



AGENDA
RIO DELL PLANNING COMMISSION
SPECIAL MEETING - 6:30 P.M.
TUESDAY, JULY 11, 2017
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

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

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL MATTERS

E. CONSENT CALENDAR

- 1) 2017/0711.01 - Approve Minutes of the June 27, 2017 Regular Meeting (**ACTION**) **1**

F. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. As such, a dialogue with the Commission or staff is not intended. Items requiring Commission action not listed on this agenda may be placed on the next regular agenda for consideration if the Commission directs, unless a finding is made by at least 2/3rds of the Commission 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.

G. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

- 1) 2017/0711.02 - Resolution No. PC-114-2017 Recommending the City Council Amends Chapter 17 of the Rio Dell Municipal Code Establishing Personal Cannabis Cultivation Regulations, Section 17.30.235 of the Rio Dell Municipal Code (RDMC) (**DISCUSSION/POSSIBLE ACTION**) **14**

H. ADJOURNMENT



In compliance with the American with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

*The next Regular Planning Commission meeting is scheduled for
Tuesday, July 25, 2017 at 6:30 p.m.*

**RIO DELL PLANNING COMMISSION
REGULAR MINUTES
JUNE 27, 2017**

The regular meeting of the Rio Dell Planning Commission was called to order at 6:30 p.m. by Commissioner Angeloff.

Present were Commissioners Angeloff, Kemp, Marks, Richter and Woodall. Absent was Commissioner Strahan.

Others present were Community Development Director Caldwell and City Clerk Dunham.

CONSENT CALENDAR

Approve Minutes of the May 23, 2017 Regular Meeting

Motion was made by Woodall/Marks to approve the consent calendar including approval of the minutes of the May 23, 2017 regular meeting as presented. Motion carried 5-0.

PUBLIC PRESENTATIONS

None

SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

Resolution No. PC-112-2017 Approving a Conditional Use Permit for PMD, Inc. (Glen White Group) for Medicinal Cannabis Operations, including Research and Development, Manufacturing, Oils/Concentrates, a Health and Wellness Center, a Distribution and Processing Facility, a Tissue Culture Nursery and Research Facility and a DigiPath Cannabis Testing Laboratory subject to Conditions of Approval – File No. 205-111-021; Case No. CUP 17-01

Community Development Director Caldwell provided a staff report and said as the Commission is aware the Design Review Conditional Use Permit for this project including three buildings and landscaping was approved by the Commission at the May 23, 2017 regular meeting by a vote of 5-0.

He stated that this item is related to a Conditional Use Permit for the cannabis related activities including a Health and Wellness Center, research and development operations, manufacturing, oils/concentrates, distribution and processing facility, a tissue culture nursery, and a research and testing facility. He noted that the Plan of

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Operations for the proposed uses addresses employees, traffic, security, waste management, etc.

He noted that the State is in the final stages of adopting regulations for cannabis businesses and anticipates adoption by January 1, 2018. Once these regulations are adopted, local cannabis businesses will be required to comply with both the State and local regulations.

Community Development Director Caldwell reviewed the proposed uses in each of the buildings, zoning and land use consistency, and performance standards for each of the proposed cannabis related activities.

He noted that staff is also recommending a backup power source as a condition of approval.

He commented that one of the buildings will be used as a tissue culture nursery and research facility, identified as a Type 4 license with the State. He noted that with this license they will be allowed to sell plants out of the nursery.

He continued with review of the State cultivation requirements for nurseries noting that the size of nurseries is limited to 43,000 square feet.

Community Development Director Caldwell stated that DigiPath Labs, one of the biggest leaders in cannabis testing industry will be occupying approximately 2,700 square feet of the building. He said their mission is to provide pharmaceutical grade analysis and testing to ensure consumers and patients know exactly what is and what isn't in the cannabis they ingest and to help maximize the quality of the products through research, development and standardization.

He noted that DigiPath will be testing for pesticides, residual solvents, microbiological impurities, heavy metals, foreign material as well as moisture residue and potency.

