AGENDA
RIO DELL CITY COUNCIL
CLOSED SESSION – 5:00 P.M.
REGULAR MEETING - 6:30 P.M.
TUESDAY, JULY 18, 2017
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE

***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 American 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 the meeting.

A. CALL TO ORDER

B. ROLL CALL

C. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:

1) 2017/0718.01 - **Conference with Labor Negotiator – City Manager**
Employee Organizations: Rio Dell Employees Association Rio Dell Police Officers Association and all Contract Employees (Pursuant to §59457.6 of the Government Code)

2) 2017/0718.02 - **Conference with Legal Counsel – Anticipated Litigation**
Initiation of Litigation (Pursuant to paragraph (4) of Subdivision (d) of §59456.9 of the Government Code) (one case)

3) 2017/0718.03 - **Public Employee Performance Evaluation**
Title: Chief of Police (Pursuant to §54957 of the Government Code)

4) 2017/0718.04 - **Conference with Real Property Negotiators**
Property: APN 205-111-029 – Agency Negotiator: Kyle Knopp. City Manager; Russell Gans, City Attorney
Under Negotiation: Consider and discuss price and terms of payment for the contemplated conveyance of rights to water well located on subject property (Pursuant to §54956.8 of the Government Code)

5) 2017/0718.05 - **Conference with Legal Counsel – Anticipated Litigation**
Significant exposure to litigation (Pursuant to paragraph (2) or (3) of §56759.9) One matter to be discussed. The matter concerns a submitted claim for inverse condemnation allegedly arising from damage caused by flood and/or surface water control facilities

D. PUBLIC COMMENT REGARDING CLOSED SESSION

E. RECESS INTO CLOSED SESSION

F. RECONVENE INTO OPEN SESSION – 6:30 P.M.

G. ORAL ANNOUNCEMENTS

H. PLEDGE OF ALLEGIANCE

I. CEREMONIAL MATTERS

J. 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.

K. 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 embers 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) 2017/0718.06 - Approve Minutes of the July 6, 2017 Regular Meeting **(ACTION)** 1

2) 2017/0718.07 - Approve Resolution No. 1343-2017 Confirmation of FY 2017-18 Tax Assessment for 1978 Sewer Assessment Bonds **(ACTION)** 11

3) 2017/0718.08 - Approve Resolution No. 1344 -2017 for the Transfer of Reserve Amounts Amending the FY 2017/2018 Operating and Capital Budget for a Grade Certified Wastewater Operator and for Lawnmower Purchase **(ACTION)** 27

4) 2017/0718.09 - Receive & File Check Register for June 2017 **(ACTION)** 35

L. ITEMS REMOVED FROM THE CONSENT CALENDAR

M. SPECIAL PRESENTATIONS/STUDY SESSIONS

N. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

1) 2017/0718.10 - Discussion on Collapsed Sidewalk at 61 Monument Road known as the Habitat Parcel **(DISCUSSION/POSSIBLE ACTION)** 37

O. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

1) 2017/0718.11 - Introduction and First Reading (by title only) of Ordinance No. 358-2017 Establishing Personal Cannabis Cultivation Regulations, Section 17.030.235 of the Rio Dell Municipal Code **(DISCUSSION/POSSIBLE ACTION)** 39

P. REPORTS/STAFF COMMUNICATIONS

Q. COUNCIL REPORTS/COMMUNICATIONS

R. ADJOURNMENT

The next regular City Council meeting is scheduled for
***Tuesday, August 1, 2017** at 6:30 p.m.*

RIO DELL CITY COUNCIL
REGULAR MEETING
JULY 6, 2017
MINUTES

The closed session/regular meeting of the Rio Dell City Council was called to order at 5:30 p.m. by Mayor Wilson.

ROLL CALL:	Present:	(Closed Session) Mayor Wilson, Mayor Pro Tem Johnson, Councilmembers Garnes, Marks and Strahan, City Manager Knopp and City Attorney Gans
	Present:	(Regular Meeting) Mayor Wilson, Mayor Pro Tem Johnson, Councilmembers Garnes, Marks and Strahan
	Others Present:	City Manager Knopp, Finance Director Woodcox, Community Development Director Caldwell, City Clerk Dunham and City Attorney Gans
	Absent:	Chief of Police Hill, Water/Roadways Superintendent Jensen and Wastewater Superintendent Trainee Yaple (excused)

CLOSED SESSION

The Council recessed into closed session at 5:30 p.m. to discuss the following matters: ***Conference with Labor Negotiator – City Manager. Employee Organizations: Rio Dell Employees Association, Rio Dell Police Officers Association and all Contract Employees (Pursuant to §59457.6 of the Government Code)***

Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation (Pursuant to paragraph (4) of subdivision (d) of §59456.9 of the Government Code) (one case)

The Council reconvened into open session at 6:30 p.m. Mayor Wilson announced there was no reportable action taken in closed session.

CEREMONIAL MATTERS

Proclamation Honoring Wally and Sandra Close

Mayor Wilson began by stating that as a City Council they deal with a lot of different matters but this is a time when the Council truly has the privilege of doing something special such as honoring Wally and Sandra Close for their years of service to the community.

He read a brief history of how the Close's came to be, who they are and why they are coming to this juncture in their lives.

He said Bob and Grace Close purchased the Belleview Food Shop along with cabins and a gas station in 1955. Over time and with the realignment of Highway 101, the cabins and gas station were torn down but the market remained.

He went on to tell the story behind the name of CC Market and said many people assume the name derived from the last names of Close and Cacci but the Close's simply shortened the name of the store from the Belleview Food Shop to "C" Market to avoid writing the name on every order. Because the State didn't allow single initials on businesses they added the second "C" and took on the name of CC Market.

Early on there were five grocers in Rio Dell, one of which was Hogan's Market also known as Cacci's Market where Sandra worked with her parents from the age of three.

Wally purchased CC Market from his parents, Bob and Grace Close in 1969 and when Sandra's parents sold their store she came to work for Wally at CC Market. In 1977, she and Wally were married and together have kept the store in business in spite of the many challenges and hard times they have had to face over the years including earthquakes, floods, fire, and wind storms. By all rights, they should have closed shop decades ago, taken the profits and ran but they had a responsibility to the community and their employees who have been like family, some of who have been with them for decades.

Councilmember Marks stated that as Chairman of the Friends of the Library, Grace Close was instrumental in getting the library started in Rio Dell.

Mayor Pro Tem Johnson said as many people know he is a long distance runner and in the late 70's and 80's Wally and he trained together and ran numerous marathons. Eventually his business got in the way and he wasn't able to run as much but he still managed to run in a marathon now and then. He said those times were fun and Wally was a game competitor.

He also shared that about the time he came on the City Council he had a great discussion with Wally and one thing he told him was that when he was on the Council, there were many times when the Council disagreed during discussions but one thing they did when it came to a vote was to stand united as a Council with a 5-0 vote. He said he really appreciated that story.

Councilmember Strahan commented that what Wally and Sandra have done for the community is awesome and thanked them for the many good years.

Councilmember Garnes said she will really miss CC Market and the nice plants at the store and said one time Sandra gave her a dying lavender plant in a one-gallon pot and she took it home and all it needed was love. She said today it is bigger than you can even imagine. She thanked her for always being so nice to her and expressed appreciation for everything they have done for the City.

Mayor Wilson asked if any members of the public would like to say anything.

Nick Angeloff, expressed thanks to Wally and Sandra on behalf of the Chamber of Commerce and also as a friend and said any time the Chamber needed anything all they had to do was call and it was there.

He said on the competitive side, Wally was even competitive with the game of dominos and was a top notch pool player, bowler, water skier, dirt bike rider and focused on helping the youth in the 60's and 70's with his involvement in the Parks & Recreation Commission.

He said Sandra taught generations of children and is now teaching her students children. He commended her for her dedication to her students and said she contributed a good portion of her salary to her students for school supplies and other things.

He said as a representative of the Chamber of Commerce, he urged everyone to make sure CC Catering is their first choice for catering as that business is alive and well.

