



RIO DELL CITY COUNCIL
CLOSED SESSION – 5:30 P.M.
REGULAR MEETING - 6:30 P.M.
TUESDAY, AUGUST 16, 2022
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

***WELCOME** - 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 and available on the City's website at cityofriodell.ca.gov. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.*

**SPECIAL PUBLIC HEALTH EMERGENCY ALTERATIONS TO MEETING FORMAT
CORONAVIRUS (COVID-19)**

Effective immediately, the City of Rio Dell will reopen City Council meetings held in City Hall Council Chambers to in-person attendance by the public. The public may also attend these meeting virtually through Zoom. The meetings will also be viewable via livestreaming through our partners at Access Humboldt via their YouTube channel or Suddenlink channels on Cable TV.

To maintain safety and minimize the health risks associated with COVID-19, participants may be required to complete an Attestation of Vaccination upon entering the City Council Chambers. Fully vaccinated participants will not be required to wear a mask. Unvaccinated participants must wear face coverings at all times while in the City Hall Council Chambers.

Public Comment by Email:

In balancing the health risks associated with COVID-19 and need to conduct government in an open and transparent manner, public comment on agenda items can be submitted via email at publiccomment@cityofriodell.ca.gov. Please note the agenda item the comment is directed to (example: Public Comments for items not on the agenda) **and email no later than one-hour prior to the start of the Council meeting**. Your comments will be read out loud, for up to three minutes.

Meeting can be viewed on Access Humboldt's website at <https://www.accesshumboldt.net/>. Suddenlink Channels 10, 11 & 12 or Access Humboldt's YouTube Channel at <https://www.youtube.com/user/accesshumboldt>.

Zoom Public Comment:

When the Mayor announces the agenda item that you wish to comment on, call the conference line and turn off your TV or live stream. Please call the toll-free number **1-888-475-4499**, enter meeting **ID 987 154 0944** and press star (*) 9 on your phone – this will raise your hand. You will continue to hear the meeting on the call. When it is time for public comment on the item you wish to speak on, the Clerk will unmute your phone. You will hear a prompt that will indicate your phone is unmuted. Please state your name and begin your comment. You will have 3 minutes to comment.

- A. CALL TO ORDER
- B. ROLL CALL
- C. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

1) 2022/0816.01 - **Public Employee Performance Evaluation**
 City Manager - Pursuant to Gov't Code §54957

- D. PUBLIC COMMENT REGARDING CLOSED SESSION
- E. RECESS INTO CLOSED SESSION

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

G. PLEDGE OF ALLEGIANCE

H. CEREMONIAL MATTERS

1) 2022/0816.02 – Proclamation Honoring former City Councilmember/
 Mayor Jack Thompson

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I. 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 allowed under the Ralph M. Brown Act. 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 2/3 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.

J. 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 Councilmembers 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 following action on the remaining consent calendar items.

1) 2022/0816.03 - Approve Minutes of the August 2, 2022 Regular Meeting
(ACTION)

3

2) 2022/0816.04 - Receive and File the General Plan Annual Progress Report
(ACTION)

6

3) 2022/0816.05 - Receive and File Check Register for July (ACTION)	22
K. ITEMS REMOVED FROM THE CONSENT CALENDAR	
L. REPORTS/STAFF COMMUNICATIONS	
1) 2022/0816.06 - City Manager/Staff Update (RECEIVE & FILE)	27
M. SPECIAL PRESENTATIONS/STUDY SESSIONS	
N. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS	
O. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS	
1) 2022/0816.07 - Second Reading (by title only) and Adopt Ordinance No. 395-2022 – Organics Reduction and Recycling (DISCUSSION/POSSIBLE ACTION)	30
P. COUNCIL REPORTS/COMMUNICATIONS	
Q. ADJOURNMENT	

*The next regular City Council meeting is scheduled for
Tuesday, September 6, 2022 at 6:30 p.m.*

**CITY OF RIO DELL
PROCLAMATION**

WHEREAS, Jack R. Thompson was born on May 31, 1938 in Ogallala, Nebraska and raised on an active cattle ranch in Arthur, Nebraska; and

WHEREAS, Jack married his devoted and loving wife, Mary Ann on November 5, 1960 at the age of 22; and

WHEREAS, after the 1964 Humboldt County Flood, Jack moved his family to California to support and rebuild the community of Rio Dell with his uncle, Charlie Thompson; and

WHEREAS, shortly after moving to Rio Dell, Jack began working and later managing 101 Auto Parts and was a devoted Christian and in the 70's helped build his church, the Fortuna Church of the Nazarene where he was an active and longtime member; and

WHEREAS, in 1973, Jack went to work as a machinist at Pacific Lumber Co. until his retirement in 2000; and

WHEREAS, after retiring, Jack became active in Rio Dell City Government and served on both the Rio Dell Planning Commission and the Rio Dell City Council from 2003-2016, serving as Mayor from 2013 to 2015; and

WHEREAS, during Jack's time serving on the City Council he also served on numerous boards and commissions including Humboldt Waste Management Authority (HWMA), Redwood Coast Energy Authority (RCEA), Local Agency Formation Commission (LAFCo), Humboldt County Association of Government (HCAOG),

Humboldt Transit Authority (HTA), and Humboldt/Del Norte Hazardous Waste Response Authority; and

WHEREAS, Jack was always there to assist the needs of the City and the community with his service spanning over many years; and

WHEREAS, on numerous occasions, Jack pursued the idea of establishing a bottled water enterprise for the City's springs but regrettably never succeeded in bringing it to fruition; and

WHEREAS, upon his retirement on the City Council, he was presented with a bottle of water to commemorate his efforts with a label that read: "Monument Springs Bottled Water Co., Rio Dell, CA, The World's Finest Natural Spring Water, and Trademark by the Honorable Jack Thompson, receiving a round of applause from the public for his efforts; and

WHEREAS, on July 20, 2022 Jack R. Thompson sadly passed away at the age of 84.

NOW, THEREFORE, I, Mayor Garnes, on behalf of the Rio Dell City Council, hereby honor Jack R. Thompson for his passion, commitment and relentless service to the community as a public official and citizen of the City of Rio Dell. It is truly a pleasure to recognize someone who has given their time so selflessly to the community. He will truly be missed by everyone who knew him.

Dated: August 16, 2022

Debra Garnes, Mayor

**RIO DELL CITY COUNCIL
REGULAR MEETING MINUTES
AUGUST 2, 2022**

The regular meeting of the Rio Dell City Council was called to order at 5:00 p.m. by Mayor Garnes.

ROLL CALL: Present: (Closed Session) Mayor Garnes, Mayor Pro Tem Johnson, Councilmembers Carter, Wilson and Woodall and City Manager Knopp

Present: (Regular Meeting) Mayor Garnes, Mayor Pro Tem Johnson, Councilmembers Carter, Wilson and Woodall

Others Present: City Manager Knopp, Chief of Police Allen, Sergeant Conner, Water/Roadways Superintendent Jensen, Wastewater Superintendent Taylor, Community Service Officer Clark, Interim Finance Director Farley, Senior Fiscal Assistant Hamaker, Senior Fiscal Assistant Maciel and City Clerk Dunham. Approximately 80 members of the community were also present.

Absent: Community Development Director Caldwell and Management Analyst Sanborn (excused)

ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

Public Employment – Title: City/Clerk/Assistant City Clerk and Finance Director Pursuant to Government Code §54957

The Council recessed into closed session at 5:00 p.m.

The Council reconvened into open session at 6:30 p.m. Mayor Garnes announced that there was nothing to report out of closed session.

PUBLIC PRESENTATIONS

Mayor Garnes called for public comment on non-agenda items.

Shane Wilson, Rio Dell Fire Chief, invited everyone present to the upcoming Wildwood Days celebration on August 4-7.

CONSENT CALENDAR

Mayor Garnes asked if any councilmember, staff or member of the public would like to remove any item from the consent calendar for separate discussion. No items were removed.

Motion was made by Johnson/Woodall to approve the consent calendar including the following items:

- 1) Minutes of the July 19, 2022 Regular Meeting
- 2) Minutes of the July 21, 2022 Special Meeting
- 3) Resolution No. 1548-2022 Declaring the Need for Continued In-Person/Hybrid Meetings in Accordance with AB 361
- 4) Receive and File Staff Update

Motion carried 5-0.

CEREMONIAL MATTERS

Swearing in of Newly Appointed Police Chief Greg Allen

City Manager Knopp provided a brief introduction of the City's newly appointed police chief, Greg Allen. He said that this is a momentous occasion for the City of Rio Dell and a great honor to welcome Greg Allen.

He noted that the City of Rio Dell was incorporated in 1965 with the primary reason to provide local law enforcement to the community. Historically, Rio Dell was considered as a wild, rogue area of Humboldt County, hence the name "Wildwood" and the upcoming celebration of Wildwood Days. The founding fathers, including Judge Neville created the City of Rio Dell to essentially have security here and was not only a major priority of the City Council then, but today as well.

He said that everyone is very excited to have Greg join the City. He said that he comes with 28 years' experience in law enforcement, worked for the Humboldt State University Police Department, the California Department of Corrections and Rehabilitation and the Humboldt County Sheriff's Office managing the Professional Standards Division and supervising the Crisis Negotiations Team. In addition, he also serves as an instructor at the Police Academy at College of the Redwoods and recruit training officer. He is also a recent graduate at the Sherman Block Leadership Institute and is working on his Master's in Law Enforcement Public Safety Leadership.

He commented that the City could not ask for someone better to lead public safety in this community and the City is very proud to be able to be here today and have a police department and to be able to provide this service to the community.

Mayor Garnes then administered the Oath of Allegiance to Chief Allen which was followed by a standing ovation from the audience.

ADJOURNMENT

Motion was made by Johnson/Carter to adjourn the meeting at 6:40 p.m. to a reception for Chief Allen. Motion carried 5-0.

AUGUST 2, 2022 MINUTES
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Debra Garnes, Mayor

Attest:

Karen Dunham, City Clerk



For Meeting of: August 16, 2022
 Consent Item; Public Hearing Item

To: City Council
From: Kevin Caldwell, Community Development Director 
Through: Kyle Knopp, City Manager
Date: August 9, 2022
Subject: General Plan Annual Progress Report

Recommendation:

That the City Council:

1. Receive and file the General Plan Annual Progress Report.

Discussion:

Every jurisdiction in the State is required to prepare a General Plan Annual Progress Report. The report has been prepared pursuant to the requirements of Government Code Section 65400. Guidance for preparation of the report is provided by the Governor's Office of Planning and Research (OPR).

The purpose of the document is to report on the City of Rio Dell's progress in implementing its General Plan. The document will also be provided to the Planning Commission for their review on August 23, 2022. Once submitted to the City Council and the Planning Commission, the report will be submitted to OPR and the Department of Housing and Community Development as required by State law.