Discussion continued regarding the results of the traffic study, lab security measures, storage of cannabis samples, destruction of cannabis materials, performance standards for testing laboratories, general plan consistency, and land use and zoning compatibility.

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Community Development Director Caldwell commented that the City is fortunate to have the opportunity to see development of the Humboldt Rio Dell Business Park and said with the first two projects moving forward, it is anticipated there will be between 30 and 50 full-time jobs created and at full buildout approximately 160 jobs.

Community Development Director Caldwell referred to the Traffic Impact Study prepared by W-Trans and noted that the study concluded that the intersections of US 101 with Metropolitan Heights Road and Northwestern Avenue, both of which provide access to the site are operating acceptably under existing conditions and are expected to continue operating at an acceptable level of service at full buildout of the Humboldt Rio Dell Business Park.

He noted that Caltrans did propose a turn pocket which staff will be discussing with the stakeholders as they would ultimately be footing the bill.

Staff also reported that the applicant has agreed to pay for extension of the City's water main from the connection to the north end of the project site at a cost of approximately \$450,000 with the stipulation of a payback agreement by the other stakeholders as they develop. He noted the extension is to maintain minimum water flows for fire protection.

Community Development Director Caldwell then turned it over to the Glen White Group to provide a presentation on the manufacturing process.

Glen White began by stating that everyone is well aware of what the hills around here and throughout the County is producing and has for many decades. He said what they are doing is putting their arms around it in the most professional manner possible with medical concern and ultimately in the end the product that comes out of their facility will perhaps be treating kids from far away areas that need this medicine. He added that being able to work with credentialed people like Steve Dizaiy, Don Ashley and others feel they can produce the best purest product that comes from Rio Dell.

Steve Dizaiy, CSO/SEO of Diza-BioTech provided a brief general overview of the Manufacturing process followed by a power point presentation on topics including:

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- Control Management System
- Quality Facilities
- Production
- Sampling
- Machinery & Equipment
- Safety Protocols
- Backup Power Supplies
- OSHA Compliance
- Extraction Processes
- Purification Processes
- Filtration Systems
- Isolation of Cannabis Components
- Waste Management of Bio-mass

Mr. Dizaiy explained that there are a plethora of uses for unwanted residuals after completion of the extraction process such as makeup etc. so they have learned to not throw anything away.

He said having dialog with the City, County and State is crucial in addressing any potential issues and meeting the requirements of the agency.

Commissioners had questions regarding the type of equipment used for the extraction process, use of food grade alcohol, odor control, waste discharge, and the handling of flammable liquids.

Mr. Dizaiy said with regard to odor they have the regular heating/AC unit then a secondary system that actually sucks air and goes into a venting system that then sprays organic solvent or water and scrubs it then it goes into a large blower and shoot it out which is what OSHA wants. He said by the time it goes out there is virtually no smell.

He said with regard to bio-mass they will be utilizing a very sophisticated composting system and the goal is to get to 98 or 99% carbon free noting that the technology is there for them to achieve that goal.

Community Development Director Caldwell noted that staff was in contact with Inter-West Consulting Group for commercial plan check services and said they will be checking for fire code classifications regarding the explosive capabilities of

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solvents and will check those classifications as well as fire separation walls. He commented that this type of technology used in the extraction process is used in many other industries and is not isolated to the cannabis industry.

An unidentified member of the audience asked if they would be interested in handling other waste products; Steve Dizaiy commented that they would actually love to be the waste management of cannabis products.

Discussion continued regarding the amount of product processed on a daily basis and whether there was adequate space.

Glen White commented that there is potential for a second story on Building 2 which would bring that building up to 24,000 square feet and they are actually discussing options with their design engineer should they need additional space.

Commissioner Marks asked Mr. Dizaiy to touch on the Health and Wellness Center and questioned the sale of cannabis products on site.

Mr. Dizaiy explained the facility is more of a clinical research lab at this point and that they will be working with a licensed physician which is basically like having an internal review board. He said they will be trying therapeutics and once a formulary will offer as a revenue stream.