Mayor Wilson read the Proclamation and presented it to Wally and Sandra which was followed by a standing ovation by the audience.

PUBLIC PRESENTATIONS

Dennis Wendt referred to correspondence he submitted to the City and correspondence he received from the City Attorney regarding the well that exists on his parcel at the Humboldt Rio Dell Business Park (APN 205-111-075).

He stated that he applied for a building permit for an electrical service upgrade which was halted by the City Manager until the City can research legal ownership and water rights with regard to the existing well on the property. He noted that he submitted a letter to the City Manager approximately 18 months ago regarding this issue but nothing was ever taken to the City Council. He said the letter he received from the City Attorney today indicated that it will take the City 30-45 days to resolve the issue. He said he has already spent money to replace the pump and feels it is unfair for the City to hold out on issuing the permit. He said without the permit, PG&E will not provide power.

Consensus of the Council was that the item be agenized for the next regular meeting on July 18, 2017.

City Attorney Gans left at this time, 6:53 p.m.

Nick Angeloff provided a brief update on Chamber of Commerce activities and reported that they were underway with the Christmas cutouts and actually got the "Grinch" cut out today. He

said they also received a quote for the Christmas lights and would be getting the order in as soon as possible.

Dennis Wendt offered a donation to help pay for the Christmas lights.

CONSENT CALENDAR

Motion was made by Johnson/Garnes to approve the consent calendar including approval of Minutes of the June 20, 2017 regular meeting; to receive and file Pay Request No. 4 to Wahlund Construction in the amount $36,146.60 for work related to the Metropolitan Wells Project; approval of Resolution No. 1341-2017 authorizing and approving the transfer of stock in Eel River Disposal Co. to Recology, Inc.; and approval of Resolution No. 1342-2017 authorizing the City Manager to sign and file for a Financial Assistance Application with the State Water Resources Control Board. Motion carried 5-0.

SPECIAL PRESENTATIONS/STUDY SESSIONS

Presentation by Dan McCauley, Dan's Custom Metals/Sculpture Designs for Wildwood Ave. Median

Artist Dan McCauley provided a brief presentation to the Council along with a proposal for display of his sculptures along Wildwood Ave. He provided a handout of four different renderings he proposed to display. The proposal included a one-time payment of $4,000; 50% upfront and the remainder after the first sculpture is delivered. He noted that the sculptures would remain for a period of one year and after that the sculptures would be removed and replaced with new sculptures. He pointed out that the four sculptures would be placed a month apart so they are not all rotated at the same time. Also, after 90 days he would have the option of selling a sculpture but would replace it with a new one.

He reviewed each of the four renderings and explained the plan would be to install the Owl first followed by the Mountain Lion because they are the smallest sculptures and would fit easily on the two existing pedestals. He said the Elk and Grizzly Bear will require two additional pedestals and agreed to assist the City with the construction and installation.

Mr. McCauley said he plans on bringing his A+ game and would appreciate the opportunity to display his art in the City.

Mayor Pro Tem Johnson said he would like to see the matter referred to the Sculpture Committee and said at the time the Sculpture Committee was established, the City did not contemplate incurring any cost except for installation of the sculptures.

Mayor Wilson commented that Mr. McCauley did present his proposal to the Sculpture Committee and they discussed plans for a possible fund raiser along with a potential

contribution from the City but no commitment was made. He said the Committee suggested he present a proposal to the City Council to get their preliminary feedback.

Mayor Pro Tem Johnson stated that Mr. McCauley mentioned that there would need to be five mounting points for the two larger sculptures and said any foundation would need to be able to support other sculptures rather than be unique to these particular sculptures.

Mr. McCauley said the slabs can be a common design and said he is up for contributing some money for the concrete and whatever else he can do to help make this happen.

Councilmember Strahan questioned the $4,000 and whether the City would then own the sculptures.

Mr. McCauley explained that he would still own the sculptures but as proposed he will replace the sculptures on an annual basis so the City will be provided with different sculptures on an ongoing basis. He said ultimately there will be four sculptures installed per year on a rotational basis and suggested a five year cap be established so he or the City would not be tied to a 20 year agreement. Basically he will be offering the City beautiful, detailed center pieces in the downtown median for the next five years.

Mayor Wilson commented that the concept of the Avenue of the Sculptures has changed so there needs to be a legal contract and a budget established if this is the direction the Council would like to go.

Mayor Pro Tem Johnson stated that he personally would like to see the Avenue of the Sculptures come to fruition and said there were some fish displayed there for about a year but they "swam away."

Mayor Wilson asked if any further thought had been given to organizing a fund raiser to help fund the project as discussed at the Sculpture Committee meeting.

Mr. McCauley stated that he did discuss with Jim Brickley the idea of creating a live sculpture on site during Wildwood Days asking for donations to get the ball rolling on the project and show people what kind of art can come to the downtown.

He said he would love the opportunity to show his work and thought it would be great to display species that are extinct which would be educational for kids and show people that they can pursue their passion or dreams with the use of junk.

Nick Angeloff commented that with regard to funding, he has been pursuing grants through the McLean Foundation and the Humboldt Area Foundation and will be contacting the Headwaters Fund as well. He stated that the funding organizations are supportive of art and if the City is

willing to install the pedestals it would be an incentive to the granting agencies. He suggested starting with the Wildwood Days live sculpture then potential grants and other donations such as the City. He noted that one of the concerns of the granting agencies is that they will basically be funding a single artist.

He also suggested that at the end of the five year agreement, that the sculptures on display at that time become the property of the City and said the granting agencies really like the sustainability aspect of it so if the sculpture sells it is replaced.

Mr. McCauley was aggregable to the suggestion.

A person in the audience commented that she thought the sculptures were a great idea especially in the world where there is more garbage that we know what to do with. She said it potentially sparks a lot of new ideas and said she also thought the rotation of sculptures and live demonstration was a good idea. She added that art is expensive and it takes a lot of creativity and encouraged the Council to consider the proposal.

The consensus of the Council was to agenize the item on a subsequent agenda with a recommendation from the Sculpture Committee and staff.

ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

Ordinance No. 359-2017 Amending Section 17.30.195 of the Rio Dell Municipal Code (RDMC), the Commercial Medical Cannabis Land Use Ordinance to (1) identify and define Health and Wellness Centers, including the therapeutic application and retail sales of medical cannabis products including oils, tinctures, sublinguals, creams, lotions, pills, suppositories, cosmetics etc. but excluding the sale of flower, trim, leaf or cannabis infused edibles as a Conditionally Permitted use in the Humboldt Rio Dell Business Park; and (2) amending the required hours of video security storage from 240 to 720 hours

Community Development Director Caldwell provided a staff report and said the ordinance amendment was introduced at the June 6, 2017 regular meeting and explained the amendment is related to cannabis related Health and Wellness Centers and it will allow the holistic and therapeutic application and sales of medical cannabis products, including oils, tinctures, sublingual's, creams, lotions, pills, suppositories, cosmetics, etc. as an accessory use to Health and Wellness Centers.

He said staff's recommendation is to adopt the ordinance with the inclusion to require security video storage increased from 240 hours to 720 hours.

Councilmember Strahan again expressed her opposition to the sale of pills and suppositories and said originally it was only going to include external applications.

Community Development Director explained that they will not be applying pills or suppositories but rather selling them based on a physician's recommendation.

Mayor Wilson asked staff to explain how the pills and suppositories will be used.

Community Development Director Caldwell stated that suppositories are typically used for colon cancer and pills are mainly for pain.

Staff clarified that there will only be one Health and Wellness Center allowed and membership will be limited to only those with a County issued medicinal cannabis card or a medical 215 card with a physician's recommendation.

Councilmember Strahan reiterated that the use was introduced as a spa with external applications only and said she goes to a spa in Eureka and there are no pills or suppositories offered for sale. She stated that she would like the words "pills" and "suppositories" removed from the ordinance.

Mayor Wilson opened the public hearing to receive public comment on the proposed ordinance amendment.

