



RIO DELL CITY COUNCIL
VIRTUAL MEETING AGENDA
REGULAR MEETING - 6:30 P.M.
TUESDAY, SEPTEMBER 1, 2020
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)**

Due to the unprecedented public health threats posed by COVID-19 and the resultant need for social distancing, changes to the City Council and Planning Commission meeting format are required. Executive Order N-25-20 and N-29-20 from Governor Gavin Newsom allow for telephonic Council meetings of the City Council and waives in-person accessibility for Council meetings, provided that there are other means for the public to participate. Therefore, and effective immediately, and continuing only during the period in which state or local public health officials have imposed or recommended social distancing measures, the Rio Dell City Council will only be viewable via livestreaming through our partners at Access Humboldt via their YouTube channel or Suddenlink channels on Cable TV.

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. PLEDGE OF ALLEGIANCE
- D. CEREMONIAL MATTERS
- E. PUBLIC PRESENTATIONS

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

F. CONSENT CALENDAR

The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the 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) 2020/0901.01 - Approve Minutes of the August 18, 2020 Regular Meeting
(ACTION) 1

G. ITEMS REMOVED FROM THE CONSENT CALENDAR

H. REPORTS/STAFF COMMUNICATIONS

- 1) 2020/0901.02 - City Manager/Staff Update **(RECEIVE & FILE)** 11

I. SPECIAL PRESENTATIONS/STUDY SESSIONS

J. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

K. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

- 1) 2020/0901.03 - Approve Resolution No. 1462-2020 Adopting the Mitigated Negative Declaration for the Rio Dell Water Infrastructure Improvement Project and Adopting the Mitigation Monitoring and Reporting Program
(DISCUSSION/POSSIBLE ACTION) 17

- 2) 2020/0901.04 - Adopt Urgency Ordinance No. 381-2020 Approving Text Amendment Title 8, Health and Safety, Chapter 8.10, Nuisances of the Rio Dell Municipal Code (RDMC) **(DISCUSSION/POSSIBLE ACTION)** 75
- 3) 2020/0901.05 - Introduction/First Reading (by title only) of Ordinance No. 382-2020 Amending Existing Sign Regulations, Section 17.30.300, Table 7-1 of the Rio Dell Municipal Code **(DISCUSSION/POSSIBLE ACTION)** 86

L. COUNCIL REPORTS/COMMUNICATIONS

M. ADJOURNMENT

*The next regular City Council meeting is scheduled for
Tuesday, September 15, 2020 at 6:30 p.m.*

**RIO DELL CITY COUNCIL
REGULAR MEETING MINUTES
AUGUST 18, 2020**

The regular "virtual" meeting of the Rio Dell City Council was called to order at 5:30 p.m. by Mayor Garnes.

ROLL CALL: Present: Closed Session: Mayor Garnes, Mayor Pro Tem Woodall, Councilmembers Johnson, Strahan and Wilson, City Manager Knopp, and Interim Finance Director Dillingham

Present: Regular Meeting: Mayor Garnes, Mayor Pro Tem Woodall, Councilmembers Johnson, Strahan and Wilson

Others Present: City Manager Knopp, Chief of Police Conner, Interim Finance Director Dillingham, Water/Roadways Superintendent Jensen, Wastewater Superintendent Taylor, and City Clerk Dunham

Absent: Community Development Director Caldwell (Joined later)

ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

Conference with Labor Negotiator: Designated Representative: City Manager Kyle Knopp
Employee Organizations: Rio Dell Police Officers Association, Rio Dell Employees
Association and all Contract Employees

Mayor Garnes announced that the Council was in closed session to discuss the above matter and that there was nothing to report out of closed session.

PUBLIC PRESENTATIONS

Mayor Garnes asked if there were any public comments.

City Clerk Dunham announced that there was one public comment received which she then read. (Attachment 1 to these minutes).

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.

Councilmember Wilson asked that Item 3, *Adoption of Resolution No. 1461-2020*, be removed from the consent calendar for separate discussion.

Motion was made by Johnson/Woodall to approve the consent calendar including approval of Minutes of the August 4, 2020 regular meeting, authorizing the Finance Director to sign and

submit the Annual Regional Surface Transportation Program Claim for FY 2019-20, and to receive and file the Check Register for July. Motion carried 5-0.

ITEMS REMOVED FROM THE CONSENT CALENDAR

Adopt Resolution No. 1461-2020 Approving Budget Adjustment for Replacement of Police Department Server and Carry-over for Compensation Study

Councilmember Wilson asked for clarification on the budget adjustments.

Finance Director Dillingham explained that there are two recommended adjustments to the current budget. The first is an increase in appropriations of \$10,250 for replacement of the police department server, and the second is to carry over \$4,800 for the Compensation Study since those funds were budgeted in FY 2019-20 but the study was not completed prior to the end of the fiscal year. She noted that the anticipated beginning fund balance for the General Fund will be larger than originally estimated due to unspent funds budgeted for the Compensation Study and salary savings in the Police Department so this savings should be sufficient to cover the requested budget increase without reducing the fund balance.

Councilmember Wilson asked if staff would be providing the Council with a recap of all unspent expenditures from the FY 2019-20 budget at some point.

Finance Director Dillingham explained that she would be providing that information to the Council with the year-end report once the 2019-20 fiscal year budget is closed out.

Motion was made by Wilson/Johnson to adopt Resolution No. 1461-2020 *Amending the Adopted Budget for Fiscal Year 2020-21 Capital Projects* for replacement of Police Department server and carry-over for the Compensation Study. Motion carried 5-0.

REPORTS/STAFF COMMUNICATIONS

City Manager/Staff Update

City Manager Knopp reviewed highlights of the staff update and reported that public works staff met with Tesla contractors over potential locations at the corporation yard for the emergency power supply units, staff had discussions with the City's health plan administrators regarding health plan options, and provided an update on slurry seal work.

Mayor Pro Tem Woodall asked for the status of the contract for the maintenance of the Gateway.

City Manager Knopp noted that staff was working with the City Attorney and the City's insurance carrier and said that there is a lot to do to make sure the City is protected against liability.

Mayor Pro Tem Woodall then asked if the City Manager and the Mayor had participated in any monthly meetings with Danco representatives as agreed at the last meeting.

City Manager Knopp and Mayor Garnes both responded that they had not yet received an invite.

Mayor Pro Tem Woodall asked if the City had advertised for the vacancy on the Planning Commission.

City Clerk Dunham responded that a Notice of Vacancy was posted at the time the vacancy occurred but no applications had been received.

Mayor Pro Tem Woodall then asked for an update on the recruitment for a Community Services Officer (CSO).

City Manager Knopp said that interviews were held last week and the results were under review by staff.

Councilmember Strahan asked Chief Conner if anything could be done about the bird seed on the sidewalk in front of E & J Liquors.

Chief Conner commented that bird seed has been spread out in numerous places around town. He offered to try and find out who is placing it at E & J and see if they could perhaps find a better location to put it.

Councilmember Johnson commented that the City Manager and the Streets Superintendent need to be patted on the back as the streets look better than they ever have which makes people want to live here.

Councilmember Wilson referred to the City Clerk Staff Update related to the Building Permit issued for the roof covering on an existing storage container and asked about the trailer type storage container on Cedar and Wildwood.

City Clerk Dunham said that she was not aware of a storage container at that location but would follow up on it.

SPECIAL PRESENTATIONS/STUDY SESSIONS

Presentation – Caltrans ADA Project for Eagle Prairie Bridge

City Manager commented that the ADA project for the Eagle Prairie Bridge is relatively straight-forward stating the bridge is an asset of Caltrans and the ADA work is similar to the work done at the library to bring the sidewalks into compliance.

Kristina Walker, Project Manager from Caltrans provided a short power point presentation titled *Route 283 Sidewalk Improvements*.

She explained that the project was initiated to bring the sidewalk transitions at each of the four corners of the bridge to current ADA standards. The project would also include other minor improvements including replacement of guardrail and fencing. She noted that most of the work would occur within the Caltrans right-of-way however, they would be doing some work outside of their right-of-way so the contractor would obtain the necessary encroachment permits from the City.

She continued with review of the project timeline and budget. The project was estimated to be completed within 35 working days with the contractor onsite approximately 15 days. The bid package was expected to go out by the end of the week with a contractor on board before the end of the year and construction work completed by the end of the summer of 2021. The cost of the project was estimated just below \$300,000.

She completed her presentation and called for questions.

Councilmember Johnson referred to location 2 (Southeast Corner) noting that the existing chain link fence was vandalized and asked if new fencing was being proposed at that location.

Kristina explained that replacement of the fence is being proposed however, if the bids come in too high, the first item to cut would be fencing.

She said that the fencing being proposed is similar to the fencing at their district office on Wabash which is very aesthetically pleasing and offered to send a photo to the City.

Councilmember Strahan indicated that she had seen the fence and that it looks great and seems sufficient.

Mayor Pro Tem Woodall expressed her thanks to Caltrans for informing the City about the project and since there would be 5-minute traffic delays, said that it is nice to be able to let citizens know beforehand.

Kristina clarified that the bridge would not be closed during construction and that the maximum delay time would be 5 minutes.

Mayor Garnes asked if the identifying cornerstones with the year would remain in place.

Kristina explained that they would not be touching anything on the bridge itself and only removing the concrete in front of the bridge.

Mayor Garnes thanked her for the presentation and said that keeping the City informed was very much appreciated.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

Discussion on 2020 Priority of Street Planning and Implementation

City Manager Knopp provided a staff report and said that during the priority session for the FY 2020-21 Budget, the Council identified "Street Planning & Implementation" as the top priority and the purpose of this agenda item is to have an initial discussion about what that means. He said that staff is looking for clarification particularly on the planning of streets projects. He noted that according to the 2012 Pavement Management Program Report (updated in 2016), Rio Dell was ranked as having the worst streets in Humboldt County with a Pavement Condition Index (PCI) of 51. The City attempted to get a ballot measure passed to raise money for streets but it failed. He said that prior to 2016, the City was dependent on state grants to move street projects forward but over the past decade, state funding for street projects has declined in favor of other programs such as Active Transportation Program (ATP) projects.

He further explained that since 2016, street work prioritization has focused mostly on the city's arterial streets and bus routes using General Fund dollars. The City was successful in obtaining an ATP grant for \$1.5 million primarily for the reconfiguration of the US 101 and Wildwood intersection. This year, the Council appropriated \$150,000 from the General Fund for streets projects although no specific projects have been identified.

He said that staff is seeking general guidance from the Council on where it wants to go as far as planning for this year's streets projects, suggesting perhaps a Study Session.

He said that solutions to roads needing repair include reconstruction, maintenance overlay, slurry sealing, crack sealing and gravel reversion. He noted that slurry sealing is part of a maintenance plan to prevent further deterioration and explained the difference between overlays and reconstruction of streets.

City Manager Knopp then referred to a map of the City identifying the PCI of each street by category and color.

He recommended the Council try and schedule a workshop down the road and to identify what they want to see at that workshop.

Mayor Garnes agreed with a Study Session/Workshop and suggested staff look at the worst streets and rank them.

Councilmember Strahan agreed and said that she just drove down Ogle Ave. and that it definitely needs help. She suggested doing the same on Ogle Ave. as recently done on Eeloa Ave. and to perhaps start on that side of town and then move onto other areas.

Councilmember Wilson agreed with a Study Session and said that Ogle and Riverside are definitely in need of repairs, suggesting completing the rest of Belleview Ave. He said the Council needs to come up with a plan aiming at multiple years.

Councilmember Johnson felt that a Study Session was important with the participation of both Water/Roadways Superintendent Jensen and Wastewater Superintendent Taylor so they could identify what is under the streets as far as other infrastructure. He agreed with the ranking of streets and referred to riding a bike on some of the City's streets as a "real butt pounder."

Mayor Pro Tem Woodall agreed with the Study Session with the presentation of plans from staff or a consultant. She suggested a plan that gives the city the most "bang for the buck."

Discussion on Economic Development

City Manager Knopp provided a staff report and said that there has been a lot of work done over the past few years related to economic development and that it seems a good time for another Study Session to re-prioritize goals. He noted that the legal cannabis industry has been fruitful and is increasing even through the COVID-19 pandemic. He said that the City is in a phase where it is producing verifiable revenue but the question is how do we take it to the next level and move the city forward.

He reviewed the prior Economic Development Workshop presentation from 2015, at a time when the city was experiencing a high unemployment rate (10.7%) and pointed out that about a year ago, it plummeted. The presentation included what economic development is, what tools are available to promote economic development, a short history of Rio Dell, the city value-added contributions, actions in the works, partners, needed actions, and the workshop agenda.

A bubble chart was presented including the following topics:

- CDBG/Grants Public Facilities
- CDBG/Grants Economic Development
- Branding Effort
- Cannabis Policy
- Attractive Community Through Code Enforcement
- Business Recruitment
- Existing City Services
- Community Building & Events

He suggested the Council identify a date for a Study Session to have a more in-depth discussion on economic development.

Councilmembers agreed with the idea of a Study Session.

Councilmember Johnson thought it would be worthwhile to have the City Attorney provide a legal opinion on what incentives the city can offer to perspective developers.

Mayor Pro Tem Woodall commented that the presentation from 2015 gives the Council something to work with and stressed the importance of doing something soon as economic development can help implement the rest of the city's goals such as streets and other infrastructure improvements.

Councilmember Wilson said that there was a consensus of the Council at the last meeting to look at hiring a consultant or a real estate developer with knowledge of developing communities and stressed the importance of keeping businesses in the United States.

Mayor Garnes agreed with everything the Council said and pointed out that with implementation of the Total Compensation Study, that issue will be coming back before the Council in three years so economic strategies are needed.

City Manager Knopp asked Councilmembers to identify a time for a Study Session so staff could coordinate it.

COUNCIL REPORTS/COMMUNICATIONS

Mayor Pro Tem Woodall announced that there would be a Nuisance Advisory Committee meeting tomorrow at 3:00 and invited any interested community members to call City Hall to get the call-in numbers.

Councilmember Strahan reported that the next HAZMAT meeting was not scheduled until October and that she would be attending an HCAOG meeting on Thursday.

She then clarified that she did not miss the deadline for submitting nomination papers to re-run for Council but rather made a conscience decision to not run. With three candidates running for the three vacant seats, she asked if Amanda Carter could attend meetings leading up to the election.

Mayor Garnes indicated that she would be able to attend all meetings with the exception of closed sessions.

Councilmember Johnson announced that there would be a Traffic Committee meeting tomorrow at 2:00 p.m.

Councilmember Wilson said he did not receive an agenda for the Traffic Committee meeting and that he would likely not be able to attend due to his work schedule.

City Clerk Dunham said that she would put an agenda in his inbox.