Attachment 1: General Plan Annual Progress Report

**City of Rio Dell
General Plan Annual Progress Report
Year 2021**



**Prepared by the
Community Development Department**

August 1, 2022

City of Rio Dell General Plan Annual Progress Report Year 2021

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I. Introduction

This report has been prepared pursuant to the requirements of Government Code Section 65400. Guidance for preparation of the report is provided by the Governor's Office of Planning and Research (OPR).

The purpose of the document is to report on the City of Rio Dell's progress in implementing its General Plan. The document was provided to the Planning Commission and City Council for their review on August 23, 2022 and August 16, 2022 respectively, and will be submitted to OPR and the Department of Housing and Community Development in August of 2022 following these reviews.

Background

The City adopted a comprehensive update to the General Plan in 2008. The Plan replaced, reformatted, and updated the previous General Plan in its entirety. As a result of many meetings The General Plan was updated to include new land use designations and associated zoning text amendments.

The City's Circulation, Open Space and Conservation Elements were updated in 2013. The Safety Element was updated and adopted in 2016. The Housing Element was updated in November of 2020.

All of the City's General Plan Elements and Zoning Regulations can be found at the City's website: <https://cityofriodell.ca.gov/>

Informational Document

This document is a reporting document, and does not create or alter policy. The content is provided for informational purposes only, and is exempt from the requirements of the California Environmental Quality Act (CEQA) per Guidelines Section 15306, Information Collection.

Organization

After the previous introductory section, a summary of projects and issues addressed in the last year is provided, and then each General Plan element is addressed. Following these topics, the City's continuing efforts to address minor implementation issues, compliance activities, and changes in state law requiring updates to the General Plan and Zoning Ordinance are addressed.

II. Plans, Projects, and Accomplishments

During 2021 the City processed numerous projects, including Building Permits, Use Permits, Lot Line Adjustments, Subdivisions(s) text amendments to both the City's Zoning Regulations and General Plan. The following summaries provide a brief overview of these projects and programs, and are not intended to be exhaustive.

Building Permits

The Building Division of the Community Development Department issued 102 Building Permits in 2021. Total valuation of these projects was \$2,694,591. Building permits were issued for 5 new single-family homes, including three (3) Accessory Dwelling Units (ADU's) and one modular home. The total valuation for the new homes was \$372,548. Sixteen (16) permits were issued for new roofs and twelve (12) permits for new solar systems. Other permits include electrical panel upgrades, HVAC systems, hot water heaters and greenhouses. In addition, The City issued a permit for the Tesla Battery System at the corporation yard which had a valuation of \$866,796. The City received approximately \$47,000 in Building Permit Fees in 2021.

Planning Projects

The Planning Division processed a variety of planning projects during 2021, including Use Permits, Tentative Parcel Maps, Lot Line Adjustments, General Plan and Zoning Amendments, Variances and the Annexation of the City's wastewater disposal field. resolution. Of the projects heard by the Planning Commission, General Plan and Zoning Amendments are sent to the City Council with a recommendation of approval for the Council to consider the applications.

Projects Reviewed During 2021

The following projects were reviewed by the Planning Commission and/or the City Council in 2021.

Cortazar Tentative Parcel Map Modification - File No. 205-031-061; Case No. PMS 16-01 - A modification to an approved subdivision of a 140+/- acre parcel into three (3) parcels increasing the size of Parcel 3 from 2.6 acres to 16+/- acres and reducing the site of the remainder from 142+/- acres to 128+/- acres.

Result: The Planning Commission approved the modification with findings and conditions of approval.

Element 7 Sign Exception – File No. 053-141-052; Case No. CUP 21-01 – An application for a Conditional Use Permit to allow for more than one (1) on-building sign. The applicant is proposing a total of three signs, two on the front (12.98 sq. ft. and 20.25 sq. ft.) and one sign on the north side of the building of 17.36 sq. ft.

Result: The Planning Commission approved the exception with findings and conditions of approval.

Zoning Regulations Text Amendment - A text amendment to the Street Dedication and Improvements regulations of the Rio Dell Municipal Code (RDMC), Section 17.30.310(6). The amendment is proposed as follows:

(6) Waiver. The ~~Planning Commission~~ Public Works Director may approve ~~recommend to the City Council~~, upon determination of hardship, other than financial hardship, by reason of unusual circumstances applicable to the owner of any parcel of property subject to the provisions of this section, a waiver of any and all provisions of this section.

Result: The Planning Commission and City Council approved the text amendment.

Sweet Grass Farms – File No. 205-071-036 & 38; Case No. CUP-CCLUO 21-01 – A Conditional Use Permit for a (3) three phase buildout of a 30,000 square foot commercial cannabis mixed light Tier 2) facility, with a 4,000 square foot ancillary nursery, and a 30’x50’ processing shop on site for processing, packaging, labeling, and distribution purposes.

Result: The Planning Commission approved the Conditional Use Permit with findings and conditions of approval.

Zoning Regulations Text Amendment - A text amendment to amend Section/Table 17.20.070, of the Rio Dell Municipal Code and Table 1-2 of the Land Use Plan, to exclude commercial cannabis agricultural structures in the lot coverage calculation, provided that the applicant executes a Surety Bond to ensure the removal of all abandoned greenhouses on concrete slabs so as not to exceed the 10% lot coverage within two years of the cessation of commercial cannabis activities.

Result: The Planning Commission and City Council approved the text amendment.

Zoning Regulations Text Amendment - Establishment of Industrial Hemp Regulations banning the cultivation of Industrial Hemp in the City, Section 17.30.180 of the Rio Dell Municipal Code and Renumbering General Provisions and Exceptions, Sections 17.30.010 – 17.30.370 to Accommodate the Proposed Industrial Hemp Regulations.

Result: The Planning Commission and City Council approved the text amendment.

Northwestern Flower Company – File No. 205-111-075; Case No. CUP-CCLUO-21-02 - A Conditional Use Permit (CUP) for 9,600 square feet (sf) (canopy area) of indoor cannabis

cultivation, including on-site drying activities. Processing will occur off-site at an off-site licensed facility. The activities will be within an existing two-story 19,200 square foot building.

Result: The Planning Commission approved the Conditional Use Permit with findings and conditions of approval.

Dinsmore Plateau Farms - File No. 205-071-043; Case No's. CUP-CCLUO-21-03 - A Conditional Use Permit (CUP) for 133,650 square feet (sf) (canopy area) of mixed-light cannabis cultivation within 27 existing greenhouses. The application includes on-site drying and processing activities. Drying and processing will occur in a proposed 180' x 50', 9,000 square foot building. The property is provided City water and is dependent upon an on-site wastewater system (septic tank and leachfields). The property is currently developed a 3,000+/- square foot single family residence and 4,400 square foot barn. The property is provided power from PG&E. There are no on-site or nearby streams or other sensitive habitat. A Biological Assessment Cultural Resource Study and Traffic Impact Study is on file. The applicant anticipates up to seven full time employees and up to an additional eleven seasonal employees for planting, harvesting and processing activities. Design Review is required for the proposed 9,000 square foot building

Result: The Planning Commission approved the Conditional Use Permit with findings and conditions of approval.

Pancoast Lot Line Adjustment - File No. 053-114-007; Case No. LLA 21-01 - A lot line adjustment between two parcels, Lots 9 and 10 in Block 20 of First Addition to New Rio Dell Tract, Book 11 of Map, Pages 76-79. The lot line adjustment will result in two parcels of 7,500 square feet and 6,000 square feet. One of the parcels is developed with a single-family residence and the other parcel is currently vacant. The parcels are provided with community water and sewer services.

Result: The Planning Commission approved the Lot Line Adjustment with findings and conditions of approval.

Roscoe Minor Subdivision - File No. 052-162-016; Case No. PMS 21-02 - A subdivision of a 2.59-acre parcel into two parcels of 13,993 sq. ft. and 17, 196 sq. ft. and a Remainder Parcel of 91,789 sq. ft. The property is currently developed with three single family residences. The eastern residence will be relocated to Parcel 1. The Remainder parcel is vacant with no development proposed at this time. The parcels are provided with community water and sewer.

Result: The Planning Commission approved the Subdivision with findings and conditions of approval.

Annexation of the City’s Wastewater Disposal Field – In February 2021 the City rezoned the City’s Wastewater Disposal field to Public Facilities (PF) in anticipation of annexing approximately 53 acres into the City. The City made application with LAFCo to annex the property in May 2021. LAFCO approved the annexation on July 21, 2021 and the annexation became effective on November 3, 2021.

Other Plans and Projects

The following discussion summarizes other projects that involved efforts from the Community Development Department, Planning Division staff in 2021.

- **LEAP – SB 2 Grants** - The City has secured funding through the Local Early Action Planning (LEAP) Grants Program in the amount of \$65,000. In addition, the City made application for and was awarded an SB 2 Grant for \$160,000. The funding would be used to hire a consultant to prepare a mixed-use master plan with associated technical studies. The over-arching goal of the program is to accelerate housing production and encourage commercial development on what is known as the “Todd” property. The City is attempting to purchase the property. The City considers the Todd property

- **Cannabis** - The City allows and taxes commercial cannabis activities. The Council recognized the state of the cannabis industry has changed dramatically over the past few years. The legal cannabis market is currently experiencing a price collapse. The average wholesale price for dried cannabis flower has fallen to approximately five hundred dollars (\$500) a pound, and that the average wholesale price for dry leaves and trim has fallen to thirty dollars (\$30) a pound making the current tax rate for dry flower equivalent to thirty-one percent (31%) of gross receipts and the current tax rate for dry leaves and trim equivalent to one hundred fifty-three percent (153%) of gross receipts.

The consequences of high state taxes combined with what many perceive as over-regulation has continued to economically challenge legal cannabis businesses and disincentivize the permitting and licensing of new cannabis businesses by local jurisdictions, including the City of Rio Dell. In addition, due in large part of the State’s current cannabis cultivation taxes, the cultivation farmers not only in Rio Dell, have experienced increased challenges paying their cultivation taxes. Recognizing the challenges, the City Council adopted Resolution No. 1516-2021 recommending Governor Newsom and the California Legislature immediately eliminate or at least significantly reduce the current cultivation taxes.

- **Flag Policy** – The City Council discussed the possible need for a City flag policy. The discussion arose after a citizen complained about one of the flags recently displayed on City Hall grounds. After a noticed public hearing the City Council adopted a flag policy for the City.

III. General Plan Elements

California state law requires that every city adopt a General Plan to guide the physical development of both public and private lands within the city limits. The role of a community's general plan is to act as a "constitution;" a basis for rational decisions regarding a city's long-term physical development.

The General Plan details the City's goals and guiding principles for a variety of planning topics and is the constitution for future development. California Government Code Section 65300 et seq. provides direction and specifications for the content of the General Plan. The following seven elements are required:

- Land Use
- Circulation
- Conservation
- Open Space
- Noise
- Safety
- Housing

The elements may be combined or renamed, but basic requirements must be included. An agency may adopt any type of optional element, such as an Economic Element, at its discretion. Only the Housing Element must be certified by another agency (i.e., HCD).

