if the locals are doing work on the State Highway System, then they follow the instructions and guidelines of the *Right of Way Manual*, not the LPPM.)

APPLICATION FOR LEASE OF STATE LANDS

PART I

GENERAL DATA

SECTION A: IDENTIFICATION OF APPLICANT AND CONTACT INFORMATION

Notice to individual(s) (natural person(s)): This page of the completed application containing personal information will not be subject to public disclosure. See Privacy Notice in Part V of this Application.

1. Applicant:

Name: Jim Stretch, City Manager, City of Rio Dell		
Mailing Address: 675 Wildwood Avenue		
City: Rio Dell	State: CA	Zip: 95562
Phone: (707) 764-3532	FAX: (707) 764-5480	
E-mail Address: cm@riodellcity.com		

2. Applicant's authorized agent or representative (if any):

Name:		
Mailing Address:		
City:	State:	Zip:
Phone:	FAX:	
E-mail Address:		

If you are ***an elected or appointed official*** as specified in Government Code section 6254.21, check this box. If you do not check this box, by signing this application you are deemed to have given consent to have your home address (when it is the project location) posted on the Internet.

Title: City Manager

Agency or Branch of Government: City of Rio Dell

INSTRUCTIONS TO COMMISSION STAFF:

Separate this page (Page 1A) from the rest of the application and place in a Confidential Envelope.

Do not disclose the information on this page unless approved by the Commission's Legal Office to avoid the possible disclosure of "personal information" as defined by the Information Practices Act (Civil Code section 1798.3).

APPLICATION FOR LEASE OF STATE LANDS

PART I

GENERAL DATA

SECTION A: IDENTIFICATION OF APPLICANT

1. Applicant:

Name: City of Rio Dell

2. Applicant's authorized agent or representative (if any):

Name:

As part of the application, the applicant's authorized agent or representative must submit evidence of the agency agreement.

3. Who should receive correspondence relevant to this application? (Check one)

- Applicant Authorized agent or Representative Both

FOR COMMISSION USE ONLY:

Date Received:

Work Order No.:

Assigned to:

Type of Document:

Filing Fee:

Processing Fee:

Other Fees:

SECTION B: LEGAL STATUS OF APPLICANT

Check one of the following and submit the required information:

- INDIVIDUAL(S): (See Privacy Notice in Part V of Application)
- TRUST(S): Attach a copy of the trust agreement(s) and all amendments, if any. See Privacy Notice in Part V of Application if trustee(s) are individual(s).
- CORPORATION: Attach a Certificate of Incorporation issued by the State of California or a Certificate of Incorporation issued by the State of incorporation with the Certificate of Good Standing of Foreign Corporation issued by the Secretary of State of California authorizing the transaction of business in California; Articles of Incorporation and/or By-Laws; a certified statement of the names of the corporate president, secretary and/or

officer(s) authorized to execute contracts; and a board resolution or other evidence of authority to enter into the requested transaction.

PARTNERSHIP: Attach a certified copy of the partnership statement and partnership agreement. If no partnership statement has been filed in the county in which the partnership does business, so state in the application and provide all particulars of the partnership.

LIMITED LIABILITY COMPANY: Attach a copy of the Articles of Organization and Certificates of Amendment issued by the State; company organization; and operating rules and regulations.

PUBLIC AGENCY: Generally, all permits and leases issued by the State Lands Commission require monetary consideration. However, a public agency applicant may qualify for a rent-free lease/permit. In order to so qualify, the applicant must submit in writing a statement of justification for the rent-free status, which status shall be based on a statewide, as compared to a primarily local, public benefit. Such statement shall detail the statewide public benefit derived from the project. The State Lands Commission shall determine whether a statewide public benefit is derived from the project.

Leases and permits involving "School Lands" cannot qualify for rent-free status.

Public agencies will also be required to submit evidence of the authority of the official(s) to execute contracts together with a resolution or other document authorizing execution of the appropriate lease or permit.

OTHER: State the nature, membership and other particulars regarding the legal status of applicant. Provide legal documentation establishing the authority of applicant to enter into the requested transaction, and designating who is authorized to act on behalf of applicant.

SECTION C: PROJECT LOCATION

County: Humboldt
If unincorporated, nearest City: Rio Dell
Waterway: Eel River
Township, Range, Section and Reference Meridian: T2N, R1E, S31 & T2N, R1W, S36 HUMBOLDT MERIDIAN
Assessor's Parcel No. (of property in question or adjoining property): 205-111-039/052-061-053
Upland Address: N/A

SECTION D: TYPE OF PROJECT AND AUTHORIZATION

You will be asked to provide specific project information in Parts II and III of this application.

1. Please check the type(s) of activity for which you are seeking Commission authorization (check all that apply):

- Commercial (Income producing uses such as marinas, restaurants, clubhouses, recreation piers or facilities, docks, moorings, buoys, helicopter pads, decks or fuel service facilities)
- Industrial (Uses such as oil terminals, piers, wharves, warehouses, storage sites, moorings, dolphins and islands together with necessary appurtenances)
- Right-of-Way (Uses such as roadways, power lines, pipelines or outfall lines)

- Public Agency (Uses such as public roads, bridges, or for recreational, ecological or open space purposes)
- Non-commercial (Uses such as piers, boatlifts, boathouses, mooring buoys, marker buoys, speed buoys, swim areas, swim platforms/floats, stringlines, fishing platforms, recreational marine storage)
- Protective Structure (Riprap, seawall, groins, jetties, breakwaters, bulkheads, etc.)
- Grazing or other Agricultural Use.
- Dredging (Please check if any portion of the proposed project will involve dredging during construction or ongoing maintenance of the project.)
- Sand and/or Gravel Extraction.
- Salvage (Salvage of any abandoned property on State-owned lands; see Public Resources Code Section 6309)
- Other (please describe): _____

2. Please indicate whether you are seeking Commission authorization for (check all that apply):

- A lease or permit for a proposed new use of State-owned land.
- A lease for the continuation of an existing use of State-owned land not previously under lease.
- A new lease where a prior lease has expired.*
- A new lease for a lease that has not yet expired.*
- An amendment of an existing lease.*
- A sublease of an existing lease.*
- Consent to encumber an existing lease.*
- An assignment of an existing lease.*
- Other (please describe):

* Where applicable, please indicate file number of existing or prior lease _____.