Councilmember Wilson referred to the public comment related to the issues behind DJ's Burger Bar and said that the Council received emails about various nuisances in town and asked what the process is for addressing citizen's concerns.

Mayor Garnes noted that she also shared communication she received with the Council and members of the Nuisance Committee and said that she hoped those concerns would be taken up at tomorrow's Nuisance Committee meeting.

Nuisance Committee members Woodall and Strahan indicated that the matters would be addressed at the meeting.

Mayor Garnes commented that the regular COVID related calls with the County ceased but she approached OES and asked if those calls could resume with the re-opening of schools. OES agreed to get back to her.

She reported on a current radio campaign she participated in called "Please Wear a Mask, Don't Make us Ask" which is a 1-minute announcement aired on the radio over the next three months.

She stressed the importance of councilmembers and staff wearing masks when outside City Hall to hopefully encourage citizens to do the same.

Mayor Garnes then addressed the current Zoom meetings and encouraged Mayor Pro Tem Woodall and Councilmember Johnson to be on camera along with other councilmembers and said if they don't have the proper equipment to enable video, the City could provide it. She understood the goal of everyone to meet back in the City Council Chambers but in the meantime, felt it was only fair to constituents that they see the entire Council during meetings. She commented that all other public leaders are seen on camera and if they cannot be on camera, they need to explain to constituents why they cannot. She added that as the Mayor she cannot compel them to do it but is asking that they do.

Councilmember Wilson said it was disappointing to see that the County backed off on having group COVID related calls and reporting, and asked the Mayor to convey his disappointment. He said that he would like to see a report on the number of hospitalizations related to COVID and is not asking for names or addresses of where they live due to privacy issues but rather how many people are still hospitalized since the numbers are still increasing.

ADJOURNMENT

Motion was made by Johnson/Wilson to adjourn the meeting at 7:47 p.m. to the September 1, 2020 Regular meeting. Motion carried 5-0.

Debra Garnes, Mayor

Attest:

Karen Dunham, City Clerk

Dear City Councilmembers,

My name is Virginia. First, I want to say that I love our little town. It's looking so beautiful. Love the flowers and the flags. Things really started to get cleaned up. I felt safe walking through town alone.

I've been working at DJ's helping out. My problem is the homeless. They panhandle from my customers. I intervene when I catch them.

Now my customers are complaining that they leave trash all over the grassy area. They sleep under the tree and I run them off when I can. I also clean up the trash and have had to clean up human feces from the parking lot. (They left the toilet paper).

We get busy sometimes so I don't always catch them, but I find their messes. Please, we have to do something. If I was a tourist, I would not stop. I don't want our town to go backwards. Please, Please, something must be done.

Virginia Sifford
(707) 616-9195



Staff Highlights – 2020-09-01

City Council

City Manager

SCORE Board of Directors Meeting

New locks/keys & yard work at Ogle Street Property.

Work on new code enforcement hearing officer.

Traffic and Nuisance Committee meetings.

Discussion with Agriculture Commissioner over possible Industrial Hemp operation on Dinsmore Plateau

Work with City Attorney on Employee Contracts

Multiple interviews

Promotion of ATP Bike Trail grant application

Water Project

Monument Road Storm Damage Repair – preparation of cost sharing MOU with County

City Clerk

Processed five (5) Building Permits

529 Third Ave. – Re-Roof Residence

260 Cherry Lane – Re-Roof Residence

770 Wildwood Ave. – Re-Roof Commercial Building

600 Dinsmore Ranch Rd. – 25 KW Generator/cell tower upgrade

103 Douglas St. – Re-Roof and Siding

Processed one (1) Business License Application

Southwest Solutions – Licensed Private Investigation Service (Pending)

Misc.

Created forms for potential write-in candidates



Submitted Pollution Program Survey to SCORE
Submitted LAWCX Renewal Survey to SCORE
Sent two address verification letters to Post Office
Sent Weed Abatement letter to 859 Rigby Ave.
Participated in interviews for Police Officer position
Letter approving deferral of Sewer Lateral Inspection (325 Berkeley St.)

City Attorney

Human Resources, Risk & Training

Finance Department

Public Works Water

General Corp Yard Water facility Maintenance and prep for Slurry Coat Contractors Work Site (ONGOING)

Power meter was installed at Water Control Building to monitor power usage for billing purposes. (ONGONG)

Water leak on View Ave, Second and Atlanta, Edwards Dr – Meadowbridge, End of Pines St

Work on City of Rio Dell Entry Sign and Post/ Rock Structure

Repair plumbing at Water Treatment Plant (Ongoing)

Work at Rio Dell Metropolitan Wells, Clean and Flush filters. Preparations to use during the month of September

Roadways and Parks mowing / weedeating.

Gateway Irrigation systems repairs and vandalism repairs.

Public Works Wastewater

Operation staff completed first round of bench testing for Chloramines. To see if it is a viable method for full scale testing to irrigation fields.

Film sewer main at Painter St. and Hilda Court. For possible sources of I and I.

Discussed GIS mapping with GHD.

Interviews for the open Utilities position.

Sewer Lateral inspections at: 933 Martin, 107 Berkeley, 101 Meadow bridge.

Setting up for smoke testing in the Painter St. and Riverside area.

Public Works Streets, Buildings and Grounds



Worked with wastewater sewer jetting and manhole cleaning

Cleaned briars in different locations throughout town

Scraped and spray weeds on roads around town

Picked up Garbage at Infiltration Gallery, City Parking Lot and Memorial Park

Cleanup trash behind city hall and take to the dump

Water trees on South Gateway Islands and Riverside

Assist in Raising Manholes

Public Works City Engineer

Public Works Capital Projects

Police Department

The Department had the following statistics for the period of August 12, 2020 to August 25, 2020. This period of time saw a higher than average number of calls for service and a significantly higher than average number of reports and an above average number of arrests compared to last year. Most of the arrests were for traffic violations including two DUIs and several driving while unlicensed or with a suspended license. The summation of Calls for Service may be greater than the total as multiple officers can now be assigned to the same call for service. There may also be administrative calls for service that are not documented below.

Officer	Calls for Service	Reports	Arrests
Conner	24	3	1
Beauchaine	24	1	1
Landry	64	11	4
Mitchell	49	10	5
Burns	61	4	1
Fielder	22	1	0
Totals	213	30	12
Averages	15.2 per day	15 per week	6.0 per week
2019 Yearly Average	6.4 per day	10.3 per week	4.6 per week

Calls for Service at 355 Center Street

Type	Date	Time	Location	Primary Officer	Case #
FU	08/15/2020	21:30:19	355 CENTER ST	CL613	
415	08/16/2020	07:05:08	355 CENTER ST	R007	
415	08/16/2020	07:36:39	355 CENTER ST	R007	



FOOT	08/17/2020	02:08:31	355 CENTER ST	CL613
FOOT	08/22/2020	01:28:41	355 CENTER ST	CL613
FOOT	08/22/2020	02:09:03	355 CENTER ST	R010
OD	08/22/2020	19:26:37	355 CENTER ST	CL613
FOOT	08/24/2020	17:55:10	355 CENTER ST	CL613
VI	08/25/2020	01:16:55	355 CENTER ST	CL613

415 – Disturbance

FU – Follow Up or Generic Call for Service

FOOT – Foot Patrol

OD - Overdose

VI – Vehicle Investigation

CL613 – Officer Crystal Landry

R007 – Chief Jeff Conner

R010 – Officer Liam Burns

During the period August 12, 2020, to August 25, 2020, there were eight calls for service related to animal control issues. These included Officer Landry dealing with a loose cow on Belleview and a dog that may have killed a pet rabbit. A cat, which was lethargic and emaciated, was taken to the vet for a quality of life examination.

On August 13, 2020, Officer Mitchell responded to the report of an injury accident at Wildwood and Monument. A pedestrian was crossing Wildwood in the crosswalk. An older driver was stopped at the stop sign at Edwards and Wildwood. The driver saw a gap in traffic and accelerated into a left-hand turn. She did not see the pedestrian until she hit her at about 10-15 mph. The pedestrian then slid off of the hood of the car and hit her head on the ground. She was transported to the hospital by a family member, but appears to not have suffered any lasting injuries. The driver was not cited.

On August 17, 2020, Officer Fielder responded to a report of a woman brandishing a knife. He learned that a teenager had challenged another, older teenager to a fight. She then ran at the victim while holding a kitchen knife. The victim, showing wisdom beyond her years, simply turned around and entered her house. The suspect, now deprived of a target, also turned around and went home. As the suspect was on probation, this information was passed on to her probation officer for their uses.

Officer Burns has completed field training and is now patrolling independently.

Officer Fielder completed perishable skills training at College of the Redwoods. This includes first aid/CPR, emergency driving, use of force, weaponless defense, and a legal update.

Code Enforcement

During the period of August 12, 2020 through August 25, 2020, the Department opened eleven new junk vehicle case and did not close any. Four of the tagged cars were located at 611 Wildwood. Three more were located on the street in front of 555 Painter. There are currently eighteen open cases.



During the period of August 12, 2020, to August 25, 2020, the Department opened two new code enforcement cases. One dealt with the placement of a storage container in a zone where they are not allowed and other was for marking a basketball court on a freshly oiled road. Two notices of nuisance and orders to abate were served. One was for a drug house on Willow Lane that requires the property owner to evict her tenant or suffer penalties. The other was for a house on First Avenue where solid waste has been accumulating. If the occupants do not clear the violation with thirty days, the City will abate the nuisance and bill the property owner. There were 56 open cases at the end of the reporting period.

Following the City Council and Nuisance Advisory Committee meetings of last week, the City sent two letters to the owners of 611 Wildwood. The first asked for consent to inspect the property to determine the status of water, sewer, and power access for the recreational vehicles. This consent was granted and the property will be inspected on August 30, 2020. The second letter warned the owners that administrative citations will be issued if they do not take the necessary steps to evict their tenants by September 4, 2020. In addition, a deed for the property has been ordered from Recorder's Office that will allow the issuance of a notice of nuisance and order to abate. This will give the City the authority to abate the offending recreational vehicles if the owners do not do so within thirty days of the document being served. The deed has not yet been received, but the notice should be served by the time of this meeting.

Community Development Department

Mini-split (Heat/AC) Inspection 228 Sequoia Avenue.

Tankless Hot Water Heater Inspection 153 Meadowbridge.

Tankless Hot Water Heater Inspection 925 Martin Drive.

Complete Rio Dell Holdings Subdivision staff report.

Framing/Roof Sheathing Inspection 196 Center Street.

Begin work on Deferred Improvement Agreement.

Framing, Rough Plumbing Inspection 210 Willow Lane

Meet with Landscaper regarding clean-up of Chittenden parcel.

Prepare for and attend Planning Commission meeting.

Prepare PC Notice of Decision for Rio Dell Holdings.

Coordinate Appraisal of Chittenden parcel.

Respond to PlaceWorks request for additional data related to the Housing Element.



Phone conference with City of Eureka's Economic Development Coordinator.

Roof Sheathing Inspection 103 Douglas.

Review and provide comment on Baird Engineering's proposal to relocate power poles at HRDBP.

Intergovernmental

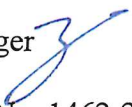
Humboldt-Rio Dell Business Park



*Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
cityofriodell.ca.gov*

September 1, 2020

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager 

SUBJECT: Approval of Resolution No. 1462-2020 Adopting the Mitigated Negative Declaration for the Rio Dell Water Infrastructure Improvement Project and Adopting the Mitigation Monitoring and Reporting Program

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve Resolution No. 1462-2020.

BACKGROUND AND DISCUSSION

The City Council last reviewed an update on the Water Infrastructure Improvement project on July 21, 2020 by the City's engineer, GHD. A required 30 day circulation of the environmental document was concluded on August 13th. The purpose of this process is to assess and address the potential environmental impacts of the project through recommended mitigation measures that would reduce the impacts to less-than-significant levels.

During the required review period, the City received two comment letters from (1) Caltrans and (2) the State Lands Commission. The City, through the City Engineer, has drafted responses to the issues raised in the correspondence related to the project. That material is attached.

In order to continue to move the water infrastructure project forward the City Council will need to adopt the Mitigated Negative Declaration and adopt the Mitigation Monitoring and Reporting Program through the attached resolution.











The City Engineer will be present to briefly present and answer any questions. A copy of the full Public Review Draft Initial Study & Proposed Mitigated Negative Declaration (238 pages) is available upon request at City Hall.

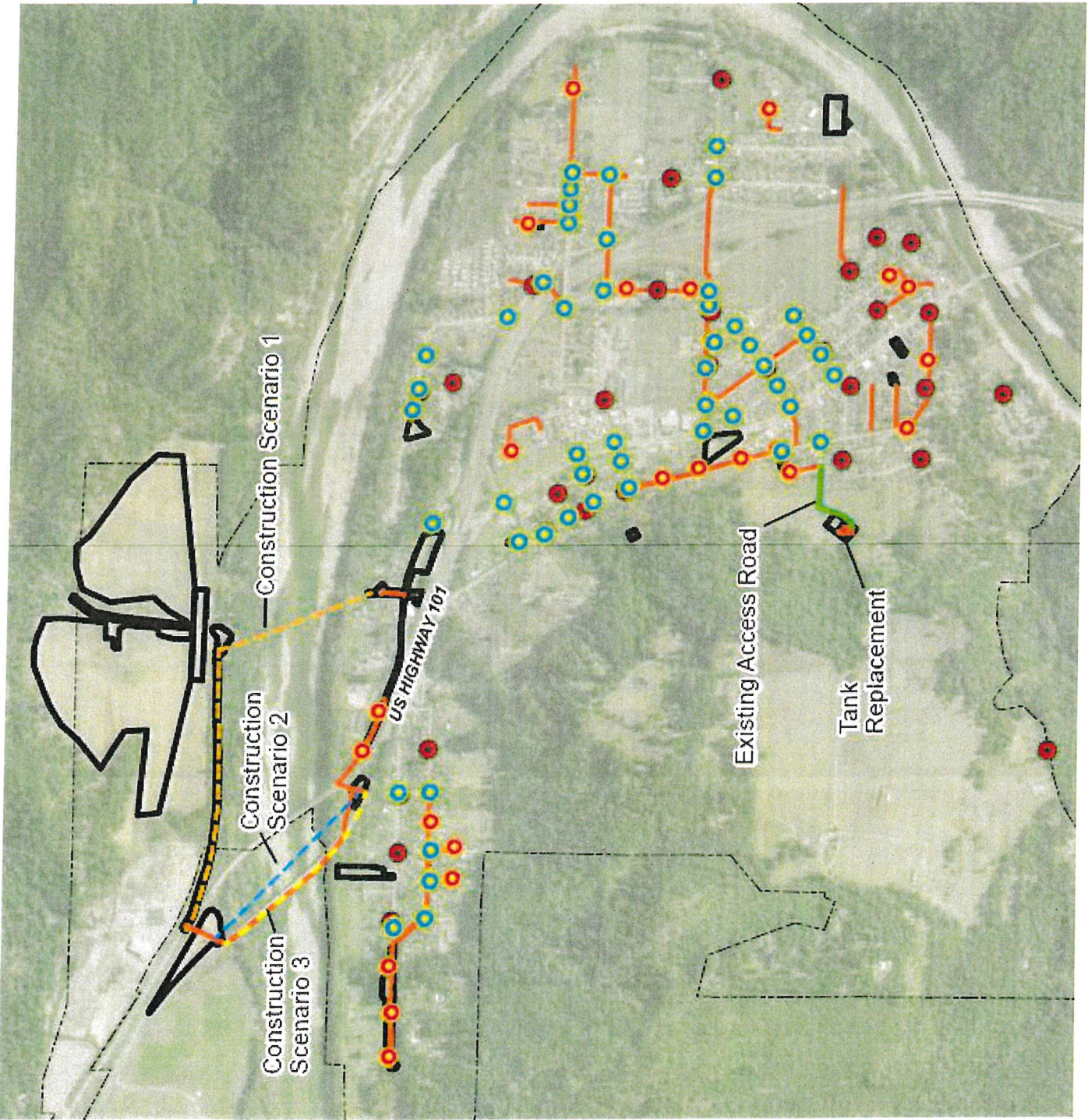
Attachment:

Project overview visual
Resolution No. 1462-2020
Comments and response to comments
Exhibit 'A' MMRP

///

Project Overview

- Legend**
-  Valve Replacement
 -  Hydrant Replacement
 -  Proposed New Hydrant
 -  Proposed Pipe to be Replaced
 -  Proposed New Pipeline
 -  Construction Scenario 1
 -  Construction Scenario 2
 -  Construction Scenario 3
 -  Potential Staging Areas
 -  City Limits



RESOLUTION 1462-2020

A RESOLUTION OF THE CITY OF RIO DELL ADOPTING THE MITIGATED NEGATIVE DECLARATION FOR THE RIO DELL WATER INFRASTRUCTURE IMPROVEMENT PROJECT (STATE CLEARING HOUSE NUMBER 2020079016); AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM

THE CITY COUNCIL OF THE CITY OF RIO DELL FINDS:

- A) The proposed project has three main objectives: 1) improvements to the water distribution system including distribution piping replacement, new fire hydrant installations, fire hydrant replacements, valve cluster replacements, painter street water tank valve replacement, and water pipe abandonment; 2) water transmission improvements to the eel river pipeline crossing, and 3) water storage improvements including the replacement of a water tank.
- B) The City has evaluated potential environmental effects of the project through the preparation and circulation of a Mitigated Negative Declaration ("MND") incorporated herein by this reference. This process included the following actions:
 - 1) The 30-day review period for the MND was initiated on July 14, 2020 with the submittal of a Notice of Completion and MND to the State Clearinghouse for public review and distribution to responsible, trustee, and public agencies with jurisdiction over the resources affected by the Project. Copies of the draft documents were available for review at the Rio Dell City Hall, the Humboldt County Public Library, the City's website
 - 2) Comments and recommendations on the MND were received by the City before the end of the 30-day review period on August 13, 2020.
- C) All actions required to be taken by applicable law related to the preparation, circulation, and review of the MND have been taken.
- D) A Mitigated Negative Declaration has been prepared consisting of the Initial Study, all comments and recommendations received during the public review period, and a Mitigation Monitoring and Reporting Program.
- E) City Staff, after considering the public comments received, the evidence and testimony before it, recommended that the City Council adopt the Mitigated Negative Declaration, adopt the CEQA findings, adopt the Mitigation Monitoring Reporting Program, and approve the Rio Dell Water Infrastructure Improvement Project.
- F) The City Council held a public hearing on September 1, 2020, to consider the Mitigated Negative Declaration, and the Rio Dell Water Infrastructure Improvement Project. The City Council, after staff analysis of the same, independently reviewed and analyzed reports and declarations which became a part of the record of this decision.
- G) The City Council made its decision to adopt the Mitigated Negative Declaration for this Project in light of the record as a whole as set forth in these findings; and,
- H) The City Council, in adopting the Mitigated Negative Declaration for this Project, of which these findings are a part, did so through the exercise of their independent judgment and

review after finding substantial evidence, in light of the record as a whole, to support the adoption of the Mitigated Negative Declaration; and,

- I) The City Council has made its decision to adopt the Mitigated Negative Declaration in the light of all the testimony and evidence presented at or prior to the close of the noticed public hearing, including letters, reports, comments, analyses, etc., which the Board after review and comment by its staff critically reviewed, corrected, and augmented where necessary, as set forth in the record and procedural findings on this Project; and,

THE CITY COUNCIL OF THE CITY OF RIO DELL:

1. CITY COUNCIL INDEPENDENT JUDGMENT AND REVIEW. The City Council hereby adopts the Mitigated Negative Declaration presented to the City Council, which reviewed and considered the information contained in said Mitigated Negative Declaration prior to deciding whether to approve the proposed Project. The Mitigated Negative Declaration has been thoroughly reviewed and analyzed by the City's Staff and the City Council. The draft documents circulated for public review reflect the City's own independent judgment and the Mitigated Negative Declaration as certified by this Resolution also reflects the independent judgment of the City Council.
2. MITIGATION MONITORING AND REPORTING PROGRAM ADOPTED. The City Council hereby adopts the Mitigation Monitoring and Reporting Program set forth in the Mitigated Negative Declaration, and attached hereto as Attachment A and incorporated herein by this reference, as the mitigation monitoring and reporting program for the Rio Dell Water Infrastructure Improvement Project. The City Council finds that the Mitigation Monitoring and Reporting Program has been prepared in accordance with CEQA and the CEQA Guidelines, and directs the General Manager to oversee the implementation of the program.
3. FILING OF NOTICE OF DETERMINATION. The City Council hereby directs the Community Development Director to file a Notice of Determination within five (5) working days after approval of the Project.
4. AVAILABILITY OF PROJECT APPROVALS. The Community Development Director shall make the project plans and other related materials that constitute the record of the proceedings upon which its decision is based available at City Hall, 675 Wildwood Avenue, Rio Dell, California, and in other locations the Director deems appropriate to facilitate public access to these documents.

ADOPTED, SIGNED AND APPROVED at a duly called meeting of the City Council of the City of Rio Dell on September 1, 2020 by the following polled vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Debra Garnes, Mayor

Attest:

Karen Dunham, City Clerk



City of Rio Dell – Lead Agency
Water Infrastructure Improvement Project
**Response to Comments and
Errata**

SCH # 2020079016

August 2020

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**Response to Comments and Errata
for the
Water Infrastructure Improvement Project**

SCH # 2020079016

Prepared for:



City of Rio Dell
675 Wildwood Avenue
Rio Dell, California
95562

Prepared by:



GHD Inc.
718 Third Street
Eureka, CA 95501

Contact: Rebecca Crow
Project Manager
(707) 267-2244

September 2020
Project Ref#: 11121530



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1. Introduction

1.1 Purpose of this Response to Comment and Errata of the Initial Study/Proposed Mitigated Negative Declaration

This document provides responses to comments received on the 2020 circulated Initial Study/Proposed Mitigated Negative Declaration (ISMND) for the proposed Rio Dell Water Infrastructure Improvement Project (Project). The ISMND was circulated between July 14, 2020 and August 13, 2020. The ISMND identified the likely environmental consequences associated with the Project, and recommended mitigation measures to reduce potentially significant impacts.

This document, together with the circulated ISMND, constitutes the complete ISMND.

1.2 Environmental Review Process

CEQA requires lead agencies to consult with public agencies having jurisdiction over a proposed project, and to provide the general public and project applicant with an opportunity to comment on the ISMND. This Response to Comments and Errata has been prepared to respond to the comments received on the ISMND, including minor changes to the project description and inclusion of updated supporting documents,

The Notice of Completion and ISMND were filed with the Office of Planning and Research State Clearinghouse on July 14, 2020, and the ISMND was made available for public review also on July 14, 2020. The Notice of Intent was submitted to the Times Standards and published on July 12, 2020. The review period ended at 5:00 pm on August 13, 2020. The document was made available for review at the Rio Dell City Hall located at 675 Wildwood Avenue, Rio Dell, California. The ISMND was distributed to local, State, and federal responsible and trustee agencies, and a notice of availability was distributed to regional tribal governments. The general public was advised of the ISMND through public notice posted in the Times-Standard. The ISMND was also distributed directly to public agencies and tribal governments with potential interest in the project.

This ISMND will be provided to Rio Dell City Council for their review, consideration as a full disclosure of potential impacts, and mitigation measures. If the Project is approved, the ISMND will be adopted, and the recommended mitigation measures implemented as specified in the City's resolution and an accompanying Mitigation Monitoring and Reporting Program.

The additions made in this Response to Comment and Errata of the ISMND do not constitute "significant new information" requiring recirculation pursuant to Public Resources Code section 21092.1 and CEQA Guidelines Section 15088.5. The Final



ISMND merely clarifies, amplifies, and makes insignificant modifications to the adequate ISMND, per CEQA Guidelines Section 15088.5(b).

1.3 Document Organization of the Response to Comment and Errata of the ISMND

The Response to Comment and Errata is organized into the following chapters:

Chapter 1 – Introduction. This chapter discusses the use and organization of this Final ISMND, and environmental review process.

Chapter 2 – Comments and Responses. This chapter includes the names of agencies and individuals who commented on the ISMND, and contains reproductions of the letters received from the public on the ISMND, and responses to those comments. The responses to each comment are keyed to the comments which precede them.

Chapter 3 – Errata. This chapter includes proposed insignificant changes to portions of the ISMND, including appendices. Proposed changes to the ISMND and appendices are presented in errata format, which includes excerpts of original text from the ISMND with text proposed for deletion marked with strike through (~~example~~), and text proposed for insertion in bold underline (**example**).



2. Comments and Responses

2.1 Comments Received

During the public comment period for the ISMND, the City received two comment letters via email. The comments received are shown below in Table 2-1

Table 2-1 Comments Received on the ISMND

Email	Agency/Organization	Last Name	First Name	Email Date
Email Comment Received				
A	California State Lands Commission	Gillies	Eric	August 12, 2020
B	California Department of Transportation	Robertson	Jesse	August 13, 2020



Comment Received A – California State Lands Commission

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



Established in 1938

JENNIFER LUCCHESI, *Executive Officer*
(916) 574-1800 Fax (916) 574-1810
California Relay Service TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

8/13/2020

Governor's Office of Planning & Research

Aug 12 2020

Contact Phone: (916) 574-1890

STATE CLEARINGHOUSE

August 12, 2020

File Ref: SCH #2020079016

Mr. Kyle Knopp
City of Rio Dell
675 Wildwood Avenue
Rio Dell, CA 95562

VIA ELECTRONIC MAIL ONLY (cityhall@cityofriodell.ca.gov)

Subject: Initial Study/Mitigated Negative Declaration (IS/MND) for the Water Infrastructure Improvement Project, City of Rio Dell, Humboldt County

Dear Mr. Knopp:

The California State Lands Commission (Commission) staff has reviewed the subject IS/MND for the Water Infrastructure Improvement Project (Project), which is being prepared by the City of Rio Dell (City). The City, as the public agency proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The Commission is a trustee agency for projects that could directly or indirectly affect sovereign land and their accompanying Public Trust resources or uses. Additionally, because the Project involves work on sovereign land, the Commission will act as a responsible agency.

Commission Jurisdiction and Public Trust Lands

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; 6306). All tidelands and submerged lands granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The state holds these lands for the benefit of all people of the state for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat

preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

Upon review of the information contained in the IS/MND, Commission staff understands that the proposed Project includes three potential construction scenarios for crossing the Eel River. The Eel River at this location is State-owned sovereign land under the jurisdiction of the Commission, and a lease from the Commission would be required for Scenarios 1 and 2 involving horizontal directional drilling (HDD) beneath the Eel River. Scenario 3 appears to be within Caltrans' existing right-of-way Lease No. PRC 3445.9 and may not require a separate lease from the Commission if Caltrans issues an encroachment permit to the City. Once the City has chosen a construction scenario for the Project, City staff should contact Commission staff to determine what, if any, authorization is needed from the Commission. If a lease is required, the City can apply on our website at OSCAR.slc.ca.gov. Additional questions may be directed to Jannalisa Toy, Public Land Management Specialist (contact information provided below).

SLC-1

Promotion of public access to and use of California's navigable waters is a mandate of the California Constitution (Article 10, Section 4), a condition of statehood in the Act of Admission (Vol. 9, Statutes at Large, page 452), and a responsibility of State agencies pursuant to the Public Trust Doctrine.

Project Description

The current City water system is comprised of many components of differing age and condition. Some components have been in service for more than 50 years. The system has many components that have experienced or are susceptible to failure. The City proposes to reconfigure or replace portions of the system to meet the needs of the community. Objectives of the Project include improving the system to:

- Meet capacity and quality requirements
- Improve operations
- Reduce water losses from the distribution system

Commission staff understands that Project elements include improvements to the distribution system, transmission system, and storage system. The Project would include the following components that have potential to affect State sovereign land:

- Eel River Pipeline Crossing – The Metropolitan Well site is one of two water supplies used by the City. It is located across the Eel River from Rio Dell and serves as the backup supply of municipal water. It is connected to the City's water storage and distribution system by a single 8-inch-diameter pipe located inside the U.S. 101 southbound bridge structure (Caltrans Bridge 04-0016L). The existing waterline is of unknown age and is considered seismically vulnerable due to the use of glued joints and simple pipe stands. The Project proposes three construction scenarios for addressing this pipe section.

- Construction Scenario 1 and Construction Scenario 2 would install an additional, seismically resilient, connection between the Metropolitan Wells and the City’s storage and distribution system using HDD under the Eel River.
- Construction Scenario 3 would replace the existing pipeline in the bridge using modern seismic mitigation methods.

Environmental Review

Commission staff requests that the City consider the following comments on the Project’s IS/MND, to ensure that impacts to State sovereign land are adequately analyzed for the Commission’s use of the MND to support a future lease approval for the Project.