The General Plan is a snap shot of a certain period in time and is both an expression of Rio Dell's community values and a legal document. The General Plan must be comprehensive, long term, and internally consistent. All of the City's other land use regulations, including zoning, subdivisions, specific plans, and redevelopment plans must conform to the General Plan. The General Plan is a bridge between these physical regulations and Rio Dell's community values, visions, and goals.

Land Use Element

The City of Rio Dell is required to periodically update their General Plan. The City adopted the current Land Use element in 2008. The prior Land Use Element was revised in 1980.

There have been a number of amendments since the adoption of the current Land Use Element. The most significant amendment occurred in 2012 when the City redesignated approximately 37 acres in the "Avenues" neighborhood from Town Center to Urban Residential. The area was redesignated after residents complained about the ability to insure residences which were considered legal non-conforming uses.

In 2021 the City made two amendments to the Land Use Element. The first amendment, Resolution No. 1475-2021, designated the City's wastewater disposal field to Public Facility once it was annexed into the City. The second amendment, Resolution No. 1484-2021, was a

minor text amendment clarify lot coverage related to agricultural structures in the Rural (R) land use designation.

Circulation Element

The Circulation Element was adopted in 2013. The previous Circulation Element was adopted in 1977.

The Circulation Element identifies the guiding principles for moving people and goods within the City and identifies the infrastructure necessary to assure that the transportation network will serve the City at General Plan build-out.

A majority of trips are made by automobile. The Circulation Element identifies the roadway system necessary for automobile traffic by setting levels of service, hierarchy of roads, and areas where road improvements are necessary.

The Circulation Element also identifies alternative travel modes, such as walking, bicycles, bus transit, and rail transit. The alternative transportation is important to reduce pressure on roads, conserve energy, and improve the public health through exercise.

The road system provides many functions in addition to carrying vehicle traffic. It provides open space separating dwelling units and commercial uses. If properly landscaped, streetside landscaping provides location for trees to support the urban forest. If developed with safe pedestrian and bike ways, it serves as a non-motorized transportation corridor, a linear park, and an attractive network for healthy exercise. If properly designed, it provides the background for the community urban design and appearance. Finally, it provides the right of way for most of the City's public utilities infrastructure.

Conservation and Open Space Element

The previous Conservation Element was adopted in 2001 and the previous Open Space Element was adopted in 1972. The current Open Space and Conservation Element was adopted in 2013.

The Open Space and Conservation Element is concerned with the conservation of natural resources and the provision of open space within community. Open Space and Conservation are combined because the natural resources and open space provide the framework for the built areas of the City, and the overall appearance of the City integrates natural and man-made elements.

The primary vision of the Open Space and Conservation element is to maintain and encourage development that compliments the natural visual setting of Rio Dell. The City is located in a portion of the County with high quality aesthetic value due to its many natural and community resources. The bluffs on the east side of the City provide outstanding aesthetic value. In addition, Rio Dell is at a transition point where the Eel River Valley's redwood covered slopes

open up to the broad Eel River delta. Sweeping vistas associated with the Eel River valley contribute to the City aesthetic setting.

The Conservation Element guides the conservation, development, and utilization of natural resources (water, forests, soils, rivers, mineral deposits, and others), while the Open Space Element guides the comprehensive and long-range preservation and conservation of open-space lands, including parks. Together, these elements present a framework of goals and policies for use and protection of all the natural resource and open space assets of the City.

Conservation goals include development, and utilization of natural resources such as water and its hydraulic force, forests, soils, rivers and other waters, fisheries, wildlife, minerals, and cultural resources. Open space goals include limiting hillside development, creek and river setback areas, biologically sensitive habitat, and natural forests.

The Open Space and Conservation elements addresses the conservation of open space lands, including issues related to working lands and park lands, the orderly development of residential land, and coordination with other agency programs related to conserving open space lands.

State planning law provides a detailed description of open space lands and the topics that must be addressed in the Open Space and Conservation Elements. These topics include Open Space for the Preservation of Natural Resources, Open Space for the Managed Production of Resources, Open Space for Outdoor Recreation and Open Space for Public Health and Safety:

State law (Government Code 65560 et seq.) requires a local open-space plan (element) for the comprehensive and long-range preservation and conservation of open-space land within its jurisdiction, and that the open space plan contain an action program that identifies how the plan or element is to be implemented.

The City continues to consult with tribal intergovernmental representatives to conserve and protect cultural and historical resources. Cooperation with the two incorporated cities, special districts, and State and Federal agencies continues to preserve the County's cultural heritage, historical and archaeological structures, sites, and landmarks.

Noise Element

The Noise Element is one of the City's older General Plan Elements. It was approved and adopted in August of 2001. Although noise standards have not dramatically changed since 2001, City staff hopes to update the Noise Element in 2023.

Government Code Section 65302(f) requires each California city and county to include within its general plan a noise element that analyzes and quantifies noise levels and the extent of noise exposure in their jurisdictions from the following sources:

- Highways and freeways;

- Primary arterial and major local streets;
- Passenger and freight online railroad operations and ground rapid transit systems;
- Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation;
- Local industrial plants, including, but not limited to, railroad classification yards; and
- Other ground stationary noise sources identified by local agencies as contributing to the community noise environment.

The Noise Element is required to map noise level contours such that it may be used as a basis for land use decisions. It must include implementation measures and possible solutions to existing and foreseeable noise problems. Furthermore, the policies and standards of the Noise Element must be sufficient to serve as a guideline for compliance with sound transmission control requirements.

The Noise Element aims to protect the City's residents and visitors from the harmful and annoying effects of exposure to excessive noise. The primary source of noise within the City is Highway 101.

Safety Element

The Safety Element was updated and adopted in 2016. The purpose of the safety element is to reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from fires, floods, earthquakes, landslides, and other hazards. The safety element overlaps topics also mandated in the land use, conservation, and open-space elements. The components of this Element include:

- Geologic/Seismic Hazards
- Flood Hazards
- Fire Hazards
- Airport Safety
- Industrial Hazards
- Hazardous Materials
- Emergency Management

The safety element must identify hazards and hazard abatement provisions to guide local decisions related to zoning, subdivisions, and entitlement permits. The element contains general hazard and risk reduction strategies and policies supporting hazard mitigation measures. Policies address the identification of hazards and emergency response, as well as mitigation through avoidance of hazards by new projects and reduction of risk in developed areas.

Land development is subject to a number of hazards to life and property, including seismic and non-seismic land instability, flooding, fire, and dangers from airport operations.

The degree of risk associated with these hazards can only be measured in relative terms. What constitutes 'acceptable risk' varies with the type of development involved. For instance, a hospital should meet very strict earthquake standards in order to ensure that it is able to function in the event of a serious earthquake. A warehouse, on the other hand, would not need to be designed to the same rigorous standards because its functions during an earthquake would not be critical to the community's response to the emergency, nor would it pose serious risk to large numbers of people should it fail.

The General Plan manages risk through the use of land use designations to limit exposure to hazardous areas and through policies tailored to specific hazardous conditions. The goals, policies and implementation measures of this Element are many of the same existing policies found in Chapter 5, the Open Space and Conservation Element. All of the goals, policies and implementation measures are designed to proactively improve overall safety conditions within the City.

Housing Element

The Housing Element identifies existing and projected housing needs and establishes goals, policies, standards, and implementation measures for the preservation, improvement, and development of housing in the City of Rio Dell (City). It meets detailed requirements of state Housing Element law, including requirements for a residential land inventory sufficient to meet the City's share of the state-prescribed regional housing need. The Housing Element is the component of the City's General Plan that provides an eight-year vision for housing.

The California housing element law, enacted in 1969, mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The law acknowledges that, in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development. This document presents an effective housing element that discusses the necessary conditions for preserving and producing an adequate supply of affordable housing. Among other things, the housing element provides an inventory of land adequately zoned or planned to be zoned for housing, certainty in permit processing procedures, and a commitment to assist in housing development through regulatory concessions and incentives.

The California state legislature has identified the attainment of a decent home and suitable living environment for every resident as the state's major housing goal. Recognizing the important role of local planning programs in pursuing this goal, the legislature has mandated that all cities and counties prepare a housing element as part of their comprehensive general plan. Section 65302(c) of the Government Code sets forth the specific components to be contained in a community's housing element.

The primary purpose of a housing element is to:

- Preserve and improve housing and neighborhoods,
- Provide adequate housing sites,
- Assist in the provision of affordable housing,
- Remove governmental constraints to housing investment, and
- Promote fair and equal housing opportunities.

This Housing Element consists of the following sections:

1. Housing Goals, Policies, and Programs
2. Review of the Previous Housing Element Programs
3. Housing Needs Assessment
4. Housing Resources
5. Housing Constraints
6. Quantified Objectives

California law requires that each city and county, when preparing its state-mandated housing element, develop local housing programs to meet its “fair share” of existing and future housing needs for all income groups. This fair-share concept seeks to ensure that each jurisdiction provides housing for its residents with a variety appropriate to their needs. The fair share is allocated to each city and the county by HCD. One of the major goals of the housing element is to develop policies and programs to meet the goals established through the fair-share allocation.

State law requires local governments to provide adequate sites for the construction of housing to meet the Regional Housing Needs Assessment (RHNA) plan. Table 26 presents the fair-share allocation for each city in Humboldt County as well as the unincorporated County area during the sixth-cycle Housing Element planning period, as published in the Humboldt County Association of Governments (HCAOG) Regional Housing Needs Plan (RHNP).

Meeting the housing needs of the City’s residents is an important goal for the City. The Housing Element works to provide housing for all of the community, and addresses the needs of specified populations based on income. The City is not obligated to ensure the units are built, the City only needs to ensure that sites are available for the units.

At present, the City is responsible for accounting for potential development sites for both its fifth- and sixth cycle RHNA allocation in this Housing Element Update. Accordingly, the City will need to identify sites for a total of 82 units, as shown in Table 28 of the Housing Element.

Table 28
Comparison of the Regional Housing Need and Residential Sites Capacity

Income Group	Fifth and Sixth Cycle RHNA	Approved Project Capacity	Remaining RHNA	Site Inventory Capacity	Projected ADU Capacity	RHNA Surplus
Very Low	20	25	7	38	30	61
Low	12					
Moderate	13		13	28	10	25
Above Moderate	37	1	36	22	--	0*
Total	82	26	56	88	40	72

Source: City of Rio Dell 2020; HCAOG.

* It is assumed that surplus from other income categories would provide additional capacity for the above moderate-income group.

Table 28 of the Housing Element compares the City of Rio Dell's RHNA to the site inventory capacity. Based on the River Bluff Cottages, and the current sites capacity, the City has a surplus of 61 units available to lower-income households (including extremely low-, very low-, and low-), 25 units available to moderate-income households. The City's biggest need for housing is for Above Moderate housing sites.

The City continues to work with service providers to provide for the needs of lower- income households, the disabled, and other special needs populations, per the direction provided in the Housing Element.

IV. General Plan and Zoning Code Updates

In 2021 City staff continued to identify and address minor implementation issues based on specific projects, compliance activities, and changes in state law that affect these land use documents. Amendments to the Zoning Code were completed addressing these issues. This update approach will be repeated on an as-needed basis.