He stated that the Health and Wellness Center will be open to the general public with 215 cards and they will be asking 215 qualified patients to come and do clinical trials.

Community Development Director Caldwell explained that basically it will be people with a County Health Identification Card or those with a prescription from a licensed physician.

Commissioner Woodall questioned the use of Marinol.

Steve Dizaiy explained Marinol is a synthetic version of cannabis and only works with a certain segment of the population. He noted that when the THC in cannabis was reduced to 70% it helped a broader range of patients.

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Commissioner Angeloff stated as he understands it, they need a revenue stream in order to do research and create the products but the real focus here is to create a pharmaceutical that works for particular medical conditions.

Mr. Dizaiy explained the method of a metered dose delivery system.

Dave continued the presentation with emphasis on extraction and remediation and said his background is in finance and said they are doing great within the current margins but once they go away and new regulations come in they need to make sure they are still making money.

He explained their goal is compliance and are not married to a particular method of extractions.

He went on to review the various steps involved in the extraction process beginning with intake of the plant material to primary extraction, solvent and heavy metal removal, pesticide remediation, and solid liquid extractions. He noted that solid liquid extractions using volatile solutions is a method used in many other industries and that they will not be doing anything new or dangerous.

Commissioner Woodall asked if they will have contracts with people bringing in raw materials.

David explained that they will have guaranteed contracts with reputable farmers and will be encouraging disqualified producers to come to them to purify their product.

There was a question from the audience related to the method of payment to the farmers.

Don Ashley explained that processes for payments will need to be developed because of the outdoor market being so different and vast. He noted that as of now all sales are on a cash basis.

He commented that DigiPath also agreed to go out to the farms and test plants before they are even put in the ground to help alleviate any potential problems.

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Julie Houtby, a resident from Hunts Dairy stated that she doesn't want all this cash changing hands and potential crime in their neighborhood.

Don Ashley clarified that there will be very strict security measures established and that they likely will be utilizing a prepaid money management system similar to gift cards where money goes back and forth through a card payment system.

Ken Houtby then expressed concern about the inclusion of a turn lane and said it would hinder them from turning out of their driveway onto Highway 101. He said if vehicles are forced to turn north on 101 then turn around to go south he feared what they will do is try and turn around at Chapman's Gem and Mineral and create accidents. He noted that there have already been major accidents along that corridor with normal traffic and with increased traffic it will only get worse.

Community Development Director Caldwell reiterated that Caltrans merely suggested a turn lane so it is not a requirement that a turn lane be installed.

Julie Houtby asked if any consideration had been given to reducing the speed limit along that corridor and said that they were not notified of the meeting.

Community Development Director Caldwell explained that notices were sent to all property owners within a 300 foot radius as required by law.

Mayor Wilson asked if all raw materials will be purchased through licensed growers.

Don Ashley verified that they will only be contracting with licensed growers who participate in the track and trace program. He stated that there are going to be those people getting involved in the industry who have never grown but have a big check book, then those growers who have never been or will ever be in compliance, then those growers that want to be compliant. He said with all of these coming together there naturally will be some growing pains.

Glenn White commented that the idea is to try and streamline the process for the growers that want to come into compliance.

Commissioner Marks asked if they plan to break ground on construction before November (when the tax goes on the ballot).

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Glen White noted that the first step is to complete the water line extension and put in the rest of the infrastructure but said there will absolutely be some construction occurring on the structures by November.

Discussion continued regarding the volume of raw materials coming into the facility and increased traffic in and out of the park.

It was estimated they will process between 1,000 and 2,000 pounds of raw material per day.

Community Development Director Caldwell commented that Building 2 (manufacturing facility) could probably accommodate a half a million pounds of raw material.