Air Quality

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| <p>1. In Section 3.3, the checklist contains an error under (b), as it indicates the impact is less than significant with mitigation. The text following the checklist indicates that (b) is less than significant. Commission staff suggests a correction be made.</p> | <p>SLC-2</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|

Cultural Resources

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| <p>2. <u>Title to Resources</u>: The IS/MND should mention that the title to all archaeological sites and historic or cultural resources on or in the tide and submerged lands of California is vested in the state and under the jurisdiction of the Commission (Pub. Resources Code, § 6313). In addition, Commission staff requests that the following statement be included in the MND’s Mitigation and Monitoring Plan: “<i>The final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the California State Lands Commission must be approved by the Commission.</i>” Finally, Commission staff requests that the lead agencies consult with staff attorney Jamie Garrett (see contact information be-low) should any cultural resources on State lands be discovered during construction of the proposed Project.</p> | <p>SLC-3</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|

Tribal Cultural Resources

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| <p>3. As the IS/MND states, “A Tribal cultural resource is defined to include “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe,” (Pub. Resources Code, § 21074, subd. (a)). Therefore, a Tribal cultural resource is not limited to archaeological resources as Mitigation Measure CR-1 suggests. Commission staff requests that CR-1 be modified to say “If buried archaeological resources <u>or other Tribal cultural resources</u> are discovered <u>identified</u> during project implementation, all work should <u>shall</u> be halted within 50 feet of the find and City officials, a professional archaeologist, and tribal representatives would be contacted immediately to evaluate the find.” Although no Tribes responded to the City’s consultation letters prior to release of this IS/MND, this modification would allow for the protection of any Tribal cultural resources that may be identified during the permitting process.</p> | <p>SLC-4</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|

Recreation

4. The IS/MND (page 3-53) states that there would be no impact to recreation. SLC-5
Although no onshore recreational facilities would be impacted by Project construction, Commission staff requests that the IS/MND analyze the impacts associated with recreation on the Eel River within the Project area, inclusive of fishing and boating, and if impacts are found to be significant, include appropriate mitigation measures to reduce the impacts to a less than significant level (e.g., public notices, signage).

Thank you for the opportunity to comment on the IS/MND for the Project. As a responsible and trustee agency, the Commission will need to rely on the adopted MND for issuance of a lease as specified above and, therefore, we request that you consider our comments prior to adoption of the MND.

Please send copies of future Project-related documents, including electronic copies of the adopted MND, Mitigation Monitoring and Reporting Program, Notice of Determination, and City Resolution when they become available. Please refer questions concerning environmental review to Cynthia Herzog, Senior Environmental Scientist, at (916) 574-1310 or cynthia.herzog@slc.ca.gov. For questions concerning archaeological or historic resources under Commission jurisdiction, please contact Jamie Garrett, Staff Attorney, at (916) 574-0398 or jamie.garrett@slc.ca.gov. For questions concerning Commission leasing jurisdiction, please contact Jannalisa Toy, Public Lands Specialist, at (916) 574-1926 or jannalisa.toy@slc.ca.gov. SLC-6

Sincerely,



Eric Gillies, Acting Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
J. Garrett, Commission
C. Herzog, Commission
J. Toy, Commission



2.2 Response to Comment

Response to Comment SLC-1 – Lease Required

If Scenario 1 or Scenario 2 is selected, the City of Rio Dell (City) concurs a lease from the State Lands Commission will be sought. Specific comments are addressed below.

Response to Comment SLC-2 – Air Quality

Thank you for noticing 3.3 (b) was incorrectly summarized as requiring mitigation on page 3-7. This error has been updated to reflect 3.3 (b) would result in a less than significant impact.

Response to Comment SLC-3 - Cultural Resources

The requested language has been added to the Final IS/MND under Mitigation Measure CR-2 in the IS/MND and Mitigation Monitoring and Reporting Program. Jamie Garrett, staff attorney for the Commission, will be contacted if any cultural resources on State lands are discovered during the construction of the proposed Project.

See Section 4.1 of this document for revised text.

Response to Comment SLC-4 – Tribal Cultural Resources

The requested language has been added to the Final IS/MND under Mitigation Measure CR-1 and Mitigation Monitoring and Reporting Program.

See Section 4.1 of this document for revised text.

Response to Comment SLC-5 – Recreation

Because the project involves directional drilling and the entrance/exit holes are located away from the river banks, there will be no in-water or bank adjacent work; thus no impact to in-water recreation such as boating or fishing. Short term noise may occur and has been assessed in Section 3.16 of the IS/MND. No modification was made to the language of the IS/MND or the Mitigation Monitoring and Reporting Program.

Response to Comment SLC-6 – Provide Final Documents

Final documents will be provided to the requested SLC employees upon completion.



Comment Received B – California Department of Transportation



Making Conservation
a California Way of Life.

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P. O. BOX 3700
EUREKA, CA 95502-3700
PHONE (707) 441-4693
FAX (707) 441-6314
TTY 711
www.dot.ca.gov

August 13, 2020

1-HUM-101-PM 54.29
Water Infrastructure Improvement Project
SCH# 2020079016

Kyle Knopp, City Manager
City of Rio Dell
675 Wildwood Avenue
Rio Dell CA, 95562

Dear Mr. Knopp:

Thank you for giving Caltrans the opportunity to review and comment on the proposed Water Infrastructure Improvement Project for the City of Rio Dell. The project consists of distribution system improvements, valve and fire hydrant replacements, and a redwood water tank replacement. The distribution system proposes to install or replace five water lines beneath US 101 by directional drilling methods and two of three alternatives to replace an existing water line across the Eel River are proposed within Caltrans right of way; either through directional drilling beneath the river or by attaching a new water line to the southbound US 101 bridge. We offer the following comments:

The water distribution line crossing US 101 between Painter Street and Riverside Drive is proposed to be accessed within Caltrans' access-controlled right-of-way. Encroachment Permit applications for work within access-controlled State right-of-way are issued on an exception basis. Caltrans policy generally prohibits encroachments within freeway segments.

CT-1

The Caltrans Office of Structures Maintenance and Investigations (OSMI), in Sacramento, reviews proposals to attach utilities to bridges within State right-of-way. The directional drilling within State right of way will need to be reviewed by OSMI to ensure that the drilling will not impact the bridge abutments. The District office in Eureka did not receive a response from the OSMI office in Sacramento within the review period for commenting on the Mitigated Negative Declaration for the proposed project. Input from OSMI will be needed prior to selecting a preferred alternative for the Eel River crossing. The District offers to facilitate future dialogue between the City, the City's engineer(s), and Caltrans OSMI.

CT-2

Any work done within Caltrans right of way will require an encroachment permit. Depending on the complexity of the project and the dollar amount for

CT-3

construction costs within State right-of-way, there is a possibility that any work within our right of way will be considered as an oversight project, which more closely adheres to the Caltrans project delivery processes than to standard encroachment permit procedures.

Any features that deviate from the Highway Design Manual (HDM) will require a design exception: <<https://dot.ca.gov/programs/design/manual-highway-design-manual-hdm>>

CT-4

Design exceptions are covered in the Caltrans Project Development Procedures Manual (PDPM) in Appendix BB, which can be found online: <<https://dot.ca.gov/programs/design/manual-project-development-procedures-manual-pdpm>>

For more information regarding exceptions to policy, please refer to the (EPM) Chapter 300 – Exceptions to Policy, which can be found online: <<https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/epm-chapters-all-ada.pdf>>

The description of the work provided within the Mitigated Negative Declaration do not provide enough detail to determine what permit requirements will be. Please review our Encroachment Permit Manual (Chapter's 300 (link above) and 600, link below). Any transverse crossings will require an encroachment permit. Any facilities that are proposed to be located within our right of way will require an exception to policy. <<https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/chapter-6-ada.pdf>>.

CT-5

Encroachment permit applications are reviewed for consistency with State standards and are subject to Department approval. To streamline the permit application and review process, we require the applicant to consult with our Permit staff prior to applying. Requests for permit applications can be sent to: Caltrans District 1 Permits Office, P.O. Box 3700, Eureka, CA 95502-3700, or requested by phone at (707) 498-5684. For additional information, the Caltrans Encroachment Permit Manual and Standard Application is available online at: <<https://dot.ca.gov/programs/traffic-operations/ep>>.

CT-6

The attachment or installation of utilities to the Eel River bridges (Bridge #: 04-0016L, 04-0016R) should be done after the migratory bird nesting season and bat maternity roost season, or approximately after September 15. If this is not feasible, we suggest scheduling the work as late in the summer months as possible to avoid potential adverse effects to birds and bats that may utilize these bridge structures. These bridges have not previously been surveyed for presence of birds and bats so their presence should be assumed. Biologists from

CT-7

Mr. Kyle Knopp
8/13/20
pg. 3

Caltrans associated with future projects to retrofit these bridges will start surveys in 2021. If the applicant believes work associated with the City water infrastructure improvement project will not occur on these bridges until after 2021, Caltrans will be able to share survey data.

The Caltrans Encroachment Permit application requests documentation that the applicant has adequately reviewed the potential environmental impacts of any work performed within State right-of-way. Caltrans will not assume any CEQA lead agency responsibilities on behalf of the proposed project. To ensure that State-owned cultural resources are not impacted, triggering a need to comply with Public Resources Code 5024, Caltrans will need the complete Historic Property Identification Report (including any appendices):

CT-8

Angeloff, N. 2020. Historic Properties Identification Report for the Rio Dell Water Infrastructure Improvement Project Final Report, Rio Dell, Humboldt County, CA. Prepared for the City of Rio Dell.

Without the cited data, we will be unable to certify CEQA compliance for the work within State right-of-way.

Please contact me with questions or for further assistance regarding the above comments by email at: <jesse.robertson@dot.ca.gov>.

Sincerely,

JESSE ROBERTSON
Transportation Planning
Caltrans District 1

c: Heidi Quintrell, Caltrans District 1 Encroachment Permits Chief

2.3 Response to Comment

Response to Comment CT-1 – Exceptional Nature of Encroachment Permit

This comment is noted. The project will obtain all necessary permits.

Response to Comment CT-2 – OSMI Consultation

The Caltrans Office of Structures Maintenance and Investigations (OSMI) will be consulted prior to selecting a preferred alternative.

Response to Comment CT-3 – Oversight Project

This comment is noted. The City understands that the complexity of the project and the dollar amount for construction costs within the State right-of-way may result in the project being considered an oversight project.

Response to Comment CT-4 – Design Exception

This comment is noted. The City understands project features that deviate from the Highway Design Manual (HDM) will require consideration for a design exception.

Response to Comment CT-5 – Project Description Detail

This comment has been noted. The City understands that longitudinal encroachments will require an exception to policy. Obtaining the longitudinal encroachment permit will require additional supporting documentation, including documentation of the existing pipeline within the southbound 101 Bridge.

Response to Comment CT-6 – Consultation Prior to Encroachment Permit Application

This comment is noted. The City will consult with Caltrans Permit staff prior to encroachment permit application.

Response to Comment CT-7 – Migratory Bird Nesting Season

Mitigation Measure BIO-4 *Protect Special Status, Migratory, and Nesting Birds* of the IS/MND address potential impacts relating to the nesting of migratory birds with standard measures acceptable to the California Department of Fish and Wildlife and other resource agencies. Please advise if you believe that the actions contained in this mitigation measure are insufficient to achieve a finding of less-than-signification impact.

Response to Comment CT-8 – Provide Cultural Resources Report

A PDF of the Cultural Resources Investigation of the Rio Dell Water Line Property, Nick Angeloff (2020) was emailed to Jesse Robertson on August 20, 2020.

3. Errata

The purpose of this errata is to document insignificant modifications to the ISMND, and appendices of the ISMND, since it was submitted to the Office of Planning and Research State Clearinghouse publicly circulated.

There was a single example of errata generated by the comments received. Response to Comment SLC-2 identifies that Section 3.3 Air Quality was incorrectly summarized. The summary check-box showed a significance finding of Less-Than-Significant With Mitigation Incorporated when it should have shown a Less-Than-Significant Impact. Please note that the content of the analysis in Section 3.3 (b) was correct.

4. Proposed Modifications to ISMND

The following modifications to the ISMND are displayed below:

4.1 Cultural Resources (Section 3.5 of ISMND)

Mitigation Measure CR-1: Implement Worker Sensitivity Training and Inadvertent Discovery Protocols

Construction crew shall attend a pre-project meeting, much like a pre-project safety meeting, and be informed of the heightened possibility of discovering buried deposits. At the close of the meeting each crew member shall be issued a copy of the Inadvertent Discovery Protocol tear sheet provided by the City and included as an attachment in Angeloff (2020) as an attachment to the HPIR. If buried archaeological resources or other Tribal cultural resources are ~~discovered~~ identified during project implementation all work should be halted within 50 feet of the find and City officials, a professional archaeologist, and tribal representatives would be contacted immediately to evaluate the find.

Mitigation Measure CR-2: Minimize Impacts to Unknown Archaeological Resources or Human Remains if Encountered

If human remains are discovered during project implementation all work shall be halted and the permitting agency, Humboldt County shall be contacted immediately. The County shall contact the County Coroner immediately and the Coroner would evaluate the find to determine the subsequent course of action. The final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the California State Lands Commission must be approved by the Commission.



about GHD

GHD is one of the world's leading professional services companies operating in the global markets of water, energy and resources, environment, property and buildings, and transportation. We provide engineering, environmental, and construction services to private and public sector clients.

www.ghd.com

EXHIBIT “A”

MITIGATION MONITORING AND REPORTING PROGRAM RIO DELL WATER INFRASTRUCTURE IMPROVEMENT PROJECT

To avoid, reduce or mitigate significant effects resulting from the proposed Project, Public Resources Code Section 21081.6 requires that monitoring and reporting procedures take place through implementation of a Mitigation Monitoring and Reporting Program (MMRP). **Table A-1** provides the MMRP for the proposed Project in accordance with those guidelines.