V. Conclusion

The General Plan is the City's constitution, development blue-print and guiding vision. Upkeep and maintenance of the General Plan is a continuous process. The City implements the General Plan's vision on a day-to-day basis in its many planning projects, and strives to include the public in the decision-making process.

The City conducted many planning activities in 2021, as identified in this report, and continued its project review responsibilities to further the General Plan's goals, policies, programs, and implementation measures. Updates to the remainder of the General Plan and the zoning ordinance are expected to continue to move forward in 2022.

**City of Rio Dell
Check Listing for City Council Meeting**

Ref#	Date	Vendor	Description	Amount
11125	7/07/2022	[5940] CLARK, MARY	Module3 Academy Course CACEO - 75% pre Event Pay	665.99
11126	7/07/2022	[2105] KAREN L DUNHAM	Reimbursement for Cake and Cup Cakes for Jeff's Retirement Party	100.00
11127	7/07/2022	[7146] ALFONSO C GARCIA	Reimbursement for Boot Allowance (Boot Barn & Picky Picky Picky)	259.95
11128	7/07/2022	[3180] JENSEN, RANDY	Reimbursement for Andres' Boot Allowance (Sport & Cycle)	212.54
11129	7/07/2022	[6510] ANDRES T LOPEZ	Reimbursement Boot Allowance (Tractor Supply)	87.46
11130	7/07/2022	[2551] MIRANDA'S ANIMAL RESCUE	Animal Control for June 2022	1,900.00
11131	7/12/2022	[0576] 101 AUTO PARTS	Belt, Nuts, Hose End Fitting, Lamp, Spare Locking Pin, Red N Tac, Lamp, Wrench	593.96
11132	7/12/2022	[4109] ACCESS HUMBOLDT	2nd Quarter Fee Ending 6.30.22	270.00
11133	7/12/2022	[3527] ALLIANT INSURANCE SERVICES INC.	CRIME INSURANCE 7/1/22 TO 7/1/23	1,155.00
11134	7/12/2022	[5381] ALTERNATIVE BUSINESS CONCEPTS	MONTHLY MAINTENANCE & COPIER CHARGES FOR JUNE 2022	762.60
11135	7/12/2022	[3975] AT&T - 5709	FAX LINE EXPENSES FOR JUNE 2022-PD, FAX LINE EXPENSES FOR JUNE 2022-CITY HALL	54.54
11136	7/12/2022	[5512] CALED	2022-2023 MEMBERSHIP DUES	350.00
11137	7/12/2022	[4603] CALIF. BUILDING STANDARDS COMMISSION	PERMIT ASSESSMENT FEES FOR APRIL THROUGH JUNE 2022	5.40
11138	7/12/2022	[2293] CITY OF FORTUNA	POLICE DISPATCH SERVICES FOR JULY 2022, LAB TESTING -COLIFORM QUANTI-TRAY; BOD; TSS/MLSS; COLIFORM PA; COLIFORM 3X5, Livescan - for new PW Employees	7,906.66
11139	7/12/2022	[2304] COLLEGE OF THE REDWOODS	Arcon (J4) Training	85.00
11140	7/12/2022	[6461] COMCATE	CODE ENFORCEMENT MANAGER RENEWAL AGREEMENT 8/2/22-8/1/23; ONE ADDITIONAL USER	3,211.02
11141	7/12/2022	[2340] DEPT OF JUSTICE ACCOUNTING OFFICE	BLOOD ALCOHOL ANALYSIS FOR JUNE 2022, Fingerprint APPS; Fingerprint - FBI	182.00
11142	7/12/2022	[2342] DEPT OF CONSERVATION DIVISION OF ADMIN.	STRONG MOTION INSTRUMENTATION & SEISMIC HAZARD MAPPING FEE FOR APRIL THROUGH JUNE 2022	18.33
11143	7/12/2022	[5568] DIVISION OF THE STATE ARCHITECT	DISABILITY ACCESS & EDUCATION FEES FOR APRIL THROUGH JUNE 2022	56.80
11144	7/12/2022	[2889] EEL RIVER TRANSPORTATION & SALVAGE	Motorhome and Utility Trailer Disposal	978.50
11145	7/12/2022	[2717] EUREKA TIMES-STANDARD	52 WEEK SUBSCRIPTION	637.71
11146	7/12/2022	[2393] FASTENAL COMPANY	Tool Combo Kit, Driver Set, Battery and Battery Charger	1,023.76
11147	7/12/2022	[2405] FORTUNA ACE HARDWARE	Vinegar, Torch Head and Propane Cylinder	84.48
11148	7/12/2022	[5765] GARNES, DEBRA	Reimbursement for Gas at Leggett Patriot Station, Reimbursement Travel Expense: Seismic Safety Commission (7/6-7/7/2022)	177.00
11149	7/12/2022	[5052] GHD, INC	Professional Services Rendered Through 2/26/2022, Professional Services Rendered Through 4/2/2022	5,943.61
11150	7/12/2022	[6884] GR SUNDBERG, INC.	2022 Rio Dell Road Improvements Projects	442,491.65
11151	7/12/2022	[7356] GRAINGER, INC.	Solenoid Valves	471.21
11152	7/12/2022	[2457] HUMBOLDT COUNTY CLERK-RECORDER	Copies	3.00
11153	7/12/2022	[2474] HUMMEL TIRE & WHEEL, INC	Tire Change on '17 Ford Police Interceptor	710.90
11154	7/12/2022	[2501] KEENAN SUPPLY	Mac-Oak Brass, Mac-PakXFIP Brass	229.37

**City of Rio Dell
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Ref#	Date	Vendor	Description	Amount
11155	7/12/2022	[6653] CRYSTAL L LANDRY	Reimbursement: Patrol Car Windshield Wipers at O'Reilly Auto Parts	75.93
11156	7/12/2022	[6998] MAD RIVER COMMUNITY HOSPITAL	Color Vision, Audiogram Air & Bone, Health Questionary, Rapid Urine Drug Screen	588.75
11157	7/12/2022	[2301] MARK A. CLEMENTI, Ph.D.	Pre-Employment Psychological Evaluation and Software Publisher Online Psychological Testing Fee	774.00
11158	7/12/2022	[7413] ALEXIS CRUZ MATIAS DIAZ	Reimbursement: Boot Allowance (Tractor Supply)	73.77
11159	7/12/2022	[3006] MISSION LINEN SUPPLY, INC	MAINTENANCE & LAUNDER UTILITY WORKERS SHIRTS; ANTIBACTERIAL FOAM HAND SOAP; CLEAN MOP HEAD	309.22
11160	7/12/2022	[5934] NORTH COAST JOURNAL, INC	MAINTENANCE & LAUNDER UTILITY WORKERS SHIRTS; PAPER TOWELS; ANTIBACTERIAL FOAM HAND SOAP; CLEAN MOP HEAD	
11161	7/12/2022	[2569] NORTH COAST LABORATORIES, INC.	MAINTENANCE & LAUNDER UTILITY WORKERS SHIRTS; CLEAN MOP HEAD	
11162	7/12/2022	[6100] NORTHERN CALIFORNIA GLOVE	Help Wanted - Finance Director, Help Wanted - Finance Director/Police Officer, Help Wanted - Finance Director/Police Officer	706.00
11163	7/12/2022	[4393] NYLEX.net. Inc.	Nitrate and/or Nitrite, THM by EPA 624, Total Dissolved Solids, Total Nitrogen Total Coliform Bacteria 3x5	1,160.00
11164	7/12/2022	[2619] PITNEY BOWES, INC.	Gloves, Vests, Goggles	1,033.36
11165	7/12/2022	[7409] PRECISION EMPRISE LLC dba PRECISION CONCRETE CUTTING	MONTHLY MAINTENANCE FOR JULY 15 THROUGH AUGUST 15, 2022; AND SECURITY GATEWAY FOR PD	1,280.00
11166	7/12/2022	[6349] RECOLOGY EEL RIVER	3 Qty DM 100I Red Ink Ctg (1Box)	277.28
11167	7/12/2022	[7198] RICHARD, JACOB	Sidewalk Assessment	4,200.00
11168	7/12/2022	[2657] RIO DELL EMPLOYEES ASSOC	Garbage Bags Month of June 2022	202.30
11169	7/12/2022	[2659] RIO DELL PETTY CASH	REFUND DEPOSIT	171.61
11170	7/12/2022	[5772] SACRAMENTO VALLEY ASSOCIATION OF	EMPLOYEE DUES FOR QUARTER ENDING 6/30/21	122.00
11171	7/12/2022	[2693] SHELTON'S AUTO LUBE	Car Wash, Envelopes, Cake for Jeff's Retirement Party	71.98
11172	7/12/2022	[4525] SHERLOCK RECORDS MGMT	2022-23 MEMBERSHIP DUES	65.00
11173	7/12/2022	[2724] STATE WATER RESOURCES CONTROL BOARD	2021 Ford F-150 Oil Change	72.08
11174	7/12/2022	[6825] SUDDENLINK	STORAGE SERVICE FOR JULY 2022	137.60
11175	7/12/2022	[4908] THE MITCHELL LAW FIRM, LLP	OIT Certification Application for Wastewater Treatment Plant	95.00
11176	7/12/2022	[6018] VALENCIA, ADAN OR MORA, MAIRA	INTERNET SERVICES JULY 2022	900.00
11177	7/12/2022	[4533] KIRSTEN WENTWORTH	LEGAL SERVICES FOR JUNE 2022	2,915.00
11178	7/12/2022	[5647] WHITCHURCH ENGINEERING, INC.	REFUND CUSTOMER DEPOSIT	234.37
11179	7/12/2022	[2779] WILDWOOD SAW	Refund Customer Deposit # 3549, REFUND CUSTOMER DEPOSIT	130.00
11180	7/19/2022	[2277] CAMPTON ELECTRIC SUPPLY	Review & Provide Engineering Services for Drainage Project Between Ogle and Bellevue Ave	19,041.80
11181	7/19/2022	[2277] CAMPTON ELECTRIC SUPPLY	Stihl Trimmer, Diamond Edge Trimmer Line, Stihl Blower and Stihl Face & Hearing Protection	1,475.55
11182	7/19/2022	[2277] CAMPTON ELECTRIC SUPPLY	8x8x4 PVC JCT Box	67.12