Motion was made by Woodall/Kemp to adopt Resolution No. PC-112-2017 approving the Cannabis Activity Conditional Use Permit (CUP) for PMD Inc. (Glen White Group) subject to the Conditions of Approval including backup power source and any amended or adopted regulations by the state. (File No. 205-111-021 - Case No. CUP-17-01). Motion carried 5-0.

Commissioner Angeloff thanked the applicants for submitting a professional Plan of Operation and said he hopes this sets the scale for others.

Commissioner Angeloff called for a 5 minute recess.

The meeting reconvened at 8:20 p.m.

Resolution No. PC 113-2017 Approving a Conditional Use Permit for GreenHeart Industries, LLC for Medicinal Cannabis Operations, including Manufacturing, Oils/Concentrates, Indoor Cultivation and a Distribution and Processing Facility within a 19,200 foot building subject to Conditions of Approval – File No. 205-111-075; Case No. CUP 17-02

Community Development Director Caldwell provided a staff report and explained the application submitted by GreenHeart Industries (Tyler Roberts) is for a Conditional Use Permit (CUP) for Medicinal Cannabis operations including Manufacturing oils/concentrates, Indoor Cultivation, and a Distribution and Processing Facility within a 19,200 square foot two-story building.

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He continued with review of the Plan of Operation as submitted including the security plan which includes up to 128 closed circuit cameras on the outside and inside of the building to monitor and record all activities as well as a shared armed guard.

Community Development Director Caldwell noted that the proposed use complies with the City's Commercial Medical Cannabis Land Use Ordinance, the Conditional Use Permit requirements, and is consistent with the development standards of the Industrial Commercial (IC) zone. He said based on the information as submitted, staff recommends approval of the Conditional Use Permit subject to the Conditions of Approval with the inclusion of a standby power source.

He noted that the State is in the final stages of adopting regulations for cannabis businesses and once adopted local cannabis businesses will be required to comply with both the State and local regulations.

Commissioner Marks asked if the performance standards were based off of Nevada's or California's standards.

Community Development Director Caldwell said the performance standards were actually based off of Oregon's standards.

Commissioner Woodall pointed out that the flood plain goes from one foot at the north end of the park to seven feet at this end and asked how that is going to be addressed.

Community Development Director Caldwell explained that the building will either need to be constructed to sit one foot above the base flood elevation or fill material needs to be brought in to build up the site. He noted that the parcel is owned by Dennis Wendt and it is his understanding that they plan to utilize some of the fill he has on site to build it up including the parking lot resulting in a sloped driveway to the site.

Commissioner Woodall asked if they will be required to construct a fence around the site.

Community Development Director Caldwell stated that the Commission could condition the project to include a fence.

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Tyler Roberts stated that he would have no problem installing a fence if that is the desire of the Commission.

Commissioner Marks referred to the sewer leach fields and asked what their plan is for disposal of bi-products.

Travis DiGennaro noted that main discharge will be runoff from the hydroponic operation but that can be controlled almost down to 0%. He noted that they will not be pumping huge amounts of water on a daily basis so the runoff will be very minimal. As mentioned in their Plan of Operation, they will potentially be using an evaporated storage tank to meet State requirements.

Community Development Director Caldwell commented that the County Environmental Health as well as the State will be developing guidelines to address this issue.

Commissioner Woodall questioned what Rockwell material is.

Mr. DiGennaro explained it is basically like insulation in that it can be fully saturated and still allows plants to survive. Precision Agriculture is the manufacturer and in speaking to them they are willing to work on a way to compost Rockwell material.

Commissioner Angeloff called for further public comment; no further public comment was received.

Community Development Director Caldwell stated for clarification that this facility does not include a Health and Wellness Center.

Discussion continued regarding installation of a wrought iron fence versus a 24-hour security guard.

Tyler Roberts expressed desire to have a security guard as a second source of security and was in agreement with installation of the fence as well.

Motion was made by Woodall/Marks to adopt Resolution No. PC-113-2017 approving the GreenHeart LLC Cannabis Activity Conditional Use Permit subject to Conditions of Approval to include a standby power source and a fence. Motion carried 5-0.