Tawny Morse commented that it sounds like Councilmember Strahan's confusion and concern is between topicals and ingestibles and pointed out that this is an evolving industry and there are so many topicals and with that she believes there is a wide range of protocols that fit that spa. She said one suggestion would be to perhaps rewrite the language to say nothing shall be ingested.

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

Motion was made by Johnson/Garnes to adopt Ordinance No. 359-2017 amending Section 17.30.195, Commercial Medical Cannabis Land Use Ordinance of the Rio Dell Municipal Code (RDMC) to (1) identify and define Health and Wellness Centers, including the therapeutic application and retail sales of medical cannabis products including oils, tinctures, sublinguals, creams, lotions, pills, suppositories, cosmetics etc. but excluding the sale of flower, trim, leaf or cannabis infused edibles as a Conditionally Permitted use in the Humboldt Rio Dell Business Park; and (2) amending the required hours of video security storage from 240 to 720 hours. Motion carried 4-1; Councilmember Strahan dissenting.

REPORTS/STAFF COMMUNICATIONS

Community Development Director Caldwell asked to be excused.

Mayor Wilson referred to the Special Planning Commission meeting scheduled for July 11, 2017 and questioned the agenda item(s).

Community Development Director Caldwell said staff will be bringing forward the draft Personal Cannabis Cultivation Regulations pursuant to the Adult Use of Marijuana Act (AUMA).

Community Development Director Caldwell was excused and left the meeting at this time, 7:30 p.m.

City Manager Knopp distributed a written City Manager Update of recent activities and events (Attachment 1 to these minutes) including the date for the next ATP Safe Routes to School project on August 1, 2017; training on the City's wastewater treatment plant (Aeromod); announcement of open recruitment for two Public Works positions; update of the City's NPDES permit; update on the stakeholders meeting regarding drainage; update on the 2017 Asphalt and Slurry Seal project; update on staff's attendance at the CSAC regional meeting on cannabis; removal of the median in front of Root 101; announcement of the date for the Scotia Grand Opening with tours of model homes; and potential future agenda items.

He commented that there were questions regarding watering of the median grass and said staff will be replacing some sprinkler heads and batteries in order to bring the irrigation system back online.

Mayor Wilson noted that there is a lot of water in the street near the City Parking Lot at times and obviously no water by Humboldt Gables Motel as the grass is brown and it appears that the trees in that section of the median are dying.

Mayor Pro Tem Johnson asked what Water/Roadway Superintendent Jensen's feedback was on the Aeromod training in Kansas.

City Manager Knopp commented that it was very helpful to be able to go back and talk to the experts and work out the current issues with the wastewater treatment plant. He noted that Aeromod had made a lot of modifications to the design so staff will be discussing those modifications with the State to bring them up to date.

Finance Director Woodcox stated that she had nothing to report at this time.

ADJOURNMENT

Motion was made by Johnson/Garnes to adjourn the meeting at 7:43 p.m. to the July 18, 2017 regular meeting. Motion carried 5-0.

_____
Frank Wilson, Mayor

Attest:

_____
Karen Dunham, City Clerk

The Next Scheduled meeting on the ATP Safe Routes to School project will be on the regularly scheduled City Council meeting of August 1, 2017. Detailed PDF documents of the project are located on the city website.

The City sent Randy Jensen to Manhattan Kansas on for classes on June 27th and 28th. Manhattan is the location of the manufacturer of the City's wastewater treatment plant.

Open Recruitments: The City is currently recruiting for a Public Works (Utility) Lead and a Wastewater Operator who is licensed with grades I-III.

Public works Wastewater continues to work with the SWRCB on our NPDES permit and various requirements being placed upon the City. The final permit is scheduled to go to the SWRCB on August 17, 2017.

On 6/21 staff held a short notice meeting with stakeholders to discuss drainage at the Humboldt Rio Dell Business Park. The meeting came at the request of one of the stakeholders at the site.

The 2017 asphalt and slurry seal project is nearing completion with the final striping occurring today.

Community Development Director Caldwell was able to attend a California State Association of Counties (CSAC) regional meeting on 6/28 in Eureka involving Counties from all over the north state including the Bay Area and Sierra Nevada. The City's presence was requested by Supervisor Fennell.

Median Removal / Watering: Staff is in the final stages of reviewing and returning the encroachment permit for the removal of the median along Wildwood Avenue in front of Root 101.

Future items: Possible banking services provider switch, options for Habitat parcel sidewalk, City owned well on Wendt property and others.

Scotia Grand Opening will be Saturday July 8, 2017 from 11am to 2pm. There will be live music, tours of model homes and more.

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CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
July 18, 2017

TO: Mayor and Members of the City Council

THROUGH: Kyle Knopp, City Manager

FROM: Brooke Woodcox, Finance Director

DATE: July 18, 2017

SUBJECT: Resolution 1343-2017 Confirmation of the FY 2017/18 Tax Assessment for financing of the 1978 Sewer Assessment Bonds

RECOMMENDATION

Approve Resolution 1343-2017 Confirmation of the FY 2017/18 Tax Assessment for financing of the 1978 Sewer Assessment Bonds.

BACKGROUND AND DISCUSSION

In 1978, the City borrowed $535,800 to finance improvements to the City's sewage collection system. The bonds mature in 2018. Principal and interest payments are made from taxes levied on properties within the City. A final payment of $30,000 is due June 30, 2018.

The City annually submits to the County a list of parcel numbers and the assessment amount for each parcel to be included on the property tax bill. Prior to submission a resolution of the governing body is required for authorization for levying current year assessments.

The City's Fiscal Year 2017/18 assessment to be levied totals $28,623.80.

Attachments: 1) Resolution 1343-2017 – 1978 Sewer Assessment Bonds
2) Sewer Assessment by Parcel

RESOLUTION NO. 1343-2017
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIO DELL
CONFIRMATION OF FISCAL YEAR 2017/18 TAX ASSESSMENT
1978 SEWER ASSESMENT BONDS

WHEREAS, the City of Rio Dell City Council levied a 40 year tax assessment to fund the sewer infrastructure improvement project of 1978; and

NOW THEREFORE BE IT RESOLVED, that the City of Rio Dell City Council does hereby authorize the Humboldt County Auditor Controllers Office to place this assessment in the amount of $28,623.80, on the rolls effective July 1, 2017.

PASSED AND ADOPTED by the City of Rio Dell on this 18th day of July 2017.

Ayes:
Noes:
Abstain:
Absent:

_____
Frank Wilson, Mayor

ATTEST:

_____
Karen Dunham, City Clerk

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053212024000	32.65	52800
	28,623.80	

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
(707) 764-5480 (fax)
E-mail: cm@riodellcity.com

City of Rio Dell
Staff Report
City Council Agenda
July 18, 2017

To: Honorable Mayor Wilson and Members of the City Council

From: Brooke Woodcox, Finance Director

Through: Kyle Knopp, City Manager

Date: July 18, 2017

Subject: Resolution 1344-2017 Increase Fiscal Year 2017/18 Appropriations and authorize the City Manager to Negotiate Relocation Costs for a Grade Certified Wastewater Operator and Increase Appropriated Amount to Purchase Lawnmower

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RECOMMENDATION

It is recommended that the City Council approve Resolution No. 1344-2017 amending the Operating and Capital budget to include additional appropriations as follows:

1) $5,000 – Sewer Operating Fund
2) $1,782 – General Fund

BACKGROUND

The budget was adopted with $4,119,688 in appropriations and $3,673,014 in revenues. A total of 18.5 full-time equivalents (FTEs) were included in the adopted budget.

1) Currently there are vacant positions in the Sewer Department that need to be filled; a budget amendment increasing appropriations in the Sewer Operating Fund (050) is being requested that authorizes the City Manager to negotiate relocation costs not to exceed $5,000 for a Grade Certified Wastewater Operator.

2) The Capital Projects budget was adopted with $200,000 in General Fund monies for various projects (list attached). An additional amount of $1,782 in appropriations is being requested to go towards the purchase of a lawn mower. The lawnmower purchase was originally adopted for $20,000 from the General Fund; however the cost is higher than originally estimated. The older lawnmower has outlasted its useful life and needs replacing.