**City of Rio Dell
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Reff#	Date	Vendor	Description	Amount
11181	7/19/2022	[5940] CLARK, MARY	Module3 Academy Course CACEO - 25% post Event Pay	222.00
11182	7/19/2022	[2303] COAST CENTRAL CREDIT UNION	POA Dues for PPE 7/1/2022	120.00
11183	7/19/2022	[2356] DOWNEY BRAND LLP	Permitting and Regulatory Issues	960.00
11184	7/19/2022	[5052] GHD, INC	Professional Services Rendered Through 6/30/2022 - Rio Dell City Engineer Services	1,254.50
11185	7/19/2022	[7415] CORY L GIBBS	Reimbursement: Boot Allowance (Sport & Cycle)	222.41
11186	7/19/2022	[6486] GREEN TO GOLD ENTERPRISES LLC	Tape Measure	21.52
11187	7/19/2022	[4922] GRUNDMAN'S SPORTING GOODS INC.	Ammunition	1,476.82
11188	7/19/2022	[2228] HUMBOLDT COUNTY ASSESSOR	CITY OF RIO DELL OWNERSHIP & MAILING ADDRESSES	104.05
11189	7/19/2022	[2691] HUMBOLDT SENIOR RESOURCE CENTER/ADULT DAY HEALTH, INC	Transportation Services 2020 to 2021	6,500.00
11190	7/19/2022	[6375] JORDAN CONSULTING & INVESTIGATIONS	Pre-Employment Background Investigation	3,128.98
11191	7/19/2022	[2501] KEENAN SUPPLY	Brass Meter	186.26
11192	7/19/2022	[7220] LARRY WALKER ASSOCIATES, INC.	Assistance during NPDES Permit Reissuance, City of Rio Dell SSMP Audit	3,676.75
11193	7/19/2022	[6998] MAD RIVER COMMUNITY HOSPITAL	Rapid Urine Drug Screen, Routine Physical & Evaluation, Rapid Urine Drug Screen, Rapid Urine Drug Screen, EKG Stress	1,818.86
11194	7/19/2022	[0922] DENNIS MARKS	Refund for over-payment of building permit fees.	920.75
11195	7/19/2022	[5934] NORTH COAST JOURNAL, INC	11012 Notice of Election, Help Wanted - Finance Director/Police Officer	590.00
11196	7/19/2022	[3343] PITNEY BOWES RESERVE ACCOUNT	Postage Purchased for Reserve on 7.19.2022	400.00
11197	7/19/2022	[7316] SILKE COMMUNICATIONS SOLUTIONS, INC	Setina Push Bumper for Ford Pickup, Radios	1,530.39
11198	7/19/2022	[2319] SUDDENLINK COMMUNICATIONS	PUBLIC WORKS INTERNET & CITY HALL/PD/ PW PHONE SERVICES 7/10/22 - 8/9/22	546.21
11199	7/19/2022	[2750] USA BLUEBOOK	Salt Bridge PEEK, IntellICAL pH Electrode, pHD Standard Cell	895.09
11200	7/29/2022	[3108] ACCUFUND, INC.	Conversion to SQL	950.00
11201	7/29/2022	[6038] ACCURATE TERMITE & PEST SOLUTIONS	RODENT & INSECT CONTROL @ 475 HILLTOP DR, BI-MONTHLY PEST CONTROL @ 675 WILDWOOD AVE	245.00
11202	7/29/2022	[7237] BPR CONSULTING GROUP	Professional services for the period June 1 through June 30, 2022 - Rio Dell Flat Fee Plan Check	890.86
11203	7/29/2022	[7425] CIVICPLUS LLC	Ultimate CivicEngage Open Subscription & Build	3,892.50
11204	7/29/2022	[2303] COAST CENTRAL CREDIT UNION	POA Dues for PPE 7/15/2022	120.00
11205	7/29/2022	[2283] COASTAL BUSINESS SYSTEMS	Docstar Annual Software License Agreement Renewal Effective 8/1/22 to 7/31/23	470.40
11206	7/29/2022	[5052] GHD, INC	For Professional Services Rendered Through 5/28/2022; Rio Dell - Eel River Trail Botanical Survey Field Work, For Professional Services Rendered Through 6/30/2022; Rio Dell - Eel River Trail Botanical Survey Field Work	2,243.13
11207	7/29/2022	[6486] GREEN TO GOLD ENTERPRISES LLC	Jig Saw Blade Set, Conduit Connector	13.49
11208	7/29/2022	[2691] HUMBOLDT SENIOR RESOURCE CENTER/ADULT DAY HEALTH, INC	Transportation Services 2021 to 2022	13,000.00
11209	7/29/2022	[2465] HUMBOLDT TRANSIT AUTHORITY	Transportation Services 2022 to 2023	47,557.00
11210	7/29/2022	[5334] J.B. FABRICATION	TDA MEMBER ASSESSMENT RTS-FY 2022-2023	1,750.00
11211	7/29/2022		Work on Headworks Screw Compactor	

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Ref#	Date	Vendor	Description	Amount
11211	7/29/2022	[2509] KREATIONS\KEVIN BRADLEY	Polish Key Scratches out of Nissan Altima '14 Paint	308.00
11212	7/29/2022	[7201] MARGRO ADVISORS LLC	Facade Improvement Reimbursement	15,000.00
11213	7/29/2022	[2569] NORTH COAST LABORATORIES, INC.	Coliform Presence/Absence; Pick Up Charge; Total Coliform Bacteria 3x5, BOD/NFR, Coliform Presence/Absence, Coliform Quanti-tray, Pickup Charge, Total Coliform Bacteria 3x5	500.00
11214	7/29/2022	[4393] NYLEX.net. Inc.	Server Battery Backup Installation	25.00
11215	7/29/2022	[2682] SMALL CITIES ORGANIZED RISK EFFORT (SCORE)	LIABILITY, PROPERTY, EPLI AND WORKER'S COMPENSATION INSURANCE FOR FY 2022-2023	156,126.83
11216	7/29/2022	[7185] STAPLES ADVANTAGE	Power Strips, Binder Clips, HP Black Toner, 2 Hole Punch, Cord Detanglers, Folders w/ Fasteners	272.68
11217	7/29/2022	[2724] STATE WATER RESOURCES CONTROL BOARD	Return unused funds sewer arrearage	1,606.55
11218	7/29/2022	[2748] UNDERGROUND SERVICE ALERT	2022 MEMBERSHIP	300.00
11219	7/29/2022	[6037] WELLS FARGO VENDOR FIN SERV	KYOCERA COPIER PAYMENT FOR AUGUST 2022	391.07
11220	7/29/2022	[2787] WYCKOFF'S	Window&Door Sealant; Rigid 90 Sweep, Four 1 1/2" Sch 80Unions TXT	83.51
Total Checks/Deposits				777,128.77

Ref#	Date	Vendor	Description	Amount
989281	7/01/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR AFLAC INSURANCE ONLINE PAYMENT FOR JUNE 2022.	-814.86
9837138	7/01/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR ALLIED ADMINISTRATORS-DELTA DENTAL ONLINE PAYMENT: AUG. 2022	-2,229.43
9837145	7/01/2022	ELECTRONIC FUNDS TRANSFER	INTELLIPAY CREDIT CARD MERCHANT SERVICES CHARGE	-74.99
1374022	7/05/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR BANK OF AMERICA CREDIT CARDS ONLINE PAYMENT FOR JULY 2022	-3,730.44
775060	7/05/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR MISSIONSQUARE RETIREMENT ONLINE PAYMENT FOR PPE 07/01/2022	-11,052.39
1021	7/06/2022	WITHDRAWALS	DEPOSITED ITEM RETURNED	-212.85
355	7/07/2022	WITHDRAWALS	DEPOSITED ITEM RETURNED	-147.77
543-648	7/07/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR EDD PAYROLL TAXES FOR PPE 07/01/2022	-2,932.90
8226007	7/08/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR WEXBANK/SHELL FUEL CO ONLINE PAYMENT FOR JULY FY2022-2023	-4,829.28
1428973	7/11/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR EFTPS PAYROLL TAXES FOR PPE 07/01/2022	-16,312.12
9837139	7/19/2022	ELECTRONIC FUNDS TRANSFER	EFT BENEFIT BRIDGE/PUBLIC AGENCY COALITION ONLINE PAYMENT FOR AUG. 2022.	-27,364.20
783227	7/19/2022	ELECTRONIC FUNDS TRANSFER	EFT MISSIONSQUARE RETIREMENT ONLINE PAYMENT FOR PPE 07/15/2022	-11,593.15
7152022	7/19/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR ONLINE DEARBORN LIFE INSURANCE PAYMENT FOR AUGUST 2022.	-442.50
9837143	7/20/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR PG&E ONLINE PAYMENT FOR JULY 2022.	-30,122.69
9837140	7/20/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR VSP INSURANCE ONLINE PAYMENT FOR AUGUST 2022.	-416.40
0742-112	7/22/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR EDD PAYROLL TAXES FOR FINAL PAYCHECK FOR PW EMPLOYEE 07/22/2022	-15.36
9837141	7/22/2022	WITHDRAWALS	BANK ANALYSIS FEE FOR JULY 2022	-263.99
36301	7/25/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR EFTPS PAYROLL TAXES FOR PPE 07/15/2022	-17,235.06

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Ref#	Date	Vendor	Description	Amount
1922523	7/25/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR DELUXE.COM - ORDER# 2051922523 FOR BANK DEPOSIT SLIPS.	-207.43
583-456	7/25/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR EDD PAYROLL TAXES FOR PPE 07/15/2022	-3,171.07
4054056	7/26/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR EFTPS PAYROLL TAXES FOR FINAL PAYCHECK FOR PW EMPLOYEE 07/22/2022	-57.36
Total EFT'S/Bank Withdrawals				-133,226.24

Ref#	Date	Vendor	Description	Amount
TRX TO PR	7/07/2022	TRANSFER FROM CHECK TO PAYROLL ACCOUNT	TRANSFER TO PAYROLL ACCT FOR PPE 07/01/2022	-40,683.15
TRX TO PR	7/21/2022	TRANSFER FROM CHECK TO PAYROLL ACCOUNT	TRANSFER TO PAYROLL ACCT FOR PPE 07/15/2022	-44,171.49
TRX TO PR	7/21/2022	TRANSFER FROM CHECK TO PAYROLL ACCOUNT	TRANSFER TO PAYROLL ACCT FOR PW EMPLOYEE'S FINAL PAYCHECK.	-342.05
Total transfer Between Accounts				-85,196.69

Ref#	Date	Vendor	Description	Amount
921627344	7/29/2022	WITHDRAWALS	DEBIT FOR POSTAGE TO MAIL U/B BILLS FOR JULY 2022	-447.62
922230712	7/29/2022	WITHDRAWALS	DEBIT FOR POSTAGE TO MAIL U/B BILLS FOR JULY 2022	-49.28
Total Debit Withdrawals				-496.90



Staff Highlights – 2022-08-16

City Council

City Manager

Grant projects update: City engineer GHD is undergoing some staffing changes. We are expecting some new staff to be assigned to assist the city with the Eel River Trail, the Gateway Beautification Project and “Dog Park” project.

Work is under way for the replacement of the City Hall website.

Interviews for Police Officer position.

Meeting with Water Board staff to discuss overall WWTP strategy.

Work on developing materials for the Redwood Economic Development Summit, September 22-23 (virtual).

Prep work on some physical updates and modifications to the RDPD HQ.