MITIGATION MONITORING AND REPORTING PROGRAM

**TABLE A-1
MITIGATION MONITORING AND REPORTING PROGRAM**

Monitoring Measure	Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
<p>3.3 AIR QUALITY</p> <p>AQ-1 BMPs to Reduce Air Pollution</p> <p>The contractor shall implement the following Best Management Practices (BMPs) during construction:</p> <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil piles, active graded areas, excavations, and unpaved access roads) shall be watered two times per day in areas of active construction. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet 	Applicant's Contractor	City of Rio Dell	Project construction	During Project construction	NCUA-QMD standards	Applicant

MITIGATION MONITORING AND REPORTING PROGRAM

**TABLE A-1
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<p>power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</p> <ul style="list-style-type: none"> • All vehicle speeds on unpaved roads shall be limited to 15 mph, unless the unpaved road surface has been treated for dust suppression with water, rock, wood chip mulch, or other dust prevention measures. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by 						

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<p>shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points.</p> <ul style="list-style-type: none"> • All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. • Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The NCUAQMD's phone number shall also be 						

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<p>visible to ensure compliance with applicable regulations.</p>						
<p>3.4 BIOLOGICAL RESOURCES BIO-1 Protect Special Status Plant Communities Impacts to riparian vegetation will be avoided if possible. If impacts to riparian vegetation cannot be avoided and if riparian vegetation must be removed then a Section 1602 Lake and Streambed Alteration Agreement from the CDFW would be obtained. If project activities are determined to impact wetlands, or riparian vegetation requiring mitigation, a Habitat Mitigation and Monitoring Plan (HMMP) will be prepared and implemented.</p>	Applicant's biologist	City of Rio Dell	If impacts are unavoidable : Prior to the initiation of Project construction	Once, prior to Project construction	Federal and state standards	Applicant

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<p>BIO-2 Protect Special Status Plants Mitigation measures for special status plant species are addressed collectively for all species. Significant impacts to special-status plant species present or likely to be present onsite shall be minimized, avoided, and (if necessary) compensated by complying with the following:</p> <ul style="list-style-type: none"> • Pre-construction surveys: Seasonally appropriate pre-construction surveys for special status plant species shall occur prior to construction within the planned area of disturbance for the project, during the appropriate blooming time (spring or summer) for the target species. Survey methods shall comply with CDFW rare plant survey protocols, and shall be performed by a qualified field 	Applicant's biologist	City of Rio Dell	If surveys necessary: Prior to Project construction	Prior to and during Project construction	State standards	Applicant

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<p>botanist. Surveys shall be modified to include detection of juvenile (pre-flowering) colonies of perennial species when necessary. Any populations of special status plant species that are detected shall be mapped. Populations shall be flagged if avoidance is feasible and if populations are located adjacent to construction areas.</p> <ul style="list-style-type: none"> The locations of any special status plant populations to be avoided shall be clearly identified in the contract documents (plans and specifications). If special status plant populations are detected where construction would have unavoidable impacts, a compensatory conservation plan shall be prepared and implemented in coordination with CDFW. Such plans may 						

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<p>include salvage, propagation, on-site reintroduction in restored habitats, and monitoring.</p>						
<p>BIO-3 Protect Special Status Amphibians and Reptiles No more than one week prior to commencement of ground disturbance within 50 feet of suitable Northern Red-legged Frog, Yellow-legged Frog or Western Pond Turtle habitat, a qualified biologist shall perform a pre-construction survey and shall relocate any individuals of Northern Red-legged Frog or Western Pond Turtle or egg masses of Northern Red-legged Frog that occur within the work -impact zone to nearby suitable habitat. In the event that a Northern Red-legged Frog, Yellow-legged Frog or Western Pond Turtle is observed in an active construction zone, the contractor shall halt</p>	Applicant	City of Rio Dell	48 hours prior to construction	During Project construction	State standards	Applicant

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<p>construction activities in the area where observed and the frogs or turtles shall be moved to a safe location in similar habitat outside of the construction zone. The same measures above shall apply to Foothill Yellow-legged Frogs which are State Species of Concern and are no longer a CESA candidate.</p>	Applicant	City of Rio Dell	Pre-construction	Pre-construction and possibly during Project construction (should construction activities lapse for seven days)	Federal and State standards	Applicant
<p>BIO-4 Protect Special Status, Migratory, and Nesting Birds Ground disturbance and vegetation clearing shall be conducted, if possible, during the fall and/or winter months and outside of the avian nesting season (March 15 – August 15) to avoid any direct effects to special status and protected birds. If ground disturbance cannot be confined to work outside of the nesting season, a qualified ornithologist shall conduct pre-construction surveys within the</p>	Applicant	City of Rio Dell	Pre-construction	Pre-construction and possibly during Project construction (should construction activities lapse for seven days)	Federal and State standards	Applicant

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<p>vicinity of the project area, to check for nesting activity of native birds and to evaluate the site for presence of raptors and special status bird species. The ornithologist shall conduct at minimum a one day pre-construction survey within the 7 - day period prior to vegetation removal and ground-disturbing activities. If ground disturbance and vegetation removal work lapses for seven days or longer during the breeding season, a qualified ornithologist shall conduct a supplemental avian pre-construction survey before project work is reinitiated.</p> <p>If active nests are detected within the construction footprint or within 500 feet of construction activities, the ornithologist shall flag a buffer around each nest.</p>						

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<p>Construction activities shall avoid nest sites until the ornithologist determines that the young have fledged or nesting activity has ceased. If nests are documented outside of the construction (disturbance) footprint, but within 500 feet of the construction area, buffers will be implemented as needed. In general, the buffer size for common species would be determined on a case-by-case basis in consultation with the CDFW and, if applicable, with USFWS. Buffer sizes will take into account factors such as (1) noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity; (2) distance and amount of vegetation or other screening between the construction site</p>						

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Monitoring Measure	Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
<p>and the nest; and (3) sensitivity of individual nesting species and behaviors of the nesting birds.</p> <p>If active nests are detected during the survey, the qualified ornithologist shall monitor all nests at least once per week to determine whether birds are being disturbed. Activities that might, in the opinion of the qualified ornithologist, disturb nesting activities (e.g., excessive noise), shall be prohibited within the buffer zone until such a determination is made. If signs of disturbance or distress are observed, the qualified ornithologist shall immediately implement adaptive measures to reduce disturbance. These measures may include, but are not limited to, increasing buffer size, halting disruptive construction activities in the</p>						

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<p>vicinity of the nest until fledging is confirmed or nesting activity has ceased, placement of visual screens or sound dampening structures between the nest and construction activity, reducing speed limits, replacing and updating noisy equipment, queuing trucks to distribute idling noise, locating vehicle access points and loading and shipping facilities away from noise-sensitive receptors, reducing the number of noisy construction activities occurring simultaneously, and/or reorienting and/or relocating construction equipment to minimize noise at noise-sensitive receptors.</p>	Applicant	City of Rio Dell	Pre-construction	During pre-construction and Project construction	Federal and state standards	Applicant
<p>BIO-5 Protect Special Status Bats A qualified bat biologist shall conduct habitat surveys for special-status bats. Survey methodology should include</p>	Applicant	City of Rio Dell	Pre-construction	During pre-construction and Project construction	Federal and state standards	Applicant

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Monitoring Measure	Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
<p>visual examination of suitable habitat areas for signs of bat use and may utilize ultrasonic detectors to determine if special status bat species utilize the vicinity. Trees within 300 feet of construction activities should be examined. If habitat exists, species presence and site use patterns should be documented, including roost sites. Bat presence in the project may vary seasonally and annually. Surveys should be conducted in a manner to detect the presence of hibernating or torpid bats, reproductive colonies and/or migratory stop-over roosts. If no bat utilization or roosts are found, then no further study or action is required. If bats are found to utilize the project vicinity, or presence is assumed, a bat specialist should be engaged to advise the best method to</p>						

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<p>prevent impact. This may include, but would not be limited to:</p> <ul style="list-style-type: none"> • Consultation with the California Department of Fish and Wildlife to determine appropriate measures for protecting bats with young if present, and for implementing measures to exclude non-breeding bat colonies during construction process. • Phased removal of trees where selected limbs and branches not containing cavities are removed on the first day, with the remainder of the tree removed on the second day. 						
<p>BIO-6 Avoidance and Minimization Measures to Protect Juxtaposed Wetlands Three-parameter wetland delineation will occur within work areas where possible or probably</p>	Applicant's Contractor	City of Rio Dell	Pre-construction	During pre-construction and Project construction	Federal and state standards, 404 Permit, 401	Applicant

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Monitoring Measure	Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
<p>wetlands were identified and will include identification of adjacent wetlands (juxtaposed). The City shall implement the following avoidance and protection measures for juxtaposed Waters of the United States and Waters of the State that would not be impacted (filled or excavated) during project construction:</p> <ol style="list-style-type: none"> 1. The City shall attempt to avoid or minimize impacts to wetlands/waters to the greatest extent feasible in the final design plans. 2. Juxtaposed wetlands shall be clearly identified in the construction documents and reviewed by the City prior to issuing for bid to ensure they are clearly marked as equipment exclusion zones during construction. 3. Suitable perimeter control BMPs, such as silt fences, or straw wattles shall be placed below all construction activities at the edge of surface water features to intercept sediment before it reaches the waterway. 					<p>Certification</p>	

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Monitoring Measure	Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
<p>These BMPs shall be installed prior to any clearing or grading activities.</p>						
<p>BIO-7 Compensate for Loss of Wetlands and Waters Three-parameter wetland delineation will occur within the project footprint. The City shall conduct a pre-construction wetland delineation in areas to be impacted by project construction that may include wetlands (both temporary and permanent impacts). The City shall avoid fill of seasonal wetlands and waters, to the extent feasible. If fill in wetlands cannot be avoided, the City shall compensate for the loss of seasonal wetland habitat so that there is no net loss in wetlands. The City shall compensate for impacts to identified wetlands through creation of wetland at a ratio of no less than 1:1. A Mitigation and Monitoring Plan shall be</p>	<p>Applicant's Contractor</p>	<p>If necessary: City of Rio Dell, USACE, and NCRWQCB</p>	<p>Pre-construction</p>	<p>During pre-construction and Project construction</p>	<p>Federal and state standards, 404 Permit, 401 Certification</p>	<p>Applicant</p>

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Monitoring Measure	Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
<p>prepared in coordination with the NCRWQB and the USACE. Compensation for wetlands shall occur so there is no net loss of wetland habitat at ratios to be determined in consultation with the NCRWQB and USACE. The Plan shall be acceptable to the regulatory agencies with jurisdiction over wetlands and waters and include the following elements: proposed mitigation ratios; description and size of the restoration or compensatory area; site preparation and design; plant species; planting design and techniques; maintenance activities; plant storage; irrigation requirements; success criteria; monitoring schedule; and remedial measures. The Plan shall be implemented by the City.</p>						

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<p>The City shall also compensate for impacts to other waters by obtaining required permits from the U.S. Army Corp of Engineers, the North Coast Regional Water Quality Control Board, and the California Department of Fish and Game, which shall be received prior to the start of any on-site construction activity. The City shall ensure any additional measures outlined in the permits are implemented.</p>						
<p>3.5 CULTURAL RESOURCES Implement Worker Sensitivity Training and Inadvertent Discovery Protocols All Construction crew shall attend a pre-project meeting, much like a pre-project safety meeting, and be informed of the heightened possibility of</p>	Applicant	City of Rio Dell	Pre-construction	Once, prior to Project construction	County standards	Applicant

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Monitoring Measure	Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
<p>discovering buried deposits. At the close of the meeting each crew member shall be issued a copy of the Inadvertent Discovery Protocol tear sheet provided by the City and included as an attachment in Angeloff (2020) as an attachment to the HPIR. If buried archaeological resources or other Tribal cultural resources are identified during project implementation, all work should be halted within 50 feet of the find and City officials, a professional archaeologist, and tribal representatives would be contacted immediately to evaluate the find.</p>						
<p>CR-2 Minimize Impacts to Unknown Archaeological Resources or Human Remains if Encountered</p>	Applicant's Contractor	City of Rio Dell and Humboldt County	Project construction	During Project construction	Wiyot Tribe and County standards	Applicant

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Monitoring Measure	Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
<p>If human remains are discovered during project implementation all work shall be halted and the permitting agency, Humboldt County shall be contacted immediately. The County shall contact the County Coroner immediately and the Coroner would evaluate the find to determine the subsequent course of action. The final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the California State Lands Commission must be approved by the Commission</p>		Coroner's Office				
<p>3.7 GEOLOGY AND SOILS GEO-1 Inadvertent Discovery of Paleontological Resources In the event that fossils are encountered during construction (i.e., bones, teeth, or unusually abundant and</p>	Applicant's Contractor	City of Rio Dell	Project construction	During Project construction	County standards	Applicant

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<p>well-preserved invertebrates or plants), construction activities shall be diverted away from the discovery within 50 feet of the find, and a professional paleontologist shall be notified to document the discovery as needed, to evaluate the potential resource, and to assess the nature and importance of the find. Based on the scientific value or uniqueness of the find, the paleontologist may record the find and allow work to continue, or recommend salvage and recovery of the material, if it is determined that the find cannot be avoided. The paleontologist shall make recommendations for any necessary treatment that is consistent with currently accepted scientific practices. Any fossils collected from the area shall then be deposited in an accredited and permanent</p>						

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scientific institution where they would be properly curated and preserved.						
<p>3.9 HAZARDS AND HAZARDOUS MATERIALS .Protection of Waters from Hazardous Materials Equipment on site during construction will be required to have emergency spill cleanup kits immediately accessible in the case of any fuel or oil spills. Equipment will not be refueled near the Eel River or any perennial wetland. If equipment must be washed, it will be washed off-site</p>	Applicant	City of Rio Dell	Pre-construction	Duration of project construction	City and County Standards	Applicant
<p>3.10 HYDROLOGY AND WATER QUALITY .Implement Best Management Practices to Protect Water Quality The following representative Best Management Practices</p>	Applicant's Contractor	City of Rio Dell	Project construction	Duration of Project construction	City and County standards	Applicant

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Monitoring Measure	Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
<p>would be implemented to protect water quality during construction to avoid impacts to water quality:</p> <ul style="list-style-type: none"> All contractors that would be performing demolition, construction, grading, operations or other work that could cause increased water pollution conditions at the site (e.g., dispersal of soils) shall receive training regarding the environmental sensitivity of the site and need to minimize impacts. Contractors also shall be trained in implementation of stormwater BMPs for protection of water quality. The Contractor would implement BMPs during construction including the following BMPs from the current California Stormwater BMP Handbook for 						

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<p>Construction: EC-1: Scheduling; EC-2: Preservation of Existing Vegetation; NS-2: Dewatering Operations; NS-9: Vehicle Equipment and Fueling; NS-10: Vehicle & Equipment Maintenance; WM-2: Material Use; and WM-4: Spill Prevention and Control;</p> <ul style="list-style-type: none"> • Contractors would be responsible for minimizing erosion and preventing the transport of sediment to sensitive areas; • Sufficient erosion control supplies would be maintained on site at all times, available for prompt use in areas susceptible to erosion during rain events; • Disturbance of existing vegetation would be minimized 						

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<p>to only that necessary to complete the work;</p> <ul style="list-style-type: none"> • The contractor would make adequate preparations, including training and providing equipment, to contain oil and/or other hazardous materials spills; • Dewatering operations would be conducted where needed from the work location and stored or disposed of appropriately; • Vehicle and equipment maintenance should be performed off-site whenever practical; • Contractor shall ensure that the site is prepared with BMPs prior to the onset of any storm predicted to receive 0.5 inches or more of rain over 24 hours; and 						