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Discussion and Consideration of Parking Exception Request from Dennis Wendt -
File No. 205-111-075; Case: Parking Exception 17-01

Community Development Director Caldwell provided a staff report and said as the Commission is aware Dennis Wendt submitted an application for a Conditional Use Permit (CUP) for the Design Review of a proposed 19,200 square foot warehouse. He said the application was presented to the Commission at the May 23, 2017 meeting at such time the project was conditionally approved as recommended by staff however; there were a number of issues associated with the building and the site plan including the required number of parking spaces.

He explained that under the Rio Dell Municipal Code, one parking space is required for every 500 square feet for warehouse uses and one space for every 250 square feet of office space. Based on the parking requirements, the applicant is required to provide 38 spaces but the site plan only identified 19 spaces.

He said as allowed by the Code, Mr. Wendt has submitted a parking exception request based on anticipated use. He noted that the proposal was to provide 19 spaces which were 9 more spaces than the anticipated 10 employees although according to the Plan of Operation it was estimated there would be 21 employees during peak periods of operation.

Community Development Director Caldwell said the other argument Mr. Wendt made was that the use is not a retail use so there will be no customers on site. Staff pointed out that should the buildings be converted to retail use down the road 77 spaces would be required under the City's parking requirements for retail uses.

He stated that he checked with the County of Humboldt and the City of Arcata who allow cannabis activity permits and under their parking requirements the applicant would be required to provide 25 spaces in the County and 24-38 spaces in Arcata (the median number of 31).

He said staff believes the applicant should be required to provide a minimum of 25 spaces but the Commission may want to consider requiring 30 spaces which would be an approximate reduction of 20% of the required number. He noted that this would be somewhat consistent with the City of Arcata's parking requirements.

Staff pointed out that in the event the business closed down and a new business came in, additional spaces could be required under as a condition of approval of the

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business license.

Commissioner Kemp asked if this would include motorcycle spaces.

Community Development Director Caldwell said motorcycle spaces would be in addition to the regular spaces.

Commissioner Marks commented that the Glen White Group provided the required number of parking spaces with no exceptions and questioned whether the Commission should start making exceptions now with several pending applications anticipated.

Community Development Director Caldwell explained that under the parking requirements, parking exceptions are allowed based on various factors such as geographical location of the site; levels of anticipated use; site specific topographic constraints; historically designated structures; or proximity to urban built-up areas. He said Mr. Wendt's exception request is based on levels of anticipated use based on 10 anticipated employees and the fact that the use is not retail use.

Commissioner Woodall asked the applicant if he anticipates the business expanding.

Tyler Roberts commented that the building is only so big so he doesn't see the business expanding without relocating.

Commissioner Marks asked Mr. Roberts his opinion on providing 30 parking spaces.

Mr. Roberts said he would be agreeable to 30 spaces.

Commissioner Marks said if the Commission is going to allow parking exceptions, they should be consistent and suggested the 20% reduction apply.

Commissioner Angeloff called for public comment on the proposed Conditional Use Permit. No public comment was received at this time.

Motion was made by Woodall/Richter to approve the parking exception request from Dennis Wendt (File No. 205-111-075 Case No. Parking Exception 17-01) with

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the modification to reduce the required parking spaces from 38 spaces to 30 spaces. Motion carried 5-0.

STAFF COMMUNICATIONS

Community Development Director Caldwell announced that he would like to schedule a special Planning Commission meeting for July 11, 2017 to bring forward the Personal Cultivation Regulations pursuant to the Adult Use of Marijuana Act (AUMA), Proposition 64.

Consensus of the Commission was to schedule the special meeting as recommended.

Community Development Director Caldwell stated that there were no pending items scheduled for the July 25, 2017 regular meeting at this time.

ADJOURNMENT

Motion was made by Woodall/Marks to adjourn the meeting at 8:52 p.m. to the July 11, 2017 special meeting.