SECTION E: PROPERTY DESCRIPTION, INCLUDING TITLE AND BOUNDARY INFORMATION

1. Submit a copy of the current vesting document (deed) for the property lying landward (if applicable) of and/or adjacent to the State lands you seek to use. If you are not the owner of this adjacent property, submit a copy of a lease, permit, or other evidence of your right to use this property. If there have been several transfers of ownership since the prior lease or expiring lease, please submit copies of the intervening ownership vesting documents (chain of ownership) to the current deed.
2. Submit a detailed plan or plot of proposed lease areas and existing and proposed structures showing their locations and dimensions with respect to property lines, and high and low water with reference to the datum of water line elevation used at the location.
3. Submit a vicinity map (8 ½" x 11" with scale) showing the general area and the project site in relation to the shoreline, major roadways, and other landmarks.
4. Submit a legal description of the area to be leased from the State, tied to a monument or monuments of record. The area to be leased includes the area occupied by the structures, or otherwise needed for the proposed project.
5. Provide the following photographs (*label all photos and list the date the photo was taken*):
 - a) Photos of the State lands you seek to use. If the State lands you seek to use are a water body, then provide photos looking towards the upland property and photos looking to both sides and out toward the State lands.
 - b) Photos of any improvements or structures on the State lands and the adjoining uplands.

SECTION F: OTHER GOVERNMENTAL JURISDICTIONS

On a separate sheet of paper or attachment, please provide the following information.

1. List, provide contact information for, and identify the status of applications submitted to other public agencies having approval authority over your proposed project (i.e., U.S. Army Corps of Engineers, local or regional planning bodies, city and/or county governmental permitting authorities, air or water quality boards, California Coastal Commission, San Francisco Bay Conservation and Development Commission, Tahoe Regional Planning Agency, etc.).
2. If applicable, submit the following with the application: (a) U.S. Army Corps of Engineers Public Notice or Letter of Approval for the project; (b) the number assigned to the project from the San Francisco Bay Conservation and Development Commission or California Coastal Commission; and (c) copies of any previously obtained existing approvals. Note: You may be required to submit the results of any consultation, e.g., Letter of Concurrence or Biological Opinion from the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service, for your project prior to consideration of your application by the Commission.
3. Identify any General Plan and Specific Plans that include the area in which the project will be located, including the date of the most recent revision to such Plan(s). What is the land use designation and zoning of the upland portion of the project under the General Plan and any applicable Specific Plan? Will the project require an amendment of the General and/or the Specific Plan? Will a variance from the existing zoning be required? Please provide the

name and telephone number of the individual(s) contacted within the local jurisdiction to answer the foregoing questions.

4. You will be required to submit a copy of local approvals (city and/or county) for your project prior to consideration of your application by the State Lands Commission. If you cannot obtain local approval of your project prior to consideration by the State Lands Commission, you must submit a letter or other document from the local agency setting forth the status of your local application and any concerns the local governmental agency has regarding your project.

PART II

SPECIFIC PROJECT INFORMATION

Please complete this Part II as indicated below. Submit responses on separate 8½" x 11" paper, indicating clearly the number (below) to which each response applies.

SECTION A: EXISTING CONDITIONS

1. Describe in detail existing activities, uses and improvements at the proposed project site, both on water covered lands ("water bodies") and on adjacent uplands. Provide construction dates of all existing improvements. Indicate whether facilities are temporary or permanent.
2. Describe existing public use of the water body and adjacent uplands, the type and frequency of the public use, and any existing public access to the water body across the project site.
3. Identify the type and location of any known habitat of rare, threatened, or endangered species of plant or animal within a one-mile radius of the proposed project site. Information in this regard may be acquired from the California Department of Fish and Game (<http://www.dfg.ca.gov/biogeodata/cnddb/>) the U.S. Fish and Wildlife Service (<http://www.fws.gov/cno/>), and/or National Marine Fisheries Service (http://www.nmfs.noaa.gov/pr/permits/esa_permits.htm). If the project area may have occurrences of rare, threatened, or endangered species, then provide a Biological Assessment that describes the species or potential species within the project limits. You may be required to provide maps and aerial or ground photographs which delineate existing vegetation at the proposed project site and along the shore of the water body upon which the project is to be located within a one-half (½) mile radius of the limits of the proposed project. Where appropriate, provide a delineation of waters of the U.S., including all wetlands, based on the current U.S. Army Corps of Engineers methodologies within the project limits.

4. Does the existing use involve a **pipeline**? Yes No

If **YES**, describe the pipeline, its use, and if applicable provide the most current pipeline integrity test results and photographs of signage.

5. Does the existing use involve a **marina**? Yes No

If **YES**, list and describe, within one river or lakeshore mile of the site:

- (a) Existing marina facilities (indicating for each facility) available berthing by berth size, whether finger, slip or side tie, fuel facilities, pump outs, accommodation docks, restrooms, restaurants, grocery stores, and other ancillary facilities.
- (b) Public and private boat launching and storage facilities.
- (c) Public fishing access and parking availability.
- (d) Other recreational facilities open to the public which are used for swimming, sunbathing, picnicking, sightseeing, etc.

Provide a site map illustrating the approximate distances of each of these facilities from the proposed project site.

SECTION B: PROJECT DESCRIPTION INVOLVING NEW CONSTRUCTION, EXPANSION, ALTERATIONS, CHANGE OF USE, OR USE NOT PREVIOUSLY AUTHORIZED BY THE COMMISSION

SUBSECTION 1: ALL PROJECTS. *All applicants should respond to (a) - (d) below.*

- a. Provide a project development plan which clearly shows the following:
- (1) A full set of design plans that show the proposed improvements, existing topographic features, and dimensions of the area to be occupied within any water body. (This should include identification of the width of the waterway at the project site).

