



**RIO DELL CITY COUNCIL AGENDA**  
**REGULAR MEETING - 6:00 PM**  
**TUESDAY, FEBRUARY 06, 2024**  
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](http://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 ALTERNATIONS TO MEETING FORMAT  
CORONAVIRUS (COVID 19)**

City Council meetings held in City Hall Council Chambers to in-person attendance by the public. The public may also attend these meeting virtually through Zoom. The meetings will also be viewable via livestreaming through our partners at Access Humboldt via their YouTube channel or Suddenlink (Optimum) 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](mailto: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**

1. 2024/0206.01 - In Appreciation to Sarah Reback for her Dedication to the Community

**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 allowed under the Ralph M. Brown Act. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3 of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.*

**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. 2024/0206.02 - Approve Minutes of the January 16, 2024 Regular Meeting **(ACTION)** - Pg. #4
2. 2024/0206.03 - Authorize the City Manager to Purchase Exercise Station Equipment in the amount of \$19,258.81 **(ACTION)** - Pg. #21
3. 2024/0206.04 - Approve Award of Bid to Hooven Construction for the Clean California Grant Rio Dell Exercise Station in the amount of \$34,945 and authorize the City Manager to execute an Agreement in coordination with the City Attorney **(ACTION)** - Pg. #26
4. 2024/0206.05 - Approve Award of Bid for the Clean California Gateway Landscape Improvement Project to Jagimo Corporation Inc. DBA J & G Lawn and Garden in the amount of \$148,984 and authorize the City Manager to execute an Agreement in Coordination with the City Attorney **(ACTION)** - Pg. #27

**G. ITEMS REMOVED FROM THE CONSENT CALENDAR**

**H. REPORTS/STAFF COMMUNICATIONS**

1. 2024/0206.06 - City Manager/Staff Update - Pg. #28

**I. SPECIAL PRESENTATIONS/STUDY SESSIONS**



## J. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS/PUBLIC HEARINGS

1. 2024/0206.03 - Provide Staff Direction Regarding Letter of Opposition on Measure A, the Humboldt County Cannabis Reform Initiative (**ACTION**) - Pg. #33

## K. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

1. 2024/0206.07 - Second reading (by title only) and adoption of Ordinance No. 402-2024 related to False Alarms and Fees (**DISCUSSION/POSSIBLE ACTION**) - Pg. #100
2. 2024/0206.08 - Introduction and first reading (by title only) of Ordinance No. 403-2024 Amending the City's Zoning Regulations to 1) define and allow for residential care homes with six or fewer persons by right in all residential zones; 2) update the definition of family to mean one or more persons living together in a dwelling unit; and 3) provide for farm employee housing consistent with state law in zones that allow agriculture as a permitted use pursuant to the State Employee Housing Act (Health and Safety Code of Regulations, Section 5061(b)(3) (**DISCUSSION/POSSIBLE ACTION**)- Pg. #117

## L. COUNCIL REPORTS/COMMUNICATIONS

## M. ADJOURNMENT

*The next regular City Council meeting is scheduled for  
Tuesday, February 20, 2024 at 6:00 PM.*

**RIO DELL CITY COUNCIL  
REGULAR MEETING MINUTES  
JANUARY 16, 2024**

The regular meeting of the Rio Dell City Council was called to order at 6:05 p.m. by Mayor Garnes.

**ROLL CALL:** Present: Mayor Garnes, Mayor Pro Tem Carter (Attended Remotely), Councilmembers Orr, Wilson, and Woodall

Others Present: City Manager Knopp, Chief of Police Allen, Finance Director Sanborn, Community Development Director Caldwell (Attended Remotely), and City Clerk Dunham

Absent: Water/Roadways Superintendent Jensen, Wastewater Superintendent Kelly and Senior Fiscal Assistant Maciel (excused)

**CEREMONIAL MATTERS**

Proclamation – National Human Trafficking Prevention Month

Mayor Garnes read the proclamation declaring January as National Human Trafficking Prevention Month. Deborah Scaife, President of Soroptimist International of Eel River Valley was present to receive the proclamation.

**Deborah Scaife** thanked the City Council for presenting the proclamation and said that the mission of the Soroptimist is to raise awareness through education and other efforts to help women achieve economic empowerment so they are less likely to human trafficking. She said if you see something or hear something, tell somebody.

**PUBLIC PRESENTATIONS**

Mayor Garnes invited public comment on non-agenda matters.

**Jeana McClendon**, candidate running for 2<sup>nd</sup> District Supervisor, introduced herself to the City Council and the community and said that she is taking an interest and hoping to get up to speed with the campaign as soon as possible. She commented that she has been a business owner in Fortuna for 25 years and raised in District 2 since she was 3 years old.

She said that as she was out knocking on doors and talking to Rio Dell residents campaigning, some of the things that she heard over and over from residents was what a great asset the Rio Dell Volunteer Fire Department is to the community, what a great job Chief Allen and the Rio Dell Police Department is doing with limited resources, and about the great work by Sarah Reback and the Community Resource Center.

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**Suzanne Maese**, from Margro Advisors addressed the Council and urged everyone to vote “No” on Cannabis Measure A. She said that the proposed cannabis ordinance was written by two individuals and positioned to help small farmers and keep large growers out but what it does is restricts the small farmers. It will stop in its tracks, any monies coming to the County with regard to environmental grant funding. CDFW has earmarked \$13 million for cannabis farmers and they are working with various agencies to try and secure that funding for such things as water tank storage for small farmers.

**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 a separate discussion. No items were removed.

A motion was made by Orr/Woodall to approve the consent calendar including the following items:

- 1) Minutes of the January 2, 2024 Regular Meeting;
- 2) Appointment of Councilmembers as the City’s Representatives to Humboldt Transit Authority (HTA);
- 3) Resolution No. 1595-2024 Amending the Adopted Budget for FY 2023-24 to increase Appropriations for Per Capita Park Development Grant (Dog Park);
- 4) Resolution No. 1596-2024 Amending the Adopted Budget for FY 2023-24 to Increase Appropriations for Clean California Gateway Beautification Grant;
- 5) Authorize City Manager to Execute Agreement with Mobley Construction for the dog Park in the Amount of \$198,600; and
- 6) Check Register for December 2023.

Motion carried 5-0.

**REPORTS/STAFF COMMUNICATIONS**

City Manager Knopp provided highlights of the staff update and reminded everyone of the annual Homeless Point in Time (PIT) Count to take place on the morning of Tuesday, January 23, 2024. Anyone interested in volunteering for the count was asked to contact the City Manager.

Councilmember Wilson asked how many homeless individuals are typically counted.

City Manager Knopp recalled a dozen or so people identified in previous counts.

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Councilmember Woodall asked if the Community Resource Center could be utilized to help with the count.

Mayor Garnes said that the Community Resource Center would be helping.

Mayor Garnes called for public comment.

**Nancy Nally** suggested looking on the river bar for homeless encampments. She said that she lives on N. Pacific Ave. and there has been one person that has been homeless there for two years and in the summer, there are typically 5 or 6 people camped at the river bar.

**SPECIAL PRESENTATIONS/STUDY SESSIONS**

Presentation – Eel River Trails Project/Approve Resolution No. 1597-2024 Adopting Mitigated Negative Declaration and Adopting the Mitigation Monitoring and Reporting  
City Manager Knopp introduced Andrea Hilton from GHD who was present to provide a brief overview on the Eel River Trails Project and answer any questions the Council might have.

Andrea explained that in order to begin the project, the city is required to complete CEQA including the preparation of an Initial Study and Mitigated Negative Declaration. The document was circulated for 30 days between November 13, 2023 and December 13, 2023 to allow agencies and the public the opportunity to review and comment on the document. It was also submitted to the State Clearinghouse for review by state agencies and to agencies with jurisdiction over resources affected by the project. The document reviewed all of the environmental resources on the CEQA checklist and found no significant impacts related to the project.

She noted that the California Department of Fish and Wildlife (CDFW) did not submit any written comments but requested a field tour to review the project site. The tour occurred on December 4, 2023 and during the tour, CDFW requested incorporation of wildlife friendly trash cans at the trail heads and incorporation of additional invasive species removal into the project's Habitat Monitoring Plan, specifically English Ivy and French Broom. As such, the document was updated and resubmitted to CDFW.

Mayor Garnes called for comments or questions from the Council.

Mayor Pro Tem Carter commented that she was looking forward to having shovels in the ground.

Councilmember Wilson asked if this includes the modification made at the last meeting to include the ADA ramp.

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Andrea explained that GHD performed a full-scale CEQA report and analyzed the maximum potential environmental impact likely to occur to avoid going back and amending the document which would result in additional expense.

Mayor Garnes called for public comment.

**Tommy Norton** asked if adding the modification for the additional ADA ramp resulted in additional costs to the City.

City Manager Knopp explained that the project from its inception had to be 100% ADA compliant so the strategy that has been implemented would be to phase in the full ADA implementation into a second phase if bids come back in a manner that would not allow the project to move forward. This allows the City to move the project forward without incurring additional costs.

Andrea explained that the CEQA document encompassed the entire project even if it is done in phases and said that the CEQA document does not expire.

**Suzanne Maese** said that she understood at the last meeting that the \$170,000 change order was for engineering for the ADA ramp which does impact the cost of the project.

Andrea reiterated that everything was included under CEQA and the City could construct the entire project or do portions of the project under the same CEQA document.

Motion was made by Woodall/Orr to approve *Resolution No. 1597-2024 Adopting the Mitigated Negative Declaration for the Eel River Trail Project (State Clearinghouse Number 2023110319) and Adopting the Mitigation Monitoring and Reporting Program*. Motion carried 5-0.

## **ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS**

### Second Reading (by title only) and Adoption of Ordinance No. 401-2024 Establishing Residential Rental Housing Inspection Regulations in Title 8 as Chapter 8.40 of the Rio Dell Municipal Code

Community Development Director Caldwell provided a staff report on the proposed Rental Housing Inspection Program.

He said that the ordinance was introduced at the meeting of January 2, 2024 and is back before the Council for its second reading and adoption.

He said that in 2011, the City considered establishing a Rental Housing Inspection Program but at that time there was concern about the cost being passed onto tenants who could least afford it which was estimated at \$150.00/year per unit. He said that staff has

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gotten the cost down to roughly \$2.78 per month for City inspected properties and \$3.75 per month for self-certification properties.

He further explained that the draft ordinance was presented to the Planning Commission for review and to the Nuisance Advisory Committee on multiple occasions and both committees voted unanimously to recommend approval.

He said that staff believes that the Rental Housing Inspection Program is a win-win for the City as well as the landlords and tenants and for those reasons, staff is recommending the City Council adopt the ordinance.

He said that staff is proposing a slow rollout of the program with registration through 2024 with inspections beginning in January of 2025. He said that based on the current numbers of roughly 640 rental units in the City, the City would be responsible for inspecting roughly 465 with the Rio Dell Fire Department responsible for the remaining rental units containing more than three units.

Councilmember Wilson asked if inspection sheets would be sent out to tenants and landlords once the ordinance is passed so they know what is going to be required.

City Manager Knopp explained that the idea is to have a year-long rollout period where the City will be providing that information to both landlords and tenants and getting them signed up and registered for the inspections.

Councilmember Orr referred to **Section 8.40.030 Purpose (4)** of the proposed regulations which read: "*Complaint initiated enforcement actions are sufficient to provide the essential level of abatement of substandard housing conditions needed by this community*" and asked why the City would need a second standard.

Community Development Director Caldwell explained that it is ultimately up to the City Council however, there are tenants that have legitimate concerns but are afraid to complain to the landlord for fear of retribution.

Councilmember Orr commented that as far as fear of retribution, tenants are protected under the California Rental Code and is highly against the law and punishable.

Community Development Director Caldwell commented that the problem is that tenants need money to fight landlords and although there are some pro-bono legal services in northern California, it is very difficult to go through the process.

Councilmember Orr said that it was mentioned that CalOSHA inspectors went through residences after the earthquake and found a lot of sub-standard conditions and asked if



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they identified how many of those were rentals versus owner-occupied units. He questioned why the regulations were renter specific rather than having the regulations for all properties.

Community Development Director Caldwell said that they did not determine if they were renter or owner-occupied units but when they were able to contact occupants of the dwelling units, they asked if they were a tenant or property owner and the majority said they were tenants. He noted that property owners tend to maintain their properties better than renters.

Councilmember Orr said that the assumption is that homeowners take better care of their property than renters but it is not necessarily the case and asked again why the enforceable standards only apply to rental units.

Community Development Director Caldwell said that it would be up to the City Council to include all properties which would require amending the ordinance and bringing it back to the Council for consideration.

He pointed out that based on the recent inspections, it appears that the majority of the substandard housing conditions are with rental properties. Owners and property managers sometimes lose sight of what is going on and neglect maintenance issues. He mentioned a recent situation where a tenant was forced to wash dishes in the bathroom sink because the landlord would not fix the plumbing to the kitchen sink. He said that this ordinance is a stepping stone to help the community, the tenants, property owners and neighbors to hopefully improve the housing stock and make Rio Dell a better place to live.

Councilmember Orr said in going through the check list of inspection items, it is a very subjective list as to what is wrong with the property and there are no established criteria for what makes a property livable or not and asked staff to address that.

Community Development Director Caldwell said that it is not subjective and that all of the inspection items are followed by the code and section of the International Property Maintenance Code, the California Health and Safety Code, California Building Code, California Fire Code or Rio Dell Municipal Code which are all prescriptive code requirements on the books now so they either apply to the code or not.

Councilmember Orr noted that when it says that balconies should be in good condition, what determines "good condition."

Community Development Director Caldwell explained that balconies and guard rails need to be in good condition and to not be in a state of disrepair where they fail and cause an injury to somebody.

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Councilmember Orr said that California rental laws already call for a pre-rental inspection and asked if the City's inspection would be the same as the state's inspection but with a fee attached.

Community Development Director Caldwell explained that the City will be acting as a third-party verification and acting as an ombudsman between the tenant and the landlord.

Councilmember Orr commented that they basically have five years of self-inspection to "pull the wool over our eyes."

Community Development Director Caldwell said that the tenants are required to attest to the self-certification by the landlord.

Councilmember Orr expressed concern that tenants may attest to the self-certification simply to avoid getting kicked out of their house.

He then referred to Section 8.40.150 and asked staff to explain the necessity for the Community Development Director and the Community Services Director to have police power to enforce the Residential Rental Inspection Program.

Community Development Director Caldwell explained that it is already allowed under the California Building Code.

Councilmember Orr said that the regulations say that the City will go the fullest extent to recoup expenses for maintenance, notices, and legal action and asked if it is talking about kicking people out of their homes under the authority of the RHIP.

Community Development Director Caldwell said that the only time a tenant would be displaced is if there was a health and safety issue making the dwelling unsafe.

Councilmember Orr referred to Section 8.40.170 related to the authority to enter and inspect and asked for clarification that inspections can be done earlier than one year.

Community Development Director Caldwell explained that if the City receives a complaint from either the landlord or tenant and requests an inspection, they can have that done. Life-safety inspections are already allowed for a \$75.00 inspection fee.

Councilmember Orr said that the regulations say that inspections can be done "at will" not by request of the tenant or the landlord and said that the language needs to be clear.

Councilmember Orr asked for clarification whether the inspector could inspect "at will" if he happens to drive by a house and see that there are no address numbers on the house or the garbage cans are left outside.

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Community Development Director Caldwell explained that they would not enter the home unless there was a life-safety concern and they would have to have an inspection warrant.

Councilmember Orr commented that there is a housing crisis in Humboldt County and acknowledged that there are a lot of rental units that need work. What he sees happening is landlords taking their rentals off the market because they can't afford to do the repairs, or the City going in and deeming a property unfit to occupy forcing the renters to move when they can't afford it. He expressed concern about where these people are going to go and what the City is going to do when these people end up on the streets in Rio Dell.

Community Development Director Caldwell pointed out that landlords can take rental properties off the market by converting them to vacation rentals which is a popular thing to do because they get to come in and inspect the property every time someone leaves. He agreed that there is a huge demand for rental properties in the County and this gives property owners a chance to bring substandard rental units up to code and then rent them out.