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<ul style="list-style-type: none"> • All erosion and sediment control measures shall be maintained in accordance to their respective BMP fact sheet until disturbed areas are stabilized; 						
<p>3.10 HWQ-2 HYDROLOGY AND WATER QUALITY Development of a Horizontal Directional Drilling Hydrofracture Contingency Plan</p> <p>To avoid potential impacts related to a frac-out, construction specification shall require preparation of a Horizontal Directional Drilling Hydrofracture Contingency Plan, which shall be approved by the City and in place prior to construction. The Plan shall include an anticipated drilling mud design that provides engineering properties and the anticipated fluid pressure</p>	Applicant's Contractor	City of Rio Dell	Prior to construction	Prior to construction and ongoing during construction	City and County standards	Applicant

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<p>required as the pilot hole is incrementally advanced in approximately 10-meter (30-foot) increments. The contractor shall be required to monitor and record the Driller's Mud composition, drill fluid pressure and volumes, and have an inadvertent return contingency plan and associated equipment to minimize impacts. The Driller's Mud, spoils, water, and all other waste materials are to be legally disposed with weight or volume tickets confirming legal disposal. The Plan shall include: visual monitoring, monitoring pressures and volumes, observation during drilling, standards and specification for a four-hour shutdown minimum if frac-out occurs to allow ground to heal, cleanup plan, frac-out tank or vac truck (placed in strategic locations), and roles and</p>						

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Monitoring Measure	Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
<p>responsibilities in the event of a frac-out event.</p> <p>EP-1 Environmental Protection Action 1: Implement Geotechnical Design Recommendations As part of the project design process, the City would engage a California-registered Geotechnical Engineer to conduct a design-level geotechnical study for the project. The City would design the project to comply with the site-specific recommendations made in the project's geotechnical reports. This would include design in accordance with the seismic and foundation design criteria, determining appropriate method of tunneling under the Eel River, as well as site preparation and grading recommendations included in the reports. The geotechnical</p>	Applicant	City of Rio Dell	Pre-construction	Prior to construction	County and state standards	Applicant

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<p>recommendations would be incorporated into the final plans and specifications for the project, and would be implemented during construction.</p>						
<p>EP-2 Environmental Protection Action 2: Stormwater Pollution Prevention Plan (SWPPP) If required, the project would seek coverage under State Water Resources Control Board (Water Board) Order No. 2009-0009-DWQ, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities. If required, the City would submit permit registration documents (notice of intent, risk assessment, site maps, SWPPP, annual fee, and</p>	Applicant's Contractor	SWPPP Practitioner	Project construction	During Project construction activities, including during non-work times.	State standards	Applicant

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<p>certifications) to the Water Board. A SWPPP would address pollutant sources, best management practices, and other requirements specified in the Order. The SWPPP would include erosion and sediment control measures, and dust control practices to prevent wind erosion, sediment tracking, and dust generation by construction equipment. A Qualified SWPPP Practitioner would oversee implementation of the project SWPPP, including visual inspections, sampling and analysis, and ensuring overall compliance, if a SWPPP is determined to be required.</p>						


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



For Meeting of: September 1, 2020

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager 

Date: August 25, 2020

Subject: Urgency Ordinance: Text Amendment Title 8, Health and Safety, Chapter 8.10, Nuisances of the Rio Dell Municipal Code; Ordinance No. 381-2020

Recommendation:

That the City Council:

1. Receive staff's presentation amending Title 8, Health and Safety, Chapter 8.10, Nuisances of the Rio Dell Municipal Code (RDMC) to include the use of generators as a Nuisance, and restrict their use with certain exceptions and include "Graffiti" in the definition of "Visual Blight"; and
2. Open the public hearing, receive public input and deliberate; and
3. Adopt the Urgency Ordinance No. 381-2020 with a four-fifths vote.

Discussion

The City has received a number of complaints regarding the use of generators. Apparently, the use of generators is supporting utilizing travel trailers as residences. The use of travel trailers or motorhomes outside approved trailer parks or mobilehome parks is in violation of local and

State regulations. Currently the City has no regulations regarding the use of generators. The Nuisance Committee recently met and discussed the lack of enforcement regulations regarding the use of generators.

In addition to recent complaints regarding generator use and given the recent “Red Flag” warnings and the potential for PG&E’s Public Safety Power Shutoff (PSPS), staff believes the adoption of generator regulations is necessary and urgent. The City acknowledges the use of generators can be an important safety element during a power outage by maintaining power for refrigeration systems and medical equipment. As such, staff is recommending the following language be incorporated into Sections 8.10.020, Definitions and 8.10.030, Nuisances:

8.10.020 (22) “Prolonged Power Outage” means a power outage that is no less than 4 hours in duration.

8.10.030 (10) The use of generators, except during prolonged power outages subject to the following conditions:

(a) Generators for residential uses shall comply with the setback standards of the underlying zoning district, be placed in an area that is reasonably practical for the homeowner that is least disruptive to neighbors. Generators supporting residential uses shall not be operated during the hours of 9:00 p.m. to 7:00 a.m., except as required for bonafide health or medical need.

(b) During a prolonged power outage period, generators for commercial uses may be operational 24 hours per day, but should be shut off when not critically needed to minimize the disturbance of neighbors.

The Nuisance Committee also discussed the recent proliferation of graffiti throughout town. Although, most consider graffiti as visual blight it is not included in the definition of “Visual Blight”.

Graffiti on public or private property is a condition of blight that not only depreciates the value of property which has been the target of such vandalism, but also depreciates the value of the adjacent and surrounding properties so as to create a negative impact upon the entire community.

Graffiti has also been found to be associated with criminal activity and delinquency. It is also a means of identification and intimidation utilized by gangs and its presence may further gang-related activities. The power of graffiti to create fear within the community and blight upon the landscape, devaluing property and detracting from a sense of community enjoyed by the residents of the City, goes beyond the cost of clean-up or removal. Not only is graffiti a criminal

act of vandalism, but it is also a social crime upon the quality of life and freedom from intimidation that citizens desire in their neighborhoods.

Staff offered to amend the Nuisance Regulations to incorporate the term “graffiti” into the definition of “Visual Blight”. By including this definition, it makes it clear that the City considers “graffiti” visual blight. It is the City’s hope that by incorporating the definition, it makes it clear to the community that “graffiti” is a visual blight and a public nuisance.

Staff believes the adoption of the Ordinance is of an urgent matter. Therefore, unless the Ordinance is effective and its regulations are immediately put in place, the public health, safety and general welfare of the community will be put at risk. Therefore, the immediate preservation of the public health, safety and general welfare of the community requires that the Ordinance be enacted as an urgency ordinance pursuant to Government Code Section 36934.

Staff believes that the text amendments can be found Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment.

Attachment 1: Ordinance No. 381-2020

ORDINANCE NO. 381-2020



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING TITLE 8, HEALTH AND SAFETY, CHAPTER 8.10, NUISANCES OF THE
RIO DELL MUNICIPAL CODE (RDMC) TO INCLUDE THE USE OF GENERATORS AS A
NUISANCE, AND RESTRICT THEIR USE WITH CERTAIN EXCEPTIONS AND INCLUDE
“GRAFFITI” IN THE DEFINITION OF “VISUAL BLIGHT”**

WHEREAS, the City has received a number of complaints regarding the use of generators. Apparently, the use of generators is supporting utilizing travel trailers as residences. The use of travel trailers or motorhomes outside approved trailer parks or mobilehome parks is in violation of local and State regulations; and

WHEREAS, currently the City has no regulations regarding the use of generators. The Nuisance Committee recently met and discussed the lack of enforcement regulations regarding the use of generators; and

WHEREAS, in addition to recent complaints regarding generator use and given the recent “Red Flag” warnings and the potential for PG&E’s Public Safety Power Shutoff (PSPS), staff believes the adoption of generator regulations is necessary and urgent; and

WHEREAS, the City acknowledges the use of generators can be an important safety element during a power outage by maintaining power for refrigeration systems and medical equipment; and

WHEREAS, graffiti on public or private property is a condition of blight that not only depreciates the value of property which has been the target of such vandalism, but also depreciates the value of the adjacent and surrounding properties so as to create a negative impact upon the entire community; and

WHEREAS, graffiti has also been found to be associated with criminal activity and delinquency. It is also a means of identification and intimidation utilized by gangs and its presence may further gang-related activities; and

WHEREAS, the power of graffiti to create fear within the community and blight upon the landscape, devaluing property and detracting from a sense of community enjoyed by the residents of the City, goes beyond the cost of clean-up or removal. Not only is graffiti a criminal act of vandalism, but it is also a social crime upon the quality of life and freedom from intimidation that citizens desire in their neighborhoods.

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

SECTION 1.

Sections 8.10.020, Definitions and 8.10.030, Nuisances of Title 8 of the Rio Dell Municipal Code is hereby amended as follows:

8.10.020 Definitions.

For the purposes of this chapter, the following words shall have the specified meanings:

(1) Blight. For purposes of this code, visual blight is any unreasonable, nonpermitted or unlawful condition or use of real property, premises or of building exteriors which, by reason of its appearance as viewed from the public right-of-way, is detrimental to the property of others or to the value of property of others, offensive to the senses, or reduces the aesthetic appearance of the neighborhood. Visual blight includes, but is not limited to, graffiti, the keeping, storing, depositing, scattering over or accumulation on the premises of any of the following:

(a) Lumber, junk, trash, debris, scrap metal, rubbish, packing materials, building materials, and the growth of tall grass and weeds.

(b) Abandoned, discarded or unused objects or equipment such as furniture, stoves, appliances, refrigerators, freezers, cans or containers, automotive parts and equipment.

(c) Abandoned, wrecked, disabled, dismantled or inoperative vehicles or parts thereof except inoperative vehicles that are not abandoned and are in an active state of renovation or

restoration. For purposes of this article, "active state of renovation or restoration" means that the vehicle is actively being restored or renovated in a manner intended to make the vehicle operational, and shall not include restoration or renovation that solely improves the interior or exterior appearance, but not the operation, of the vehicle. A vehicle shall only be permitted to be in an active state of renovation or restoration for a period that shall not exceed 90 days, whether consecutive or nonconsecutive, out of any 12-month period.

(d) Stagnant water or excavations.

(e) Any personal property, object, device, decoration, design, fence, structure, clothesline, landscaping or vegetation which is unsightly by reason of its condition or its inappropriate location.

(f) Vehicles parked on any surface other than an "improved surface" or "driveway" as those terms are defined.

(g) Any condition of a building or structure deemed to be unsafe or that in the discretion of the City Manager or his/her designee, or the department head, would constitute a threat to public safety, health, or welfare, or poses a security problem by reason of dilapidation, fire hazard, disaster, damage or other similar occurrence specified in this code or any other applicable law.

(h) Any condition of a building or portion thereof which constitutes a substandard building, as defined in Health and Safety Code Section 17920.3 or its successor.

(i) Filling of any swimming pool with water prior to the final safety inspection required by the California Code of Regulations, conducted by City inspectors and before such final inspection has been noted on the permit card obtained from the City.

(2) "City" means the City of Rio Dell, a municipal corporation of the State of California.

(3) "City Council" means the duly elected City Council for the City of Rio Dell.

(4) "City Council member" means any currently seated member of the City Council for the City of Rio Dell.

(5) "City Manager" means the City Manager for the City of Rio Dell.

(6) Code or City Code. The "code" shall mean the municipal code for the City of Rio Dell.

(7) "Code Compliance Administrator" means the City Manager and the authorized representative(s) of the City Manager.

(8) "Department head" means the Police Chief, the City Manager, and the City Attorney, and their authorized representative(s).

(9) "Driveway" means an improved all weather, including gravel, decomposed granite, asphalt, concrete or comparable surface, access road from a private or public street onto a parcel.

(10) "Graffiti" means unauthorized markings, visible from premises open to the public, that have been placed upon any property through the use of paint, ink, chalk, dye or any other substance capable of marking property.

(11) ~~(10)~~ "Highway" means any road, street, alley, way or place of whatever nature, publicly maintained and opened to the use of the public for purposes of vehicular travel. "Highway" includes City streets.

(12) ~~(11)~~ "Improved surface" means an improved all weather, including gravel, decomposed granite, asphalt, concrete or comparable surface.

(13) ~~(12)~~ "Inoperative vehicle" means any vehicle which cannot be legally operated on the street because of lack of current registration or lack of an engine, transmission, wheels, tires, windshield or any other part or equipment necessary to operate on public streets and/or highways.

(14) ~~(13)~~ "Junk" means any cast-off, damaged, discarded, junked, obsolete, salvage, scrapped, unusable, worn-out or wrecked object, thing or material, including but not limited to those composed in whole or in part of asphalt, brick, carbon, cement, plastic or other synthetic substance, fiber, glass, plaster, plaster of Paris, rubber, terra cotta, wool, cotton, cloth, canvas, wood, metal, sand, organic matter or other substance.

(15) ~~(14)~~ "Junkyard" means any premises on which any junk is abandoned, bailed, bartered, bought, brought, bundled, deposited, disassembled, disposed of, exchanged, handled, kept, stored or transported, regardless of whether or not such activity is done for profit.

(16) ~~(15)~~ Notice and Order. A "notice and order" is legal notice which details structural or technical code violations such as illegal construction, conversions, alterations, illegal plumbing, mechanical or electrical installations, dangerous buildings, substandard housing or similar.

(17) ~~(16)~~ "Owner" means owner of record of real property, occupant, lessee, or interested holder in same, as the case may be including the owner of real property whereon a vehicle(s) or part(s) thereof is located.

(18) ~~(17)~~ "Person" means any individual, group of individuals, firm, entity or corporation owning, occupying or using any premises.

(19) ~~(18)~~ "Planning Commission" means the Planning Commission for the City of Rio Dell.

(20) ~~(19)~~ "Police Chief" means the Police Chief for the City of Rio Dell.

(21) ~~(20)~~ "Premises" means any real property or improvements thereon located in the City of Rio Dell.

(22) "Prolonged Power Outage" means a power outage that is no less than 4 hours in duration.

(23) ~~(22)~~ "Service station" means any premises upon which the improvements are designed and built for the primary purpose of selling to or providing others with fuels for internal combustion engines or motor vehicles, whether or not providing related automotive maintenance and repair service.

(24) ~~(23)~~ Special Assessment Lien. A "special assessment lien" is a lien placed on real property and is collected by the County Tax Assessor.

(25) ~~(24)~~ "Vehicle" means any device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks. [Ord. 329 § 1, 2014; Ord. 311 § 1, 2013; Ord. 303 § 2, 2013.]