Nick Angeloff, Chair

Attest:

Karen Dunham, City Clerk

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



For Meeting of: July 11, 2017

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: July 6, 2017

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

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding establishing Section 17.30.235, Personal Cannabis Cultivation Regulations of the Rio Dell Municipal Code (RDMC);
2. Open the public hearing, receive public input and deliberate;
3. Find that:
 - (a) The proposed text amendment is consistent with the General Plan; and
 - (b) The proposed text amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);
4. Adopt Resolution No. PC 114-2017 recommending that the City Council establish Personal Cannabis Cultivation Regulations, Section 17.30.235, of the Rio Dell Municipal Code (RDMC).

Discussion

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

- ❖ Allows persons to cultivate six (6) marijuana plants.
- ❖ Local governments may “reasonably regulate” but not prohibit “indoor” cultivation. Indoor cultivation includes a greenhouse or other detached accessory building.
- ❖ Local governments may ban outdoor cultivation, but those that do will not be eligible for grants.
- ❖ Plants grown outdoors may not be visible by normal unaided visions from a public place.
- ❖ Marijuana in excess of 28.5 grams must be kept in a locked space within the person’s private residence.
- ❖ Local governments can require a permit process with an appropriate fee to ensure compliance with the various building codes, including the fire code. In addition a permit process could require periodic inspections upon appropriate notice.

At the study session staff was directed to prepare a draft ordinance regarding the personal cultivation of cannabis. Staff is recommending a number of performance standards very similar to the personal medical cultivation regulations. Below is a copy of the draft recommended performance standards.

17.30.235(6) Residential Cultivation for Personal Use

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

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

- (a) Outdoor and greenhouse cultivation is prohibited.
- (b) Indoor cannabis cultivation in a residence or detached accessory building shall not exceed six (6) plants and one-hundred-fifty (150) square feet or less, that is ten (10) feet or less in interior height per residence on a parcel; and

- (c) The cannabis cultivation and processing area in the residence or detached accessory building shall be indoors and secured against unauthorized entry; and
- (d) Grow lights for cannabis cultivation in a residence or a detached accessory building shall not overload the capacity of the branch circuits; and
- (e) All electrical equipment used in the indoor cultivation of medical marijuana in a residence or a detached accessory building shall be plugged directly into a wall outlet or otherwise hardwired. The use of extension cords to supply power to electrical equipment used in the residential cultivation of medical marijuana is prohibited; and
- (f) The use of gas products (CO₂, butane, etc.) for indoor cannabis cultivation or processing in a residence or a detached accessory building is prohibited; and
- (g) No toxic or flammable fumigant shall be used for indoor cultivation of cannabis in a residence or a detached accessory building unless the requirements of Section 1703 of the California Fire Code have been met; and
- (h) No odor of medical marijuana shall be detectable from the property boundaries by a person of ordinary senses. To achieve this, the cultivation area shall be, at a minimum, mechanically ventilated with a carbon filter or other superior method to prevent the odor of marijuana from escaping the indoor cultivation area and negatively impacting neighbors and the surrounding community. Ventilation systems shall be installed in a manner that facilitates decommissioning and a return of the cultivation area to non-cultivation residential uses; and
- (i) From a public right of way, neighboring properties, or neighboring housing units, there shall be no auditory evidence of the cultivation at the residence or detached accessory building that is detectable by a person of ordinary senses; and
- (j) Cannabis cultivation, processing, or transfers in a residence or detached accessory building are prohibited as a Home Occupation; and
- (k) No sale, trading, or dispensing of cannabis is allowed on a parcel where cultivation of cannabis occurs; and
- (l) The residence where cannabis is grown indoors for personal use shall maintain a kitchen and bathroom(s) for their intended use, and the kitchen, bathroom(s), and bedroom(s) shall not be used cannabis cultivation; and
- (m) No effluent, including but not limited to waste products, chemical fertilizers or pesticides shall be discharged into drains, septic systems, community sewer systems, water systems or other drainage systems including those that lead to rivers and streams as a result of the cultivation of cannabis; and
- (n) The cultivation of cannabis shall not adversely affect the health or safety of residents, neighbors, or nearby businesses by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes associated with the cultivation of cannabis; and

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

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

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

As currently proposed, no permits would be required unless the cultivation triggers the need for a Building Permit. Even if a ministerial permit of some sort was required, staff believes it is highly unlikely that residents would make application for a permit. As such, the enforcement of the regulations would be complaint driven.