Councilmember Orr pointed out that they could unless the cost for the improvements is prohibitive and they pull it off the market.

Community Development Director Caldwell said that this would be a rare case and pointed out that rentals in Humboldt County are a "cash cow."

Councilmember Orr's comment was "you don't live in Rio Dell, do you?"

Mayor Pro Tem Carter said that she personally has spent months researching this issue and gone over the ordinance multiple times and talked to staff about it. She noted that she also talked to a lot of other jurisdictions both inside and outside Humboldt County and there are a lot of cities that have similar programs and are very common. She clarified that the City is not profiting from the program in any way and not doing it to line its pockets to use these fees for other things. She also pointed out that this is not going to be used as an eviction tool or as a punishment for the renters or landlords.

She added that she would rather the City not have to adopt these regulations but everyone has the right to live in a safe home but this is not always the case in Rio Dell. She said that she sees this as a way to protect renters who aren't in the position to buy their own homes. She said that she has heard countless stories from renters complaining about broken windows, black mold, and porches that are falling down and the landlords are not willing to do the repairs.

She said that the City is not going out and telling landlords to raise the rent but saying that low income people, renters and every person has the right to a safe home whether they own the home or not.

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She said that those of us that were actually out on the streets after the earthquake saw people crying and were devastated because they lost their home and were displaced. Having this program in place would likely reduce the amount of damage to homes during a natural disaster.

She said that regarding applying these regulations to owner occupied dwellings, the Nuisance Advisory Committee addresses all dwellings. She pointed out that the way Rio Dell is geographically located, there is not a lot a space for new housing development so it is important to protect the current housing stock to stay in compliance with the State.

Councilmember Woodall said that she firmly supports the program. She said that the City pursued the adoption of a RHIP years ago when there were more slum-lords here but the regulations did not pass because they were too restrictive. She agreed that everybody has the right to live in a safe and healthy home and as stated in the ordinance to have enforceable minimal health and safety standards which the owners should be required to follow. She said that some owners take advantage of renters and charge whatever they want while not maintaining minimal health and safety standards.

She referred to homes with black mold, faulty plumbing and electrical and said that she thinks this program is a great start to solve some of these issues.

Mayor Garnes supported the program and said that she has not only been a renter but had a rental and every time the renter called with a problem, did whatever she could to fix the problem. She said that there was an issue with the porch at her rental which she was unaware that it was unsafe. During an inspection, the Building Inspector pointed it out to her as a safety issue so no matter how diligent a landlord is, things can be missed.

She said that landlords don't always step up and do the right thing for whatever reason but it is important to protect people that need to be protected. If you are a homeowner and you want to live in a house in disrepair, then it is on you but a renter needs to be protected. The inspections are not a punishment but to address health and safety issues. Looking out for vulnerable people is what the City should do. She commented that many people were displaced after the earthquake because of water heaters not being strapped properly which is a simple fix.

Councilmember Orr said that there seems to be a misconception that other councilmembers think that he wants people to live in squalor however, that is not what he is saying. What he is saying is that the state has already given the City tools to address these issues but apparently is not using them. He said that he also wants people to have a nice safe place to live but this will force landlords to make repairs that either they don't want to do, don't care about, or can't afford to do. He said that this will force people to wash their dishes in the river rather than the bathroom sink. He reiterated that he does not want people to live in squalor or have black mold in their lungs but this will force

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landlord to either take the house off the market or they will be forced to raise the rent. He said that homeowners have the option to live in squalor if they want to but renters have the right to move if they want to.

He said that if the Nuisance Advisory Committee is going out and hitting all the owner-occupied properties with abatements what is the difference between an owner-occupied home or a rental property and why does the City need regulations that only applies to rental properties. The City already has laws in place to protect renters and said that he went online and researched renter's laws, and 16 law firms popped up offered to help sue landlords.

He added that he doesn't see why there needs to be another fee for people to pay when the City already has the tools to address these issues.

Mayor Pro Tem Carter said that one of the problems the Nuisance Committee runs into, is that there are many landlords that live out of the area and don't physically see their units which is often times where the committee has to step in. An ordinance like this will actually lift some of the burden that has been placed on staff and the committee to get these properties cleaned up.

Councilmember Wilson asked if the initial inspection for self-certification properties would be done by the City then re-inspected by the City every five years.

Community Development Director Caldwell clarified that every rental property would be inspected by the City the first year then have the choice of inspections by the City every three years or every five years for self-certification properties. If a tenant challenges the information, then an inspection can be done and as stated before, a tenant or property owner can request a life-safety inspection at any time provided they pay the inspection fee of \$75.00.

Councilmember Wilson asked how many red-tagged homes are remaining after the earthquake and if any of those homes went back to the bank.

City Manager Knopp estimated less than nine structures being red-tagged. Community Development Director Caldwell said that it was around six; three of which are in the que for CDBG funding. He indicated that only one home that he is aware of, went back to the bank.

Councilmember Orr asked for clarification that initial inspections would be done during the first year noting that it was mentioned at the last meeting that it would take three years.

Community Development Director Caldwell projected it would take up to three years to roll out the program and do initial inspections of every rental unit.



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Mayor Garnes called for public comment.

**Tommy Norton** addressed the Council and said that he understands where the City is coming from and that people do have a choice if they want to live in squalor. He said that he has dealt with renters being afraid to complain for fear of retribution but he does understand that in California, renters have more rights than property owners have. If a renter decides that they don't like something that is broken in their home and don't say anything and decide they just won't pay rent they can take landlords through a long lengthy process which costs a lot of money and time. California laws are designed for the renter. There are already so many safe guards in place, he doesn't see why more regulations are necessary.

He pointed out that he has a few rentals with only a \$50/month profit so that \$50 computes to \$600 a year. If the City goes in there and decides they see something that they want fixed and done with a permit, there is not only a permit fee but the cost for the repairs. He said that in his opinion, this is government overreach and opening the door for something bigger. He said that he understands where the city is coming from and strongly supports the program in some ways but feels there are other programs and things that could be done without this.

He commented that the City is focusing on improving rental housing but asked what is being done about the main business district. He said that there are no businesses and nothing is even being talked about. He said he heard that a motorcycle club is coming into town which is something the City doesn't need. He said that he doesn't like slum lords and would like to see landlords maintaining their properties but if they are required to pay for something then you need to get what you are paying for and thinks there is a better way of going about it.

Community Development Director Caldwell clarified that the cost of the program is much less than \$50/month. He commended Tommy Norton as a landlord and said that he has done some very good things with rental properties and is someone who should be considered as a model landlord in our City.

**Staci Nally** said that she manages several rentals in town and that she definitely has a problem with the proposed ordinance. She agreed that everyone has the right to live in a safe place however, as stated over and over, there are already tools and laws in place to protect renters.

She said that as previously mentioned, the majority of property owners comply with the State housing laws so only a small percentage violate these laws yet the City is asking every landlord to pay which is not fair.



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She said that as Councilmember Orr stated, the ordinance allows the City to enter a property to prevent a violation that seems like an overreach.

She referred to Section 8.40.300 where it establishes an annual rental housing compliance fee due annually on July 1<sup>st</sup>., an annual registration fee due on January 1<sup>st</sup> of each year in addition to the inspection fee. She said that the City is essentially asking for three fees every year for each property whether they are in great shape or need to be torn down. She said that this is the unfairness of the program and that it should not be the responsibility of good landlords to pay for those that aren't.

She noted that the City already has a Nuisance Committee and if it is true that they are overworked, is not the property owner's problem. She said that it is not the responsibility of the responsible landlords to pay for those that are not and that the City Manager, the Finance Director and the City Council should come up with a solution for taking care of those properties; that's why the City has a Nuisance committee.

Discussion continued regarding the three fees under the RHIP.

Community Development Director Caldwell said that the recommended registration fee is \$15.00 in addition to the inspection fees but he couldn't recall a third fee. He said that the fees will be established by resolution and will come before the Council for consideration at a later date. He noted that the fees cannot exceed the actual cost of providing the service.

Mayor Garnes asked for clarification on the process to inspect properties "at will."

Community Development Director Caldwell explained that the City does not do surprise inspections. All inspections including those deriving from complaints will be done on a reactive basis and not on a pro-active basis. City staff will not drive by somebody's house and knock on the door and ask to come in and do an inspection. There is a process and inspection warrants are very rare and would only apply to immediate life-safety issues. He explained that if a complaint is received, staff will write a letter to the property owner or property manager to let them know the City received a complaint. This is a courtesy letter asking them to confirm or deny whether the situation exists.

Councilmember Orr once again referred to Section 8.40.170 which states in part that the Director has the authority to enter and inspect any dwelling or premises whenever necessary to secure compliance with or prevent a violation of, any provision of this chapter and any regulation adopted pursuant to this chapter. He said that it sounds like the Director can go into a dwelling and inspect if he has a concern even if there is no complaint. He noted that it goes on to say that the Director may obtain an inspection warrant pursuant to the provisions set forth in the California Code of Civil Procedure.

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Community Development Director Caldwell said that the only way that would occur is if the City received a complaint and the City always does its best to apply common sense with enforcement of any ordinance.

Councilmember Orr said that his experience has been that common sense in government doesn't work well together and if it is not spelled out exactly how it should be, there is a whole lot of room for interpretation.

**Staci Nally** reiterated that it is unfair to tax every landlord for the few irresponsible landlords and the City Council should figure out a way to deal with those people.

Councilmember Woodall said that there are multitudes of other cities that have RHIP's and the City is not creating anything new.

**Faith Hansen** addressed the Council and said that she is a homeowner and also owns a rental in town which she will not be renting out because as a property owner of a rental it is scary. With the City tacking on more fees and regulations, it will remain empty. She said that they take care of their properties but they are not going to have the government coming in an overreaching. She said that the wording of the ordinance definitely needs to be more precise.

Mayor Garnes asked if there were any written comments submitted.

City Clerk Dunham said that one public comment was received in support of the RHIP which she then read (included with these minutes as Attachment A). A second public comment was received after the meeting began which is included as Attachment B.

**Staci Nally** commented that it is also California State law that allows landlords to inspect rental properties every six months or every year whichever they prefer. If landlords are not doing that and the properties are getting trashed then it's on them. There is no reason for the City to impose more laws on people that are abiding by the law.

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

Motion was made by Carter/Woodall to approve the second reading (by title only) and adopt *Ordinance No. 401-2024 Establishing Residential Rental Housing Inspection Regulations in Title 8 as Chapter 8.40 of the Rio Dell Municipal Code*. Motion carried 4-1; Councilmember Orr dissenting.

Introduction and first reading (by title only) of Ordinance No. 402-2024 Related to False Alarms and Fees

Chief Allen provided a staff report and explained that Ordinance 402-2024 establishes false alarms and fees. Rio Dell Police Department responds to commercial and residential

**JANUARY 16, 2024 MINUTES**  
**Page 14**

alarms. Alarm responses are the most safety conscious responses that they have and most of the time officers are working alone but alarm calls typically require two officers to respond since the circumstances of the alarm are unknown. As such, other resources are called from outside agencies to back up the officer.

He said that after extensive research, it was determined that multiple agencies have municipal codes to enforce false alarm regulations and associated fees. He said that is was discussed with the Nuisance Advisory Committee and they recommended the City Council approve the ordinance. If adopted, it will start in January 2025 and the fees will be \$20.00 every two years with the first two years waived. He explained that false alarms refer to excessive alarms so the first two false alarm calls would not be charged. The third false alarm would result in a fee of \$75.00 and would increase with subsequent false alarm calls.

He noted that a lot of other jurisdictions already have this in their municipal codes and the Police Department was responding to false alarms without anyway to force the alarm user to fix the alarm or any way to access a fee for responding to excessive false alarms. He noted that this has been an ongoing issue with alarm systems in the City, some of which have gone off four time in a day, even after asking the alarm user to fix the alarm.

Councilmember Woodall noted that the Rio Dell Fire Department is having the same issues and looking at adopting a policy.

Councilmember Orr said that under Section 9.20.050 *Alarm Permit*, it says that it shall be unlawful for any person to use, install, or cause to be installed an alarm system on any premises within the city without first applying for and receiving an alarm permit. He asked what kind of alarms require a permit.

Chief Allen explained that it only refers to alarms that are professionally installed and not ring camera alarms. It includes any alarms that go through dispatch.

Mayor Garnes called for public comment on the proposed ordinance. No public comment was received.

Motion was made by Orr/Woodall to approve the first reading (by title only) of Ordinance No. 402-2024 Related to False Alarms and Fees and to continue the public hearing to the February 6, 2024 meeting for its second reading and adoption. Motion carried 5-0.

## **COUNCIL REPORTS/COMMUNICATIONS**

Mayor Pro Tem Carter reported she would be attending a RREDC meeting on Monday and she attended a Rio Dell School Board meeting last week and the best news that came out

**JANUARY 16, 2024 MINUTES**  
**Page 15**

of that meeting is that their gymnasium is no longer red-tagged so the gym is now in use.

They still have some repairs to do with demolition of a couple of red-tagged buildings and replacement of some playground equipment.

Councilmember Orr reported that he has an HCAOG meeting next week and announced that the Scotia School gym will be opening soon which is great news.

Councilmember Wilson reported that he attended a HWMA meeting and would be attending a RCEA meeting in a couple of weeks.

Councilmember Woodall announced there would be a Nuisance Advisory Committee meeting at 3:00 tomorrow and invited the community to attend.

Mayor Garnes reported that she would be attending a League of California Cities meeting on Thursday and Friday and attended the event at the Resource Center last Saturday to commemorate the first anniversary of the earthquake and said that it was unbelievably well-attended in spite of the weather. The community appreciated being there and the Long-Term Recovery Group, Pay It Forward, and the Community Resource Center did a fantastic job putting it together.

She then announced that there would be a Disaster Preparedness Academy on March 2, 2024 at the Rio Dell Fire Hall. She urged everyone to go online and register and said there are flyers at City Hall and at the Community Resource Center. They will be giving out first aid kits, disaster preparedness kits and disaster plans and encouraged everyone to attend.

**ADJOURNMENT**

A motion was made by Woodall/Carter to adjourn the meeting at 7:45 p.m. to the February 6, 2024 regular meeting. The motion carried 5-0.

\_\_\_\_\_  
Debra Garnes, Mayor

Attest:

\_\_\_\_\_  
Karen Dunham, City Clerk

CITY OF RIO DELL  
JAN 09 2024  
RECEIVED

January 9, 2024

City of Rio Dell

RE: Rental Housing Inspections

I am writing regarding the proposed rental housing regulations. I have owned numerous rentals in Rio Dell over the years and have had nothing but problems with my renters maintaining my properties. I have spent thousands of dollars on repairs and disposing of trash and other items left behind. I had one rental where the entire garage was filled with garbage.

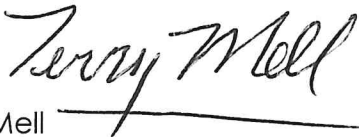
I have sold all my rentals due to renters trashing my places. The last rental I sold sat vacant for almost three years. Because of the damage, I had to sell the property at a reduced price.

I support rental housing inspections mandated by the city, provided the cost is reasonable. I believe it will not only benefit the renters who rent from slum-lords, but will also benefit responsible owners who unknowingly rent to folks who do not take care of the properties.

I also encourage the city to step up code enforcement activities in the city on all properties. I see front yards littered with debris, vehicles, trailers, overflowing garbage cans, etc. I grew up in Rio Dell and I don't remember so many properties not being maintained and so many vehicles parked in the wrong direction and the number of trailers parked on the streets.

Unfortunately, the city has a reputation for poor housing conditions and poorly maintained properties. Hopefully, the proposed rental housing regulations and increased code enforcement will help the city improve its image.

Respectfully,



Terry Mell  
P.O. Box 1931  
Redway, CA. 95560

**Karen Dunham**

---

**From:** Jonathan Brodeur <humpaint@gmail.com>  
**Sent:** Tuesday, January 16, 2024 5:27 PM  
**To:** Public Comment  
**Subject:** 1/16 CCM Comment

Comment from Jonathan Brodeur

In regards to the housing inspection ordinance. I do not agree with this being passed. I see that The nuisance advisory committee has recommended this under the guise of the people calling for this. This committee is made mainly of the that are responsible for the regulation and inspection. I see this as a conflict of interest, invasion of privacy, over regulation, collective punishment for a few bad apples, ineffective and unnecessary tax and regulation and treading on the 4th ammendment.