BUDGETARY IMPACT: Increase FY 2017/18 Sewer Operating Fund appropriations by $5,000 and General Fund appropriations by $1,782.

ATTACHMENTS

- Resolution 1344-2017 Budget Amendment for Transfer of Reserve Amounts
- Details on lawnmower
- FY 2017/18 Capital Projects List

RESOLUTION NO. 1344-2017
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIO DELL FOR A TRANSFER OF
RESERVE AMOUNTS AMENDING
THE OPERATING BUDGET
FOR THE FISCAL-YEAR 2017-2018

WHEREAS, the City adopted Resolution 1333-2017 establishing the City's Operating and Capital Budget for the Fiscal-Year 2017/18; and

WHEREAS, the City has approved and its 2017/18 fiscal year Operating and Capital Budgets and have identified additional costs that should be included to update the 2017/18 fiscal-year budget; and

NOW THEREFORE BE IT RESOLVED, that the City of Rio Dell City Council does hereby amend the City of Rio Dell 2017/18 Operating and Capital Budget with the following amendments:

INCREASE EXPENDITURES

$ 5,000	SEWER FUND	050	Authorize City Manager to negotiate relocation costs for Grade Certified Wastewater Operator
$ 1,782	GENERAL FUND	000	Increase lawn mower purchase cost
$ 6,782	TOTAL		

PASSED AND ADOPTED by the City Council of the Rio Dell on this 18th day of July, 2017 by the following vote:

Ayes:
Noes:
Abstain:
Absent:

Frank Wilson, Mayor

ATTEST:

Karen Dunham, City Clerk

JOHN DEERE

Quote Id: 15176935

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):
Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:
Fernbridge Tractor and Equip
20 Depot Road
Fernbridge, CA 95540
707-725-5174
fernbridgetractor@fernbridgetractor.com

Prepared For:

Rio Dell Public Works

Proposal For:

Delivering Dealer:
Richard Harpham

Fernbridge Tractor and Equip
20 Depot Road
Fernbridge, CA 95540

Quote Prepared By:
Richard Harpham

Date: 20 April 2017

Offer Expires: 20 May 2017

JOHN DEERE

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):
Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:
Fernbridge Tractor and Equip
20 Depot Road
Fernbridge, CA 95540
707-725-5174
fernbridgetractor@fernbridgetractor.com

Quote Summary

Prepared For:
Rio Dell Public Works
Randy Jensen
675 Wildwood Ave
Rio Dell, CA 95562
Business: 707-764-5312

Delivering Dealer:
Fernbridge Tractor and Equip
Richard Harpham
20 Depot Road
Fernbridge, CA 95540
Phone: 707-725-5174

Quote ID:	15176935
Created On:	20 April 2017
Last Modified On:	27 April 2017
Expiration Date:	20 May 2017

Equipment Summary	**Selling Price**		**Qty**		**Extended**
JOHN DEERE 1550 TerrainCut Commercial Front Mower (Less Mower Deck) **Contract:** National Purchasing Partners (NPP) Lawn & Landscape Equip (PG 5S) **Price Effective Date:** April 20, 2017	$ 16,957.01	X	1	=	$ 16,957.01
JOHN DEERE 62 In. Fastback Commercial Rear Discharge Deck **Contract:** National Purchasing Partners (NPP) Lawn & Landscape Equip (PG 5S) **Price Effective Date:** April 20, 2017	$ 3,257.10	X	1	=	$ 3,257.10
Equipment Total					**$ 20,214.11**

* Includes Fees and Non-contract items

Quote Summary	
Equipment Total	$ 20,214.11
Trade In	
SubTotal	**$ 20,214.11**
State Tax - (7.75%)	$ 1,566.59
Total	$ 21,780.70
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	**$ 21,780.70**

Salesperson : X _____

Accepted By : X _____

JOHN DEERE

Selling Equipment

Quote Id: 15176935 **Customer Name:** RIO DELL PUBLIC WORKS

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):
Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:
Fernbridge Tractor and Equip
20 Depot Road
Fernbridge, CA 95540
707-725-5174
fernbridgetractor@fernbridgetractor.com

JOHN DEERE 1550 TerrainCut Commercial Front Mower (Less Mower Deck)

Hours:
Stock Number:
Contract: National Purchasing Partners (NPP) Lawn & Landscape Equip (PG 5S)
Price Effective Date: April 20, 2017

Selling Price *
$ 16,957.01

* Price per item - includes Fees and Non-contract items

Code	Description	Qty	List Price	Discount%	Discount Amount	Contract Price	Extended Contract Price
2400TC	1550 TerrainCut Commercial Front Mower (Less Mower Deck)	1	$ 18,420.00	23.00	$ 4,236.60	$ 14,183.40	$ 14,183.40
	Standard Options - Per Unit						
001A	United States and Canada	1	$ 0.00	23.00	$ 0.00	$ 0.00	$ 0.00
1019	23x10.50-12 4PR Turf Drive Tires	1	$ 0.00	23.00	$ 0.00	$ 0.00	$ 0.00
1191	Four Wheel Drive (Full Time or On Demand)	1	$ 2,913.00	23.00	$ 669.99	$ 2,243.01	$ 2,243.01
2012	Air Ride Suspension Seat with Armrests	1	$ 680.00	23.00	$ 156.40	$ 523.60	$ 523.60
	Standard Options Total		**$ 3,593.00**		**$ 826.39**	**$ 2,766.61**	**$ 2,766.61**
	Suggested Price						**$ 16,950.01**
	Fees						
	tire tax	1	7.00			7.00	7.00
	Equipment Fees Total		**$ 7.00**			**$ 7.00**	**$ 7.00**
Total Selling Price			$ 22,020.00		$ 5,062.99	$ 16,957.01	$ 16,957.01

JOHN DEERE 62 In. Fastback Commercial Rear Discharge Deck

JOHN DEERE

Selling Equipment

Quote Id: 15176935 **Customer Name:** RIO DELL PUBLIC WORKS

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):
Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:
Fernbridge Tractor and Equip
20 Depot Road
Fernbridge, CA 95540
707-725-5174
fernbridgetractor@fernbridgetractor.com

Equipment Notes:
Hours:
Stock Number:
Contract: National Purchasing Partners (NPP) Lawn & Landscape Equip (PG 5S)
Price Effective Date: April 20, 2017

Selling Price *
$ 3,257.10

* Price per item - includes Fees and Non-contract items

Code	Description	Qty	List Price	Discount%	Discount Amount	Contract Price	Extended Contract Price
0352TC	62 In. Fastback Commercial Rear Discharge Deck	1	$ 4,230.00	23.00	$ 972.90	$ 3,257.10	$ 3,257.10
	Standard Options - Per Unit						
001A	United States and Canada	1	$ 0.00	23.00	$ 0.00	$ 0.00	$ 0.00
	Standard Options Total		**$ 0.00**		**$ 0.00**	**$ 0.00**	**$ 0.00**
	Suggested Price						**$ 3,257.10**
Total Selling Price			$ 4,230.00		$ 972.90	$ 3,257.10	$ 3,257.10

FY 2017/18
CAPITAL/SPECIAL PROJECTS

GENERAL FUND (000)	AMOUNT	DESCRIPTION
Belleview/Ogle (carry-over 15/16)	45,000	Belleview/Ogle repairs
Lawn Mower	20,000	Replacement for aged City Lawn Mower
City Hall Repairs and Improvements		
CDBG ABR ADA Improvements	90,000	GF Subsidy for City Hall ADA improvements
Council Chambers	15,000	Acoustics, misc. improvements
Reception Area	20,000	ADA, Security, misc. improvements
Broken Windows	10,000	Repairs and maintenance
GEN FUND PROJECTS	200,000	

WATER FUND (062)	AMOUNT	DESCRIPTION
Water Plant Effluent Redirection	150,000	Project to lower silt emission into WWTP
"Hauk" Calibration	15,000	Contractor to calibrate insturmentation
Four Ft. Roller & Trailer (.25)	8,250	Equipment for small paving projects.
Utility Truck (0.40)	14,000	Replacement for aged Jeep and GMC Utility
Forklift (0.15)	2,250	Replacement for aged forklift
WATER FUND PROJECTS	189,500	