Note: The plans submitted by the Applicant or Agent are the basis for action by the Commission. Any change to the plans during the application process requires an amendment to the application. If the proposed project is not constructed as set forth in the plans submitted with the application, Applicant agrees that this shall constitute a default of any lease granted as a result of the application and that the Commission may take such action(s) available to it as provided by the lease provisions or such other and further relief available at law or in equity as it may deem proper.
 - (2) The nature and location of all significant project features, including, but not limited to, the number, size and design of any berths, boat ramps or launches; the type, dimensions and location of any associated commercial facilities, utilities, parking, public access, and marine services; and any proposed exterior lighting or other security measures.
 - (3) The type and location of any existing vegetation which will be preserved, any existing vegetation proposed for removal, and any planned restoration of vegetation or landscaping.
 - (4) The size of the proposed project relative to any other improvements or facilities within 100 feet upstream or downstream of the proposed project site, including facilities on the opposite bank, particularly with regard to its linear extension into and along the water body.
- b. If the project will involve construction, describe in detail the construction methods and equipment which will be used and the anticipated time frame for construction activities.
- c. Describe how the project will affect any levees in the project area. Identify existing ecological and/or habitat features along the levee, and any proposed alterations or modifications to any levees and associated ecological and/or habitat features.
- d. Identify any project features which you believe will avoid or mitigate any effects of moving vessels (e.g., wave wash) on the proposed facility or shore of the water body.
- e. If the project involves development, in an area subject to tidal action, provide a risk analysis, implications of failure, and adaptation strategies for addressing projected sea level rise of 16 inches by year 2050 and 55 inches by year 2100, relative to the projected life expectancy of the project. Adaptation strategies may include alternate project designs to prevent impacts.
- f. What engineering standards are being relied on to address potential impacts from sea level rise on proposed or existing facilities throughout the life of the project?

SUBSECTION 2: SPECIFIC PROJECTS. Applicants should respond only to those paragraphs which apply to their project.

a. Does the proposed project involve a MARINA OR OTHER MULTIPLE BERTHING FACILITY?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
-------------------------------------------------------------------------------------------	------------------------------	----------------------------------------

(If **NO**, go to (b) below. If **YES**, provide the following information.)

- (1) List and describe, within one river or lakeshore mile of the site:
 - (a) Existing or proposed marina facilities (indicating for each facility) available berthing by berth size, whether finger, slip or side tie, fuel facilities, pump outs, accommodation docks, restrooms, restaurants, grocery stores, and other ancillary facilities.
 - (b) Public and private boat launching and storage facilities.
 - (c) Public fishing access and parking availability.
 - (d) Other recreational facilities open to the public which are used for swimming, sunbathing, picnicking, sightseeing, etc.

Provide a site map illustrating the approximate distances of each of these facilities from the proposed project site.

- (2) Identify whatever provisions are proposed for sewage disposal from boats, commercial uses, etc. If none, please identify the nearest pump-out facility, by name, location, and operating hours.
- (3) Identify whatever provisions are proposed for recycling and/or litter/garbage disposal, including frequency of pick-up.
- (4) Identify any proposed fueling facility and fully describe spill prevention and control features. Are fueling stations such that they are accessible by boat without entering or passing through the main berthing area, in order to avoid collisions? Provide a spill contingency plan and list equipment and training needed to implement the plan.
- (5) Describe any proposed vessel maintenance facility, i.e., its capacity, typical activities and quantities of potentially toxic materials expected to be used. Boat maintenance areas should be designed so that all maintenance activities that are significant potential sources of pollution can be accomplished over dry land and under roofs (where practical), allowing for proper control of by-products, debris, residues, solvents, spills, and stormwater runoff. All drains from maintenance areas should lead to a sump, holding tank, or pump-out facility from which the wastes can later be extracted for treatment and/or disposal. Indicate whether maintenance areas drain directly into surface or ground water or wetlands.

Will curbs, berms or other barriers be built or placed around areas used for the storage of liquid hazardous materials to contain spills?

If no boat maintenance facility is proposed, identify the off-site facility (ies) most likely to be used.
- (6) Identify the location of any engine and hull washing activities, expected numbers of washings and the types of detergents proposed for use. Only phosphate-free and biodegradable detergents should be used for boat washing.

- (7) Describe any proposed pollution control measures for vessel maintenance and haul-out facilities. Examples include:
 - Use of tarps and vacuums to collect solid wastes produced by cleaning and repair of boats. Such wastes should be prevented from entering adjacent water.
 - Vacuum or sweep up and catch debris, sawdust, sandings, and trash from boat maintenance areas on a regular basis so that runoff will not carry it into the water.
 - An oil/water separator should be used on outside drains and be maintained to ensure performance.
 - Tarps should be used to catch spills of paints, solvents, or other liquid materials used in the repair or maintenance of boats.
 - Used antifreeze should be stored in a barrel labeled "Waste Antifreeze Only" and should be recycled.
- (8) Describe any special measures proposed to control the quality and quantity of urban and other runoff from surrounding areas.
- (9) Describe the terms and conditions under which periodic and transient berthing will be permitted at the proposed facility, and how those terms and conditions will be enforced. Indicate percentage of dry boat storage compared to wet slips.
- (10) Identify the method of handling fish wastes back into the natural ecosystem. Indicate how recycling of fish wastes will not degrade water quality or cause other adverse environmental impacts.
- (11) Describe the depth and location of navigation and access channels, if any. Are these channels located in areas with safe and convenient access to waters of navigable depth, based on the kind of vessel(s) expected to use the facility?
- (12) Describe the stormwater management system. Does the system provide a bypass or overflow systems so that the peak discharge from a 10-year, 14-hour storm will be safely conveyed to an erosion and scour-protected storm water outfall?
- (13) For proposed offstream marinas or berthing facilities, provide a water circulation plan for the facility which has been prepared and certified by a qualified hydrologic engineer. Such plan must indicate the direction and amount of flushing action in the facility.

b. Does the proposed project involve a LAUNCH RAMP OR OTHER LAUNCHING FACILITY?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
----------------------------------------------------------------------------------------	------------------------------	----------------------------------------

(If NO, go to (c) below. If YES, provide the following information.)

- (1) The capacity of related parking areas for boats, trailers, and vehicles.
- (2) Any ancillary features such as restrooms, trash disposal bins, and the like.
- (3) Any provisions for pump out and disposal of bilge water.
- (4) Any provisions for the identification, inspection, cleaning, and disposal of non-native species.

c. Does the proposed project involve **DREDGING OR DREDGED MATERIAL DISPOSAL?**

Yes No

*(If **NO**, go to (d) below. If **YES**, provide the following information. This section is to be prepared and certified by a qualified engineer with relevant expertise.)*