Procedural Requirements

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

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.35.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.35.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.

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

Zone Reclassification Required Findings

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

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

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

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

Attachments

Attachment 1: Resolution No. PC 114-2017 recommending that the City Council establish Personal Cannabis Cultivation Regulations, Section 17.30.235, of the Rio Dell Municipal Code (RDMC).

Attachment 2: Draft Ordinance No. 358-2017 establishing Personal Cannabis Cultivation Regulations, Section 17.30.235, of the Rio Dell Municipal Code (RDMC).

RESOLUTION NO. PC 114-2017



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
RECOMMENDING THAT THE CITY COUNCIL ESTABLISH PERSONAL CANNABIS
CULTIVATION REGULATIONS, SECTION 17.30.235 OF THE RIO DELL MUNICIPAL
CODE**

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS the City has determined that the proposed Personal Cannabis Cultivation Regulations is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell finds that:

1. The proposed amendments are consistent with the General Plan and any applicable specific plan; and
2. The proposed amendments are Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Rio Dell recommends that the City Council approve the proposed amendments to establish Personal Cannabis Cultivation Regulations, Section 17.30.235 of the Rio Dell Municipal Code.

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on July 11, 2017 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Nick Angeloff, Chairperson

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 Resolution No. PC 114-2017 adopted by the Planning Commission of the City of Rio Dell on July 11, 2017.

Karen Dunham, City Clerk, City of Rio Dell

ORDINANCE NO. 358-2017



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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed Cannabis Cultivation Regulations are consistent and compatible with a

comprehensive view of the General Plan and any implementation programs that may be affected; and

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

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

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

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

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

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

Section 1.

Section 17.030.235 Personal Cannabis Cultivation Regulations

(1) Authority and Title. Pursuant to the authority granted by Article XI, section 7 of the California Constitution, California Government Code Section 38773.5 the City Council does hereby enact this Ordinance, which shall be known and may be cited as the "Cannabis Cultivation Regulations".

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

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

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

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

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

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

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

(d) The right of citizen's under state law to possess and cultivate cannabis for personal purposes does not confer upon them a right to create or maintain a nuisance. By adopting this Ordinance, which regulates the land use aspects of indoor residential cultivation of cannabis for personal use, the City expects a reduction in complaints regarding cannabis related odors and residential mold and moisture issues affecting rental housing stocks, as well as a decrease in crime and fires related to the cultivation and processing of cannabis.

(e) The City finds that while the right of citizens to use and cultivate cannabis is authorized by Adult Use of Marijuana Act, the potential land use impacts to the environment and to public health, safety and welfare as identified, necessitates that the City create regulations, such as this Ordinance, to govern the cultivation of cannabis for personal use in a residence or detached accessory buildings.

(f) The City finds that the indoor cultivation of more than one-hundred-fifty (150) square feet of cannabis that is more than ten (10) feet tall per residence or detached accessory building, as defined herein, within the City may result in an unreasonable risk of crime, fire, and other nuisance-related impacts such as odors offensive to people living or working or recreating

nearby, as well as resulting in the deterioration of the neighborhood character, decrease in rental housing stock, and excessive energy consumption and carbon dioxide emissions. Therefore, the indoor cultivation of more than one-hundred-fifty (150) square feet of cannabis that is more than ten (10) feet tall per residence or detached accessory building is hereby found and declared to be unlawful and a public nuisance.