City Clerk

Processed Four (4) Building Permit Applications:

830 Pacific Ave. – New Single-Family Residence

205 S. Sequoia Ave. – Re-Roof

1209 Eeloa Ave. – Sewer Lateral

560 First Ave. – Re-Roof

Processed Five (5) Business License Applications:

Humboldt Electric – Non-Resident Contractor

Air Tight Heating – Non-Resident Contractor

Humboldt Dreamworks – 1 Painter St. (Mobile Vendor)

Hooven & Reese – Non-Resident Contractor

Six Rivers Property Management – Sarah Albin

Processed One (1) Encroachment Permit Application:

Wyckoff’s Plumbing – Sewer Line at 1209 Eeloa Ave.

Misc:



Submitted Building Permit Survey to U.S. Census Bureau
Submitted CHF/CIRB Monthly Building Permit Activity Report for July
Submitted FY 21-22 Annual Reporting to SCORE for Office of Self-Insurance
Updated Vacation Rental spreadsheet and sent out letters for late TOT taxes
Replied to Public Records Request Re: Water/Sewage Arrearages Program
New Address Notification Letters Sent for 830 Pacific Ave.

City Attorney

Human Resources, Risk & Training

Finance Department

Public Works Water

Public Works Wastewater

Public Works Streets, Buildings and Grounds

Public Works City Engineer

Public Works Capital Projects

Police Department

Community Development Department

Roof Inspections 1014 Riverside Drive

Electrical Inspection 106 Second Ave

Energy Code Webinar 2022 Code Changes

Energy Code Webinar Analyzing the CF1R

Work on and complete General Plan Update Progress Report.

Footing Inspection 1264 Riverside Drive.

Electrical inspection 1275 Northwestern Avenue

Attend REAP Virtual meeting.



Electrical Panel and Roof Inspections 177 Davis Street.

Roof Inspections 570 Gunnerson Lane.

New Electrical Panel Inspection – Failed 775 Pacific Ave.

Floor framing Inspection 188 Douglas Street.

Siding Inspection 180 Cedar Street.

Roof Inspections 358 Second Ave.

New Electrical Panel Inspection 106 Second Ave.

Pellet Stove insert Inspection 243 Cherry Ave.

Final Inspection Ag Barn 75 Redwood Ave.

Final Roof Inspection 310 Wildwood Ave.

Foundation Inspection 1264 Riverside Drive.

File Housing Element Amendments with HCD. HCD approved 8/8/2022.

Prepare Annual Cannabis Business Licenses.

Review Construction Plans for SFR at 830 Pacifica Ave. Request additional information.

Review Construction Plans for garage addition at 225 Smither Court. Request additional information.

Review other jurisdictions Property Maintenance regulations.

Complete and submit HCD/CDBG Annual Report.

Framing Inspection 282 Belleview Ave

Pre-Inspection Roof 560 First Ave.

Attend ADA/CASP Webinar

Intergovernmental

Humboldt-Rio Dell Business Park



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August 16, 2022

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Second Reading and Adoption of Ordinance No. 395-2022 Organics Reduction and Recycling by Title Only

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Receive a short presentation from staff.
2. Open the public hearing and take questions.
3. Adopt Ordinance No. 395-2022; or, take no action.

BACKGROUND AND DISCUSSION

As required by SB 1383 Regulations, local jurisdictions throughout the State, including the City, must adopt an ordinance or other similarly enforceable mechanism to mandate that organic waste generators (those who create organic waste, including residents and businesses), haulers, and others comply with SB 1383 Regulations (California Code of Regulations, Title 14, Division 7, Chapter 12) to divert organic waste and edible food from landfills.

The City has filed and received approval for a five year waiver from many of SB 1383's requirements. However, some requirements remain related to education and outreach, commercial edible food recovery, and building and landscaping code for new construction. The attached Ordinance addresses those issues. Because of Rio Dell's existing food business inventory is limited, and most (if not all) do not meet current criteria, the impacts to the business community are anticipated to be light and thus, enforcement costs are expected to be low.

The City is pursuing grants to assist with the overall implementation of SB 1386.

Attachment:

Draft Ordinance No. 395-2022

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ORDINANCE 395-2022
ORGANICS REDUCTION
AND RECYCLING ORDINANCE

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ORDINANCE 2021-01: ORGANICS REDUCTION AND RECYCLING ORDINANCE

The City hereby ordains as follows:

SECTION 1. PURPOSE AND FINDINGS

- (a) The purpose of this Ordinance is to reduce the amount of organic and recyclable materials deposited in landfills from commercial and residential generators. This Ordinance repeals seeks to provide a single framework to achieve its purposes and comply with various state laws as set forth below.
- (b) State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (approved by the Governor of the State of California on September 29, 1989, which among other things, added Division 30 (Section 40000, et seq.) to the Public Resources Code, as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.
- (c) State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and multi-family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling service and requires jurisdictions to implement a Mandatory Commercial Recycling program.
- (d) State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and multi-family property owners that generate a specified threshold amount of Solid Waste, recycling, and Organic Waste per week to arrange for recycling service for those materials, requires counties and cities to implement a recycling program to divert Organic Waste from businesses subject to the law, and to implement a Mandatory Commercial Organics Recycling program.
- (e) State organics recycling law, Senate Bill 1383 of 2016, the Short-lived Climate Pollutant Reduction Act of 2016 (approved by the Governor of the State of

California on September 19, 2016, which added Sections 39730.5, 39730.6, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, as amended, supplemented, superseded, and replaced from time to time), took effect on January 1, 2017 and sets Statewide Organic Waste disposal reduction targets of 50 percent by 2020 and 75 percent by 2025, based on the 2014 organics waste disposal baseline, set forth in Section 39730.6 of the Health and Safety Code, and requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The SB 1383 Regulations place requirements on multiple entities, including counties, cities, residential households, Commercial Businesses (including Multi-Family Residential Dwellings), Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of statewide Organic Waste disposal reduction targets with compliance required beginning January 1, 2022.

- (f) In furtherance of the food recovery objectives of the laws noted above and to reduce legal risks associated with food recovery, the State food donation law, Assembly Bill 1219 of 2017, the California Good Samaritan Food Donation Act of 2017 (approved by the Governor of the State of California on October 9, 2017, which amended Section 1714.25 of the Civil Code, amended Section 58502 of, and repealed Section 58506 of, the Food and Agricultural Code, and amended Sections 114432, 114433, and 114434 of, and added Section 114435 to, the Health and Safety Code, as amended, supplemented, superseded and replaced from time to time), provides additional protections for entities that donate and distribute food for human consumption.
- (g) By January 1, 2022, the SB 1383 Regulations require jurisdictions to adopt and enforce an ordinance or other enforceable mechanism to implement relevant provisions of the SB 1383 Regulations concerning regulation of organic waste collection services, generators of organic waste, waste haulers, and generators and processors of edible food, together with enforcement mechanisms and administrative civil penalties for violations of local regulations.
- (h) It is in the public interest for haulers, processors, facility operators, businesses, institutions, and the public to work together to advance the goals in the state legislation noted above.

SECTION 2. TITLE OF ORDINANCE

This Ordinance is titled "Organics Reduction and Recycling Ordinance".

SECTION 3. DEFINITIONS

The following definitions govern the use of terms in this Ordinance:

- (a) "Back-Haul" means generating and transporting Organic Waste to a destination owned and operated by a generator using the generator's own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).
- (b) "C&D" means construction and demolition debris.
- (c) "CalRecycle" means California's Department of Resources Recycling and Recovery, which is the state agency designated with responsibility for developing, implementing, and enforcing the SB 1383 Regulations.
- (d) "California Code of Regulations" or "CCR" means the State of California Code of Regulations. CCR references in this Ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).
- (e) "Certification of Recycling Service Form" means documentation certifying that a Commercial Business does not subscribe to collection services for Compost Containers and/or Recycling Containers because the Commercial Business has arranged for collection of its Source Separated Compost Container Organic Waste and/or Source Separated Recyclable Materials by self-hauling, Back-Haul,

contracting with a third-party hauler, or shares service with another Commercial Business.

- (f) “Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, institution or association (whether incorporated or unincorporated or for-profit or nonprofit), strip mall, industrial facility, or a Multi-Family Residential Dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6).
- (g) “Commercial Edible Food Generator” includes a Tier One, or a Tier Two Commercial Edible Food Generator as defined herein or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- (h) “Community Composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- (i) “Compliance Review” means a review of records by the Enforcement Agency to evaluate compliance with this Ordinance.
- (j) “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this Ordinance, that “Compost” means the product resulting from the controlled biological decomposition of organic Solid Waste that is Source Separated from the municipal Solid Waste stream, or which is separated at a centralized facility.
- (k) “Compost Container” has the same meaning as “Green Container” in 14 CCR Section 18982(a)(29) and shall be used for the purpose of storage and collection of Source Separated Compost Container Organic Waste.
- (l) “Compostable Plastics” or “Compostable Plastic” means plastic materials that meet the ASTM D6400 and D6868 standards for compostability and are certified by the Biodegradable Products Institute (BPI) or similar third-party and are approved by the City of Rio Dell for placement in the Compost Container.
- (m) “Container Contamination” or “Contaminated Container” means a container, regardless of type, which contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- (n) “Designee” means an entity that the City of Rio Dell contracts with or otherwise arranges to carry out or assist with any of the City of Rio Dell with the SB 1383 Regulations or administration or enforcement of this Ordinance. A Designee may be a government entity, a private entity, or a combination of those entities.
- (o) “Edible Food” means food intended for human consumption, or as otherwise

defined in 14 CCR Section 18982(a)(18). For the purposes of this Ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this Ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code, as codified in the Health and Safety Code Section 113700, et seq.

- (p) "Enforcement Action" means an action of the relevant Enforcement Agency to address non-compliance with this Ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- (q) "Enforcement Agency" means an entity with the authority to enforce part, or all of this Ordinance as specified herein. Employees and agents of an Enforcement Agency may carry out inspections and enforcement activities pursuant to this Ordinance. Nothing in this Ordinance authorizing an entity to enforce its terms shall require that entity to undertake such enforcement except as agreed to by that entity.
- (r) "Excluded Waste" means hazardous substances, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the City of Rio Dell and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the reasonable opinion of the City of Rio Dell or a Regulated Hauler operating in Rio Dell would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose Rio Dell or a Regulated Hauler to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the Public Resources Code. Excluded Waste does not include used motor oil and filters, household batteries, universal wastes, and/or latex paint when such materials are defined as allowable materials for collection through the City of Rio Dell's collection programs and the generator or customer has properly placed the materials for collection pursuant to instructions provided by the City of Rio Dell or the Regulated Hauler providing service to the generator.

- (s) "Food Distributor" means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
- (t) "Food Facility" has the same meaning as in Section 113789 of the Health and Safety Code.
- (u) "Food Recovery" means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
- (v) "Food Recovery Organization" means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:
 - (1) A food bank as defined in Section 113783 of the Health and Safety Code;
 - (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
 - (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7). If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this Ordinance.