I have to drive by a drug house with trash all over every day, but do not feel erosion of privacy and rights for all is just.

2nd: There should be a community outreach liason. Going beyond posting on the city website. It seems there is and has been attempts to slide controversial ordinances through without healthy community input. One reading last meeting and a possible vote today is not enough.

3rd: Please answer- What is the real goal with this, intended outcomes? What are concerns the council has for unintended affects? Of the properties that would be inspected how many are really not up to standard?

A well informed citizenry is the best defense against tyranny. - Thomas Jefferson





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

February 6, 2024

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Authorize the City Manager to Purchase Exercise Station equipment in an amount of \$19,258.81

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Authorize the City Manager to Purchase the Exercise Equipment.

BACKGROUND AND DISCUSSION

This purchase is associated with the Clean California grant and the exercise station component of the Gateway Project. The Council last reviewed the equipment on September 5, 2023 and it was also recommended by the gateway as hoc committee. It is recommended that the Council authorize the purchase to keep the project moving forward.

///



Building Community since 1973

Opportunity Name Rio Dell HealthBeat  
 Quote Name Rio Dell HealthBeat  
 Quote Number 00043238  
 Quote Date 1/2/2024  
 Quote Exp Date 2/1/2024  
 Est Lead Time 8-12 weeks

Section F, Item 2.

Bill To Name Rio Dell, City of  
 Bill To 675 Wildwood Avenue  
 Rio Dell, California 95562  
 United States

Ship To Name Rio Dell, City of  
 Ship To Rio Dell, California  
 United States

Quantity	Product	Product Description	Sales Price	Total Price
1.00	192451A	HealthBeat Ab Crunch/Leg Lift, Direct Bury, Need Colors	\$2,120.00	\$2,120.00
1.00	192460A	HealthBeat Pull-Up/Dip Direct Bury, Need Colors	\$2,215.00	\$2,215.00
1.00	192461A	HealthBeat Squat Press Direct Bury, Need Colors	\$6,700.00	\$6,700.00
1.00	205938A	HealthBeat Hand Cyclor, Need Colors	\$3,160.00	\$3,160.00
1.00	205945A	Post w/2 and 1 Top Attachments Direct Bury, Need Colors	\$1,090.00	\$1,090.00
1.00	205946A	Post w/2 and 2 Attachments Direct Bury, Need Colors	\$1,090.00	\$1,090.00

**Total Quote Amounts**

County/ City Tax	Humboldt County/ Rio Dell	Materials Amount	\$16,375.00
Tax Rate	8.7500%	Tax Amount	\$1,432.81
Credit Terms	Net 30 On Materials Shipment	Labor Amount	\$0.00
		Freight Amount	\$1,451.00
		<b>Total</b>	<b>\$19,258.81</b>

**Notes to Customer**

Thank you for the opportunity to quote your upcoming project. PLEASE NOTE: Quote does not include installation, offload, payment and performance bonds, engineering calculations, security, storage, permits, inspection or safety surfacing, unless otherwise noted. Unless noted, freight costs are based on semi-truck access and do not include a lift-gate.

Deposits may be required before an order can be placed depending on customer credit terms. Your purchase is subject to the terms and conditions of this quote. Approval of this quote agrees to those terms.

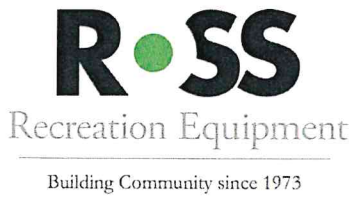
If ordering materials after the quoted expiration date, please contact your sales representative for current pricing. Due to material cost increases and a fluid pricing environment, Ross Recreation cannot hold pricing past the stated Expiration Date on this quote. To secure current pricing, Ross Recreation will require the following:

- PO, signed quote or contract with approval for the order.
- Deposit if required by credit terms.
- Color selections and/or approved submittals.
- Acceptance of delivery when materials or equipment is ready to ship. Products cannot be held nor stored.

If this is a bid, it is the responsibility of the General Contractor to adjust their bid to accommodate for anticipated pricing based on the project timeline.

Sales tax will be based on the current rate at the time of shipping, not the order date. Customer will be expected to cover these, or any changes, to sales taxes.

Prepared By Max Stoltz  
 Email maxs@rossrec.com



Opportunity Name Rio Dell HealthBeat  
Quote Name Rio Dell HealthBeat  
Quote Number 00043238  
Quote Date 1/2/2024  
Quote Exp Date 2/1/2024  
Est Lead Time 8-12 weeks

Section F, Item 2.

Bill To Name Rio Dell, City of  
Bill To 675 Wildwood Avenue  
Rio Dell, California 95562  
United States

Ship To Name Rio Dell, City of  
Ship To Rio Dell, California  
United States

Signature \_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

Prepared By Max Stoltz  
Email maxs@rossrec.com





Ab Crunch



Hand Cycler



Pull Up and Dip



Squat Press





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

February 6, 2024

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Award bid for the Clean California Exercise Station Project to Hooven Construction for \$34,945.00 with Further Authorization for the City Manager to Execute an Agreement in Coordination with the City Attorney

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Award the Exercise Station Project to Hooven Construction for \$34,945 and further authorize the City Manager to Execute an Agreement in the same amount in coordination with the City Attorney.

BACKGROUND AND DISCUSSION

Bids for the Exercise Station (excluding equipment) were received on January 26, 2024. Three bids were received in the following amounts: \$66,251.00, \$39,925.00 and \$34,945.00. Hooven Construction was the low bidder. Staff is recommending that the Council award the bid to Hooven and authorize the City Manager to execute an agreement with Hooven in order to move the project forward.

Funds available for the overall Gateway Project total \$240,870 when including a \$5,000 donation from PG&E and the reassignment of a \$38,000 budget allocation of beatification funds towards the project. Based upon all bids received, the current estimated cost of the Gateway project, including landscaping and exercise station and equipment are at \$208,929.

///





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

February 6, 2024

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Award of Clean California Gateway Landscape Improvement Project to Jagimo Corporation Inc. DBA J+G Lawn + Garden in the Amount of \$148,984.00 with Further Authorization for the City Manager to Execute an Agreement in Coordination with the City Attorney

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Award the Gateway Landscape Improvement Project to Jagimo Corporation Inc. DBA J+G Lawn + Garden in the Amount of \$148,984.00 and further Authorize the City Manager to Execute an Agreement in Coordination with the City Attorney.

BACKGROUND AND DISCUSSION

On November 7, 2023 the City Council authorized staff to rebid the Gateway Landscape Improvement project after initial bids on the first proposal came in too high. Staff worked with the State Clean California Program to dial the project down to the specific grant requirements for the project. Staff received bids back on January 8, 2024 and there was one bidder, J&G Landscaping who has worked for the city before on other projects. The bid came in near the budgeted figure at \$148,984. At this time staff recommends awarding the project to the lone bidder and executing an agreement.

Previous direction from the Council included preserving the existing Cherry trees on Wildwood Avenue. However, Clean California staff made clear that that change was not allowable under the grant. The Gateway Ad Hoc Committee’s recommendation was to work with the contractor on a change order to remove the trees and their root balls to give away to the public, instead of simply cutting down the trees entirely. Staff is working with the contractor to develop a proposal for the Council’s consideration, however this change order will not be covered by the Clean California Grant and will need to be paid for through City funds. Staff hopes to bring such a potential change order back at the next meeting for Council consideration.

Funds available for the overall Gateway Project total \$240,870 when including a \$5,000 donation from PG&E and the reassignment of a \$38,000 budget allocation of beatification funds towards the project. Based upon all bids received, the current estimated cost of the Gateway project, including landscaping and exercise station are at \$208,929. ///



## Staff Highlights – 2024-02-06

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### City Council

#### City Manager

Attended SCORE Board of Director meeting in Anderson on 1/26/24

Attended Solid Waste Local Task Force in Eureka on 1/22/24

Coordinated and led the Rio Dell Point in Time Homeless Count on 1/23/24. Over the Course of the morning 9 individuals were identified during the count as experiencing homelessness in the Rio Dell-Scotia area.

The City Manager will be attending the City Managers Conference in Southern California during the week of the 6<sup>th</sup>.

The City Manager and Water Superintendent attended the final plan set meeting on 1/25/24 for the Water CIP Project. The project is still on time and expected to be sent out for bid soon.

#### City Clerk

##### Processed Eight (8) Building Permit Applications:

775 Pacific Ave. – Brace & Bolt Seismic Retrofit  
510 Davis St. – Repair Dry Rot and Sheetrock Garage  
223 Belleview Ave. – Mini-Split Heat Pump  
521 Third Ave. – Gas Water Heater  
1173 Riverside Dr. – Mini-Split Heat Pump  
244 First Ave. – Re-Roof Apartments  
140 N. Pacific Ave. #6 – Foundation Repair  
275 Ogle Ave. – Sewer Lateral and Cleanout

##### Processed One (1) Business License Application

HASCO Stations (Former Shell Station)

##### Processed One (1) Encroachment Permit Application

PG&E – Relocate pipe across NB bridge and fix potholes

##### Misc:



Submitted Quarterly Seismic Report  
Submitted Quarterly SB-1473 Building Permit Report  
Submitted SB-1186 Business License Report  
Submitted Quarterly Building Permit Report to County Assessor  
Submitted CHF/CIRB Building Permit Report for December  
Sent out final "Avenues Address Changes" letter  
Sent letter to Humboldt Transit Authority Re: Appointments to Board  
Submitted Bureau of Labor Statistics Employment Report for January  
Submitted Annual 2023 Housing Unit Change Report  
Submitted Property and Vehicle Insurance Renewal Worksheets for SCORE  
Completed Spreadsheet on Sewer Lateral Inspections for GIS

**City Attorney**

**Human Resources, Risk & Training**

**Finance Department**

**Public Works Water**

Safety meeting: batteries, Bloodborne pathogens, Cross-Contamination

Poured concrete slab in shop (3yds.)

Install new drain inlet on east side end of 4<sup>th</sup> Ave.

Replace ERTs and Registers

Repaired 2" water main leak @ 103 Douglas

Repair water leak in meter box @ 156 Meadow bridge

Install 2 new meters @ 244 and 248 1<sup>st</sup> Ave.

Replace ERTs and dials

Respond to USA tickets

Monthly Water Report to SWRCB



Monthly SAFER Clearinghouse Drought Report to DDW

Maintenance on pH analyzers

General maintenance at Rio Dell Metro Wells Site

**Public Works Wastewater**

Cleared sewer plug on 2<sup>nd</sup> Avenue between Elko and Dixie.

Jetted Riverside, 2<sup>nd</sup> & Elko, 1<sup>st</sup> & Elko, DJ's run, and both sides of Fern Lift Station

Sewer Lateral Inspection at 258 1<sup>st</sup> Avenue. Passed inspection.

Sewer Lateral Inspection on 275 Ogle. Passed Inspection.

Sewer Lateral inspection on 161 2<sup>nd</sup> Ave. Passed Inspection.

Lower Lateral installed at 100 Painter street. WENDT Construction.

Lateral inspection at 100 painter street, passed inspection. WENDT Construction.

SSO at Painter Street 1/13 81,000 gallons.

SSO at Painter Street 1/20 63,000 gallons.

SSO at Painter Street 1/31/24 161,000 gallons.

Dryer VFD failed for right Auger, ordered a new VFD. New VFD installed, Dryer back up and running as of 2/1/24.

Ordered building for Chloramine project.

Constructed tent to protect Sodium Bisulfite from getting cold.

**Public Works Streets, Buildings and Grounds**

Poured concrete slab in shop (3yds.)

Dugout and jetted with Vactor drainage ditches on Ogle, 4<sup>th</sup> St.

Mowed edged and weed wip north gateway, south gate and parks

Shop work

**Public Works City Engineer**

**Public Works Capital Projects**



**Police Department**

The Department had the following statistics for the period of January 10 to January 30, 2024. 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
Allen	23	4	0
Conner	40	0	0
Beauchaine	7	1	1
Landry	63	9	7
House	34	7	2
Sierra	34	6	1
Fielder	15	2	0
Clark	40	0	N/A
Totals	226	29	11
Averages	10.8 per day	9.7 per week	3.7 per week
2023 Yearly Average	13.7 per day	10.9 per week	3.6 per week

**Calls for Service at 355 Center Street**

Type	Date	Time	Primary Unit	Case #
415	01/12/2024	01:08:44	6S1	
FI	01/12/2024	18:37:03	R619	
415	01/15/2024	12:20:09	6S2	
415	01/16/2024	21:35:35	6S1	24-0000018
FOOT	01/26/2024	14:02:46	6S2	

FOOT – Foot patrol through the complex  
 FI – Field Interview or pedestrian contact  
 415 – Argument or generic disturbance

6S2 – Corporal Crystal Landry  
 R619 – Officer Aimee House  
 6S1 – Sergeant John Beauchaine

During the period of January 10 to January 30, 2024, there were nine calls for service relating to animal control. One dog and three cats were taken to Miranda’s rescue. The majority of the calls were for dogs running loose. The lone dog was bailed out of custody by his human. On a sadder note, Freddy, one of Rio Dell’s few dogs to be declared vicious, died in an auto accident. While many people may feel safer with him being gone, he loved his family and the affection was returned as best his humans knew how.

On January 21, 2024, Officer House was dispatched to check Highway 101 for a Toyota Tacoma driving northbound in the southbound lanes. She checked the freeway from Scotia northbound until she saw flames near the intersection with Metropolitan Road. The Tacoma had struck a southbound vehicle



carrying two Rio Dell residents head on. Both vehicles burst into flames and all three occupants of the vehicles were killed. Officer House was one of the first persons on scene. She collected witness information and helped direct traffic as both southbound lanes of the freeway were closed. The California Highway Patrol is investigating the crash.

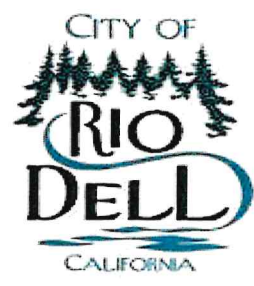
On January 22, 2024, Corporal Landry responded to a vehicle in which two sisters were waiting for her with the windows rolled up and the doors locked. The boyfriend of one of the women was outside and kept asking for them to roll down the window so he could talk to them. Corporal Landry separated the parties and learned the following: The couple had been having an argument over rent money and respect. The woman claimed that her boyfriend had pushed her, threatened her, and kept her from leaving. When she tried to use her phone to call the police, he took it and smashed it. The woman's sister showed up and the girlfriend took refuge in her car while the police were summoned. The man denied that he had pushed, threatened, or inhibited his girlfriend's exit from the apartment. He did admit to breaking her phone, but claimed it was because she was sending photos of herself to another man. The boyfriend was arrested on several domestic violence related charges and booked into the jail.

### **Community Development Department**

#### **Intergovernmental**

#### **Humboldt-Rio Dell Business Park**





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

February 6, 2024

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Approval of Letter Opposing Measure A - Humboldt Cannabis Reform Initiative (HCRI)

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve the letter as drafted; or

Amend the letter and approve; or

Take no action on the letter; or

Direct staff to draft a letter in support of Measure A.

BACKGROUND AND DISCUSSION

The March 5, 2024 California Presidential Primary Election includes a local ballot initiative entitled “Measure A – Humboldt Cannabis Reform Initiative.” Attached to your packet is a letter drafted in opposition of Measure A. This item comes at the request of the Mayor. The opposition letter has also been requested by legal cannabis operators in the City of Rio Dell. Proponents and opponents of this measure have been invited to the Council meeting.

It should be noted that Measure A, if passed, has no direct impact on legal cannabis land use decisions or policy within the boundaries of the City of Rio Dell. However, the success or failure of the legal cannabis industry in unincorporated Humboldt County does have some degree of impact on cultivation serving businesses, potential value added cannabis processing businesses, interest in cannabis investments within Rio Dell and general economic activity within Rio Dell. The degree of this economic impact on Rio Dell, either positive or negative, is not quantified.