- (1) Provide the purpose for the proposed dredging activity.
- (2) An estimate of the amount and description of the method of dredging necessary to complete construction of the proposed project.
- (3) An estimate of the amount and frequency and a description of the method of any maintenance dredging anticipated for operation and maintenance of the project.
- (4) Identification and estimate of amounts and persistence of contaminants which may be released from the sediments during dredging, and during construction and operation and maintenance of the proposed project.
- (5) The method and location of disposal of dredged materials.
- (6) During dredging operations, will the dredging result in turbidity? If so, indicate how turbidity can be minimized (e.g., through the proper placement of silt screens or turbidity curtains).
- (7) Describe how the need to dredge has been minimized or avoided. For example, the marina could be sited adjacent to deep water and the area to be dredged could be the minimum needed for the marina itself, including the docking areas, fairways, and channels, and for other maneuvering areas that are needed. Is the bottom of the marina deeper than the adjacent open water?
- (8) Has siting been planned near currently permitted public areas for disposal of dredged materials? How far is it to the disposal area?
- (9) Provide a copy of the Sampling and Analysis Plan and results.
- (10) For projects located within San Francisco Bay and under the jurisdiction of the San Francisco Bay Conservation and Development Commission, provide an approval letter issued by the Dredged Material Management Organization (DMMO).

d. Does the proposed project involve **GRAZING?**

Yes No

*(If **NO**, go to Subsection 3 below. If **YES**, provide the following information.)*

- (1) Indicate the type and number of animals that will be located on State lands.
- (2) Indicate the months during which the animals will be located on State lands.
- (3) Estimate the carrying capacity of each parcel applied for.
- (4) Indicate whether applicant holds a current grazing permit from the U.S. Bureau of Land Management (BLM). If so, indicate when the permit expires, and provide a map showing the location of the grazing allotment.

- (5) Indicate whether there are any known water sources on the parcel(s) applied for. If such water sources are inadequate for the number of animals to be located on the State land, indicate how you will provide additional water.

SUBSECTION 3: PROJECT SITING AND FEASIBILITY. *Complete if the proposed project is a commercial or industrial use as defined in Part I, Section D, above.*

- a. If the project involves berthing or docking facilities, describe how siting has been planned to ensure that tides and currents are adequate to flush the site, or renew its water regularly. Will water quality standards be violated?
- b. Will the project be sited away from wetlands, shellfish resources, submerged aquatic vegetation, and critical habitat areas?
- c. Is the project sited such that it will have easy access to roads, utilities, public sewers (where available), and water lines?
- d. Were alternative sites considered for the proposed project? If the answer is no, please explain. If the answer is yes, please identify such alternative sites. List any criteria used during the site selection process: 1) What factors were used in the selection of the proposed site? 2) What factors make this site superior for the proposed project?
- e. On what basis is there a demonstrated public need for the proposed project at the designated location?
- f. Please furnish any studies, which demonstrate demand for and feasibility of the proposed project. What is the minimum size or level of activity necessary to sustain the commercial viability of the project?
- g. If the proposed project will generate revenue, estimate the anticipated annual gross and net revenues and show your basis for the estimates.
- h. Describe any other existing or proposed projects that will be related to or dependent upon this project, will be affected by this project, or will affect this project, and explain the anticipated relationship or effect.

SUBSECTION 4: PUBLIC BENEFIT

Describe any statewide, regional or local benefits of the proposed project, if any, and the extent to which such benefits are provided by other facilities in the vicinity of the proposed project site.

PART III

PROJECT ENVIRONMENTAL DATA

SECTION A: ENVIRONMENTAL SETTING

1. Describe the project site as it presently exists. Include information such as topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, the use of the structures, and whether they will be retained or removed. Include photograph(s) of the site. Information regarding historic or archaeologically significant values within the site may be obtained from the California Historic Resources Information System Information Center for the county in which the project is to be located. (For more information click on the CHRIS/IC tab at www.ohp.parks.ca.gov.)
2. Describe the surrounding properties. Include information such as topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Indicate the type of land use, (e.g. residential, commercial, agricultural, etc.) intensity of land use (e.g., single-family dwellings, apartments, shops, etc.) and the scale of development. Include photographs.
3. Include a statement of the proposed liquid, solid or gaseous waste disposal methods necessary for the protection and preservation of existing land and water uses.
4. For Development Projects only (see Part IV for definition), provide information on whether any portion of the project site is on the list of known hazardous materials sites also known as the "Cortese List" maintained by the California Environmental Protection Agency (CalEPA). (For more information see: <http://www.calepa.ca.gov/SiteCleanup/CorteseList/> and Government Code section 65962.5.)

SECTION B: ASSESSMENT OF ENVIRONMENTAL IMPACTS

All phases of a project, such as planning, acquisition, development, and operation, shall be considered when evaluating its impact on the environment. Please answer the following questions by placing a check in the appropriate box. Provide an explanation of each answer on a separate 8½" x 11" paper, listing, as appropriate, studies, documents, or other information used to support your answer.

Will the project involve:

- | | <u>Yes</u> | <u>Maybe</u> | <u>No</u> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|-------------------------------------|
| 1. A change in existing features of any bays, tidelands, beaches, lakes, or hills, or substantial alteration of ground contours? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. A change in scenic views from existing residential areas or public lands or roads? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. A change in pattern, scale or character of the land use at or in the general area of the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Impacts to plants or animals? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. The potential introduction or spread of non-native species? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Any feature subject to sea level rise or other effects associated with climate change over the life of the project? If so, please explain in detail and address any planned adaptation strategies. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Generation of solid or liquid waste or litter? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Will the project involve:

	Yes	Maybe	No
8. A violation of any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. A change in the amount of greenhouse gas emissions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Generation of, or additional, dust, smoke, fumes or odors in the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. A change in ocean, bay, lake, stream or ground water quality or quantity or an altering of existing drainage patterns?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. A change in existing noise or vibration levels in the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Construction on filled land or on a slope of 10% or more?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Creation of a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Any activity on a hazardous materials site (a site included on any list compiled pursuant to Government Code section 65962.5)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Use or disposal of potentially hazardous materials such as flammable, toxic, or radioactive substances, or explosives?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. An increase in traffic?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18. A change in demand for municipal services (e.g., police, fire, water, sewage, electricity, gas)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. An increase in fossil fuel consumption (e.g. electricity, oil, natural gas)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20. A larger project or a series of projects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. Historic structures and/or archeological sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SECTION C: STATE LANDS COMMISSION AS A RESPONSIBLE AGENCY

When it is determined that the Commission is a Responsible Agency under the California Environmental Quality Act (CEQA) (another governmental agency prepares the appropriate environmental documentation), the applicant must submit the following materials as early as possible in the application process and substantially prior to scheduling the application for consideration by the Commission:

1. A copy of the project's environmental documents prepared by the Lead Agency, i.e. the Initial Study, Negative Declaration or Mitigated Negative Declaration, or the draft and Final Environmental Impact Report (EIR), and evidence that these documents were circulated through the State Clearinghouse pursuant to the CEQA Guidelines (Title 14, California Code of Regulations, Section 15073 or 15087).
2. A copy of any environmental mitigation monitoring program prepared and adopted by the Lead Agency pursuant to Public Resources Code Section 21080.6.
3. A copy of the "Findings" made by the Lead Agency relative to potential environmental impacts of the project as approved by the Lead Agency, pursuant to Section 15091 of the CEQA Guidelines.
4. A copy of the Statement of Overriding Considerations made by the Lead Agency if one was necessary.
5. A copy of the Notice of Determination filed with the Office of Planning and Research by the Lead Agency.