- (w) "Food Recovery Service" means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- (x) "Food Scraps" means all edible or inedible food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, coffee grounds, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.
- (y) "Food Service Provider" means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
- (z) "Food-Soiled Paper" is compostable paper material that has come in contact with

food or liquid, such as, but not limited to, compostable paper plates, napkins, and pizza boxes, and is approved by the applicable the City of Rio Dell for placement in the Compost Container.

- (aa) "Food Waste" means Food Scraps, Food-Soiled Paper, and Compostable Plastics in combination or separately.
- (bb) "Grocery Store" means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- (cc) "Hauler Route" means the designated itinerary or sequence of stops for each segment of a Rio Dell's collection service area, or as otherwise defined in 14 CCR Section 18982(a) (31.5).
- (dd) "Health Facility" has the same meaning as in Section 1250 of the Health and Safety Code.
- (ee) "High Diversion Organic Waste Processing Facility" means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average mixed waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the "Mixed waste organic collection stream" as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).
- (ff) "Hotel" has the same meaning as in Section 17210 of the Business and Professions Code.
- (gg) "Inspection" means an Enforcement Agency's electronic or on-site review of records, containers, and an entity's collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).
- (hh) "Landfill Container" has the same meaning as "Gray Container" in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of Landfill Container Waste.
- (ii) "Landfill Container Waste" means Solid Waste that is collected in a Landfill Container that is part of a three-container or three-plus container collection service that prohibits the placement of Organic Waste in the Landfill Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section

17402(a) (6.5). (Three container collection service refers to service collecting materials in Landfill Containers, Organics Containers, and Recycling Containers.)

- (jj) "Large Event" means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this Ordinance. For the purposes of this definition of Large Event, "local agency" means all public agencies except those that are not subject to the regulatory authority of the City of Rio Dell.
- (kk) "Large Venue" means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation. For purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this Ordinance.
- (ll) "Mixed Waste Organic Collection Stream" or "Mixed Waste" means Organic Waste collected in a container that is required by 14 CCR Sections 18984.1, 18984.2 or 18984.3 to be taken to a High Diversion Organic Waste Processing Facility or as otherwise defined in 14 CCR Section 17402(a) (11.5).
- (mm) "Multi-Family Residential Dwelling" or "Multi-Family" means of, from, or pertaining to residential premises with five or more dwelling units. Multi-Family premises are considered a distinct type of Commercial Business for the purposes of implementing this Ordinance. Consistent with the SB 1383 Regulations, residential premises that consist of fewer than five units are not "Multi-Family" and instead are "Single-Family" for the purposes of implementing this Ordinance. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered other types of Commercial Businesses.
- (nn) "MWELO" is the Model Water Efficient Landscape Ordinance.
- (oo) "Non-Compostable Paper" includes, but is not limited to, paper that is coated, lined or treated with a non-compostable material, or otherwise unacceptable to the compostable materials handling facility processing the material.
- (pp) "Non-Organic Recyclables" means non-putrescible and non-hazardous recyclable

materials including but not limited to recyclable food and beverage glass containers, metal (aluminum and steel) food and beverage cans, HDPE (high density polyethylene) bottles and PET (polyethylene terephthalate) bottles, and other materials specified in 14 CCR Section 18982(a)(43).

- (qq) "Notice of Violation" means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.
- (rr) "Organic Waste" means Solid Waste containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).
- (ss) "Organic Waste Generator" means a Person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).
- (tt) "Paper Products" include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- (uu) "Person" includes an individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever, or as otherwise defined in Public Resources Code Section 40170.

- (vv) "Printing and Writing Paper" include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).
- (ww) "Prohibited Container Contaminants" includes all of the following: (i) materials placed in the Recycling Container that are not identified as acceptable Source Separated Recyclable Materials for the Recycling Container; (ii) materials placed in the Compost Container that are not identified as acceptable Source Separated Compost Container Organic Waste for the Compost Container; (iii) materials placed in the Landfill Container that are acceptable Source Separated Recyclable Materials and/or acceptable Source Separated Compost Container Organic Waste that can be placed in the Compost Container and/or Recycling Container; and, (iv) Excluded Waste placed in any container.
- (xx) "Recovery" means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).
- (yy) "Recycling Container" has the same meaning as "Blue Container" in 14 CCR Section 18982(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials and Source Separated Recycling Container Organic Waste.
- (zz) "Regulated Hauler" means a Person that collects Solid Waste (other than Solid Waste generated by a permitted building project) originating in Rio Dell from Compost Containers, Recycling Containers, and/or Landfill Containers, and does so under a contract, franchise agreement, or permit with the City of Rio Dell.
- (aaa) "Remote Monitoring" means the use of mechanical or electronic devices to identify the types of materials in Recycling Containers, Compost Containers, and/or Landfill Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.
- (bbb) "Restaurant" means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).
- (ccc) "Route Review" means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical or electronic Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

- (ddd) "SB 1383" means Senate Bill 1383 of 2016, the Short-lived Climate Pollutant Reduction Act of 2016.
- (eee) "SB 1383 Regulations" means or refers to, for the purposes of this Ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
- (fff) "Self-Hauler" means a Person, who hauls Solid Waste, Organic Waste or recyclable material they have generated to another Person for disposition as allowed by the City of Rio Dell and otherwise in accordance with all applicable laws. Self-Hauler also includes a Person who Back-Hauls such materials, and as otherwise defined in 14 CCR Section 18982(a)(66).
- (ggg) "Single-Family" means, for purposes of this Ordinance, of, from, or pertaining to any residential premises with fewer than five units.
- (hhh) "Solid Waste" has the same meaning as defined in Public Resources Code Section 40191, which defines Solid Waste as all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:
- (1) Hazardous waste, as defined in the Public Resources Code Section 40141.
 - (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code).
 - (3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the Public Resources Code.
- (iii) "Source Separated" means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of this Ordinance,

Source Separated shall include separation of materials by the generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source Separated materials are separated from Landfill Container Waste or other Solid Waste for the purposes of collection and processing.

- (jjj) "Source Separated Compost Container Organic Waste" means Source Separated Organic Waste that can be placed in a Compost Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Recycling Container Organic Waste, carpets, Non-Compostable Paper, and textiles.
- (kkk) "Source Separated Recyclable Materials" means Source Separated Non-Organic Recyclables and Source Separated Recycling Container Organic Waste.
- (lll) "Source Separated Recycling Container Organic Waste" means Source Separated Organic Wastes that can be placed in a Recycling Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables, as defined herein or as otherwise defined in Sections 18982(a)(43) and 18982(a)(46). Source Separated Recycling Container Organic Waste shall include materials as determined by the City of Rio Dell and includes unsoiled Paper Products and Printing and Writing Paper.
- (mmm) "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).
- (nnn) "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:
 - (1) Supermarket.
 - (2) Grocery Store with a total facility size equal to or greater than 10,000 square feet.
 - (3) Food Service Provider.
 - (4) Food Distributor.
 - (5) Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this Ordinance.

- (ooo) "Tier Two Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

- (1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
 - (2) Hotel with an on-site Food Facility and 200 or more rooms.
 - (3) Health facility with an on-site Food Facility and 100 or more beds.
 - (4) Large Venue.
 - (5) Large Event.
- (ppp) "Wholesale Food Vendor" means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

SECTION 4. REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD GENERATORS

- (a) Tier One Commercial Edible Food Generators must comply with the requirements of this Section 7 commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3 or such later deadline established by State law or regulations.
- (b) Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024, or such later deadline established by State law or regulations.
- (c) Commercial Edible Food Generators shall comply with the following requirements:
 - (1) Arrange to safely recover for human consumption the maximum amount of Edible Food that would otherwise be disposed.
 - (2) Enter into a contract or other written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection for Food Recovery of Edible Food that would otherwise be disposed; or (ii) acceptance of Edible Food that would otherwise be disposed that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
 - (3) Use best efforts to abide by all contractual or written agreement requirements specified by the Food Recovery Organization or Food Recovery Service on how Edible Food should be prepared, packaged, labeled, handled, stored, distributed or transported to the Food Recovery Organization or Service.
 - (4) Not intentionally donate food that has not been prepared, packaged, handled, stored and/or transported in accordance with the safety requirements of the California Retail Food Code.
 - (5) Not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
 - (6) Allow the Enforcement Agency to review records upon request, including by providing electronic copies or allowing access to the premises, pursuant to 14 CCR Section 18991.4.
 - (7) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
 - (A) A list of each Food Recovery Service or Food Recovery Organization

that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).

- (B) A copy of all contracts and written agreements established under 14 CCR Section 18991.3(b) and/or this Ordinance.
- (C) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 - (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
 - (iii) The established frequency that food will be collected or self-hauled.
 - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
- (D) If it has not entered into a contract or written agreement with Food Recovery Organizations or Food Recovery Services pursuant to Section 7(c)(2), a record that describes (i) its direct donation of Edible Food to end recipients (including employees) and/or (ii) its food waste prevention practices that result in it generating no surplus Edible Food that it can donate.
- (8) Tier One Commercial Edible Food Generators and Tier Two Commercial Edible Food Generators shall provide, upon request, a Food Recovery report to the Enforcement Agency that includes the information in Section 7(c)(7). Entities shall provide the requested information within 60 days of the request.
- (d) Nothing in this Ordinance shall be construed to limit or conflict with (1) the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 commencing with Section 49580 to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time); or (2) otherwise applicable food safety and handling laws and regulations.
- (e) Nothing in this Ordinance prohibits a Commercial Edible Food Generator from donating Edible Food directly to end recipients for consumption, pursuant to Health and Safety Code Section 114432(a).
- (f) The Enforcement Agency for the provisions of this section is the City of Rio Dell.

SECTION 5. REQUIREMENTS FOR FOOD RECOVERY ORGANIZATIONS AND SERVICES

- (a) Nothing in this Ordinance prohibits a Food Recovery Service or Food Recovery Organization from refusing to accept edible food from a Commercial Edible Food Generator, in accordance with 14 CCR Section 18990.2(d).
- (b) Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
 - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
 - (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month. This may also include the total quantity in pounds of food collected that was spoiled when received from a Commercial Edible Food Generator or otherwise not able to be used to feed people.
 - (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
 - (4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
- (c) Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
 - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
 - (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month. This may also include the total quantity in pounds of food collected that was spoiled when received from a Commercial Edible Food Generator or otherwise not able to be used to feed people.
 - (3) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
- (d) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in Rio Dell and contract with or have written agreements

with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the City of Rio Dell the total pounds of Edible Food recovered from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) according to the following schedule: (i) no later than August 15, 2022, submit an initial report covering the period of January 1, 2022 to June 30, 2022; and (ii) no later than March 31, 2023, and no later than every March 31 thereafter, submit a report covering the period of January 1 to December 31 of the previous calendar year.

- (e) In order to support Edible Food Recovery capacity planning assessments and similar studies, Food Recovery Services and Food Recovery Organizations operating in Rio Dell shall provide, upon request, information and consultation to the City of Rio Dell regarding existing, or proposed new or expanded, Food Recovery capacity in a form that can be provided to or that can be accessed by the City of Rio Dell. A Food Recovery Service or Food Recovery Organization contacted by the Enforcement Agency shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the Enforcement Agency.
- (f) The Enforcement Agency for the provisions of this section is City of Rio Dell or its designee.