Attachments:

- Draft letter of opposition
- HCRI Analysis and Recommendation by Humboldt County Planning and Building Department
- Full text of the Humboldt Cannabis Reform Initiative

///

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



February 6, 2024

RE: Letter of Opposition to Measure A

DRAFT

To Whom it May Concern,

On March 5, 2024 the California Presidential Primary Election will be held. This election includes a local initiative that will be voted on in Humboldt County called Measure A, the "Humboldt Cannabis Reform Initiative." The Council wishes to oppose this Measure.

There is no doubt that past decades of unregulated and illegal marijuana operations have taken a toll on the environment and public safety while simultaneously creating a local economic engine that has fueled a significant portion of Humboldt County's economy while other sectors have declined. With the legalization of cannabis via Proposition 64, Rio Dell has looked forward to the legitimization of the economic benefits of this industry while pushing back on the deleterious environmental impacts and the impacts to community safety. This is the promise of legalization that can only be realized through prudent policy and regulation.

A March 2023 analysis from the County of Humboldt's Planning and Building Department determined that Measure A would have "dire consequences to the cannabis industry in Humboldt County if passed" by "discourage[ing] existing permit holders from modifying their permits in any way." According to the County this would restrict modifications intended for environmental protections or modifications that adapt to the evolving industry, regardless of operation size.

As a voter initiative and if approved, Measure A's language could only be changed or removed by voter initiative. This creates innumerable obstacles to the success of the industry in an already highly regulated market that will continue to be dynamic and changing for the foreseeable future. In order for the legal cannabis industry to succeed, the County will need to retain flexibility and responsiveness to public input and maintain an appropriate balance between all interests.

For these reasons, the Rio Dell City Council is opposed to Measure A.

Sincerely,

Debra Garnes  
Mayor  
City of Rio Dell

# Humboldt Cannabis Reform Initiative

## Analysis and Recommendations



Prepared for the Humboldt County

Board of Supervisors

By  
Humboldt County  
Planning and Building Department

March 7, 2023

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**I. EXECUTIVE SUMMARY**

This report is prepared in response to direction from the Board of Supervisors on October 25, 2022, to provide an analysis of the Humboldt Cannabis Reform Initiative (HCRI). This report describes the proposed changes in cannabis regulations, discusses how this would affect existing farmers, evaluates overlapping issues with points being discussed in the existing regulations, and provides recommendations.

The HCRI purports to “...protect the County’s residents and natural resources from harm caused by large-scale cannabis cultivation...”<sup>1</sup> It does this by developing a regulatory system that renders most existing permitted farms non-conforming. This will place Humboldt County farmers at an increased disadvantage in the statewide cannabis market precluding permit modifications needed to keep pace with an evolving statewide cannabis industry and possibly preclude installment of new improvements for environmental sustainability.

The existing Humboldt County cannabis regulations are intended to encourage a well-regulated cannabis industry in Humboldt County, but the HCRI could have the opposite effect by making compliance so difficult that the legal market is rendered not viable in Humboldt County. It has been a difficult transition from the illegal to legal industry. Making compliance even more difficult to participate in the legal market may encourage some to return to the illicit cannabis industry. Most of the environmental damage associated with the cannabis industry is associated with unpermitted activities.

The HCRI identifies eleven findings as the basis for making the changes proposed by the initiative. Some of the assertions in the findings are misleading or false. The most profound of these findings is that Humboldt County’s regulations allow large scale cannabis cultivation sites. The term “large scale” needs to be defined. The largest farms in Humboldt County range between 7 and 8 acres. There are four farms this size. For comparison, in Lake County there are farms in excess of 60 acres and in Santa Barbara and San Bernadino Counties there are farms in excess of 100 acres. In a statewide market context, Humboldt County does not have large scale farms.

Humboldt County has adopted two ordinances to regulate commercial cannabis production. While the County has learned a great deal in this process, there continue to be new concerns raised during public hearings. Some of these concerns overlap with concerns raised in the HCRI. There are opportunities to more wholistically and precisely address these issues than as presented in the HCRI.

The Humboldt County Regulatory system has two components. First is permitting legal farms and second is enforcing against farms that operate without appropriate permits and licenses. The HCRI does not acknowledge that most of the approved cannabis permits are for pre-existing cultivation sites (sites that existed prior to legalization) and that for every new site that has been approved, five (5) have been removed through the Code Enforcement process.

<sup>1</sup> HCRI Section 1(A) page 1.



The HCRI would modify the General Plan with the stipulation that the cannabis provisions could only be changed by a vote of the people. Other than things that are expressly allowed to be changed by the Board in the initiative, any changes to the initiative would require a vote of the people, this would cement these regulations in place until the public wanted to change them. It is likely that the public does not understand what this initiative would do and signed the petition thinking that “large scale” cannabis farms should not be in Humboldt County without recognizing that most of the so-called “large-scale farms” that would be outlawed if the HCRI passed are the very farms that have existed in Humboldt County for decades.

It is important to attempt to address the significant challenges that the initiative would pose. It is recommended an Ad Hoc Committee be formed to meet with the initiative sponsors to determine if there are alternative actions available that would better harmonize existing county cannabis regulations with those concerns raised in the initiative.

**II. EXISTING REGULATORY ENVIRONMENT**

Humboldt County has been known for the cannabis produced in the County for nearly 50 years. When Proposition 64 was passed to legalize medical marijuana and subsequently recreational cannabis, Humboldt County adopted a land use ordinance to provide local regulatory control. It is estimated there were as many as 15,000 grow sites in the County on approximately 5,000 parcels. The state actions to implement Proposition 64 resulted in many counties opening their doors to cannabis cultivation with the lure of generating tax revenue. The state initially promised existing cultivators that a one-acre cap would be maintained to protect existing cultivators in a fledgling legal industry. The state quickly removed the one-acre cap and other counties opened the doors to cultivation sites that ranged from 10 acres to over 100 acres in area. Many of these cultivation sites are part of vertically integrated corporations who have product control from seed or clone all the way to market. Small cultivators have found it increasingly difficult to sell their product for what it costs to produce. This is partly due to oversupply at the state level and control over who has shelf space at the retail level.

The County has been implementing two sets of cannabis regulations. There are still applications submitted under the County’s first ordinance (Commercial Medical Marijuana Land Use Ordinance, CMMLUO) and the second ordinance (Commercial Cannabis Land Use Ordinance, CCLUO). This has not been without controversy. The unanticipated consequence of the CMMLUO requiring new cultivation to be located on prime farmland was that most prime farmland is located in and around populated areas. This created controversy with neighboring landowners at times. New provisions to address this issue were incorporated into the CCLUO, but there have been other areas of controversy that have come up during the processing of applications. The Planning Commission has struggled with some issues raised by public comment and balancing these with the needs of the local cannabis industry. These will be addressed in more detail below.

**A. Permitting Success**

The existing regulations have been successful in moving existing unpermitted and unregulated cannabis cultivation into a regulated and legal status. To date, the County has processed over 1,200 cannabis cultivation permits to approval, although the number of active permits as of January



2023 was 1,027 due to withdrawal and cancellations by permit holders. The total permitted cultivation area in the County is 332 acres. As shown in Table 1 below, out of 1,027 total active cultivation permits, 739 of those are pre-existing cultivation sites. A total of 210 permits have been approved for new cultivation. Over 70% of the active permits are for existing cultivation sites.

**Table 1: Active Cultivation Permits by Cultivation area and New and Existing<sup>2</sup>**

Cultivation Area	Permits Active	Existing	Existing and New	New
0 - 10,000	611	430	46	135
10,001 - 20,000	208	180	7	21
20,001 - 43,560	189	123	22	44
Over 1 Acre	19	6	3	10
Total	1027	739	78	210

**B. Post Approval Monitoring**

Currently, the County has issued 1,027 cannabis cultivation permits and 118 other cannabis activity permits such as for manufacturing, dispensaries, nurseries etc. County Code requires an annual inspection for each permit.

In the 2022 season, the Planning and Building Department conducted a total of 919 on-site inspections and 418 remote inspections of permitted sites (noting that some sites received both an on-site and a remote inspection). As part of this work, the approved site plans are being digitized into the GIS system to establish what was approved and then to be able to remotely monitor for change. Less than 10% of permitted cannabis operations had one or more non-compliant items, and 90% were found to be compliant. The 2023 inspections plan begins with early on-site inspections of all sites previously found to be non-compliant, followed by onsite inspections for remaining sites. The established baseline will enable the inspection to alternate years of on-site and remote inspections to provide both efficient and effective post approval monitoring compliance for permit holders.

**C. Code Enforcement**

Starting in 2018, the Planning and Building Department has pursued a program of identifying and abating illegal cannabis cultivation. This has resulted in the abatement of over 1,100 illicit cannabis cultivation sites. Over the last two years there have been no new unpermitted outdoor cannabis cultivation sites developing and previously cultivated sites are not being re-used. Much of the illicit cannabis cultivation is now being done indoors and the Sherriff’s office has been focusing on identifying these and serving inspection warrants on these properties.

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<sup>2</sup> Data for Table 1 as of January 15, 2023.

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## D. Areas of Controversy

### 1. **Concern with number of permits being issued.**

Members of the public have expressed concern over the number of cannabis permits being issued. Frequently, Planning Commission meetings have had up to two dozen cannabis applications on the agenda which has led to what some members of the public have referred to as “cannabis fatigue.” When the County first adopted its cannabis ordinance in mid-2016, there was a deadline for all existing and proposed operations to apply by December 31, 2016. Over 2,300 applications were submitted by the deadline. Due to the impending deadline, nearly all the applications were incomplete. Additionally, due to the emerging legal cannabis industry and the on-going development of the state regulatory framework, many items necessary for completing applications remained in-flux. By December 31, 2017, Humboldt County had issued only 106 cannabis permits. As the state regulatory framework began to develop and the County ramped up its permitting program, the rate of permits being issued began to increase. By December 31, 2018, a total of 299 permits had been issued. 535 permits were issued by the end of 2019; 770 permits were issued by the end of 2020; 1,138 permits by the end of 2021; and a total of 1,329 permits (including permit modifications) had been issued by December 31, 2022. By far, most of the permits being issued were submitted prior to the end of 2016 and have been in process for many years. The result of the long-term permit process has been a more visible effort which has caused alarm among some members of the public and a concern that these applications are not being given a proper review. However, as noted, most of these permit applications have been in the review process since 2016 and all applications have had a thorough and robust review.

### 2. **Concentration of permits**

Some neighborhoods, particularly in some Southern Humboldt communities, have expressed concern over the concentration of permits in certain areas. Places like Honeydew that contain prime farmland have attracted Retirement, Remediation and Relocation permits. This has resulted in many greenhouses and has changed the appearance of the community. Honeydew, Shively, and Holmes Flat are prime locations for agriculture and have attracted many cannabis permits. These are historic agricultural areas. People who have moved to these locations have expressed concern with the number of greenhouses being constructed. Many of the other areas include permits for existing operations that have resulted in minimal changes to the landscape and, combined with the County’s robust enforcement program, the density of cultivation sites in most areas of the County has decreased.

### 3. **Concern with larger grows being approved**

The public has expressed concern over some of the larger cultivation sites that have been approved by the Planning Commission and Board of Supervisors on appeal. Two of the more controversial cannabis grows in the past 5 years have been the Rolling Meadow application for 5.73 acres of new cultivation on a large ranch of over 7,000 acres in size, and the Arcata Land Company’s proposal in the Arcata Bottoms for 22 acres of new cultivation, and which was ultimately approved at 5.7 acres in size. Both applications

underwent a substantial environmental impact analysis and public review process including meetings in front of the Planning Commission and the Board of Supervisors. For context, 5.7 acres in many other California counties would be considered a small to medium sized operation. Some of the largest cultivation operations in California exceed 100 acres in size.

#### 4. Road evaluations

Concern has been raised over the practice of “self-certification” of roads that lead to cannabis cultivation sites. Early in the application process the County developed a form that allowed applicants to “self-certify” the functional capacity of roads accessing the site. This process was very quickly amended to require substantial supporting information such as road photographs and more substantial requirements for road evaluations to be prepared by licensed engineers. Most road evaluations accompanying projects presented to the Planning Commission and Zoning Administrator are currently utilizing road evaluations prepared by licensed engineers. The Commercial Cannabis Land Use Ordinance requires information be submitted supporting the finding that a road meets the Category 4 (or same practical effect) standard or, where the project takes access off a private road not meeting the Category 4 standard, an engineer must determine whether the road can accommodate the traffic (except for farms under 3,000 sf in size).

#### 5. Use of groundwater for irrigation

The primary source of irrigation for the Humboldt County cannabis farms prior to legalization was from surface water diversions. The original regulatory schemes from both the County and the state discouraged diversions which led to the development of groundwater wells for cannabis operations. As more and more of the County’s legacy farms switched from diversionary sources to groundwater wells during an extended drought period, the use of groundwater for cannabis irrigation became controversial. Since 2021, the Planning Department has been requiring a geologic study for all proposed irrigation wells to determine what, if any, impacts to surface waters and adjacent water users might be from the use of the well for irrigation. Available scientific information also indicates that the concern over groundwater use for cannabis may be misunderstood. A research study published by the USGS (Flint, 2013) indicates that approximately 34% of precipitation in Northern California percolates into groundwater recharge and that the mean annual precipitation is 57.7 inches per year, meaning that 19.8 inches, or 1.65 acre-feet (also expressed as 530,000 gallons of water) of recharge per acre of ground area per year is available in a typical year. During a drought year, where as little as 1/3 of the average rainfall is recorded, at least 175,000 gallons of water is recharged into the groundwater *per acre* of ground area. The County’s cannabis ordinances require a minimum parcel size of ten acres for any cultivation area of more than 10,000 square feet in size, meaning that the irrigation needs of cannabis cultivation are nominal in relationship to the typical groundwater recharge occurring over properties that might seek to cultivate cannabis.

#### 6. Use of generators and switching to renewable sources

Generators were used as the power source for most of Humboldt County’s legacy black market farms. The lack of available PG&E infrastructure in many areas of the County led to the need for on-site power generation to fulfill the needs of existing farms. The public has consistently raised concern over the use of generators, both due to noise and potential

fuel spills as well as for contribution to greenhouse gases. The Commercial Cannabis Land Use Ordinance prohibits generator use except in emergencies for both new cultivation and existing cultivation occurring in TPZ and U zoned (with a timberland land use designation) lands, and, due in large part to public concern, the County Planning Commission and Zoning Administrator have consistently been requiring all cannabis operations to transition to renewable energy sources within a defined period of time as a condition of permit approval.

**7. Cultivation transition space**

As the industry has become more refined, cultivators practicing mixed light and/or light deprivation often grow more than one crop a year and need to have space for their plants before they are put into the cultivation space. The plants become too big for the nursery but the greenhouses are still occupied with the previous run so they cannot yet be moved into the cultivation space. This does not increase the flower producing cultivation space but allows more flexibility to plant within a tighter time frame.

**III. INITIATIVE IMPACTS AND IMPLICATIONS**

The HCRI has several important sections to review when considering the impact to the County and cannabis industry, including purpose and findings, regulatory modifications to the General Plan, amendments to the local coastal plans and amendments to the coastal and inland Commercial Cannabis Land Use Ordinance.

**A. Purpose and Findings**

The initiative starts from the premise: *“The purpose of the Humboldt Cannabis Reform Initiative (Initiative) is to protect the County’s residents and natural environment from harm causes by large-scale cannabis cultivation.”* The need for the initiative is then supported by 11 findings. Some of the findings are statements of fact and do not require comment. Several of the findings do require further consideration.

**Finding 3:**

The HCRI states: *Humboldt County’s cannabis ordinances allow large-scale operations that threaten to displace small-scale cultivators.* Based upon the language of the initiative, anything over 10,000 square feet is a large-scale operation. The initiative does not explain how approval of large-scale cultivation comes at the expense of the small-scale cultivation that has made Humboldt County famous.

Identified Issues:

Finding 3 for the initiative seems to ignore:

- i. All cultivators in Humboldt County, regardless of size, are competing in a state-wide market which is producing more cannabis than the market can currently absorb. This is not a Humboldt County exclusive issue.