PART IV

PERMIT STREAMLINING ACT

(Government Code Section 65920 and following).

Government Code Section 65927 defines "development" as "...on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions to the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511 of the Public Resources Code).

As used in this section, 'structure' includes, but is not limited to, any building, road pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line."

Government Code Section 65928 defines a "development project" as "...any project undertaken for the purpose of development. 'Development project' includes a project involving the issuance of a permit for construction or reconstruction but not a permit to operate. 'Development project' does not include any ministerial projects to be carried out or approved by public agencies."

Government Code Section 65943 - Please complete the following statement:

The project that is the subject of this application is is not a development project as defined by Government Code Section 65928.

Your application will not be complete without this information.

PART V

PRIVACY NOTICE AND CERTIFICATION

<p align="center">PRIVACY NOTICE FOR INDIVIDUAL(S) (see Part I, Section B)</p> <p>Section 1798.17 of the Civil Code requires this notice be provided when collecting personal information from individuals. Each individual has the right to review his or her personal information maintained by this agency, unless access is exempted by law. An individual means a natural person.</p>
<p>AGENCY NAME / DIVISION California State Lands Commission / Land Management Division</p>
<p>TITLE OF OFFICIAL RESPONSIBLE FOR MAINTENANCE OF THE INFORMATION Records Manager</p>
<p>BUSINESS ADDRESS OF OFFICIAL / TELEPHONE 100 Howe Avenue, Suite 100 South, Sacramento, California 95825 / (916) 574-1900</p>
<p>AUTHORITY THAT AUTHORIZES THE MAINTENANCE OF THE INFORMATION Public Resources Code Section 6501 et seq.</p>
<p>THE FOLLOWING ITEMS OF INFORMATION ARE VOLUNTARY, ALL OTHERS ARE MANDATORY All information requested on the application is mandatory, unless otherwise noted.</p>
<p>THE CONSEQUENCES, IF ANY, OF NOT PROVIDING ALL OR ANY PART OF THE REQUESTED INFORMATION The Application will not be deemed complete and may not be considered by the California State Lands Commission for approval. A lease may not be granted.</p>
<p>THE PRINCIPAL PURPOSE(S) WITHIN THE AGENCY FOR WHICH THE INFORMATION IS TO BE USED The information will be used to consider whether a lease of State lands is allowed by law and is in the best interests of the State. Information from the application including the Applicant's name and the project location may be posted permanently on the Internet at the Agency's website: www.slc.ca.gov. Applications will be retained for as long as allowed by the Agency's Records Retention Schedule as established in accordance with the State Administrative Manual and as approved by the Department of General Services. This may be for as long as the State has an interest in the land involved.</p>
<p>KNOWN OR FORESEEABLE DISCLOSURES OF THE INFORMATION PURSUANT TO CIVIL CODE SECTION 1798.24(e) or (f) Bureau of State Audits; local, state, and/or federal regulatory agencies with jurisdiction over any aspect of the proposed project.</p>

For any Applicant submitting this application as an individual(s), Applicant acknowledges and agrees that by submitting this application the Applicant gives consent for information contained in the Application, except as set forth on page 1A, to be disclosed as described in the Privacy Notice above. This consent meets the consent requirements of Civil Code Section 1798.24.

*For **appointed or elected officials** specified in Government Code Section 6254.21: If you did not check the box on page 1A, by signing this application you are deemed to have given consent to have your home address (when it is the project location) posted on the Internet.*

I hereby certify under penalty of perjury that I have read this completed application and all related exhibits and that, to the best of my knowledge, the information is full, complete, and correct. I understand that any misstatement or omission of the requested information or of any information subsequently requested shall be grounds for terminating the application or for denying a lease. I understand if a lease is executed by the State Lands Commission as a result of the application, the project will be constructed as described in the application. I further understand that if the project is not constructed as set forth in the application, this shall constitute a default of the lease and that the State Lands Commission may take such action(s) available to it as provided by the lease or to seek such other and further relief as it may determine proper and as authorized by law.

Signature of Applicant:  Date: 1-4-13

Signature of Co-Applicant: _____ Date: _____


By: Jim Stretch Title: City Manager
(If Agent)


Date: 1-4-13

NOTE: Please remember to submit the fees as outlined on pages viii and ix of the Application Guidelines. You need to return all pages of the Application for Lease of State Lands.

For Meeting of: January 15, 2013

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: January 7, 2013

Subject: Medical Marijuana Ordinance

Recommendation:

That the City Council:

1. Receive staff's report regarding the proposed Medical Marijuana Ordinance;
2. Continue the public hearing, receive public input and close the public hearing;
3. Adopt Ordinance No. 299-2013 establishing Medical Marijuana Regulation, Section 17.30.155 of the Rio Dell Municipal Code (RDMC);
4. Direct the City Clerk, within 10 days after adoption of the Ordinance, to post an adoption summary of the Ordinance with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance pursuant to Section 36933(a) of the California Government Code.

Summary

At your meeting of January 3, 2013 your Council introduced (first reading) Ordinance No. 299-2013 establishing Medical Marijuana Regulations. The public hearing was opened and testimony was provided regarding the proposed amendments. The public hearing was continued to this meeting.

As evidenced in the Staff Report prepared for the January 3, 2013 meeting, the process for the Ordinance has been followed and staff believes the required Public Interest and General Plan Consistency findings can be made.

Based on the nature of the project, staff determined that the project is Statutorily Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed amendment, staff believes there is no evidence to suggest that the amendment will have a significant effect on the environment.

Attachments:

1. Ordinance No. 299-2012 establishing a Design Review Ordinance, Section 17.25.050 of the Rio Dell Municipal Code.
2. Post Adoption Summary.