SEWER FUND (062)	AMOUNT	DESCRIPTION
Contact Basic Covers	30,000	Project for compliance with SWRCB
Sewer Machine Replacement	35,000	Replacement of aged Sewer Machine
Sewer Push Camera	5,000	Replacement of aged Camera
Utility Truck (0.40)	14,000	Replacement for aged Jeep and GMC Utility
Four Ft. Roller & Trailer (.25)	8,250	Equipment for small paving projects.
I & I Reduction	60,000	Manhole repair project
Forklift (0.80)	12,000	Replacement for aged forklift
SEWER FUND PROJECTS	164,250	

STREETS FUNDS (020, 024)	AMOUNT	DESCRIPTION
Four Ft. Roller & Trailer (.5)	16,500	Equipment for small paving projects.
Utility Truck (0.20)	7,000	Replacement for aged Jeep and GMC Utility
Street Striping	20,000	Safety work
Drainage replacements	30,000	Repair of various drains in town.
Forklift (0.05)	750	Replacement for aged forklift
STREETS FUNDS PROJECTS	74,250	

CDBG FUND (037)	AMOUNT	DESCRIPTION
CDBG ABR ADA Improvements	160,000	City Hall ABR ADA (plus GF $90k Subsidy)
CDBG FUND PROJECT	160,000	

788,000

City of Rio Dell
Check Register

General Checking-US Bank of California

Check	Date	Vendor		Description	Check/Payment
5836	6/02/2017	[2757]	US POSTMASTER	POSTAGE FOR UTILITY BILLING FOR MAY	361.35
5837	6/08/2017	[0576]	101 AUTO PARTS	TWO UNIVERSAL JOINTS; THREE QD ELECTRONIC	126.57
5838	6/08/2017	[6117]	A-1 CLEANING SERVICE, LLC	MONTHLY CLEANING SERVICE FOR MAY 2017	433.00
5839	6/08/2017	[6038]	ACCURATE TERMITE & PEST SOLUTIONS	BI-MONTHLY PEST CONTROL @ 675 WILDWOOD AVE	245.00
5840	6/08/2017	[5235]	ADVANTAGE FINANCIAL SERVICES	DOCSTAR 3.12 SOFTWARE PACKAGE DOCSTAR USER LIC	343.08
5841	6/08/2017	[5750]	AERO-MOD	PARTS FOR BELT PRESS REPAIR	1,815.95
5842	6/08/2017	[3527]	ALLIANT INSURANCE SERVICES (DRIVER)	CRIME INSURANCE 7/1/17 - 7/1/18	950.00
5843	6/08/2017	[5381]	ALTERNATIVE BUSINESS CONCEPTS	MONTHLY MAINTENANCE & COPY CHARGES FOR MAY	691.90
5844	6/08/2017	[2218]	AMERICAN WATER WORKS ASSN	2017 DUES	420.00
5845	6/08/2017	[3975]	AT&T - 5709	PHONE EXPENSES FOR MAY 2017	229.35
5846	6/08/2017	[5894]	BARDWELL, LESLEY & JASON	CUSTOMER DEPOSIT REFUND	33.14
5847	6/08/2017	[2293]	CITY OF FORTUNA	POLICE DISPATCH SERVICES FOR MAY/JUNE 2017	4,150.00
5848	6/08/2017	[2303]	COAST CENTRAL CREDIT UNION	POA DUES FOR PPE 5/26/17	120.00
5849	6/08/2017	[5546]	COLLINGS, MARTIN	CUSTOMER DEPOSIT REFUND	133.34
5850	6/08/2017	[5127]	DELTA DENTAL	DENTAL INSURANCE FOR JULY 2017	2,186.99
5851	6/08/2017	[2356]	DOWNEY BRAND LLP	LEGAL SERVICES FOR APRIL 2017	150.00
5852	6/08/2017	[2366]	EEL RIVER DISPOSAL INC	GARBAGE BAGS FOR THE MONTH OF MAY 2017	343.75
5853	6/08/2017	[5687]	ENGINEERED FIRE SYSTEMS, INC.	PLAN REVIEW FOR 913 & 917 HILDA COURT	400.00
5854	6/08/2017	[5177]	AUSTIN H EVANS	CLOTHING ALLOWANCE REIMBURSEMENT	23.69
5855	6/08/2017	[5352]	JOANNE E FARLEY	MILEAGE REIMBURSEMENT	45.50
5856	6/08/2017	[2394]	FEDEX	SHIPPING FOR WASTEWATER SAMPLES	1,247.32
5857	6/08/2017	[2396]	FERNBRIDGE TRACTOR & EQUIPMENT	JD - V BELT	158.39
5858	6/08/2017	[2405]	FORTUNA ACE HARDWARE	PLUMBING TUBING	34.03
5859	6/08/2017	[5765]	GARNES, DEBRA	REIMBURSEMENT FOR MEALS/MILEAGE PER DIEM &	426.23
5860	6/08/2017	[5052]	GHD, INC	ENGINEERING SERVICES FOR METROPOLITAN WELLS R	6,723.88
5861	6/08/2017	[2437]	HACH	aa REAGENT SET, CHLORINE TOTAL CL17	209.84
5862	6/08/2017	[5681]	LISA LOBUE	CUSTOMER DEPOSIT REFUND	189.18
5863	6/08/2017	[2551]	MIRANDA'S ANIMAL RESCUE	ANIMAL CONTROL FOR MAY 2017	1,000.00
5864	6/08/2017	[4908]	MITCHELL BRISSO DELANEY & VRIEZE	LEGAL SERVICES FOR MAY 2017	1,664.00

City of Rio Dell
Check Register

General Checking-US Bank of California

Check	Date	Vendor	Description	Check/Payment
5923	6/28/2017	[2293] CITY OF FORTUNA	WWTP OPERATIONAL SERVICES FOR APRIL-MAY	444.72
5924	6/28/2017	[2633] PURCHASE POWER	POSTAGE METER REFILL	397.45
5925	6/28/2017	[2657] RIO DELL EMPLOYEES ASSOC	DUES FOR QUARTER ENDING 6/30/17	84.00
5926	6/28/2017	[2659] RIO DELL PETTY CASH	FILING FEE & COPY CHARGE; POSTAGE; SUPPLIES	25.86
5927	6/28/2017	[2709] STAPLES DEPT. 00-04079109	500 RETURN ADDRESS PRINTED ENVELOPES	141.36
5928	6/28/2017	[2319] SUDDENLINK	MONTHLY BROADBAND SERVICE 7/1/17 - 7/31/	262.01
5929	6/28/2017	[5166] VSP-VISION SERVICE PLAN	VISION INSURANCE FOR JULY 2017	341.16
5930	6/28/2017	[5108] WAHLUND CONSTRUCTION INC.	PAY REQUEST #4 FOR METROPOLITAN WELLS REDEV	36,146.60
5931	6/28/2017	[5982] WISE, ALAINA	CUSTOMER DEPOSIT REFUND	125.32
5932	6/29/2017	[2757] US POSTMASTER	POSTAGE FOR UTILITY BILLS FOR JUNE	368.50
Total Checks/Deposits				**264,197.32**

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

July 18, 2017

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Discussion on the Collapsed Sidewalk at 61 Monument, Also Known as the Habitat Parcel.

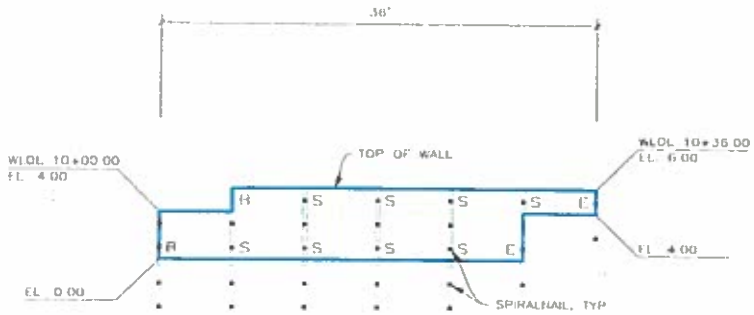
IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve of the letter and authorize the Mayor to sign.