- ii. In relation to other jurisdictions in California, Humboldt County does not have “large scale” grows.
- iii. The percentage of pre-existing cultivators over 10,000 square feet is above 70 percent (309 of 416 active permits – see Table 1), so any impact of this ordinance on cultivators over 10,000 square feet would adversely affect those farmers who have had farms that lawfully and at the behest of the County transitioned out of the illicit cultivation industry.
- iv. The finding infers large new cultivators are dominating the permits being obtained in Humboldt County and this is not true.

**Finding 4:**

The HCRI makes the statement: *The transition from small-scale to large-scale cannabis cultivation is adversely affecting the community and the natural environment.* The finding is supported by the statement: *“Concerns voiced by residents include: dust, noise, odor, glare, unsightly structures damaging scenic views, reductions in stream flows and water well production, adverse effects on wildlife, dangerous road conditions, and road deterioration.”*

Identified Issues:

Finding 4 infers that every cannabis operation is filled with adverse impacts that are not being addressed. This is simply not true. It is important to consider that most permits issued for cultivation are for pre-existing cultivation. This means those farmers must now comply with the County and State regulations including permits from the Waterboard and CDFW.

- i. Dust is most often associated with use of unpaved roadways. The adoption of the CCLUO imposed a requirement on new permit holders and existing permit holders to enter a Road Maintenance Association to maintain the road.
- ii. Noise is most often associated with generators; both the CCLUO and CMMLUO have restrictions to protect neighboring property owners and wildlife from the impact of generator noise. Residences on the same and neighboring property are not subject to regulations limiting noise from generator use.
- iii. The CCLUO adopted retroactive standards to address odor impacts in Community Plan Areas. The cannabis regulations encourage cultivation on agricultural land. Farming and ranching are often associated with odors.
- iv. Glare is probably a reference to violations of the County ordinances requiring compliance with dark sky standards. This is an issue the County has been working on addressing through both its code enforcement unit and permit compliance review staff.
- v. The reference to unsightly structures is probably a reference to greenhouses and water tanks. Both types of structures are common to agricultural land. In permitting facilities, scenic vistas and designated scenic areas are addressed as part of the analysis. Private views on agriculturally zoned land are not protected.
- vi. The reference to reduction in stream flows and water well production ignores several important considerations. Any observed reduction in stream flows over the last couple of years has likely been related to the drought California has been enduring. It is also important to understand that the CCLUO does not allow direct diversion from a surface water. The



CMMLUO only allows diversion from surface water for pre-existing cultivators and those who have a water right to do so. In situations where diversion is allowed, forbearance is required. Every well that has been allowed for cannabis irrigation has been reviewed to ensure it is not pulling from the underflow of a stream, creek, or river. Unfortunately, there are examples of farmers who choose not to follow the regulations and illegally pump water, but these are the minority, and these already impermissible actions are enforceable through code enforcement and/or permit suspension/revocation actions.

- vii. The impacts to wildlife are far more prevalent in unpermitted and unregulated grow sites. By the time a farm is permitted it will have been evaluated to determine if there is a likelihood of sensitive wildlife existing on the site. When there are, conditions are imposed to protect the wildlife. Permitted farms are not allowed to use illegal rodenticides and other chemicals that adversely affect wildlife and water quality.
- viii. Every cannabis permit is evaluated to determine whether the road has the capacity to support the cultivation operation in addition to other traffic on the road.
- ix. Road deterioration is addressed in the CCLUO through the requirement for formation of a Road Maintenance Association.

### **Finding 5:**

*Continued growth in the number of commercial cannabis cultivation permits and the amount of acreage under cultivation threatens the community and the environment.* The finding says in order to accomplish this, the initiative reduces the caps on permits and acreage under cultivation previously adopted by the Board of Supervisors. This focuses on the numerical cap imposed by Resolution 18-43 adopted with the CCLUO to limit the total number of permits and allowed acreage in the County and number of permits and acreage in each watershed. The concern is that the caps are much higher than they should be. The argument supporting this finding is that the initiative strikes a better balance between allowing commercial cannabis cultivation and protecting the community and the environment. The HCRI significantly limits the issuance of any additional cannabis permits beyond those already deemed complete as of March 4, 2022.

### Identified Issues:

- i. The HCRI approach picks a point in time to measure the cap on the number of permits that can be approved. In planning watersheds listed in Section 2 of the Board of Supervisors Resolution No. 18-43, and in the Coastal Planning Areas, the initiative would impose a cap of 1.05 times the total number of existing approved, unexpired permits for Open Air Cultivation and Indoor cultivation within that watershed as of March 4, 2022. This would be 978 permits including RRR donor and receiving sites. Similarly, the initiative would impose an acreage limit of 1.05 the total permitted acreage of cultivation area approved by the County under Open Air Cultivation and Indoor Cultivation as of March 4, 2022. If the caps are exceeded, any new applications are to be placed in a queue and shall not be further considered or processed until the limits for permits or acreage fall below the limit.
- ii. The measure would also limit any other new approvals for permits received after March 4, 2022, to a cultivation area of 10,000 square feet and limits approvals to Outdoor Cultivation, Mixed-light-Tier 1 cultivation, or nursery.



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- iii. The caps posed in the initiative may be exceeded just by processing applications that were received prior to March 4, 2022. Applications received and completed prior to March 4, 2022, may still be processed; however, this creates significant uncertainty for applications received after March 4, 2022. Further, the total number of permits issued under these caps could be non-conforming based on the further changes to the regulatory scheme the initiative sets forth.
  - iv. Additional applications have come in since March 4, 2022. These applications may exceed the acreage and/or permit caps that would be established by the initiative and may also seek a cultivation area of over 10,000 square feet and/or not of the types of cultivation allowed by the initiative, and therefore not eligible for a permit under the initiative. This could result in permit applications submitted under current rules not being able to be approved.
  - v. The caps and limits can only ever be revisited by initiative (voter approval).
  - vi. This approach does not consider the variability of the market and how market selection will determine which farms remain in the long term and which farms do not survive.
  - vii. It may be appropriate to make a modification to the watershed caps, but this can be done in a manner that does not immediately make issued permits non-conforming.

See Table 2 on the following page for data on the status of permits and acreage caps for the planning watersheds.

**Table 2: Status of Watershed permit and acreage caps<sup>3</sup>**

<b>Watershed</b>	<b>Allowed permits</b>	<b>Allowed Acres</b>	<b>Permits &amp; Applications</b>	<b>Acres approved/pending</b>
Cape Mendocino	650	223	233 permits, 74 pending	81.7 permitted, 34.8 pending
Eureka Plain	89	31	14 permits, 18 pending	9.5 permitted 31.8 pending <sup>4</sup>
Lower Eel	336	116	77 permits 31 pending	36 permitted 24.4 pending
Lower Klamath	161	56	14 permits 29 pending	5 permitted 15.6 pending
Lower Trinity	169	58	59 permits 44 pending	25.8 permitted, 22.5 pending
Mad River	334	115	72 permits 42 pending	26.5 permitted, 24.9 pending
Middle Main Eel	360	125	100 permits 73 pending	40.4 permitted, 35 pending
Redwood Creek	141	49	11 permits 42 pending	3.2 permitted, 14 pending
South Fork Eel	730	251	300 permits 109 pending	92.6 permitted, 51.2 pending
South Fork Trinity	86	29	24 permits 13 pending	10.9 permitted, 16.1 pending
Trinidad	19	6	5 permits 4 pending	0.75 permitted, 0.67 pending
Van Duzen	425	146	118 permits 85 pending	39.7 permitted, 38.6 pending

<sup>3</sup> Data for Table 2 as of January 15, 2023.

<sup>4</sup> While the total of all approved and pending acreage within the Eureka Plain watershed would exceed the Cap, once the Cap is exceeded, all other pending applications will be required to be withdrawn or denied.

**Finding 6:**

*New commercial cannabis cultivation should be limited to smaller outdoor and lower-wattage mixed-light grows and nurseries.* The concern expressed in this finding is that the use of artificial light in cannabis cultivation is extremely energy-intensive and therefore using less artificial light will reduce demand on resources and the environmental impacts associated with electricity production.

Identified Issues:

- i. This finding ignores the regulatory framework behind the County’s Commercial Cannabis permitting program. The CCLUO requires all new commercial cannabis operations to utilize renewable energy sources, and as a matter of practice the County Planning Commission and Zoning Administrator have been conditioning existing cultivation permits to transition to renewable energy sources within a specified timeframe, usually no more than four (4) years.
- ii. Limiting all cultivation, including nurseries, to no more than 6 watts per square foot even when the environmental and resource impacts are well addressed would unnecessarily restrict the ability of Humboldt County farmers to produce a competitive product.

**Finding 7:**

*Residents should be notified of cannabis permit applications and be given the power to engage meaningfully in the permit approval process.* The premise behind this finding is that residents who may be affected by commercial cannabis cultivation operations are neither notified nor given a meaningful opportunity to participate in the County’s review process and that the County waives hearings for cannabis projects.

Identified Issues:

- i. This finding does not comprehend the County’s current efforts to ensure public involvement, even when not required by law or regulation.
- ii. There are three permit types in the Humboldt County Code that relate to cannabis. Zoning Clearance Certificates for smaller cultivation types on larger parcels, Special Permits, and Conditional Use Permits. Zoning Clearance Certificates are ministerial level permits and do not include public notice.
- iii. Under the County Code, hearings for Special Permits may be waived if, after public notice, no member of the public requests a public hearing. As a matter of practice and to ensure full transparency, the Planning Department has held public hearings for all Special Permits and Conditional Use Permits. The section of County Code allowing for public hearings to be waived has not been utilized for cannabis applications.

**Finding 8:**

*Operators are not verifiably complying with applicable regulations and permit conditions.* The concern is that the County is not conducting in-person on-site inspections before permit renewals, and, therefore, there can be no assurances that regulatory standards are met before permit issuance and renewal.

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**Identified Issues:**

- i. The assertions behind this finding are uninformed. There are 1,027 approved cannabis cultivation permits and 118 other permitted cannabis activities such as manufacturing, dispensaries, nurseries, etc. and County Code currently requires an annual inspection for each permit to be renewed. Last year alone, the Planning and Building Department conducted a total of 919 on-site inspections and 418 remote inspections of permitted sites (noting that some sites received both an on-site inspection and a remote inspection). As part of this work the approved site plans are being digitized into the GIS system to establish what was approved and then to be able to remotely monitor for change.
- ii. Less than 10% of permitted cannabis operations had one or more non-compliant items, and 90% of all inspected sites were found to be compliant.
- iii. In addition to County inspections, permitted sites receive inspections from the Department of Cannabis Control, the Regional Water Quality Control Board, and the California Department of Fish and Wildlife. Cannabis operations in Humboldt County are among the most thoroughly inspected operations in the state.

**Finding 9:**

*Coordination between the County and state wildlife and water quality agencies has been lacking.*

**Comments:**

- i. There is no evidence for this finding.
- ii. The County's cannabis application process involves a very robust coordination process. After applications are accepted, project materials are forwarded to multiple county, state, and federal agencies with requests for comments and feedback. The County frequently interacts with, corresponds with, and engages in on-site and off-site meetings with the California Department of Fish and Wildlife, Regional Water Quality Control Board, California State Parks, and the California Department of Forestry and Fire Protection, among others.
- iii. Every staff report prepared by the Planning Department for a commercial cannabis project includes a discussion of the various agencies who were contacted, concerns raised and how those concerns are addressed. State wildlife and water quality agencies are invited to and often do participate in public hearings on cannabis applications. This often involves County Staff contacting regulatory agencies to determine if they have comments.

**Finding 10:**

*Large-scale cannabis cultivation contributes to strains of water resources.* The concern expressed is that Humboldt County is suffering from moderate to extreme drought, and that the County's ordinances allow diversions and groundwater use without concern for fish, wildlife and other water users.

**Identified Issues:**

- i. The assumption behind this finding is false.
- ii. The impact of irrigation from cannabis on fish, wildlife, stream health and other users was considered and analyzed in the Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance and measures were implemented to protect these resources.

- iii. Diversions for new cultivation under the CCLUO were prohibited entirely except when associated with dry-farming techniques, and pre-existing cultivation operations are required to forbear from water diversions during the forbearance period set by state wildlife agencies. Further, all diversions are heavily regulated by both the State Water Board and the California Fish and Wildlife who set restrictions based specifically on stream-health and wildlife concerns. For groundwater wells, the County has a practice of requiring a hydrologic analysis of the proposed well to determine its potential to impact adjacent watercourses and other water users prior to approving any discretionary cannabis application. The concern about groundwater impacts from cannabis cultivation appears to be misunderstood.

**Finding 11:**

*Overreliance on generators causes noise pollution and threatens fuel spills.* The concern raised in this finding is that generators from cannabis sites are causing noise pollution and fuel spills.

Comments:

- i. The County’s cannabis ordinances require noise from generators to be below specified thresholds which are intended to ensure no impacts to adjacent residents and wildlife.
- ii. A standard condition of all cannabis permits is for noise containment structures to be developed for all generators and for secondary containment to be in place for all generators and other sources of fuel storage. Additionally, as referenced elsewhere in this report, the current ordinance requires renewable energy for all new cultivation operations and standard Planning Department and Planning Commission practice requires the phasing out of generators for existing operations as a condition of permit approval.
- iii. Complaints made to the County Planning Department are investigated and resolved, and in most instances appear to stem from unregulated activities such as residential development or non-permitted cultivation operations.
- iv. The reference to fuel spills ignores current regulations which require containment of fuel and inspections by the Department of Environmental Health.

**B. General Plan Amendment**

The initiative places much of the emphasis on amending the General Plan and requiring subsequent modifications to the cannabis provisions of the Zoning Ordinance for both the Coastal and Inland ordinances. The core elements of the policy changes are as follows:

**Definition – “Expanded”<sup>5</sup>**

While the HCRI acknowledges the exercise of vested rights obtained as of the effective date of the initiative the definition of expanded is a huge concern. The definition reads as follows:

*"Expanded," when used to describe commercial cannabis cultivation sites, uses, operations or activities or an application or permit therefor, shall mean an increase in the size, intensity, or resource usage of commercial cannabis cultivation*

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<sup>5</sup> HCRI Section 2(A)(1) pages 7-8.



*activities on a parcel or premises where such activities have previously been permitted, regardless of whether authorization for expanded uses is sought by way of an application for a new permit or zoning clearance or an application for a modification to an existing permit or zoning clearance. Examples of "expanded" uses include, but are not limited to, an increase in cultivation area, water usage, energy usage, **or the number or size of any structures used in connection with cultivation.**" (Emphasis added.)*

Identified Issues:

i. This definition means any existing permit holder that changes their operation such as adding solar panels or adding additional water storage may be "Expanded" under the HCRI, thus triggering its policies and standards. For example, if an existing permit holder is entitled to cultivate 20,000 square feet but wants to add solar panels after the effective date of the HCRI, they would have to reduce their cultivation to 10,000 square feet and comply with all the other regulations in the initiative to add the solar panels. Another example would be of an existing permit holder currently approved for 10,000 square feet of mixed light using more than 6 watts wanting to add water tanks would need to reduce the wattage to add water tanks.

ii. The term Structure is defined in the Zoning Ordinance as:

*Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including swimming pools and signs, but excluding decks and platforms 30 inches or less in height, signs 3 feet or less in height, driveways, patios, or parking spaces where the area is unobstructed from the ground up, fences six feet or less in height, and for zoning setback purposes, retaining walls six feet or less in height.*

Structure clearly refers to water tanks placed on the ground or solar panels attached to the ground or something located on the ground. Greenhouses are structures.

- iii. Due to the regulations relative to roads, structures, and light, a significant number of the existing permitted farms would become non-conforming and not be allowed to improve their facilities or make changes to adapt to the evolving industry.
- iv. Existing permit holders will not be able to make changes and continue to cultivate under their existing permit. This could result in a decision to cease cultivating.

**Total number of permits capped at 1.05 times Number in effect on March 4, 2022.<sup>6</sup>**

Under the current program, the total number of permits is regulated by Resolution 18-43 which sets limits on the number of permits as well as acres and is apportioned among 12 planning watersheds. Based on current approvals, the cap proposed by the HCRI has been met or exceeded. The HCRI does allow the continued processing and approval of pending applications that were received and deemed complete as of March 4, 2022. The HCRI would require the total number of permits to drop below the cap before any new applications for permits could be processed.