SECTION 6. REQUIREMENTS FOR REGULATED HAULERS AND FACILITY OPERATORS

- (a) Requirements for Regulated Haulers.
 - (1) A Regulated Hauler providing Single-Family, Commercial, or industrial Organic Waste collection service to generators within Rio Dell shall meet the following requirements and standards in connection with collection of Organic Waste:
 - (A) Through written notice to the City of Rio Dell annually on or before March 31, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Compost Container Organic Waste if applicable.
 - (B) Transport Source Separated Recyclable Materials to a facility that recycles those materials and transport Source Separated Compost Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
 - (C) Obtain approval from the City of Rio Dell to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a

manner that complies with 14 CCR Section 18989.1 and any City of Rio Dell rules.

- (2) Within the boundaries of Rio Dell in which it has customers, a Regulated Hauler collecting Organic Waste shall:
 - (A) Up to four times per year, provide reports to the City of Rio Dell on Commercial Business account information and service levels in a form to be specified by the Rio Dell.
 - (B) Assist in the dissemination of SB 1383 educational materials to Single-Family and Commercial Business accounts.
 - (C) At least annually and during new staff on-boarding, train Regulated Hauler's customer service representatives and account managers/recycling coordinators serving Organic Waste Generators in Rio Dell on any generator requirements.
 - (D) Provide quarterly reports to the Rio Dell identifying Single-Family and Commercial accounts that are subscribed to Landfill Container collection service, Recycling Container service, and/or Compost Container collection service. If a Regulated Hauler providing Landfill Container collection service does not offer Recycling Container Collection Service and/or Compost Container collection service to its Landfill Container collection service customers, the requirements of subsection (D) and (E) shall not apply with respect to those customers and the type(s) of service that is not offered.
 - (E) Inform generators when Container Contamination is observed by the Regulated Hauler.
 - (F) If requested by the Enforcement Agency, assist generators with verification of physical space constraints when generator submits an application for a physical space waiver.
 - (G) Provide Commercial Business accounts with interactive assistance such as employee trainings, in a virtual or in-person format, when Recycling Container collection service or Composting Container collection service is added, or upon request.

- (3) The Enforcement Agency for this section is the City of Rio Dell or its designee.
- (b) Requirements for Facility Operators and Community Composting Operations
- (1) Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, compost facilities, in-vessel digestion facilities, and publicly owned treatment works shall, upon request from the City of Rio Dell, provide within 60 days information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes.
 - (2) Community Composting operators shall, upon request from the City of Rio Dell, provide within 60 days information to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation.
 - (3) The Enforcement Agency for the provisions of this section is the City of Rio Dell or its designee.

SECTION 7. COMPLIANCE WITH CALGREEN RECYCLING REQUIREMENTS

- (a) Persons applying for a permit from the Jurisdiction for new construction and building additions and alternations shall comply with the requirements of this section and all required components of the California Green Building Standards Code, 24 CCR, Part 11, known as CALGreen, as amended, if its project is covered by the scope of CALGreen. If the requirements of CALGreen are more stringent then the requirements of this section, the CALGreen requirements shall apply.

Project applicants shall refer to Jurisdiction's building and/or planning code for complete CALGreen requirements.

- (b) For projects covered by CALGreen, the applicants must, as a condition of the Jurisdiction's permit approval, comply with the following:
- (1) Where five (5) or more Multi-Family dwelling units are constructed on a building site, provide readily accessible areas that serve occupants of all buildings on the site and are identified for the storage and collection of Blue Container and Green Container materials, consistent with the three container collection program offered by the Jurisdiction, or comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.

- (2) New Commercial construction or additions resulting in more than 30% of the floor area shall provide readily accessible areas identified for the storage and collection of Blue Container and Green Container materials, consistent with the three container program offered by the Jurisdiction, or shall comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.
- (3) Comply with CALGreen requirements and applicable law related to management of C&D, including diversion of Organic Waste in C&D from disposal. Comply with Jurisdiction's C&D ordinance, and all written and published Jurisdiction policies and/or administrative guidelines regarding the collection, recycling, diversion, tracking, and/or reporting of C&D.

SECTION 8. MODEL WATER EFFICIENT LANDSCAPING ORDINANCE REQUIREMENTS

- (a) Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the Jurisdiction, who are constructing a new (Single-Family, Multi-Family, public, institutional, or Commercial) project with a landscape area greater than 500 square feet, or rehabilitating an existing landscape with a total landscape area greater than 2,500 square feet, shall comply with Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELo, including sections related to use of Compost and mulch.
- (b) The following Compost and mulch use requirements that are part of the MWELo are now also included as requirements of this ordinance. Other requirements of the MWELo are in effect and can be found in 23 CCR, Division 2, Chapter 2.7
- (c) Property owners or their building or landscape designers that meet the threshold for MWELo compliance outlined in Section 8(a) above shall:
 - (1) Comply with Sections 492.6 (a)(3)(B)(C), (D) and (G) of the MWELo, which requires the submittal of a landscape design plan with a soil preparation, mulch, and amendments section to include the following:
 - (A) For landscape installations, Compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.
 - (B) For landscape installations, a minimum three- (3-) inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for

beneficial insects and other wildlife up to five percent (5%) of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

- (C) Organic mulch materials made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.
- (2) The MWELo compliance items listed in this Section are not an inclusive list of MWELo requirements; therefore, property owners or their building or landscape designers that meet the threshold for MWELo compliance outlined in Section 14(a) shall consult the full MWELo for all requirements.
- (d) If, after the adoption of this ordinance, the California Department of Water Resources, or its successor agency, amends 23 CCR, Division 2, Chapter 2.7, Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELo September 15, 2015 requirements in a manner that requires Jurisdictions to incorporate the requirements of an updated MWELo in a local ordinance, and the amended requirements include provisions more stringent than those required in this Section, the revised requirements of 23 CCR, Division 2, Chapter 2.7 shall be enforced.

SECTION 9. INSPECTIONS AND INVESTIGATIONS

The Enforcement Agency is authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with the provisions of this Ordinance for which it has enforcement authority by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), Commercial Edible Food Generators, Regulated Haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This section does not allow entry in a private residential dwelling unit for Inspection.

- (a) A Person subject to the requirements of this Ordinance shall provide or arrange for access during all Inspections (with the exception of a private residential dwelling unit) and shall cooperate with the Enforcement Agency during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, inspection of Edible Food Recovery activities, review of required records, or other verification or Inspection to confirm compliance with any other requirement of this Ordinance. Failure to provide or arrange for: (i) access to the premises; or (ii) access to records for any Inspection or investigation is a violation of this Ordinance and may result in penalties .
- (b) Any records obtained by the Enforcement Agency during Inspections and other

reviews shall be subject to the requirements and applicable disclosure exemptions of the California Public Records Act as set forth in Government Code Section 6250 et seq.

- (c) The Enforcement Agency is authorized to conduct any Inspections or other investigations as reasonably necessary to further the goals of this Ordinance, subject to applicable laws.
- (d) The Enforcement Agency shall accept written complaints from persons regarding an entity that may be potentially non-compliant with this Ordinance.
- (e) The Enforcement Agency is the City of Rio Dell and any Designee authorized by Rio Dell to enforce one or more sections of this Ordinance.

SECTION 10. ENFORCEMENT

Violation of any provision of this Ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the Enforcement Agency. Enforcement Actions under this Ordinance are issuance of an administrative citation and assessment of a fine. The Enforcement Agency's procedures on imposition of administrative citations and fines as contained shall govern the imposition, enforcement, collection, and review of administrative citations and fines issued to enforce this Ordinance and any rule or regulation adopted pursuant to this Ordinance, except as otherwise indicated in this Ordinance.

- (a) Other remedies allowed by law may be used, including civil action or prosecution as a misdemeanor or infraction. The Enforcement Agency may pursue civil actions in the California courts to seek recovery of unpaid administrative citations, and fines. The Enforcement Agency may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of Enforcement Agency staff and resources.
- (b) Process for Enforcement
 - (1) All provisions of this Ordinance may be enforced beginning on January 1, 2024:
 - (2) The Enforcement Agency will monitor compliance with this Ordinance through Compliance Reviews, investigation of complaints, and an inspection program.
 - (3) The Enforcement Agency may issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.
 - (4) Absent compliance by the respondent within the deadline set forth in the Notice of Violation, the Enforcement Agency shall commence an action to impose penalties, via an administrative citation and fine, pursuant to the Enforcement Agency's standard procedures.

(c) Penalty Amounts for Violations

The penalty levels are as follows:

- (1) For a first violation, the amount of the penalty shall be \$50 to \$100 per violation, or such higher amount as may be established by the Enforcement Agency.
- (2) For a second violation, the amount of the penalty shall be \$100 to \$200 per violation, or such higher amount as may be established by the Enforcement Agency.
- (3) For a third or subsequent violation, the amount of the penalty shall be \$250 to \$500 per violation, or such higher amount as may be established by the Enforcement Agency.

(d) Compliance Deadline Extension Considerations

The Enforcement Agency may extend the compliance deadlines set forth in a Notice of Violation if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

- (1) Acts of nature such as earthquakes, wildfires, flooding, and other emergencies or natural disasters.
- (2) Delays not within the control of respondent or their agents in obtaining discretionary permits or other government agency approvals; or,

(e) Appeals Process

Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed in the administrative citation and consistent with the Enforcement Agency's appeal procedures.

(f) Education Period for Non-Compliance

With respect to provisions of this Ordinance subject to enforcement starting January 1, 2024, the Enforcement Agency will, prior to that date, conduct Inspections, Compliance Reviews, and other enforcement investigative actions depending upon the type of regulated entity, to determine compliance, and if the Enforcement Agency determines that Organic Waste Generator, Self-Hauler, Regulated Hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this Ordinance and a notice that compliance is required and that violations may be subject to administrative citations, penalties, or other remedies starting on January 1, 2024.

(g) Civil Penalties for Non-Compliance

If the Enforcement Agency determines that an Organic Waste Generator, Self-Hauler, Regulated Hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this Ordinance, it may document the noncompliance or violation, issue a Notice of Violation, and/or take Enforcement Action pursuant to this section, as needed and consistent with the enforcement commencement dates set forth above.

- (h) The Enforcement Agency for the provisions of this section is the City of Rio Dell and any Designee authorized by the City of Rio Dell to enforce one or more sections of this Ordinance.

SECTION 11. SEVERABILITY

If any provision of this Ordinance or the application thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such invalidity shall not affect the remaining provisions or application of the remaining provisions of this Ordinance, which can be given effect without the invalid provisions or application.

SECTION 12. EFFECTIVE DATE AND REPEAL OF ORDINANCE 2022-02

This Ordinance shall be posted at City Office after its adoption and shall take effect commencing on January 1, 2022.

Following introduction on _____ 2022, passed and adopted _____ 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of Ordinance No. 2022-02.

XXXX XXXX
CLERK OF THE BOARD