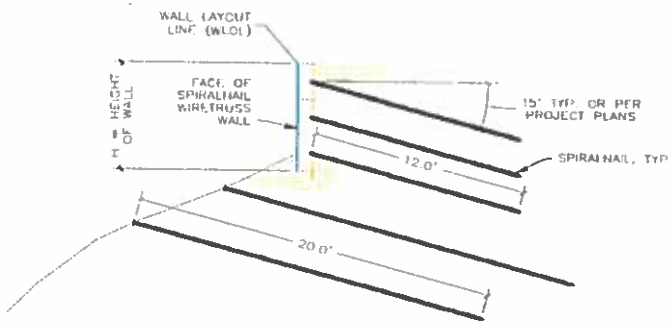
BACKGROUND AND DISCUSSION

The City Manager will provide an update on the sidewalk at the Habitat for Humanity parcel - 61 Monument Road.

///



DEVELOPED ELEVATION
SCALE 1" = 10'



TYPICAL SPIRALNAIL WIRETRUSS SECTION
SCALE 3" = 20'

ESTIMATED QUANTITIES:

TOTAL FACE AREA: 216 SQ. FT.

THIS DRAWING IS FURNISHED SOLELY FOR THE USE OF OR IN CONNECTION WITH THIS PROJECT AND THE PROPRIETARY INFORMATION SHOWN HEREON IS NOT TO BE TRANSMITTED TO ANY OTHER ORGANIZATION WITHOUT SPECIFIC AUTHORIZATION BY THE HILFIKER COMPANY. HILFIKER RETAINING WALLS ARE PROTECTED BY ONE OR MORE OF THE FOLLOWING PATENTS: 2418613, 2113667, 2961616, 4117,806, 4,329,089; 4,329,508; 4,391,557; 4,985,821; 4,343,116; 4,661,023; 4,958,879; 4,828,425; 5,679,733; 5,647,985; 5,722,790; 5,733,077; 5,757,370B1; 6,079,873B2; / D331,119 PHLL AND OTHERS. OTHER PATENTS PENDING (2008)

REV NO	DATE	BY	DESCRIPTION

GRAPHIC SCALE
LINE IS 20 UNITS LONG ON ORIGINAL DRAWING
0 10 20

PROJ. MGR. HH
ENGINEER
CADD BY DH

HILFIKER RETAINING WALLS
1832 H. Hilfiker Lane
Eureka CA 95503-5711
TOLL FREE 800.762.8062
PH 707.443.5093 FAX 707.443.2891
WEB SITE www.hilfiker.com E-MAIL info@hilfiker.com
EST. 1902

DWG DATE 27 JUN 17
REVISION DATE
SCALE NOTED

FOR BIDDING PURPOSES ONLY
SPIRALNAIL WIRETRUSS WALL
RIO DELL SIDEWALK REPLACEMENT
CITY OF RIO DELL
RIO DELL, CALIFORNIA
DEVELOPED ELEVATION AND SECTION

PROJECT NO 170627AN
SHEET 1 OF 1

170627AN - RIO DELL SIDEWALK REPLACEMENT

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

For Meeting of: July 18, 2017

To: City Council

From: Kevin Caldwell, Community Development Director

Through: Kyle Knopp, City Manager

Date: July 12, 2017

Subject: A text amendment amending Chapter 17 of the Rio Dell Municipal Code to establish personal cultivation regulations pursuant to the Adult Use of Marijuana Act (AUMA), Proposition 64.

Recommendation:

That the City Council:

1. Receive staff's report regarding establishing Section 17.30.235, Personal Cannabis Cultivation Regulations of the Rio Dell Municipal Code (RDMC);

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

3. Introduce (first reading) Ordinance No. 358-2017 and continue consideration, approval and adoption of the proposed Ordinance to your meeting of August 1, 2017 for the second reading and adoption.

Discussion

In March of this year the Planning Commission and City Council held a joint study session to discuss the voter approved Adult Use of Marijuana Act (AUMA). AUMA legalizes the use of recreational cannabis and creates a State regulatory and licensing system for commercial cultivation, testing, manufacturing and distribution of nonmedical marijuana. The State expects to begin issuing commercial licenses January 1st 2018. AUMA also contains provisions for personal cannabis cultivation as well. Below is a summary of the personal cultivation regulations found in AUMA.

- Allows persons to cultivate six (6) cannabis plants.

- Local governments may "reasonably regulate" but not prohibit "indoor" cultivation. Indoor cultivation includes a greenhouse or other detached accessory building.

- Local governments may ban outdoor cultivation, but those that do will not be eligible for grants.

- Plants grown outdoors may not be visible by normal unaided visions prom a public place.

- Cannabis in excess of 28.5 grams must be kept in a locked space within the person's private residence.

- Local governments can require a permit process with an appropriate fee to ensure compliance with the various building codes, including the fire code. In addition a permit process could require periodic inspections upon appropriate notice.

At the study session staff was directed to prepare a draft ordinance regarding the personal cultivation of cannabis. The Planning Commission considered the Draft Ordinance at their Special Meeting of July 11, 2017. After some very good questions and discussion, the Planning Commission is recommending to your Council the following changes:

1. **Annual Permit:** An annual permit authorizing the personal cultivation is recommended by the Planning Commission. The Commission recommended a Life-Safety Inspection. The Life-Safety Inspection fee is currently $75.00. Staff has prepared a draft Application and Acknowledgement form which is included as Attachment 2.

2. **Inspection:** Consent to a minimum of one additional on-site compliance inspection annually, to be conducted by appropriate City officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The applicant shall be required to pay the Life-Safety Inspection Fee in effect at that time.

3. **Detached Accessory Buildings:** Personal cultivation would only be allowed in detached accessory buildings. As the Council is aware many homes have been damaged due to irresponsible indoor cultivation, requiring new flooring, walls, ceiling, electrical and plumbing work to return the home to a habitable state. In addition, indoor cultivation increases the risk of fire. As such, by requiring that the cultivation occur in a detached accessory building, it reduces the possible fire risk to the home and its occupants.

4. **Interior Height Limit:** Clarify that the maximum allowed interior ceiling height is 10 (10 feet.

The changes have been incorporated into the Draft Ordinance and are shown below:

17.30.235(6) Residential Cultivation for Personal Use

The City shall not interfere with a cultivation of cannabis for personal use, so long as the cultivation is in conformance with this Ordinance and state law.

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

(a) Outdoor, greenhouse and cultivation in a residence is prohibited; and

(b) Indoor cannabis cultivation shall be limited to detached accessory buildings and shall not exceed six (6) plants and one-hundred-fifty (150) square feet or less per residence on a parcel. The maximum allowed interior ceiling height is ten (10) feet; and

(c) The cannabis cultivation and processing area in the detached accessory building shall be indoors and secured against unauthorized entry; and

(d) Grow lights for cannabis cultivation in the detached accessory building shall not overload the capacity of the branch circuits; and

(e) All electrical equipment used in the indoor cultivation of cannabis in the 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 cannabis is prohibited. Any electrical or mechanical may require a Building Permit; and

(f) The use of gas products (CO_2, butane, etc.) for indoor cannabis cultivation is prohibited; and

(g) No toxic or flammable fumigant shall be used for indoor cultivation unless the requirements of Section 1703 of the California Fire Code have been met; and

(h) No odor of cannabis shall be detectable from the property boundaries by a person of ordinary senses. To achieve this, the cultivation area shall be, at a minimum, mechanically ventilated with a carbon filter or other superior method to prevent the odor of cannabis 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 uses; and

(i) From a public right of way, neighboring properties, or neighboring housing units, there shall be no auditory evidence of the cultivation that is detectable by a person of ordinary senses; and

(j) Cannabis cultivation, processing, or transfers are prohibited as a Home Occupation; and

(k) No sale, trading, or dispensing of cannabis is allowed on a parcel where cultivation of cannabis occurs; and

(l) All waste materials shall be disposed of properly. 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 cannabis; and

(m) The cultivation of cannabis 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 cannabis; and

(n) The indoor personal recreational cultivation of cannabis must comply with all applicable state and county laws, including fire and building codes; and

(o) In detached accessory buildings with wooden floors, a waterproof membrane or other waterproof barrier shall be installed to protect the floor of the indoor cultivation area from water damage.