<sup>6</sup> HCRI CC-P1 page 10.

**Comments:**

- i. This proposed change is related to Finding #5. The total number of cultivation sites and acreage in Humboldt County has declined overall since legalization and the implementation of the local cannabis program. Prior to the local cannabis program, it was estimated there were approximately 15,000 illegal cannabis cultivation sites on between 5,000 and 6,000 parcels. The Code Enforcement efforts have abated over 1,000 parcels with illegal cultivation. As noted above the County has issued permits for less than 300 new cultivation sites, so there is a net reduction in cannabis cultivation in the County.
- ii. Resolution 18-43 also prohibits new cultivation in watersheds identified as impacted. These watersheds were identified by the California Department of Fish and Wildlife. Existing County policy already protects the most sensitive watersheds.
- iii. The impact of this proposed change includes negative effects on the continued implementation of the RRR program. Many landowners have completed the retirement site portion of the program but have not yet identified a receiving site, which is a separate new permit. These individuals would be locked out of permitting these sites. Thus, even though they have cleaned up the retirement site and recorded a restrictive covenant on that property, they would not be in a position to permit the receiving site until such a time as the number of permits drops below that allowed in the initiative.

**Cultivation area for permits deemed complete after March 4, 2022, capped at 10,000 square feet.<sup>7</sup>**

This proposed change appears based on Findings #2, #3, and #4.

**Identified Issues:**

- i. Absent any analysis or data, the threshold of 10,000 square feet is arbitrary.
- ii. As presented above, over 59 percent of all permits are 10,000 square feet or less but 41 percent are larger and would become non-conforming permits.

**Mixed Light and Indoor Cultivation prohibited.<sup>8</sup>** The definition of mixed light cultivation would be broken into two tiers, Tier 1 allowing light deprivation and less than 6 watts per square foot, and Tier 2 being more than 6 watts per square foot. Both Tier 2 mixed light and indoor cultivation would be prohibited. Currently, the County defines outdoor as relying solely on sunlight, Mixed Light as using supplemental light and indoor as using primarily artificial light. These changes to the definition of cultivation appear to be based on Finding #6. The HCRI provides no citation or data to support this finding.

**Identified Issues:**

- i. This change would make all existing mixed light and indoor cultivation permits non-conforming. Cultivators would not be able to add facilities that would make the operation more efficient or more environmentally friendly.

<sup>7</sup> HCRI CC-P2(a) page 11.

<sup>8</sup> HCRI CC-P2(b) page 11 and Section 2(A)(1) page 8.

- ii. Current practice requires use of renewable energy for mixed light or indoor operations. If this is to stop the use of generators, project conditions have been requiring that for some time.
- iii. This requirement also ignores that current market conditions favor mixed light flower. Mixed Light and indoor cultivation do not necessarily have increased environmental impacts if the power source is renewable and the other inputs are controlled.

**Permit Term and Renewal and Conditions.**<sup>9</sup> The HCRI would set a limit on the term of a permit for 1 year, requiring renewal each year. The initiative is not clear on what the renewal process would entail. This provision would allow the County to inspect the property without notice and would require the County to consider all complaints. Currently, permits are extended provided the permittee allows an annual inspection and remains in compliance. As discussed above the County has inspected all the permitted farms operating in 2022. Only 10% of all permitted and active farms have outstanding violations. The Department is actively working with these permit holders to resolve these violations and prior to June these will either be resolved, or the permits will be scheduled for revocation.

Identified Issues:

- i. Placing a term limit on the permit creates unreasonable uncertainty for the business enterprise by placing the permit in jeopardy each year.
- ii. The existing zoning ordinance does not have a renewal provision and the HCRI does not explain what process is followed. It is clear within the initiative that an application for renewal is anticipated (CC-P2 “*shall not apply to an application for renewal ...*”). Under current circumstances this would involve the County processing over 1,000 renewal applications per year.
- iii. Alternative interpretations of the appropriate process for a renewal are available making it impossible to know what the HCRI intends. Given that the permit would expire each year, an argument could be made that the renewal should be issued by the Hearing Officer who would be approving the permit as if new. The renewal is then subject to whatever process is required by the HCRI. Discretionary permits (anything over 3,000 square feet) would be subject to changing political and social influences each year. This does not provide a stable regulatory environment. An administrative process could be envisioned, but this is unusual with the requirement that the permit automatically expires.
- iv. This process will significantly add to the regulatory cost and demand for County staff time. At some point, regulatory compliance can become so expensive that the activity cannot support the permit requirements.
- v. It is not explained how an expiration and renewal process achieves a better result than the existing annual inspection. It will take more time and cost the permit holder more.

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<sup>9</sup> HCRI CC-P4 page 12.

**Multiple Permits.**<sup>10</sup> The HCRI states: “No approval of a permit for commercial cannabis cultivation shall result in either of the following: (a) any one person holding more than one active permit approved after the Effective Date of the Humboldt Cannabis Reform Initiative at the same time, or (b) more than one active permit approved after the Effective Date of the Humboldt Cannabis Reform Initiative on the same legal parcel at the same time.”

Under the CMMLUO, a person can have up to four permits. Under the CCLUO a person may not have permits to cultivate more than 8 acres, but there is no limitation on the number of permits a person can have. The flexibility provided by the CCLUO in the number of permits was designed to allow farmers to have different types of permits to diversify their source of income. This includes Community Propagation Centers, processing, distribution, manufacturing, and farm tours to name a few. Both the CMMLUO and CCLUO allow multiple permits on a parcel. Also, there are many sites with an original cultivation site and that have added one permit to receive additional permits through the Retirement, Remediation, and Relocation (RRR) program.

Identified Issues:

- i. This provision is unclear and can be interpreted in different ways. The reference to “permit for commercial cannabis cultivation” could include a renewal of a cannabis cultivation permit as that is a type of permit which means that during a renewal existing permit holders would only be allowed to renew one permit.
- ii. The second and third reference to active permit could include nursery, propagation, drying, and trimming. It is not clear if this is intended to be limited to cultivation permits or would extend to other types of permits as well. If other types of permits beyond cultivation are intended, then other activities that were written into the CCLUO to support farms and provide diversified sources of income could no longer be approved.
- iii. Sites that were approved for 10,000 square feet of cannabis cultivation and become receiving sites for RRR would become non-conforming and could not modify their operations.
- iv. The CCLUO specifically allowed larger cultivation sites to become permitted for other uses, because these operations are on a paved road with a centerline stripe. This would no longer be allowed. Larger cultivation sites would become non-conforming and could not modify facilities.
- v. This will affect many of the approved permits and make them non-conforming unable to even add additional water storage and depending upon interpretation would not allow conversion to farm sales, farm tours or other activities.

**Coordination and Collaboration with Other Agencies.**<sup>11</sup> This is based on Finding #9 which states “Coordination between the County and state wildlife and water quality agencies has been lacking.” This finding is not factual. The County coordinates with state agencies through the referrals process. This coordination is required by Humboldt County Code 312-6.1.3. The referrals process frequently results in additional studies or conditions of approval as recommended by SWRCB, CDFW, CalFire, or CalTrans. The Planning and Building Department routinely provides project scheduling data to CDFW to provide additional opportunity for input and

<sup>10</sup> HCRI CC-P5 page 12.

<sup>11</sup> HCRI CC-P6 page 12.

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comment. The County is also in regular contact with Department of Cannabis Control regarding state license and local permit verification and compliance.

Identified Issues:

- i. This is a false narrative and is damaging to the public trust relative to the actual energy the County puts into coordinating review in a public process.

**Public Notice.**<sup>12</sup> The initiative states: “*The County shall provide public notice of proposed commercial cannabis cultivation applications in a variety of forms so as to ensure that all persons who may be affected by proposed cultivation operations are reasonably likely to receive actual notice.*”

Identified Issues:

- i. The County does provide at least two types of notice for all discretionary projects. Notices are placed in the Times Standard of upcoming public hearings and notices are sent to property owners within the state law minimum and County ordinance requirement of 300 feet of the project parcel boundary. In actuality notice is often provided to property owners within 500 feet in order to make sure adequate notice is provided. If a project is likely to attract public attention, the department extends the area to which the mailing is sent.
- ii. Noticing is not provided for ministerial projects, because there is no discretion exercised in acting on those permits.
- iii. This infers notices are not provided for all discretionary projects and that is not true. This is a misleading premise for this policy in the initiative.

**Discretionary Review.**<sup>13</sup> Cultivation above 3,000 square feet could no longer be approved with a ministerial permit (Zoning Clearance Certificate). Currently on parcels with a minimum area of 5 acres, 5,000 square feet of cultivation can be approved with a Zoning Clearance Certificate, and on parcels with a minimum area of 10 acres up to 10,000 square feet of cultivation can be approved with a Zoning Clearance Certificate. Of the 1027 active permits only 61 of these are 3,000 square feet or less and 349 of the permits have been approved through a Zoning Clearance Certificate. The initiative would require a discretionary permit for between 3,001 square feet and 10,000 square feet. This would also apply to a request for expansion of the cultivation activity.

Identified Issues:

- i. This would require a public hearing for even very small boutique family operated farms.
- ii. Cultivation sites between 3,001 and 10,000 square feet would require a discretionary permit to add drying facilities, processing facilities, and to add water storage improvements that currently are allowed with either a substantial conformance determination or modification to the Zoning Clearance Certificate.
- iii. The increase in hearing requirements would create a large burden on County staff, the Planning Commission, and potentially the Board of Supervisors.

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<sup>12</sup> HCRI CC-P7 page 12.

<sup>13</sup> HCRI CC-P8 page 12.



**No Waiver of Public Hearings.**<sup>14</sup> The HCRI states: “*Notwithstanding any contrary provision of the Humboldt County Code or Zoning Regulations, public hearings on commercial cannabis cultivation permit applications shall not be waived.*” The HCRI does not provide background on the basis for this policy. As a practice, the County does not waive public hearing requirements for cannabis projects as discussed above under Finding 7.

Identified Issues:

- i. This policy gives a false impression that the County waives public hearing requirements.
- ii. As noted above, the County goes beyond the minimum public hearing requirements.

**Instream Flows and Wells.**<sup>15</sup> The HCRI would prohibit the County from approving new or expanded commercial cannabis cultivation if wells used for cultivation will reduce instream flows or adversely affect either (a) any watercourse or spring, or (b) any existing well used by a person other than the applicant. The County already has very clear requirements for use of wells and the analysis to determine if they are connected to surface water, or whether they affect other wells, or springs. These studies include but are not limited to examination of well logs, the surrounding geology, screening intervals, depth to water and static water pressure, yield, and analysis of potential impacts for any nearby wells or surface water features. Further, groundwater well permits must comply with the Governor’s Executive Order N-7-22 requiring that groundwater well permits may only be issued if the agency determines the extraction of groundwater from the well is (1) not likely to interfere with production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure. This proposed change appears to also be based on Finding #10. As noted above, analysis of wells is already occurring as part of the review of cannabis permit applications.

Identified Issues:

- i. It is unclear what this requirement is intended to accomplish. Given that the County already requires analysis of wells to ensure they are not a diversionary water source, the question must be asked if this is looking for something different.

**Diversionary Water Sources and Forbearance Periods.**<sup>16</sup> This policy increases forbearance period for diversions to March 1 to November 15 from the current default forbearance period which is May 15 to October 31. The current county ordinance recognizes the state may require a greater or lesser period based upon water availability. Under current State Water Resources Control Board Cannabis Policy, the forbearance period for diversions is April 1 to October 31. The current system recognizes that rainfall and drought cycles can have a profound influence on the amount of surface water and allows the period of allowed diversion to be extended or reduced based on those circumstances. This proposed change appears based on Finding #10. The HCRI does not provide any analysis or data to explain why the forbearance period should be uniformly increased locally and diverge from standards acceptable to CDFW or the Water Board. The HCRI cites two studies one of which was not conducted for our region.

<sup>14</sup> HCRI CC-P9 page 13.

<sup>15</sup> HCRI CC-P10 page 13.

<sup>16</sup> HCRI CC-P11 page 13.

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Identified Issues:

- ii. The existing regulation acknowledges the State may modify the forbearance period, the HCRI provision would set a period regardless of water availability and may be inconsistent with the state requirements.
- iii. The extended forbearance period would give less time to withdraw water, regardless of availability, and require a higher rate of withdrawal.
- iv. The increased forbearance period would extend the time in which water has to be stored and thus require more storage. This would place additional costs to operators for a requirement that has no justification. This may also require permit modifications which could trigger the initiative limitations on cultivation size and type.

**Generators.**<sup>17</sup> The HCRI includes a policy and a standard that would limit generator use to emergencies only and limit the number of generators to just one that may not exceed 50 horsepower. The HCRI makes this requirement retroactive and phases it in depending on the application and cultivation type. Permits issued for new cultivation would need to convert by June 30, 2024, and pre-existing cultivation would need to convert by September 30, 2025. The CMMLUO allows generators as a primary source of power. The CCLUO requires use of renewable power except in limited circumstances for pre-existing cultivation sites not in Timberland. In those situations, the maximum amount of power which may come from generators is 20%. Both the CMMLUO and CCLUO have performance standards for noise and require proper fuel storage. For some time, discretionary permits have included conditions requiring the phasing out of generators except for emergency use. This proposed change appears based on Finding #11. This finding provides no basis for suggesting that the local permitting program is increasing the risk of fuel spills, this is particularly true since the permitted farms using generators and storing fuel over 55 gallons require containment, and an emergency response plan. These sites are inspected. It should also be noted that many residences operating off grid use generators and are not subject to the same regulations and inspections afforded cannabis permit holders.

Identified Issues:

- i. This requirement does not address the current uncertainty associated with PG&E not being able to provide power.
- ii. While many cultivation permits have been approved with a similar requirement to convert to renewable energy, some have not. For those who have not been permitted as such, this may require significant modifications to existing approved sites two months after the initiative becomes effective. This could be a devastating financial impact to some farmers at a time of market uncertainty. Further, a modification could trigger other requirements of the initiative rendering the permit financially untenable.

**Roads.**<sup>18</sup> The HCRI would require new or expanded cannabis cultivation sites to be located on a category 4 road (or same practical effect), this must be confirmed by a licensed engineer. The CMMLUO did not include any road standards. As a matter of practice, the County required that

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<sup>17</sup> HCRI CC-P12 page 13.

<sup>18</sup> HCRI CC-P13 page 13.

an assessment be made of the road for functional capacity. If the road was the equivalent of a Category 4 road no additional review is required. If it is less than a category 4 road, an engineer must assess whether the road has the functional capacity to serve all existing traffic and the cultivation site. These provisions were formalized in the CCLUO. The primary difference in the CCLUO is when the road is less than a Category 4 road, a Special Permit is required which provides for discretion and a public process. This proposed change appears to be based on Finding #8. The HCRI provides no data or analysis to support this finding.

Identified Issues:

- i. Inconsistency between the HCRI proposed General Plan Policy CC-P13 and the HCRI proposed amendment to the Zoning Ordinance.<sup>19</sup> The HCRI General Plan Policy says all roads must be a category 4 road (or same practical effect) while the HCRI text of the zoning ordinance has been modified only to require review by a licensed engineer. Since the Zoning Ordinance would need to be modified to be consistent with the General Plan, it is understood that the provision to allow roads of less than a category 4 standard would need to be removed.
- ii. This is a significant change that would dramatically affect existing cultivators who could otherwise modify their site, except they are not located on a Category 4 road.
- iii. Many applications that could still be pending at the time of initiative approval could then not be approved because they are not on a Category 4 road.
- iv. This provides no flexibility to consider context and volume of traffic on a road. The CCLUO was written to require discretion where a higher standard could not always be obtained. This provision would remove discretion and replace it with a rigid standard.
- v. This would increase costs for farmers to complete the analysis by paying for an engineer, and in the cost of upgrading the road to Category 4 which will probably not be feasible for 10,000 square feet of cultivation.
- vi. This is a direct contradiction of the small farmer provision of the CCLUO which waived the road requirements when the cultivation area was 3,000 square feet or less and the farmers lived on the property. Even these small farmers would then become nonconforming due to the road.