ORDINANCE NO. 299 - 2013

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
ESTABLISHING MEDICAL MARIJUANA REGULATIONS, SECTION 17.030.155 OF THE RIO
DELL MUNICIPAL CODE:**

THE CITY COUNCIL OF THE CITY OF RIO DELL DOES ORDAIN AS FOLLOWS:

WHEREAS the purpose and intent of the Medical Marijuana Regulations is to regulate the cultivation of medical marijuana for personal use in a residence, detached accessory building; and

WHEREAS it is the intent of the City to balance: the needs of patients and their caregivers to have access to medical marijuana; the needs of residents, businesses, and communities to be protected from public health, safety, and nuisance impacts that can accompany the residential cultivation and processing of medical marijuana for an individual patient's use; and the need to eliminate, or at least limit to the extent possible, the harmful environmental impacts that can accompany marijuana cultivation; and

WHEREAS it is the intent of the City that the cultivation of medical marijuana for personal use be conducted in a manner that is consistent with State law and which promotes the health, safety, comfort, convenience, and general welfare of the residents and businesses within the incorporated area of the City of Rio Dell.; and

WHEREAS the City has reviewed and processed the proposed Medical Marijuana Regulations in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed Medical Marijuana Regulations in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed Medical Marijuana Regulations are deemed to be in the public interest; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed Medical Marijuana Regulations are consistent and compatible with a comprehensive view of the General Plan and any implementation programs that may be affected; and

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

WHEREAS the proposed Medical Marijuana Regulations has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the City has determined that the proposed Medical Marijuana Regulations is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Rio Dell:

1. Finds that the proposed Medical Marijuana Regulations are in the public interest and consistent with an overall comprehensive view of the General Plan; and
2. Finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed Medical Marijuana Regulations have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and
3. Finds that based on the nature of the project, the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment.
4. Approves and adopts the proposed Medical Marijuana Regulations.

BE IT FURTHER RESOLVED, that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1.

Section 17.030.155 is hereby established as follows:

Section 2.

17.030.155 Medical Marijuana Regulations

(1) Authority and Title. Pursuant to the authority granted by Article XI, section 7 of the California Constitution, California Government Code Section 38773.5, and California Health and Safety Code Sections 11362.83 and 11362.768(f), the City Council does hereby enact this Code, which shall be known and may be cited as the "Medical Marijuana Regulations".

(2) Purpose and Intent. The purpose and intent of the Medical Marijuana Regulations is to regulate the cultivation of medical marijuana for personal use in a residence and detached accessory buildings.

It is the intent of the City that the cultivation of medical marijuana for personal use be conducted in a manner that is consistent with State law and which promotes the health, safety, comfort, convenience, and general welfare of the residents and businesses within the incorporated area of the City of Rio Dell.

It is the intent of the City to balance: the needs of patients and their caregivers to have access to medical marijuana; the needs of residents, businesses, and communities to be protected from public health, safety, and nuisance impacts that can accompany the residential cultivation and processing of medical marijuana for an individual patient's use; and the need to eliminate, or at least limit to the extent possible, the harmful environmental impacts that can accompany marijuana cultivation.

It is the intent of the City that the Medical Marijuana Regulations not be construed to: allow persons to engage in conduct that endangers themselves or others, or causes a public nuisance as defined herein; allow the use or diversion of medical marijuana for non-medical purposes; or allow any activity relating to the cultivation, processing, distribution, or consumption of marijuana that is otherwise illegal under the laws of the State of California. This Code is not intended to criminalize any activity which is otherwise permitted under state law and it is not intended to authorize conduct that is otherwise prohibited by state law.

(3) Findings. The City Council hereby finds and declares the following:

(a) In 1996, California voters approved Proposition 215 (codified as Health and Safety Code Section 11362.5, and entitled "The Compassionate Use Act of 1996").

(b) The intent of the Compassionate Use Act is to permit the cultivation and possession of medical marijuana for the personal use of a seriously ill patient without fear of criminal prosecution against the patient, the patient's caregiver or the physician who recommended medical marijuana for the patient. The Act further provides that "nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes."

(c) In 2004, Senate Bill 420 (codified as Health and Safety Code sections 11362.7 et seq. and known as the "Medical Marijuana Program Act" or "MMPA") was enacted to clarify the scope of the Compassionate Use Act.

(d) The Compassionate Use Act (Section 11362.5, Health and Safety Code) expressly anticipates the enactment of local legislation. It provides: "Nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, not to condone the diversion of marijuana for nonmedical purposes."

(e) Neither the Compassionate Use Act nor the Medical Marijuana Program Act address land use or building code issues that may arise from the residential cultivation or processing of medical marijuana for personal use within the County.

(f) In February 2003, the Humboldt County District Attorney's Office issued its Prosecution Guidelines regarding the cultivation, possession and use of medical marijuana.

(g) In August 2008, the California Attorney General issued *Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use* that were intended to further clarify California laws governing medical marijuana, and provide guidelines for patients and law enforcement to ensure that medical marijuana is not diverted for non-medical purposes.

(h) The Federal Controlled Substances Act (codified as 21 U.S.C. sections 801 et seq.) is a regulatory system designed to combat recreational drug abuse by making it unlawful to manufacture, distribute, dispense, or possess any controlled substance. The Act lists marijuana as a controlled substance, classifying it as a Schedule I Drug, which is defined as a drug or other substance that has a high potential for abuse, which has no currently accepted medical

use in treatment, and has not been accepted as safe for use under medical treatment.

(i) The United States Congress has provided that states are free to regulate in the areas of controlled substances, including marijuana, provided that state law does not positively conflict with the Controlled Substances Act (see 21 U.S.C. 903). The California Attorney General, citing to California case law, has opined that neither the Compassionate Use Act nor the Medical Marijuana Program Act conflict with the Controlled Substances Act because, in adopting these laws, California did not legalize medical marijuana, but instead exercised the state's reserved powers to not punish certain marijuana offenses under state law.

(j) Due to the high monetary value placed upon marijuana, the County and local Cities have experienced a number of home invasion robberies, thefts, and violent crimes, including homicides, related to marijuana cultivation. To defend against theft and armed robbery, some growers of marijuana have taken to arming themselves, which creates the potential for gunfire in the residential areas where indoor cultivation of marijuana is frequently occurring. The City has also experienced a number of residential fires from overloaded or improperly modified electrical systems used to power grow lights and exhaust fans for the cultivation of marijuana.