(p) Cultivation areas must be maintained in a clean and sanitary condition.

(q) An annual Permit and Acknowledgement is required. The applicant shall be required to pay the Life-Safety Inspection Fee in effect at that time.

(r) Upon proper notification consent to a minimum of one additional on-site compliance inspection annually, to be conducted by appropriate City officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The applicant shall be required to pay the Life-Safety Inspection Fee in effect at that time.

Procedural Requirements

Pursuant to Section 17.35.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.35.010(3), or by action of the Planning Commission, or the City Council.

- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.

- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.

- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.

- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.

- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.

- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.35.010(5), hereof.

- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.

- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Zone Reclassification Required Findings

1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.

There are no General Plan policies that would discourage or prohibit the proposed amendments. The proposed amendments are consistent and compatible with the General Plan.

2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

Based on the nature of the project, staff has determined that 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. 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 amendments, staff believes there is no evidence to suggest that the minor amendments will have a ***significant*** effect on the environment.

Attachments

Attachment 1: Draft Ordinance No. 358-2017 establishing Personal Cannabis Cultivation Regulations, Section 17.30.235, of the Rio Dell Municipal Code (RDMC).

Attachment 2: Draft Application and Acknowledgement.

ORDINANCE NO. 358-2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL ESTABLISHING PERSONAL CANNABIS CULTIVATION REGULATIONS, SECTION 17.030.235 OF THE RIO DELL MUNICIPAL CODE:

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

WHEREAS Proposition 64, the Adult Use of Marijuana Act (AUMA) was approved and became effective November 9, 2016; and

WHEREAS AUMA legalizes the use of recreational cannabis and creates a State regulatory and licensing system for commercial cultivation, testing, manufacturing and distribution of nonmedical marijuana; and

WHEREAS AUMA allows persons 21 years of age or older to possess, plant, cultivate, harvest, dry, or process not more than six (6) living cannabis plants and possess the cannabis produced by the plants; and

WHEREAS local governments may "reasonably regulate" but not prohibit "indoor" cultivation; and

WHEREAS indoor cultivation includes a greenhouse or other detached accessory building; and

WHEREAS local governments may ban outdoor cultivation, but those that do will not be eligible for grants; and

WHEREAS it is the intent of the City to minimize the impacts of cannabis cultivation in neighborhoods and the impacts that can accompany cannabis cultivation; and

WHEREAS the City has reviewed and processed the proposed Cannabis Cultivation 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 Cannabis Cultivation 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 Cannabis Cultivation 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 Personal Cannabis Cultivation Regulations has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed Personal Cannabis Cultivation 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 Personal Cannabis Cultivation 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 Personal Cannabis Cultivation 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 Personal Cannabis Cultivation 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 Personal Cannabis Cultivation Regulations.

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

Section 1.

Section 17.030.235 Personal Cannabis Cultivation 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 the City Council does hereby enact this Ordinance, which shall be known and may be cited as the "Cannabis Cultivation Regulations".

(2) Purpose and Intent. The purpose and intent of the Cannabis Cultivation Regulations is to regulate the cultivation of cannabis for personal use in a residence and detached accessory buildings and ban the production of cannabis products as defined herein and Section 11018.1 of the Health and Safety Code, the commercial production and sale of non-medical cannabis and cannabis products.

It is the intent of the City that the cultivation of cannabis 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 right's of our residents to cultivate and posses cannabis and minimize the impacts of cannabis cultivation in neighborhoods.

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

(a) Widespread indoor cultivation of cannabis 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 cannabis growing operation. As rental homes are converted to these grow structures, the character of the neighborhood around the grow structure deteriorates.

(b) Cannabis 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 cannabis and extensively damaged by that use, requiring new flooring, walls, ceiling, electrical and plumbing work to return the home to a habitable state. Growing cannabis 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.

(c) Cultivation of cannabis 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" cannabis may alert malefactors to the location where marijuana is grown and thereby create the risk of burglary and robbery at that location.

(d) The right of citizen's under state law to possess and cultivate cannabis for personal purposes does not confer upon them a right to create or maintain a nuisance. By adopting this Ordinance, which regulates the land use aspects of indoor residential cultivation of cannabis for personal use, the City expects a reduction in complaints regarding cannabis 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 cannabis.

(e) The City finds that while the right of citizens to use and cultivate cannabis is authorized by Adult Use of Marijuana Act, 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 Ordinance, to govern the cultivation of cannabis for personal use in a residence or detached accessory buildings.

(f) The City finds that the indoor cultivation of more than one-hundred-fifty (150) square feet of cannabis that is more than ten (10) feet tall per residence or detached accessory building, as defined herein, within the City may 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 one-hundred-fifty (150) square feet of cannabis 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.

(g) The City further finds that the indoor cultivation of one-hundred-fifty (150) square feet or less of cannabis 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 citizen's the ability to cultivate cannabis in or at their residence as allowed by the Adult Use of Marijuana Act for their personal use, while minimizing, to the extent possible, the negative impacts on the neighbors, the neighborhood, and the community from a citizen's right to cultivate and process cannabis.

(4) Applicability and Interpretation

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

(b) Nothing in this Ordinance is intended, nor shall it be construed, to exempt any cultivation of cannabis 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 cannabis 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 Ordinance:

"Cannabis" means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, or any other strain or varietal of the genus Cannabis that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. "Cannabis" also means cannabis as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. For the purpose of this section, "cannabis" does not mean "industrial hemp" as defined by Section 81000 of the Food and Agriculture Code or Section 11018.5 of the Health and Safety Code.

"Cannabis products" has the same meaning as in Section 11018.1 of the Health and Safety Code, except that it does not include cannabis products manufactured, processed, transported, distributed, or sold for medical purposes under Chapter 3.5 of Division 8.

"Commercial cannabis activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery or sale of non-medical cannabis and non-medical cannabis products as provided for in the Adult Use of Marijuana Act.

"Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.

"Detached Accessory Building – Residential" means a building which is incidental and subordinate to the residence or residential use and be located on the same parcel. Detached Accessory Buildings must be 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)" means 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.

"Residence" means any structure designed or used for residential occupancy, including an attached garage, regardless of whether it is located in a residential zone.

"Residential Cultivation" means the growing of one-hundred-fifty (150) square feet or less that is ten (10) feet or less in interior height of cannabis cultivation indoors within a residence or detached accessory building as defined herein. Such cultivation shall be subordinate, incidental, and accessory to the residential use.

"Person" includes any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

"Purchaser" means the customer who is engaged in a transaction with a licensee for purposes of obtaining cannabis or marijuana products.

"Sell," "sale," and "to sell" include any transaction whereby, for any consideration, title to cannabis is transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same.

(6) Residential Cultivation for Personal Use

The City shall not interfere with a cultivation of cannabis for personal use, so long as the cultivation is in conformance with this Ordinance and state law.