8.10.030 Nuisances.

It is hereby declared unlawful and a public nuisance per se for any person owning, leasing, occupying and/or having charge or possession of any premises or land in this City to permit, allow, or maintain such premises or land such that any one or more of the following conditions or activities exist:

(1) Any condition recognized in law or equity as constituting a public nuisance including, without limitation, any condition on or use of property which would constitute a nuisance as defined in California Penal Code Sections 370, 371 and/or 11225;

(2) Any dangerous, unsightly, or blighted condition that is detrimental to the health, safety or welfare of the public;

(3) Any condition that is in violation of any duly enacted ordinance of the Rio Dell Municipal Code, or resolution or lawful order promulgated by authorized City officials;

(4) Any condition in violation of RDMC Titles 8, 15, and 17, including any condition in violation of any written design finding, including design standard, design guideline, or development standard that may be adopted by resolution or ordinance from time to time by the City Council or the Planning Commission, or any condition imposed on any entitlement, permit, contract, or environmental document issued or approved by the City;

(5) Any condition in violation of Chapter 8.25 RDMC entitled "Premises Used for Drug-Related Activity."

(6) Anything defined as a nuisance pursuant to State and Federal law including but not limited to California Civil Code Section 3479 et seq.;

(7) Any condition in violation of the weed and rubbish abatement laws defined at Government Code Sections 39501 et seq. and 39560 et seq. as enacted or hereafter amended and enforced by City ordinance and resolutions;

(8) Any vacant, unoccupied or abandoned building or structure that is not reasonably secured against uninvited entry or that constitutes a fire hazard, or is in a state of unsightly or dangerous condition so as to constitute a blighted condition detrimental to property values in the neighborhood or otherwise detrimental to the health, safety and welfare of the public;

(9) Any condition that constitutes an attractive nuisance; those objects or conditions that, by their nature, may attract children or other curious individuals including, but not limited to, unprotected hazardous or unfilled pools, ponds, including pools or ponds that have not been properly barricaded, ice boxes, refrigerators or excavations;

(10) The use of generators, except during prolonged power outages subject to the following conditions:

(a) Generators for residential uses shall comply with the setback standards of the underlying zoning district, be placed in an area that is reasonably practical for the homeowner that is least disruptive to neighbors. Generators supporting residential uses shall not be operated during the hours of 9:00 p.m. to 7:00 a.m., except as required for bonafide health or medical need.

(b) During a prolonged power outage period, generators for commercial uses may be operational 24 hours per day, but should be shut off when not critically needed to minimize the disturbance of neighbors.

~~(10)~~ (11) Any condition that constitutes a visual blight. [Ord. 329 § 1, 2014; Ord. 311 § 1, 2013; Ord. 303 § 2, 2013.]

SECTION 2. URGENCY

The City Council finds that due to the number of recent complaints regarding generator use and given the recent “Red Flag” warnings and the potential for PG&E’s Public Safety Power Shutoff (PSPS), that the adoption of generator regulations is necessary and urgent. Furthermore, the City Council finds that the use of generators can be an important safety element during a power outage by maintaining power for refrigeration systems and medical equipment.

The City Council also finds that graffiti on public or private property is a condition of blight that not only depreciates the value of property which has been the target of such vandalism, but also depreciates the value of the adjacent and surrounding properties so as to create a negative impact upon the entire community.

The City Council finds the adoption of the Ordinance is of an urgent matter. Therefore, unless the Ordinance is effective and its regulations are immediately put in place, the public health, safety and general welfare of the community will be put at risk. Therefore, the immediate preservation of the public health, safety and general welfare of the community requires that the Ordinance be enacted as an as an urgency ordinance pursuant to Government Code Section 36937(b) and that it take effect immediately upon adoption pursuant to Government Code Section 36934 and its urgency is hereby declared.

SECTION 3. LIMITATION OF ACTIONS

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

SECTION 4. CEQA COMPLIANCE

The City Council has determined that the adoption of this ordinance is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment.

SECTION 5. EFFECTIVE DATE

Based upon the findings in Section 2 of this Ordinance, this Ordinance shall take effect immediately upon adoption pursuant to Government Code Sections 36937(b) and 36934.

I hereby certify that the forgoing Ordinance was duly introduced, passed, approved and adopted as an Urgency Ordinance at a regular meeting of the City Council of the City of Rio Dell on September 1, 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Debra Garnes, Mayor

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and forgoing to be a full, true and correct copy of Ordinance No. 381-2020 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell on September 1, 2020.


Karen Dunham, City Clerk, City of Rio Dell


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



For Meeting of: September 1, 2020

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager 

Date: August 26, 2020

Subject: Sign Regulations Text Amendment, Section 17.30.300, Table 7-1 of the Rio Dell Municipal Code

Recommendation:

That the City Council:

1. Introduce Ordinance No. 382-2020 and receive staff's presentation regarding amending Section 17.30.300, Table 7-1 of Rio Dell Municipal Code, the City's existing Sign Regulations; and
2. Open the public hearing, receive public input and deliberate; and
3. Continue consideration, approval and adoption of the proposed Ordinance to your meeting of September 15, 2020 for the second reading and adoption.

Background and Discussion

The City adopted new, comprehensive sign regulations in 2018. Element 7 recently submitted construction drawings, including sign details. Element 7 is proposing three signs, one on the Ash Street side near the entrance to the building and two on the front of the building. See Attachment 1. The current regulations only allow one on building sign with a maximum area of 100 square feet. The proposed signage does comply with the area limit. See Table 7-1 below.

TABLE 17.30.300-7-1
SIGNS PERMITTED BY ZONING DISTRICTS

Sign Type	Maximum No. Permitted	Maximum Area ⁴ (Sq. Ft.)	Maximum Height ⁴ (Ft.)	Minimum Setback From ROW (Ft.) ¹⁰	Illumination Standards
Town Center and Neighborhood Center Zones:					
Building signs ¹ :	1 per business 3 per business	100	Roofline	-	No glare onto residential property
Freestanding signs: Individual businesses	1	50	10	10	Indirect or background
Freestanding signs: Integrated development	1	150	15	10	Indirect or background
Community Commercial and Industrial Commercial Zones:					
Building signs	1 per business	125	Roofline	-	No glare onto residential property
Freestanding signs	1 per business	150	35	10	No glare onto residential property
Freestanding signs, integrated development ⁴	1 per project entrance	300 ³	35	10	No glare onto residential property

Notes:

1. Excludes nameplates as described in section 17.30.300(3) of this chapter.
2. Refer to Design Review Guidelines.
3. Square feet by side.
4. On site signs for commercial and industrial zones may exceed the height and size limits after showing that the operation on site requires the added visibility and that site topography or other constraints would preclude adequate visibility of the sign and upon issuance of a Conditional Use Permit.

Element 7 was willing to pursue a Variance. However, after considering other parcels, including corner parcels, developed parcels adjacent to vacant parcels and parcels adjacent to Highway 101, staff decided to recommend amending the sign regulations to allow up to three on-building signs.

The Planning Commission reviewed and discussed the recommended amendment at their meeting of August 25, 200 and unanimously recommends you Council approve the proposed text amendment.

Procedures for Zoning Ordinance Amendments

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

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.35.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.35.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Zone Amendment Required Findings:

1. The proposed amendment is in the public interest.

The proposed amendment is in the public interest in that they would allow additional signs, up to three in Town Center, Neighborhood Center, Community Commercial and Industrial Commercial zones. The current regulations only allowing one on-building sign could affect the success of a local business. The success of a business depends in part on the location and visibility, including signage. A vibrant commercial district is in the public's interest. Staff has discussed the recommended amendment with the Chamber of Commerce and they are supportive of the amendment.

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

One of the primary purposes of the General Plan is to facilitate planned, orderly development and to promote economic development, and protect the public health, safety and welfare of the community. There are a number of policies which encourage a vibrant commercial community. Appropriate and visible signage is an important factor in the success of any business. There are no specific General Plan goals, policies or discussions that are contrary to the recommended amendments. Therefore, staff believes the proposed regulations are consistent with the General Plan.

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

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

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

Attachments:

Attachment 1: Element 7 Sign Renderings.

Attachment 2: Ordinance No. 382-2020 amending the existing Sign Regulations, Section 17.30.300, Table 7-1 of Rio Dell Municipal Code to allow up to three on building signs.

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

One of the primary purposes of the General Plan is to facilitate planned, orderly development and to promote economic development, and protect the public health, safety and welfare of the community. There are a number of policies which encourage a vibrant commercial community. Appropriate and visible signage is an important factor in the success of any business.

There are no specific General Plan goals, policies or discussions that are contrary to the recommended amendment. Therefore, staff believes the proposed amendment is consistent with the General Plan.

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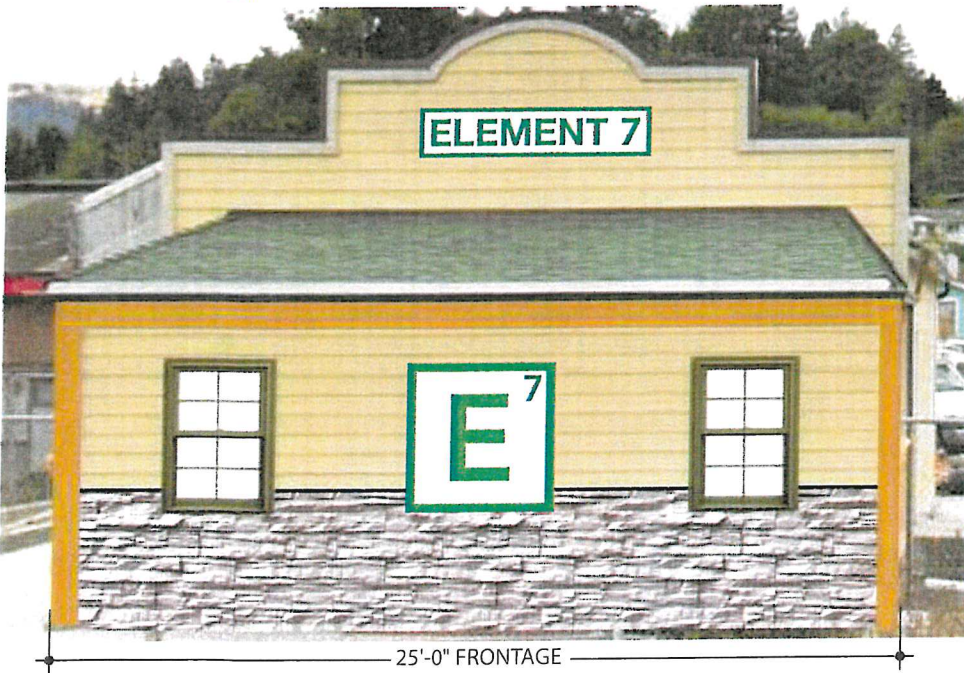
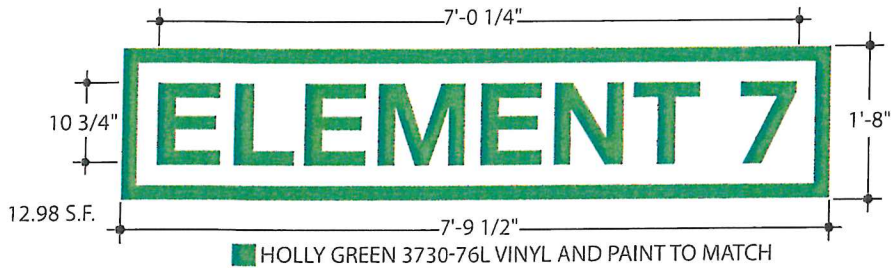
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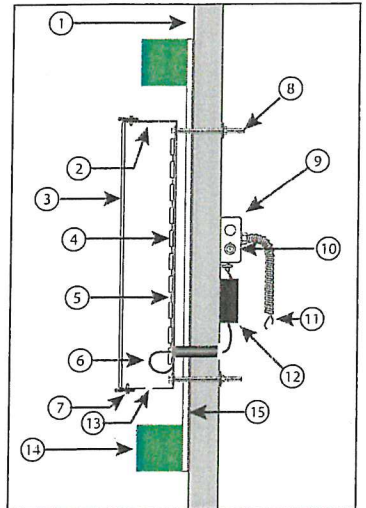
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NORTH EAST ELEVATION FRONT



Please carefully check this layout. Check all spelling and be sure all colors and proportions are to your specifications. If order is changed or cancelled after approval, 1 Stop Signs reserves the right to charge for work and/or material already ordered.

281 Wildwood Ave.
Rio Dell, CA 95562



- LED-ILLUMINATED PAN CHANNEL LETTER DETAIL**
1. STOREFRONT FASCIA
 2. 3 INCH .040 ALUMINUM RETURNS, BLACK
 3. 3/16" SIGN GRADE ACRYLIC FACE WHITE
 4. LED ILLUMINATION WHITE
 5. CLEAR LEXAN BACK
 6. LOW-VOLTAGE WIRE
 7. 1" BLACK TRIMCAP
 8. ATTACHMENT VARIES WITH WALL TYPE
 9. STANDARD ELECTRICAL JUNCTION BOX
 10. DISCONNECT SWITCH
 11. PRIMARY ELECTRIC SUPPLY INSIDE FLEXIBLE CONDUIT
 12. UL APPROVED LED DRIVER
 13. 1/4" WEEP HOLES
 14. 2" ALUMINUM SQ. TUBE FRAME
 15. .090 ALUMINUM BACKER PAINTED WHITE

ALL COMPONENTS TO BEAR U.L. LABEL AND ARE 120 VOLTS UNLESS OTHERWISE INDICATED

PERMIT - ELECTRICAL INFORMATION

VOLTS REQ'D: 120 TOTAL AMPS: 3
 CUSTOMER TO PROVIDE REQUIRED ELECTRICAL TO SIGN LOCATION
 CIRCUITS REQUIRED: 1
 WIRING AS PER U.L. LABEL: X
 ALWAYS OPERATE LED SIGNS WITH A TIMER OR PHOTO CELL

This sign is intended to be installed in accordance with the requirements of article 600 of the national electrical code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

The location of the disconnect switch after installation shall comply with Article 600.6(A)(1) of the National Electrical Code.