(k) Widespread indoor cultivation of marijuana in the County and Cities has led to a decrease in needed rental housing stock, as rental homes are converted solely to structures to grow marijuana in, as well as excessive energy consumption to power the lights, fans, and other systems needed for a large indoor marijuana growing operation. As rental homes are converted to these grow structures, the character of the neighborhood around the grow structure deteriorates.

(l) Marijuana that is grown indoors can lead to mold, mildew, and moisture damage to the building in which it is grown. Landlords, who thought they were renting a home for people to live in, later find that their property was turned into a structure to grow marijuana and extensively damaged by that use, requiring new flooring, walls, ceiling, electrical and plumbing work to return the home to a habitable state. Growing marijuana is susceptible to plant diseases, mold, mildew, and insect damage and may be treated with insecticides and herbicides that may harm human health when applied or when the chemical is disposed of in the trash or in the sewage disposal system.

(m) Cultivation of marijuana may also result in private or public nuisances. Whether grown indoors or outdoors, marijuana plants, particularly as they mature, produce a distinctive odor that is often detectable far beyond property boundaries. This strong, distinctive odor can interfere with neighboring owners' use and enjoyment of their property. In addition, this odor of growing or "green" marijuana may alert malefactors to the location where marijuana is grown and thereby create the risk of burglary and robbery at that location.

(n) The right of qualified patients and their primary caregivers under state law to possess and cultivate marijuana for personal medical purposes does not confer upon them a right to create or maintain a nuisance. By adopting this Code, which regulates the land use aspects of indoor residential cultivation of medical marijuana for personal use, the City anticipates a significant reduction in complaints regarding medical marijuana-related odors and residential mold and

moisture issues affecting rental housing stocks, as well as a decrease in crime and fires related to the cultivation and processing of medical marijuana.

(o) The City finds that while the need for qualified patients and/or their caregivers to use and cultivate marijuana is authorized by state law, the potential land use impacts to the environment and to public health, safety and welfare as identified, necessitates that the City create regulations, such as this Code, to govern the cultivation of medical marijuana for personal use in a residence, detached accessory buildings.

(p) The City finds that the indoor cultivation of more than fifty (50) square feet of medical marijuana that is more than ten (10) feet tall per residence or detached accessory building, as defined herein, within the City will result in an unreasonable risk of crime, fire, and other nuisance-related impacts such as odors offensive to people living or working or recreating nearby, as well as resulting in the deterioration of the neighborhood character, decrease in rental housing stock, and excessive energy consumption and carbon dioxide emissions. Therefore, the indoor cultivation of more than fifty (50) square feet of medical marijuana that is more than ten (10) feet tall per residence or detached accessory building is hereby found and declared to be unlawful and a public nuisance.

(q) The City further finds that the indoor cultivation of fifty (50) square feet or less of medical marijuana that is ten (10) feet tall or less per residence or detached accessory building is subordinate, incidental, and accessory to the residential use, within the City will achieve the goals of allowing qualified patients the ability to cultivate medical marijuana in or at their residence for their personal use, while minimizing, to the extent possible, the negative impacts on the neighbors, the neighborhood, local businesses, and the community from a qualified patient's medical marijuana cultivation and processing.

(4) Applicability and Interpretation

(a) The cultivation and processing of medical marijuana for personal use in a residence or detached accessory building or outdoors within the jurisdiction of the City shall be controlled by the provisions of this Code, regardless of whether the cultivation or processing existed or occurred prior to the adoption of this Code.

(b) Nothing in this Code is intended, nor shall it be construed, to exempt any cultivation of medical marijuana for personal use, from compliance with the City of Rio Dell's zoning and land use regulations, or all applicable local and state construction, electrical, plumbing, land use, or any other building or land use standards or permitting requirements, or any other applicable provisions of the Rio Dell Municipal Code, or any other applicable state or federal laws.

(c) Nothing in this Code is intended, nor shall it be construed, to preclude a landlord from limiting or prohibiting marijuana cultivation, smoking, or other related activities by tenants.

(d) The definitions in this Code are intended to apply to the Medical Marijuana Regulations. Applicable definitions in the Rio Dell Municipal Code may also apply to this Code.

(5) Definitions

Except where the context otherwise requires, the following definitions shall govern the construction of this Code:

Cultivation of Medical Marijuana for Personal Use: cultivation and processing of medical marijuana indoors in a residence or detached accessory structure by a qualified patient, or the primary caregiver on behalf of a qualified patient, which does not exceed fifty (50) square feet or ten (10) feet in height.

Detached Accessory Building - Residential: a building which is a) incidental and subordinate to the residence or residential use, b) located on the same parcel, and c) does not share at least ten (10) feet of common wall with the residence or other accessory building. A greenhouse may be considered a Detached Accessory Building if it is a fully enclosed, secure and lockable structure that has a roof supported by connecting walls extending continuously to a perimeter foundation or equivalent base to which the connecting walls are securely attached.

Indoor(s): within a fully enclosed and secure structure that has a roof supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached.

Medical Marijuana: marijuana, including concentrated cannabis or hashish, that has been recommended to an individual by a licensed physician for the treatment of an illness or disease pursuant to California Health & Safety 11362.5 et seq.

Outdoor(s): Not enclosed or covered by a roof, exposed to the elements.

Personal Medical Marijuana: medical marijuana that is cultivated, processed, or stored for a single qualified patient's use.

Primary Caregiver: an individual designated by the qualified patient who has consistently assumed responsibility for the housing, health, or safety of that patient pursuant to statutory and case law.

Qualified Patient: a person who has a recommendation for medical marijuana by a California-licensed physician, and who is entitled to the protections offered by California Health & Safety Code Section 11362.5, and who may or may not have an identification card issued by the State Department of Public Health identifying the individual as a person authorized to engage in the use of medical marijuana.

Residence: any structure designed or used for residential occupancy, regardless of whether it is located in a residential zone.

Residential Cultivation: the growing of fifty (50) square feet or less that is ten (10) feet or less in height of medical marijuana indoors within a residence or detached accessory structure of medical marijuana as defined herein. Such cultivation shall be for a qualified patient's personal

use and must be subordinate, incidental, and accessory to the residential use.

(6) Residential Cultivation for Personal Use

The City shall not interfere with a qualified patient's residential cultivation of medical marijuana for that patient's personal use, so long as the cultivation is in conformance with this Code and state law.