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

(a) Outdoor, greenhouse and cultivation in a residence is prohibited; and

(b) Indoor cannabis cultivation shall be limited to detached accessory buildings and shall not exceed six (6) plants and one-hundred-fifty (150) square feet or less per residence on a parcel. The maximum allowed interior ceiling height is ten (10) feet; and

(c) The cannabis cultivation and processing area in the detached accessory building shall be indoors and secured against unauthorized entry; and

(d) Grow lights for cannabis cultivation in the detached accessory building shall not overload the capacity of the branch circuits; and

(e) All electrical equipment used in the indoor cultivation of cannabis in the 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 cannabis is prohibited. Any electrical or mechanical may require a Building Permit; and

(f) The use of gas products (CO_2, butane, etc.) for indoor cannabis cultivation is prohibited; and

(g) No toxic or flammable fumigant shall be used for indoor cultivation unless the requirements of Section 1703 of the California Fire Code have been met; and

(h) No odor of cannabis shall be detectable from the property boundaries by a person of ordinary senses. To achieve this, the cultivation area shall be, at a minimum, mechanically ventilated with a carbon filter or other superior method to prevent the odor of cannabis 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 uses; and

(i) From a public right of way, neighboring properties, or neighboring housing units, there shall be no auditory evidence of the cultivation that is detectable by a person of ordinary senses; and

(j) Cannabis cultivation, processing, or transfers are prohibited as a Home Occupation; and

(k) No sale, trading, or dispensing of cannabis is allowed on a parcel where cultivation of cannabis occurs; and

(l) All waste materials shall be disposed of properly. 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 cannabis; and

(m) The cultivation of cannabis 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 cannabis; and

(n) The indoor personal recreational cultivation of cannabis must comply with all applicable state and county laws, including fire and building codes; and

(o) In detached accessory buildings with wooden floors, a waterproof membrane or other waterproof barrier shall be installed to protect the floor of the indoor cultivation area from water damage.

(p) Cultivation areas must be maintained in a clean and sanitary condition.

(q) An annual Permit and Acknowledgement is required. The applicant shall be required to pay the Life-Safety Inspection Fee in effect at that time.

(r) Upon proper notification consent to a minimum of one additional on-site compliance inspection annually, to be conducted by appropriate City officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The applicant shall be required to pay the Life-Safety Inspection Fee in effect at that time.

(7) Violation of Regulations.

It shall be unlawful for any person, whether principal, agent, employee, firm, corporation or otherwise, to violate or causing or permitting the violation of any of the provisions of these regulations.

(8) Penalty.

Any person, firm, corporation, or other entity, whether as owner, lessee, sub lesser, sub lessee, or occupant of any premises that violates the provisions of this chapter or any order issued pursuant to this chapter shall be subject to any or all of the following:

(1) Such person shall be subject to summary or administrative abatement of the nuisance by the City, and be subject to fines, civil penalties, fees and costs, including reasonable attorney fees imposed by the City pursuant to the summary or administrative abatement procedures contained in the City Code or any other provisions of law;

(2) Such person shall be guilty of a misdemeanor for each day such violation continues, and upon conviction thereof, shall be punished for each violation by a fine not to exceed one thousand dollars ($1,000.00), or by imprisonment of not longer than six months, or both for each violation;

(3) Such person shall be prosecuted in a civil action, criminal action, or both brought by the City. The City Attorney or other authorized legal representative may bring an action in a court of competent jurisdiction to enjoin or prosecute any nuisance violation of this chapter, or violation of any other ordinance of the City;

(4) Each and every day that any such violation continues to exist shall constitute a continuing and separate offense.

(9) Declaration of Public Nuisance.

Any building or use operated or maintained contrary to the provisions of these regulations shall be, and the same is hereby declared to be, a public nuisance and shall be subject to injunction and abatement as such.

(10) Remedies.

Nothing in this chapter shall be deemed to prevent the City from commencement of any available administrative, civil and/or criminal proceeding to abate a violation or nuisance pursuant to all applicable provisions of law as an alternative and/or in addition to any enforcement proceedings set forth in the Rio Dell Municipal Code.

The remedies set forth in this chapter include summary and administrative abatement, administrative citations, civil actions, criminal actions and all other remedies provided for by law. All remedies set forth in this chapter and in all City ordinances for the abatement or punishment of any violation thereof, are cumulative and may be pursued alternatively or in combination. Provisions of this Code are to be supplementary and complementary to all of the City ordinances, the Rio Dell Municipal Code, state law, and any law cognizable at common law or in equity, and nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the City to abate any and all violations or nuisances and to enforce its ordinances.

(11) Police Chief Responsible for Enforcement of this Title.

(1) The Police Chief shall be responsible for the enforcement of the provisions of these regulations.

(2) These regulations may be enforced by an authorized representative of the Police Chief.

(3) The Community Development Director is hereby designated as an authorized representative of the Police Chief.

(4) The Police Chief, or his authorized representative(s), shall have authority to request entry to any building, structure, or premises, during normal business hours for the purpose of performing his/her official duty.

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.

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 July 18, 2017 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 August 1, 2017 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Frank Wilson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 358-2017 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on August 1, 2017.

_____
Karen Dunham, City Clerk, City of Rio Dell

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

Personal Cannabis Cultivation Application and Acknowledgement

CULTIVATION LOCATION:

Project Address: _____ Assessor's Parcel No.: _____

APPLICANT: ☐ Owner ☐ Renter Note: Renters must provide written authorization from the property owner.

Applicant: _____ Phone #: _____

Mailing Address: _____ Fax#: _____

City/State/Zip: _____ E-mail: _____

Owner:

Owner: _____ Phone #: _____

Mailing Address: _____ Fax#: _____

City/State/Zip: _____ E-mail: _____

APPLICANT'S ACKNOWLEDGMENT AND AGREEMENT OF CONDITIONS

DIRECTIONS: Read and initial each statement below to signify you understand or verify this information.

17.30.235(6) Residential Cultivation for Personal Use

The City shall not interfere with a cultivation of cannabis for personal use, so long as the cultivation is in conformance with the following performance standards and state law.

_____ Outdoor, greenhouse and cultivation in a residence is prohibited; and

_____ Indoor cannabis cultivation shall be limited to detached accessory buildings and shall not exceed six (6) plants and one-hundred-fifty (150) square feet or less per residence on a parcel. The maximum allowed interior ceiling height is ten (10) feet; and

_____ The cannabis cultivation and processing area in the detached accessory building shall be indoors and secured against unauthorized entry; and

_____ Grow lights for cannabis cultivation in the detached accessory building shall not overload the capacity of the branch circuits; and

_____ All electrical equipment used in the indoor cultivation of cannabis in the 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 cannabis is prohibited. Any electrical or mechanical may require a Building Permit; and

_____ The use of gas products (CO_2, butane, etc.) for indoor cannabis cultivation is prohibited; and

_____ No toxic or flammable fumigant shall be used for indoor cultivation unless the requirements of Section 1703 of the California Fire Code have been met; and

_____ No odor of cannabis shall be detectable from the property boundaries by a person of ordinary senses. To achieve this, the cultivation area shall be, at a minimum, mechanically ventilated with a carbon filter or other superior method to prevent the odor of cannabis 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 uses; and

_____ From a public right of way, neighboring properties, or neighboring housing units, there shall be no auditory evidence of the cultivation that is detectable by a person of ordinary senses; and

_____ Cannabis cultivation, processing, or transfers are prohibited as a Home Occupation; and

_____ No sale, trading, or dispensing of cannabis is allowed on a parcel where cultivation of cannabis occurs; and

_____ All waste materials shall be disposed of properly. 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 cannabis; and

_____ The cultivation of cannabis 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 cannabis; and

_____ The indoor personal recreational cultivation of cannabis must comply with all applicable state and county laws, including fire and building codes; and

_____ In detached accessory buildings with wooden floors, a waterproof membrane or other waterproof barrier shall be installed to protect the floor of the indoor cultivation area from water damage.

_____ Cultivation areas must be maintained in a clean and sanitary condition.

_____ An annual Permit and Acknowledgement is required. The applicant shall be required to pay the Life-Safety Inspection Fee in effect at that time.

_____ Upon proper notification consent to a minimum of one additional on-site compliance inspection annually to be conducted by appropriate City officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The applicant shall be required to pay the Life-Safety Inspection Fee in effect at that time.

I hereby certify that I have read and understand the above Personal Cannabis Cultivation Regulations, Section 17.30.235 of the Rio Dell Municipal Code (RDMC). I further agree to abide to the regulations. I understand that non-compliance with the regulations will result in revocation of my Permit and may result in fines and penalties.

Signature of Applicant: _____ Date: _____

Signature of Owner: _____ Date: _____