(g) The City further finds that the indoor cultivation of one-hundred-fifty (150) square feet or less of cannabis that is ten (10) feet tall or less per residence or detached accessory building is subordinate, incidental, and accessory to the residential use, within the City will achieve the goals of allowing citizen's the ability to cultivate cannabis in or at their residence as allowed by the Adult Use of Marijuana Act for their personal use, while minimizing, to the extent possible, the negative impacts on the neighbors, the neighborhood, and the community from a citizen's right to cultivate and process cannabis.

(4) Applicability and Interpretation

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

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

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

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

(5) Definitions

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

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

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

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

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

"Detached Accessory Building – Residential" means a building which is incidental and subordinate to the residence or residential use and be located on the same parcel. Detached Accessory Buildings must be fully enclosed, secure and lockable structure that has a roof supported by connecting walls extending continuously to a perimeter foundation or equivalent base to which the connecting walls are securely attached.

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

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

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

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

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

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

(6) Residential Cultivation for Personal Use

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

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

(a) Outdoor and greenhouse cultivation is prohibited.

- (b) Indoor cannabis cultivation in a residence or detached accessory building shall not exceed six (6) plants and one-hundred-fifty (150) square feet or less, that is ten (10) feet or less in interior height per residence on a parcel; and
- (c) The cannabis cultivation and processing area in the residence or detached accessory building shall be indoors and secured against unauthorized entry; and
- (d) Grow lights for cannabis cultivation in a residence or a detached accessory building shall not overload the capacity of the branch circuits; and
- (e) All electrical equipment used in the indoor cultivation of medical marijuana in a residence or a detached accessory building shall be plugged directly into a wall outlet or otherwise hardwired. The use of extension cords to supply power to electrical equipment used in the residential cultivation of medical marijuana is prohibited; and
- (f) The use of gas products (CO₂, butane, etc.) for indoor cannabis cultivation or processing in a residence or a detached accessory building is prohibited; and
- (g) No toxic or flammable fumigant shall be used for indoor cultivation of cannabis in a residence or a detached accessory building unless the requirements of Section 1703 of the California Fire Code have been met; and
- (h) No odor of medical marijuana shall be detectable from the property boundaries by a person of ordinary senses. To achieve this, the cultivation area shall be, at a minimum, mechanically ventilated with a carbon filter or other superior method to prevent the odor of marijuana from escaping the indoor cultivation area and negatively impacting neighbors and the surrounding community. Ventilation systems shall be installed in a manner that facilitates decommissioning and a return of the cultivation area to non-cultivation residential uses; and
- (i) From a public right of way, neighboring properties, or neighboring housing units, there shall be no auditory evidence of the cultivation at the residence or detached accessory building that is detectable by a person of ordinary senses; and
- (j) Cannabis cultivation, processing, or transfers in a residence or detached accessory building are prohibited as a Home Occupation; and
- (k) No sale, trading, or dispensing of cannabis is allowed on a parcel where cultivation of cannabis occurs; and
- (l) The residence where cannabis is grown indoors for personal use shall maintain a kitchen and bathroom(s) for their intended use, and the kitchen, bathroom(s), and bedroom(s) shall not be used cannabis cultivation; and
- (m) No effluent, including but not limited to waste products, chemical fertilizers or pesticides shall be discharged into drains, septic systems, community sewer systems, water systems or other drainage systems including those that lead to rivers and streams as a result of the cultivation of cannabis; and
- (n) The cultivation of cannabis shall not adversely affect the health or safety of residents, neighbors, or nearby businesses by creating dust, glare, heat, noise, noxious gasses, odor,

smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes associated with the cultivation of cannabis; and

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

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

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

(7) Violation of Regulations.

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

(8) Penalty.

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

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

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

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

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

(9) Declaration of Public Nuisance.

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

(10) Remedies.

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

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

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

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

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

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

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

Section 3. Severability

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

Section 4. Limitation of Actions

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

Section 5. CEQA Compliance

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

Section 5. Effective Date

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

I **HEREBY CERTIFY** that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on _____ 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 _____ by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Frank Wilson, Mayor

ATTEST:

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

Karen Dunham, City Clerk, City of Rio Dell