**Inadequate Water Storage.**<sup>20</sup> The initiative would give the County the authority to determine there is inadequate water storage on the site, and, in those situations, require that additional water storage be installed, or the Cultivation area reduced. While not specifically written in these words, the existing ordinances provide for the County to take such an action. Under existing regulations, if the applicant uses water from a source other than that identified in their permit, this is a violation of the permit. The County has required many permits where there is concern for water usage to meter their water use and report that on an annual basis. The existing cannabis program already authorizes the County to direct farmers to reduce cultivation size if inadequate water is present.

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<sup>19</sup> HCRI Section 5(C) page 28.

<sup>20</sup> HCRI CC-S2 page 14.

Identified Issues:

- i. There is no definition of what constitutes an inadequate water supply. This is a vague requirement which will be hard to implement.
- ii. The County’s current regulations provide the authority to review for adequate water supply and enforce if the permit is being violated.
- iii. There is not a clear statement of what this is attempting to accomplish.

**Inadequate Public Notice.**<sup>21</sup> The provisions of the initiative would require enhanced notification beyond what the County currently requires and beyond state law to include:

- Mail notices to property owners and occupants within a mile of the property
- Publish the notice in the paper at least twice
- Place public notices at a minimum of three locations in the vicinity of the property

The County in accordance with the requirements of the California Government Code section 65091 and the Humboldt County Code sends notices to property owners and occupants within 300 feet of the project site. This is expanded in situations where the project is expected to be controversial. A notice is currently placed in the newspaper 10 days prior to a hearing. The cost of the notice in the paper averages approximately \$600.00. The County does not post notices around sites. Sending a staff person out to post a site would add to the cost of a permit. The County would need to recover the cost of the time to drive to the site, post the notice and drive back, in addition to the costs of the materials to post the notice.

Identified Issues:

- i. This would add approximately \$1,000.00 to the cost of noticing a public hearing to even modify a permit.
- ii. There have not been instances where the public has not been noticed of a discretionary action and therefore adding this time and expense to new and expanded permits is not warranted.

**C. Local Coastal Plan Amendments**

Each of the Local Coastal Plans would need to be updated to incorporate all the policies and standards from the language amending the General Plan.

**D. Zoning Ordinance Amendments**

The Inland and Coastal Versions of the Zoning Ordinance would need to be amended to be consistent with the policies of the General Plan.

**IV. CONCLUSION**

As discussed in the comments and issues identified above the HCRI will have dire consequences to the cannabis industry in Humboldt County. Submittal of applications for new cultivation under the current market conditions has effectively ceased. This is not expected to change in the near

<sup>21</sup> HCRI CC-S4 page 14.

future and so the impact on new applications is not a primary concern. The HCRI has been written to effectively discourage existing permit holders from modifying their permits in any way. This includes adding infrastructure intended for environmental protections or modification of activities or site configuration to adapt to the evolving industry. These restrictions affect the smallest of farms permitted in Humboldt County to the largest cultivation sites.

The provisions that will most restrict existing cultivators are as follows:

1. **Definition of Expanded** will result in the HCRI provisions being applied to existing permit holders anytime “*the number or size of any structures used in connection with cultivation*” changes. This will preclude modifications to the site even for environmental protection.
2. **Capping cultivation area at 10,000 square feet** will result in all existing permits over that cultivation area becoming legal non-conforming, which means the site cannot be modified. Labeling anything over 10,000 square feet as a large-scale cannabis cultivation when other parts of the state are being approved for cultivation sizes over 100 acres is arbitrary.
3. **Prohibition of Mixed Light and Indoor Cultivation** will make many existing permits legal non-conforming under the HCRI which means the site cannot be modified. This conflicts with industry trends where mixed light and indoor cultivation are in the highest market demand.
4. **Permit Term and Renewal limitations** would greatly increase the regulatory cost of a permit, would add uncertainty to a renewal, and would not be an improvement over the existing inspection process. There is significant uncertainty about what the initiative envisions as part of a renewal application.
5. **The Limitation on Multiple Permits** is unclear and can be interpreted in different ways. Interpreted in the most conservative perspective would not allow different types of permits on a parcel in contrast to the intent of the CCLUO which wanted to provide ancillary and supportive cannabis related uses on a cultivation site to improve income potential and allow local farmers to compete by managing their own production chain from seed to store.
6. **Discretionary Review** will not really matter for new permits, because few are expected and if the HCRI becomes effective no new permits will be applied for. This really becomes a concern if it is the intent for renewals to go through the process required of a new permit. This would be expected if an application were to expire without a renewal application being submitted.
7. **Public Notice** will not really matter for new permits, because few are expected, and, if the HCRI becomes effective, it is likely few to no new permits will be applied for where newly imposed caps have already been met. This really becomes a concern if it is the intent for renewals to go through the process required of a new permit. The expanded noticing requirements will add at least \$1,000.00 to processing a discretionary renewal.
8. **Road** policies and standards are inconsistent between the HCRI General Plan Policy and HCRI changes to the Zoning Ordinance. The Zoning Ordinance would need to be modified to be consistent with the more stringent General Plan policy. This would make many approved farms nonconforming because they are not on Category 4 roads.



The HCRI has been presented to preclude new large scale grows, but it will actually prevent existing permit holders, regardless of size, from being able to modify their permits to adapt to the evolving cannabis market and make strides towards greater environmental sustainability. A significant number of applications have been received over the last two years to modify existing permits to allow them to become more efficient in the statewide cannabis market. The County just allocated over \$12 million for infrastructure improvements to existing approved sites. This infrastructure could not be implemented under the HCRI.

The HCRI will have the effect of restricting the cannabis industry in Humboldt County. The struggles in the cannabis industry over the last couple of years has had a profound effect on the overall Humboldt County economy. These impacts are most clearly seen in the empty retail spaces in southern Humboldt and Eureka and the growing number of properties that are for sale. People are attempting to sell their property and minimize their losses. If the HCRI passes, it can be expected this trend will worsen.

This initiative will do damage to the legal cannabis industry and the County as a whole. This is likely to place farmers struggling to survive in a place where they can no longer compete in the legal market and must either sell or abandon their farms or return to the illicit market. It is the illicit cannabis industry that has been predominantly responsible for environmental damage.

The process of writing regulations is complex, and often can lead to unintended consequences. An examination of the HCRI could lead to the conclusion that it is well intended but the author was unaware of the unintended consequences of the language as presented. This is particularly troublesome because the public will be informed by the well-intentioned ideals without being aware of the negative consequences.

Some action should be taken to either work with the sponsors of the HCRI to chart an alternative course that would allow withdrawal of the initiative in favor of other more proactive steps. Absent the ability to accomplish that another course to educate the public should be taken so that the electorate understands the significant impacts of the Humboldt Cannabis Reform Initiative.

**V. RECOMMENDATIONS**

- A. Form an Ad Hoc Committee to meet with the initiative sponsors. Some areas which could be offered to address concerns expressed by the HCRI include:
  - 1. Modify resolution 18-43 and reduce the permit caps and acres in the planning watersheds to the applications which are currently submitted and deemed complete. The Board can revisit this resolution without having to modify the CCLUO. Through public input, the Board could identify a methodology for establishing new caps or identifying additional impacted watersheds that are unsuitable for new cultivation.
  - 2. Codify current practice of phasing out generators reserving exclusively for emergency purposes. Discretionary projects receive standard conditions of approval phasing out

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generators as a primary source of power requiring migration to renewable power. This practice could be codified.

3. Require forbearance for groundwater wells. There has been public discussion among the Board and significant public comment at permit hearings about the concerns and technical challenges of analyzing and approving groundwater wells as a cannabis irrigation source. The Board could consider whether requiring forbearance and water storage in association with wells can address those public concerns.
4. Revisit the language regarding self-certification of roads in 55.4.12.1.8.2.
5. Enhance language surrounding inspections and compliance. The Board could consider updates to the language regarding annual inspections that increases public confidence and transparency as well as maintaining due process for permit holders.
6. Continue to refine the hydrologic studies needed for wells. As discussed earlier in this report, current implementation of the cannabis program requires hydrologic studies for wells. The County is currently initiating a study regarding wells with the goal of streamlining that part of the cannabis permitting process.

Alternatives:

- A. Seek to inform the public of the initiative's many impacts if adopted. This public education should include that the initiative would not protect the environment from large scale grows but would prevent Humboldt County cultivators from becoming more environmentally sustainable and competing in the legal market.
- B. Work through the Ad Hoc and a citizens advisory committee to develop a competing initiative for the March 2024 ballot.

**To the Honorable Registrar of Voters of the County of Humboldt:** We, the undersigned, registered and qualified voters of the County of Humboldt, hereby propose an initiative measure to amend the Humboldt County General Plan, the Humboldt County Local Coastal Plans, and the Humboldt County Code. We petition you to submit this measure to the Board of Supervisors of the County of Humboldt for adoption without change, or for submission of the measure to the voters of the County of Humboldt at the earliest election for which it qualifies.

The measure provides as follows:

*Humboldt Cannabis Reform Initiative*

The people of the County of Humboldt do hereby ordain as follows:

**SECTION 1: PURPOSE AND FINDINGS**

**A. Purpose**

The purpose of this *Humboldt Cannabis Reform Initiative* (“Initiative”) is protect the County’s residents and natural environment from harm caused by large-scale cannabis cultivation. Specifically, the Initiative seeks to promote environmentally responsible cultivation practices and support watershed health for residents, property owners, and ecosystems affected by cannabis cultivation activities. This Initiative accomplishes its purpose by limiting the number, type and acreage of permits for commercial cannabis cultivation, ensuring greater public participation and official accountability in decision-making, improving permit enforcement and site inspections, reducing potential impacts to streams and watersheds, limiting generator size and usage, and facilitating active coordination with state and federal agencies.

**B. Effect**

This Initiative amends the County General Plan to: (1) adopt more restrictive caps on the total number of permits and acres under cannabis cultivation in each of the County’s planning watersheds and coastal planning areas, while allowing continued processing of complete permit applications pending as of March 4, 2022; (2) ensure that caps on permits and acres cannot be increased without a vote of the people; (3) limit new and expanded permits for commercial cannabis cultivation to outdoor and low-wattage mixed-light operations and nurseries no more than 10,000 square feet in size; (4) ensure that existing permits are not renewed unless cultivation sites are subject to on-site inspection, all violations are corrected, and public complaints are investigated; (5) expand public notice, public hearing, and discretionary review requirements for commercial cannabis cultivation permits; (6) protect water resources and habitat by extending the period during which diversion of surface waters is prohibited, ensuring adequate water storage, and requiring hydrologic studies to demonstrate that groundwater extraction will not reduce flows in streams, springs, or neighboring wells; and (7) reduce noise impacts and the risk of fuel spills by limiting generator usage in commercial cannabis cultivation operations to a single generator rated at 50-hp or less and used for emergency purposes only.

**C. Findings**

The people of the County of Humboldt find that this Initiative promotes the health, safety, welfare, and quality of life of County residents based upon the following findings:

1. **The Humboldt County General Plan guides growth in the County.** Humboldt County’s General Plan serves as the County’s land use “constitution” and functions to safeguard the County’s unique and diverse resources. It balances the need for adequate infrastructure, housing, and economic vitality with protection of rural communities, agricultural areas, and scenic open spaces. The Plan reflects the County’s commitment to the health, wellbeing, and vitality of the County’s local communities, economies, and ecosystems. The Plan also recognizes the importance of cannabis cultivation to the local economy, while acknowledging that cannabis cultivation can result in environmental impacts and land use conflicts. The six Humboldt County Local Coastal Plans (the Eel River Area Plan, Humboldt Bay Area Plan, McKinleyville Area Plan, North Coast Area Plan, South Coast Area Plan, and Trinidad Area Plan) similarly govern land use within the County’s Coastal Zone.
2. **Humboldt County’s cannabis economy and reputation for high quality cannabis were shaped by small-scale operations.** Smaller-scale operations have been at the core of the County’s cannabis cultivation economy since the crop’s introduction into the County. These small-scale operations have shaped the County’s culture for decades, and small-scale growers’ innovation and attention to craft have made “Humboldt” synonymous with high quality cannabis. Smaller-scale operations also tend to create fewer environmental impacts due to their more limited footprint and resource usage.
3. **Humboldt County’s cannabis ordinances allow large-scale operations that threaten to displace small-scale cultivators.** Over the years, the County’s cannabis ordinances have allowed approval of numerous permits for larger-scale cultivation operations. Many residents believe that the ordinances’ allowance of larger-scale grows has come at the expense of the smaller-scale cultivation that made Humboldt famous worldwide for the high quality of its cannabis products.
4. **The transition from small-scale to large-scale cannabis cultivation is adversely affecting the community and the natural environment.** Many residents believe larger-scale cannabis cultivation poses unacceptable risks to community and local ecosystem health, safety, and welfare. Concerns voiced by residents include: dust, noise, odor, glare, unsightly structures damaging scenic views, reductions in stream flows and water well production, adverse effects on wildlife, dangerous road conditions, and road deterioration.
5. **Continued growth in the number of commercial cannabis cultivation permits and the amount of acreage under cultivation threatens the community and the environment.** This Initiative reduces the caps on permits and acreage under cultivation previously adopted by the Board of Supervisors. For inland areas, County Board of Supervisors Resolution No. 18-43 (attached to this Initiative as Exhibit A) established caps on the total number of permits and acres for commercial cannabis cultivation in each

of the planning watersheds listed in the Resolution. Humboldt County Code section 313-55.4.6.8 established similar caps on permits and acres within each of the areas of the County's Coastal Zone covered by the County's six Local Coastal Plans. Many residents believe the County's current caps are far higher than they should be. In inland areas alone, the County's current caps could allow the total number of approved permits and acres under cultivation to *more than triple* compared to approved permit and acreage levels as of November 2021. This expansion could increase impacts to the community and the environment. This Initiative strikes a better balance between allowing commercial cannabis cultivation and protecting the community and the environment by setting caps on new permits at slightly above the current number of permits and total permitted acreage of cultivation, while still allowing the County to work through a backlog of pending, complete applications and to approve the renewal of existing permits where appropriate. This Initiative also ensures that the caps cannot be increased without voter approval.

- 6. **New commercial cannabis cultivation should be limited to smaller outdoor and lower-wattage mixed-light grows and nurseries.** Studies have shown that the use of artificial light in cannabis cultivation is extremely energy-intensive. Using less artificial light reduces both the demand on resources and the environmental impacts associated with electricity production. Larger grows also generally require more water, more fertilizers, and potentially more land disturbance. This Initiative limits new and expanded commercial cannabis cultivation permits to outdoor and lower-wattage mixed-light grows and nurseries with less than 10,000 square feet of cultivation area.
- 7. **Humboldt County residents should be notified of cannabis permit applications and should be given the power to engage meaningfully in the permit approval process.** The people of Humboldt County, whose quality of life is at stake, should have the information necessary to meaningfully discuss health, safety, and welfare concerns related to cannabis permitting with the Planning Department, Planning Commission, and elected officials. Too often, residents who may be affected by commercial cannabis cultivation operations are neither notified of proposed permit applications nor given a meaningful opportunity to participate in the County's review process. This Initiative strengthens notification requirements, expands the range of commercial cannabis cultivation applications that are subject to discretionary County review, and prevents the County from waiving public hearing requirements.
- 8. **Operators are not verifiably complying with applicable regulations and permit conditions.** Residents are concerned that the County's current ordinances do not do enough to ensure that regulatory standards are met before permits are issued and renewed. Current ordinances do not clearly require in-person, on-site inspections before permit renewal. Applicants also currently are allowed to self-certify whether private roads serving cannabis cultivation sites meet County standards without an engineer's evaluation. This Initiative requires on-site inspections before permits can be renewed and requires an engineer to confirm that private roads meet certain standards.
- 9. **Coordination between the County and state wildlife and water quality agencies has been lacking.** Numerous government agencies play critical roles in protecting Humboldt



County’s environment. This Initiative requires that the County actively coordinate with other agencies that play a role in mitigating environmental harm caused by commercial cannabis cultivation.