E354615 U.L. LISTED

LANDLORD APPROVAL _____ DATE _____
 CUSTOMER APPROVAL _____ DATE _____

Customer: Element 7
 E-mail:
 Project: Signage
 Drawing: Element 7.ai
 Make Changes:
 Approved:
 Date: (08/05/2020, 12:30 pm)

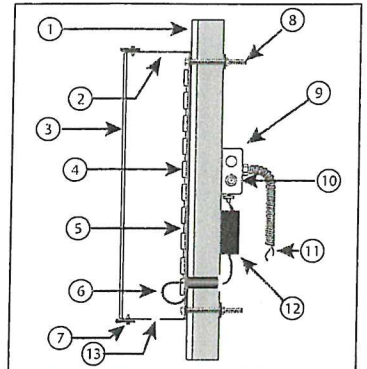
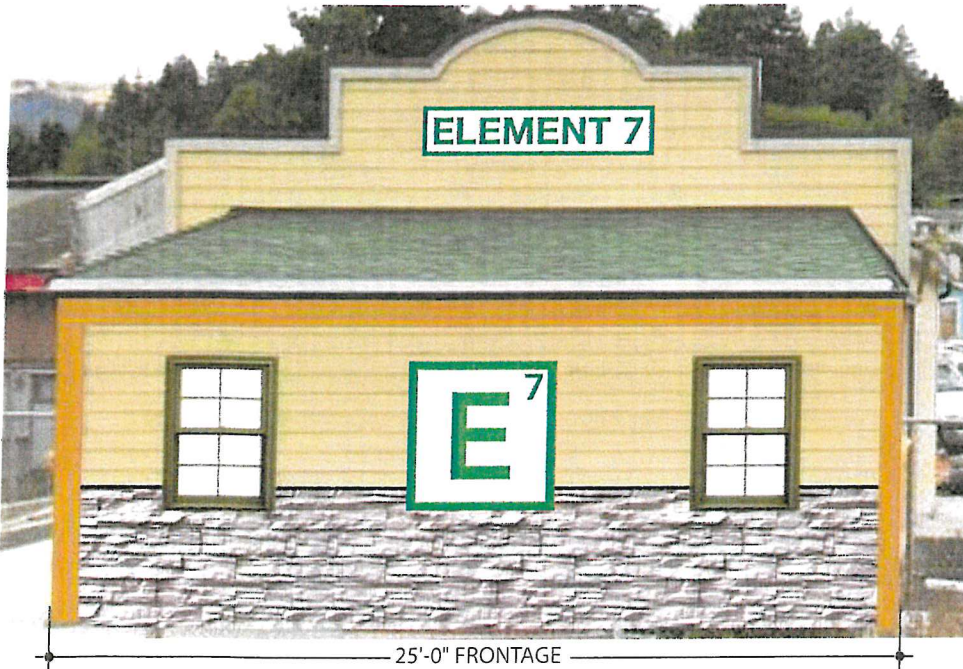
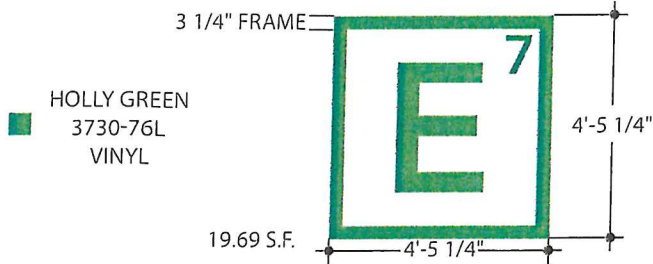
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INTERNATIONAL SIGN ASSOCIATION



NORTH EAST ELEVATION FRONT



LED-ILLUMINATED PAH CHANNEL LETTER DETAIL

1. STOREFRONT FASCIA
2. 3 INCH .040 ALUMINUM RETURNS PTM1 HOLLY GREEN 3730-76L
3. 3/16" SIGN GRADE ACRYLIC FACE WHITE
4. LED ILLUMINATION WHITE
5. .063 ALUMINUM BACK
6. LOW-VOLTAGE WIRE
7. 1" TRIMCAP PTM1 HOLLY GREEN 3730-76L
8. ATTACHMENT VARIES WITH WALL TYPE
9. STANDARD ELECTRICAL JUNCTION BOX
10. DISCONNECT SWITCH
11. PRIMARY ELECTRIC SUPPLY INSIDE FLEXIBLE CONDUIT
12. UL APPROVED LED DRIVER
13. 1/4" WEEP HOLES

ALL COMPONENTS TO BEAR U.L. LABEL
AND ARE 120 VOLTS UNLESS OTHERWISE INDICATED

PERMIT - ELECTRICAL INFORMATION

VOLTS REQ'D: 120 TOTAL AMPS: 3
CUSTOMER TO PROVIDE REQUIRED ELECTRICAL TO SIGN LOCATION
CIRCUIT'S REQUIRED: 1
WIRING AS PER U.L. LABEL: X
ALWAYS OPERATE LED SIGNS WITH A TIMER OR PHOTO CELL

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E354615 U.L. LISTED

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281 Wildwood Ave.
Rio Dell, CA 95562

LANDLORD APPROVAL _____ DATE _____
CUSTOMER APPROVAL _____ DATE _____

Customer: Element 7
E-mail:
Project: Signage
Drawing: Element 7.ai
Make Changes:
Approved:
Date: (08/05/2020, 12:30 pm)

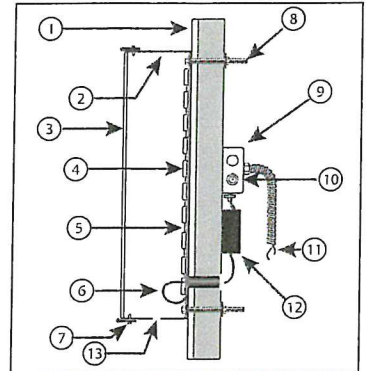
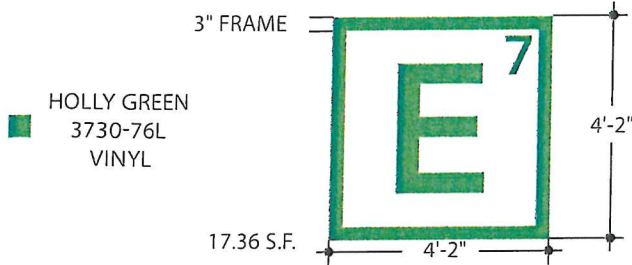
MEMBER



INTERNATIONAL
SIGN ASSOCIATION



NORTH WEST ELEVATION SIDE



LED-ILLUMINATED PAN CHANNEL LETTER DETAIL

1. STOREFRONT FASCIA
2. 3 INCH .040 ALUMINUM RETURNS, PT#1 HOLLY GREEN 3730-76L
3. 3/16" SIGN GRADE ACRYLIC FACE WHITE
4. LED ILLUMINATION WHITE
5. .063 ALUMINUM BACK
6. LOW-VOLTAGE WIRE
7. 1" TRIMCAP PT#1 HOLLY GREEN 3730-76L
8. ATTACHMENT VARIES WITH WALL TYPE
9. STANDARD ELECTRICAL JUNCTION BOX
10. DISCONNECT SWITCH
11. PRIMARY ELECTRIC SUPPLY INSIDE FLEXIBLE CONDUIT
12. UL APPROVED LED DRIVER
13. 1/4" WEEP HOLES

ALL COMPONENTS TO BEAR U.L. LABEL
AND ARE 120 VOLTS UNLESS OTHERWISE INDICATED

PERMIT - ELECTRICAL INFORMATION

VOLTS REQ: 120 TOTAL AMPS: 3
CUSTOMER TO PROVIDE REQUIRED ELECTRICAL TO SIGN LOCATION
CIRCUITS REQUIRED: 1
WIRING AS PER U.L. LABEL: X
ALWAYS OPERATE LED SIGNS WITH A TIMER OR PHOTO CELL

This sign is intended to be installed in accordance with the requirements of Article 600 of the national electrical code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

The location of the disconnect switch after installation shall comply with Article 600.60(A)(1) of the National Electrical Code
E354615 U.L. LISTED

Please carefully check this layout. Check all spelling and be sure all colors and proportions are to your specifications. If order is changed or cancelled after approval, 1 Stop Signs reserves the right to charge for work and/or material already ordered.

281 Wildwood Ave.
Rio Dell, CA 95562

LANDLORD APPROVAL _____ DATE _____
CUSTOMER APPROVAL _____ DATE _____

1 STOP SIGNS AND ITS EMPLOYEES, AGENTS, CONTRACTORS, AND SUBCONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.

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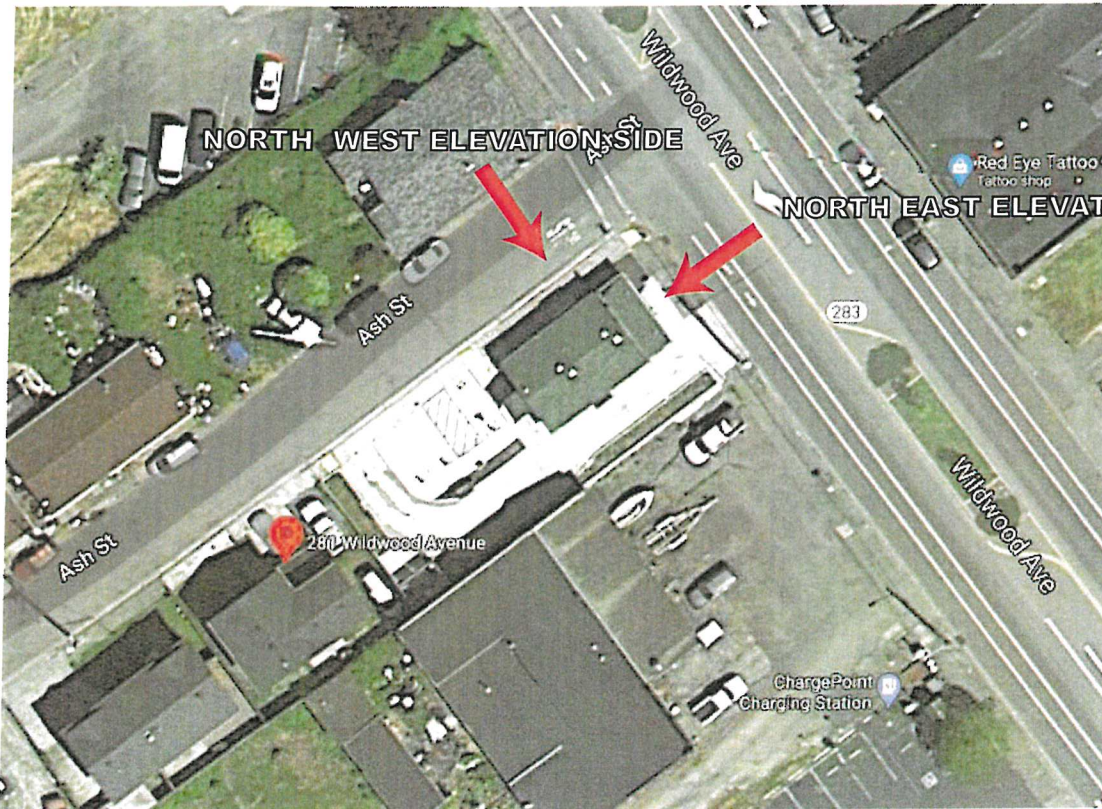
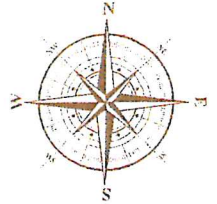


INTERNATIONAL
SIGN ASSOCIATION



Customer: Element 7
E-mail:
Project: Signage
Drawing: Element 7.ai
Make Changes:
Approved:
Date: (08/05/2020, 12:30 pm)

SITE MAP



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**INTERNATIONAL
SIGN ASSOCIATION**

1 STOP SIGNS
Design | Manufacture | Installation | Service
www.1stopsigns.com
480.961.SIGNS (7446) Fax: 480.785.0764
500 N. 58th Street Chandler, AZ 85226

ORDINANCE NO. PC 382-2020



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING THE SIGN REGULATIONS,
SECTION 17.30.300 Table 7-1 OF THE RIO DELL MUNICIPAL CODE:**

WHEREAS the City adopted new, comprehensive sign regulations in 2018; and

WHEREAS Element 7, one of three approved cannabis retailers, recently submitted construction drawings, including sign details; and

WHEREAS Element 7 is proposing three signs, one on the Ash Street side near the entrance to the building and two on the front of the building; and

WHEREAS the current regulations only allow one on building sign with a maximum area of 100 square feet; and

WHEREAS after considering other parcels, including corner parcels, developed parcels adjacent to vacant parcels and parcels adjacent to Highway 101, staff decided to recommend amending the sign regulations to allow up to three on-building signs.; and

WHEREAS the current regulations only allowing one on-building sign could affect the success of a local business; and

WHEREAS the current regulations only allowing one on-building sign could affect the success of a local business; and

WHEREAS the success of a business depends in part on the location and visibility, including signage; and

WHEREAS the proposed amendment is in the public interest in that they would allow additional signs, up to three in Town Center, Neighborhood Center, Community Commercial and Industrial Commercial zones; and

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

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.35.010 of the City of Rio Dell Municipal Code; and

WHEREAS the Planning Commission held a duly noticed public hearing on August, 25, 2020; and

WHEREAS the Planning Commission found that based on evidence on file and presented in the staff report that the proposed amendments are deemed to be in the public interest; and

WHEREAS the Planning Commission found that based on evidence on file and presented in the staff report that the proposed amendment is consistent and compatible with a comprehensive view of the General Plan and any implementation programs that may be affected; and

WHEREAS the Planning Commission found that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

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

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

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

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

SECTION 1.

Table 7-1 of Section 17.30.300 of the Rio Dell Municipal Code is hereby amended as follows:

TABLE 17.30.300-7-1
SIGNS PERMITTED BY ZONING DISTRICTS

Sign Type	Maximum No. Permitted	Maximum Area ⁴ (Sq. Ft.)	Maximum Height ⁴ (Ft.)	Minimum Setback From ROW (Ft.) ¹⁰	Illumination Standards
Town Center and Neighborhood Center Zones:					
Building signs ¹ :	1 per business 3 per business	100	Roofline	-	No glare onto residential property
Freestanding signs: Individual businesses	1	50	10	10	Indirect or background
Freestanding signs: Integrated development	1	150	15	10	Indirect or background
Community Commercial and Industrial Commercial Zones:					
Building signs	1 per business	125	Roofline	-	No glare onto residential property
Freestanding signs	1 per business	150	35	10	No glare onto residential property
Freestanding signs, integrated development ⁴	1 per project entrance	300 ³	35	10	No glare onto residential property

Notes:

1. Excludes nameplates as described in section 17.30.300(3) of this chapter.
2. Refer to Design Review Guidelines.
3. Square feet by side.
4. On site signs for commercial and industrial zones may exceed the height and size limits after showing that the operation on site requires the added visibility and that site topography or other constraints would preclude adequate visibility of the sign and upon issuance of a Conditional Use Permit.

Section 2. Severability

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

Section 3. Limitation of Actions

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

Section 4. CEQA

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

Section 5. Effective Date

This ordinance becomes effective thirty (30) days after adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on September 1, 2020 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the September 15, 2020 by the following vote:

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

Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 382-2020 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on September 15, 2020.

Karen Dunham, City Clerk, City of Rio Dell