In order to eliminate the potential nuisance and health and safety impacts to the greatest extent possible, residential medical marijuana cultivation and processing for personal use shall be in conformance with the following standards:

(a) Indoor medical marijuana cultivation in a residence shall not exceed fifty (50) square feet or exceed ten (10) feet in height per residence on a parcel; and

(b) Indoor medical marijuana cultivation in detached accessory buildings shall not exceed fifty (50) square feet or exceed ten (10) feet in height per residence on a parcel; and

(c) A total of fifty (50) square feet of indoor medical marijuana cultivation for personal use, which does not exceed ten (10) feet in height, is permitted for each residence on a parcel, regardless of whether the cultivation occurs in a residence or in a detached accessory building. In no case shall a residence or a detached accessory building have a total of more than fifty (50) square feet or more than ten (10) feet in height of medical marijuana cultivation area per residence on the parcel, regardless of the number of qualified patients or primary caregivers residing at the residence or participating directly or indirectly in the cultivation; and

(d) The medical marijuana cultivation and processing area in the residence or detached accessory building shall be indoors, as defined herein, posted with a legible copy of the individual patient's medical marijuana recommendation, secured against unauthorized entry, and maintained for the exclusive use of the qualified patient; and

(e) Grow lights for medical marijuana cultivation for personal use in a residence or a detached accessory building shall not exceed 1200 watts total; and

(f) All electrical equipment used in the indoor cultivation of medical marijuana in a residence or a detached accessory building shall be plugged directly into a wall outlet or otherwise hardwired. The use of extension cords to supply power to electrical equipment used in the residential cultivation of medical marijuana is prohibited; and

(g) The use of gas products (CO₂, butane, etc.) for indoor medical marijuana cultivation or processing in a residence or a detached accessory building is prohibited; and

(h) No toxic or flammable fumigant shall be used for indoor cultivation of medical marijuana in a residence or a detached accessory building unless the requirements of Section 1703 of the California Fire Code have been met; and

(i) No odor of medical marijuana shall be detectable from the property boundaries by a person of ordinary senses. To achieve this, the medical marijuana cultivation area shall be, at a minimum, mechanically ventilated with a carbon filter or other superior method to prevent the odor of marijuana from escaping the indoor cultivation area and negatively impacting neighbors and the surrounding community. Ventilation systems shall be installed in a manner that facilitates decommissioning and a return of the cultivation area to non-cultivation residential uses; and

(j) From a public right of way, neighboring properties, or neighboring housing units, there shall be no visual or auditory evidence of medical marijuana cultivation at the residence or detached accessory building that is detectable by a person of ordinary senses; and

(k) Medical marijuana cultivation, processing, or transfers in a residence or detached accessory building are prohibited as a Home Occupation; and

(l) No sale, trading, or dispensing of medical marijuana is allowed on a parcel where residential cultivation of medical marijuana occurs; and

(m) The qualified patient shall not cultivate medical marijuana for his or her personal use in more than one residence or detached accessory building within the City jurisdiction; and

(n) The residence where medical marijuana is grown indoors for personal use shall maintain a kitchen and bathroom(s) for their intended use, and the kitchen, bathroom(s), and bedroom(s) shall not be used primarily for medical marijuana cultivation; and

(o) No effluent, including but not limited to waste products, chemical fertilizers or pesticides shall be discharged into drains, septic systems, community sewer systems, water systems or other drainage systems including those that lead to rivers and streams as a result of the cultivation of medical marijuana; and

(p) The residential cultivation of medical marijuana shall not adversely affect the health or safety of residents, neighbors, or nearby businesses by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes associated with the cultivation of medical marijuana; and

(q) The indoor residential cultivation of medical marijuana must comply with all applicable state and county laws, including fire and building codes; and

(r) A waterproof membrane or other waterproof barrier shall be installed in the cultivation area or beneath individual plants to protect the floor of the indoor cultivation area from water damage.

(7) Penalties

All of the remedies provided for in this section shall be cumulative and not exclusive for violations of this Code.

Any violation of this Code shall be, and the same hereby is declared to be, unlawful and a public nuisance and shall be subject to injunction, abatement or any other remedy available to the City under the applicable state and county laws, including the City's abatement and administrative penalty procedures.

Section 3. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 4. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 5. CEQA Compliance

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), subject to Section 15061 of the CEQA Guidelines. Due to the nature of the proposed code revisions, there is no evidence that any significant impact to the environment would occur as a result of adoption of the Ordinance. Any environmental effects associated with adoption and implementation of the Ordinance.

Section 5. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on January 3, 2013 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 15th of January 2013 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

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



Public Notice

City of Rio Dell City Council

SUMMARY FOR POSTING AFTER ADOPTION OF ORDINANCE

(The summary shall be published or posted within 10 calendar days after the adoption of the ordinance)

Summary

On **Tuesday, January 15, 2013 at 6:30 p.m.**, the Rio Dell City Council held a public hearing in the City Council Chamber at City Hall to consider the matter listed below and adopted Ordinance No. 299-2013 establishing Medical Marijuana Regulations, Section 17.30.155 of the Rio Dell Municipal Code.

ORDINANCE NO. 299 - 2013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL ESTABLISHING MEDICAL MARIJUANA REGULATIONS, SECTION 17.30.155 OF THE RIO DELL MUNICIPAL CODE:

A certified copy of the full text of the Ordinance is posted in the office of the City Clerk. General questions regarding the Ordinance, the planning process, submission of materials and information not specific to this project may be obtained from the City, 675 Wildwood Avenue, Rio Dell, CA. 95562; telephone (707) 764-3532.

Press Release

Rio Dell – At their meeting of January 3, 2013 the City Council considered proposed Medical Marijuana Regulations. The regulations are in response to resident's complaining about the impacts cultivation has had in their neighborhoods.

According to the staff report, the proposed regulations are very similar to those adopted in the City's of Eureka and Arcata and the County. Indoor grow areas will be limited to 50 square feet and no more than 1200 watts of lighting is allowed. Outdoor grows would not be allowed under the proposed regulations. However, cultivation of up to 50 square feet would be allowed in greenhouses, provided they are fully enclosed, secure and lockable and have a roof supported by connecting walls extending continuously to a perimeter foundation or equivalent base to which the connecting walls are securely attached.

The City Council is scheduled to adopt the proposed Ordinance at their meeting on January 15th. In other news, the City is soliciting applications for the Planning Commission to fill three vacancies. Applications are due no later than 5:00 pm, January 10th.

Sent To:

USA Today

CNN

San Francisco Chronicle

Times Standard

North Coast Journal

Humboldt Beacon

Redwood Times

Independent Newspaper

KIEM Cannel 3

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