- 10. **Large-scale cannabis cultivation contributes to strains on water resources.** Although California’s North Coast historically has been blessed with abundant rain in the winter, summers have always been dry. In recent years, sustained periods of drought—which many scientists believe are exacerbated by climate change—have placed even more stress on rivers, streams, and the fish and wildlife that depend on clean and plentiful water. As of February 2022, the U.S. Drought Monitor identified most of Humboldt County as suffering from moderate to extreme drought. Another study published in February 2022 concluded that the 20-plus year “megadrought” currently affecting southwestern North America is one of the longest and driest periods in the last 1,200 years—and that climate change has played a substantial role in the drought’s severity. Residents have observed that perennial streams are drying up earlier every year and that even portions of major tributaries like the South Fork Eel River have gone dry. However, under the County’s current permitting scheme, the water needs of commercial cannabis cultivation are driven more by the cultivator’s desires than by a watershed’s or aquifer’s capacity to support cultivation without adverse impacts to other water users, water quality, habitat, and fish and wildlife. Cannabis cultivation often relies on diversions of water from streams or groundwater from wells, yet the County’s cannabis cultivation ordinances do not require adequate study of the resulting effects on fish, wildlife, habitat, or other water users. Given the seasonal scarcity of water in the region, ongoing drought conditions in California, and the sensitivity of aquatic species and habitats, this Initiative requires greater study of the impacts of water wells and extends the “forbearance period” during which diversions from surface water bodies are prohibited.
- 11. **Overreliance on generators causes noise pollution and threatens fuel spills.** Similar concerns apply to energy sources for cannabis cultivation. Many sites rely on generators for power, causing noise pollution and increasing the risk of spills related to transportation of fuels along narrow, winding roads. This Initiative phases in requirements for all commercial cannabis cultivation operations that limit the size of generators and allows their use for emergency purposes only.

**SECTION 2: HUMBOLDT COUNTY GENERAL PLAN AMENDMENTS**

This Initiative hereby amends the Humboldt County General Plan (“General Plan”), as amended through March 4, 2022, the date that the notice of intention to circulate this Initiative was submitted to the elections official of the County of Humboldt (“Submittal Date”). Except as specifically provided in this Initiative, the amendments in subsections A.1 and A.2 of this Section 2 may be changed only by a vote of the people.

**A. General Plan Text Amendments**

**1. Section 4.9 Added to General Plan Land Use Element**

A new Section 4.9 entitled “Cannabis Cultivation” is inserted into the General Plan, Part 2, Chapter 4, Land Use Element, at Page 4-56, following Section 4.8 (after Table 4-H):

4.9 Cannabis Cultivation

4.9.1 Purpose

This section 4.9 of the Land Use Element was adopted as part of the Humboldt Cannabis Reform Initiative. Except as specifically provided in the Humboldt Cannabis Reform Initiative, nothing in this section shall be repealed, altered, or amended without a vote of the people.

This section of the Land Use Element addresses cannabis cultivation in unincorporated Humboldt County outside of the Coastal Zone. The goals, policies, standards, and implementation measures set forth in this section are intended to apply in all unincorporated areas of the County outside of the Coastal Zone, including all Community Planning Areas, and under all General Plan land use designations unless otherwise specified. The Humboldt Cannabis Reform Initiative also amended the six Humboldt County Local Coastal Plans (the Eel River Area Plan, Humboldt Bay Area Plan, McKinleyville Area Plan, North Coast Area Plan, South Coast Area Plan, and Trinidad Area Plan) to include the same definitions, goals, policies, standards, and implementation measures for commercial cannabis cultivation in the Coastal Zone.

4.9.2 Background

Cannabis cultivation has been an important part of Humboldt County’s culture and economy for decades. Beginning in the 1960s, small-scale cannabis growers began to establish an important, although illegal, largely home-based industry in the County’s hills. Income from illicit cultivation and sales of cannabis supported the local economy as other industries contracted, sustaining countless small businesses and non-profit organizations through hard times. Humboldt growers’ innovations in hybridization and other cultivation techniques also created cannabis products that have become famous globally for their high quality. For many outside the local area, the term “Humboldt” is still synonymous with high-quality cannabis.

The illicit cannabis industry had—and still has—its downsides. Unregulated cannabis operations can put significant pressure on environmental resources. Illicit cultivation has been associated with unauthorized water diversions and reductions in stream flows, poorly maintained roads, pollution from pesticides and fertilizers, and accumulation of water lines, garbage, and other debris. The aggressive law enforcement response to illicit cultivation that culminated in the Campaign Against Marijuana Planting in the 1980s and 1990s also fostered community divisions and facilitated development of an “outlaw” culture with a deep distrust of regulation. Although prohibition kept cannabis prices high, it also deprived industry participants of recourse to legal means of distributing their products and settling disputes, resulting in thefts and occasional violence.

California began a long transition toward legalization of cannabis in 1996 with the passage of Proposition 215, which exempted patients using medical cannabis and their caregivers from

certain state criminal laws. For many years, local cannabis growers operated in the “gray area” created by the limited reach of Proposition 215. Finally, in 2016, California voters adopted Proposition 64, which legalized adult recreational use of cannabis and instituted comprehensive state licensing and regulation of the cannabis industry.

Proposition 64 also left significant regulatory power in the hands of local governments. Humboldt County enacted its first comprehensive cannabis land use ordinance, the Commercial Medical Marijuana Land Use Ordinance (often referred to as “Ordinance 1.0”) in September 2016. The County revised its cannabis land use ordinances again in 2018 with the Commercial Cannabis Land Use Ordinance (or “Ordinance 2.0”). Further amendments streamlining permitting for small new and pre-existing cannabis cultivation operations were adopted in 2020.

Together, these ordinances generally sought to transform the County’s illicit, unregulated cannabis farms into lawful, regulated operations. The ordinances included provisions requiring growers to obtain permits and comply with numerous operational standards.

Legalization, however, brought significant challenges. Wealthy individuals and businesses, seeking to capitalize on Humboldt County’s reputation for high-quality cannabis, began to buy up property in the County, often for the purpose of larger-scale, more “industrial” cannabis cultivation operations. As of 2022, the County’s cannabis cultivation ordinances had proven inadequate to prevent environmental damage and land use conflicts predominantly stemming from larger-scale cultivation operations. Experience has shown that watercourses and wells continue to be impacted by diversions and groundwater extraction, threatening both other water users and habitat for protected species like salmon and steelhead. Extended drought conditions in Humboldt County and throughout southwestern North America—conditions scientists believe are being exacerbated by anthropogenic climate change—are putting even more pressure on local water resources and natural habitat. Over-reliance on generators, particularly in rural residential areas, has exacerbated noise pollution and created a substantial risk of fuel spills.

In light of these environmental conditions, the voters chose to strengthen requirements governing water storage and diversions, generator usage, inspections of permitted sites prior to renewal, coordination with state wildlife and water quality agencies, and renewable energy. The voters also limited the types and size of new permits for commercial cannabis cultivation and improved public notice and permit review provisions essential to ensure informed community participation in the approval process. Finally, the voters imposed stricter limits on the number of permits for commercial cannabis cultivation the County can approve and the number of acres under cultivation, while allowing the County to continue working through a backlog of pending, complete permit applications.

Prior to adoption of the Humboldt Cannabis Reform Initiative, the County’s General Plan did not comprehensively address the role of cannabis cultivation in the County’s overall vision for development. By adopting the Humboldt Cannabis Reform Initiative, the County’s voters recognized the need for goals, policies, standards, and implementation measures to guide the County’s regulation of this industry toward a sustainable future while recognizing the small-scale, innovative practices that established Humboldt County’s reputation for high-quality, artisan cannabis.

4.9.3 Definitions

When used in this Section 4.9, the following words shall have the meanings ascribed to them below. The singular shall include the plural and the plural shall include the singular. Definitions below shall control over any definitions of the same or similar terms contained elsewhere in the Humboldt County Code.

- “Canopy” means the designated area(s) at a licensed premises that will contain mature plants at any point in time.
  
- “Commercial Cannabis Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, including nurseries, that is intended to be processed, manufactured, distributed, dispensed, delivered, and sold. For purposes of this Section 4.9, “Commercial Cannabis Cultivation” shall not include either of the following: (a) cultivation, processing, or storage of cannabis for a single person or household’s exclusive use; or (b) cultivation, processing, or storage of medical marijuana or cannabis for a single qualified patient’s use..
  
- “Cultivation area” means the sum of the area(s) used for commercial cannabis cultivation, calculated in square feet and measured using clearly identifiable boundaries around the perimeter of all area(s) that will contain plants at any point in time, including all the space within the boundary as shown on the approved plot plan. Cultivation area shall include the maximum anticipated extent of all vegetative growth of cannabis plants to be grown to maturity on the premises.
  
- “Diversion” means the withdrawal of water from a water body. For purposes of this definition, “water body” means any significant accumulation of water, such as lakes, ponds, rivers, streams, creeks, springs, seeps, artesian wells, wetlands, canals, groundwater from a subterranean stream flowing through a known and definite channel, or similar features. “Water body” shall not include off-stream constructed reservoirs filled exclusively in a manner not involving the withdrawal of water from a water body, such as captured rainfall.
  
- “Diversionary water source” means a source of water that involves diversion.
  
- “Emergency Purposes” means providing electrical power during any of the following events and subject to the following conditions:
  - (1) the failure or loss of all or part of normal electrical power service:
    - (A) which is caused by any reason other than the enforcement of a contractual obligation the owner or operator has with a third party or any other party; and
    - (B) which is demonstrated by the owner or operator to the County's satisfaction to have been beyond the reasonable control of the owner or operator;
  - (2) the pumping of water or sewage to prevent or mitigate a flood or sewage overflow;
  - (3) the pumping of water for fire suppression or protection.
  
- “Expanded,” when used to describe commercial cannabis cultivation sites, uses, operations or activities or an application or permit therefor, shall mean an increase in the size, intensity, or

resource usage of commercial cannabis cultivation activities on a parcel or premises where such activities have previously been permitted, regardless of whether authorization for expanded uses is sought by way of an application for a new permit or zoning clearance or an application for a modification to an existing permit or zoning clearance. Examples of “expanded” uses include, but are not limited to, an increase in cultivation area, water usage, energy usage, or the number or size of any structures used in connection with cultivation.

- “Forbearance period” means the calendar days during which water may not be diverted from a water body.
- “Light deprivation” means the use of any technique to eliminate natural light in order to induce flowering.
- “Indoor Cultivation” means the cultivation of cannabis within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot.
- “Mixed-Light Cultivation” means the cultivation of mature cannabis in a greenhouse, hoop-house, glasshouse, conservatory, hothouse, or other similar structure using a combination of:
  - (1) Natural light and light deprivation, and either of the models listed below:
    - (A) “Mixed-light Tier 1,” without the use of artificial light or the use of artificial light at a rate above zero, but no more than six watts per square foot;
    - (B) “Mixed-light Tier 2,” the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot; or
  - (2) Natural light and either of the models listed below:
    - (A) “Mixed-light Tier 1,” the use of artificial light at a rate above zero, but no more than six watts per square foot;
    - (B) “Mixed-light Tier 2,” the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot.
- “New,” when used to describe commercial cannabis cultivation sites, uses, operations or activities or an application or permit therefor, shall mean commercial cannabis cultivation activities on a parcel or premises where such activities have not previously been permitted.
- “Nursery” means a facility that produces only clones, immature plants, and seeds for wholesale to licensed cultivators to be used specifically for the planting, propagation, and cultivation of cannabis, or to licensed distributors.
- “Outdoor Cultivation” means the cultivation of mature cannabis without the use of artificial lighting or light deprivation in the canopy area at any point in time.
- “Person” means an individual, firm, 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 includes the plural as well as the singular number. “Person” also includes the chief executive officer or a member of the board of directors of a business entity, or any individual participating in the direction, control, or management of the permit holder. “Person” does not include business entities with an aggregate ownership interest of less than



twenty percent (20%) in the individual or group holding the permit or less than five percent (5%) of the total shares of a publicly traded company holding a permit. Individuals, banks, or financial institutions whose only interest constitutes a loan, lien, or encumbrance, or whose interest occurs through a mutual fund, blind trust, or similar instrument shall not be considered a “person” for purposes of this section.

- “Premises” means a parcel, or a portion thereof, such as a leasehold interest in agricultural land for agricultural purposes of outdoor, mixed-light, or indoor cultivation or processing of cannabis, or a leased or owned space in an industrial or commercial building or parcel for purposes of indoor, mixed-light, or outdoor cultivation, processing, manufacture, distribution, testing or retail sale of cannabis.

The Board of Supervisors may amend the definitions set forth in this section 4.9.3 of the Land Use Element without a vote of the people to conform to future amendments to definitions of the same or similar terms in state statutes and regulations.

4.9.4 Goals and Policies

Goals

- CC-G1: **Support small-scale, high-quality cannabis cultivation.** Structure and implement cannabis cultivation ordinances and policies that encourage small-scale production while minimizing environmental and social impacts.
- CC-G2: **Prevent large-scale grows that damage the environment and harm the community.** Limit new and expanded commercial cannabis cultivation permits to Outdoor Cultivation, Mixed-light Tier 1 Cultivation, and Nurseries with a maximum cultivation area of 10,000 square feet.
- CC-G3: **Limit the number of permits and acreage under cannabis cultivation.** Cap the total number of permits and acreage under cultivation at levels just above those approved and existing as of March 4, 2022, while allowing continued processing of pending permit applications that the County determines were complete prior to that date. Require a vote of the people to increase caps in the future.
- CC-G4: **Reduce the impacts of cannabis cultivation on water availability and water quality.** Prohibit reliance on diversions from streams and rivers for commercial cannabis cultivation between March 1 and November 15 of each year. Require analysis of the effects of groundwater usage on instream flows and other water users. Prohibit applicant self-certification of compliance with private road standards.
- CC-G5: **Ensure greater public participation and official accountability in decision-making.** Require expanded public notice of cannabis cultivation applications. Expand the range of applications subject to discretionary review and public hearings.

CC-G6: **Ensure that existing operations are inspected and compliance verified prior to permit renewal.** Require in-person, on-site inspections, correction of violations, and investigation of complaints before permits can be renewed.

CC-G7: **Limit use of generators in cannabis cultivation operations.** Over time, phase in requirements that limit generator size and restrict usage to emergency purposes for all commercial cannabis cultivation.

Policies

Limitations on Permits

CC-P1: **Permit and Acreage Caps (Non-Coastal).** In areas of the County outside Coastal Planning Areas, caps on the total number of permits granted for commercial cannabis cultivation and on the total permitted acreage of cultivation shall be established and implemented as follows:

(a) In each of the planning watersheds listed in Section 2 of Humboldt County Board of Supervisors Resolution No. 18-43, the cap on the total number of permits for commercial cannabis cultivation granted shall be 1.05 times the total number of existing approved, unexpired permits for Open Air Cultivation (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation within that planning watershed as of March 4, 2022, the date on which the notice of intention to circulate the Humboldt Cannabis Reform Initiative was submitted to the elections official of the County of Humboldt. In each watershed, the permit cap shall be rounded to the nearest whole number.

(b) In each of the planning watersheds listed in Section 2 of Humboldt County Board of Supervisors Resolution No. 18-43, the cap on the total permitted acreage of Cultivation Area shall be 1.05 times the total permitted acreage of cultivation area approved by the County under existing approved, unexpired permits for Open Air Cultivation (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation within that planning watershed as of March 4, 2022, the date on which the notice of intention to circulate the Humboldt Cannabis Reform Initiative was submitted to the elections official of the County of Humboldt.

(c) If, at any time, in any of the planning watersheds listed in Section 2 of Humboldt County Board of Supervisors Resolution No. 18-43, either (i) the total number of permits granted for commercial cannabis cultivation or (ii) the total permitted acreage of cultivation area exceeds a cap for that planning watershed established pursuant to paragraphs (a) and (b) of this Policy CC-P1, any new applications for commercial cannabis cultivation activities within that watershed shall be placed in a queue and shall not be further considered or processed until such time as the total number of approved permits and the total acreage of

cultivation both fall below the applicable caps for that watershed. If and when the total number of approved permits and the total permitted acreage of cultivation area both fall below the applicable caps for a watershed, the Board of Supervisors may, by resolution and without a vote of the people, establish procedures for processing applications within the queue for that watershed.

(d) Notwithstanding paragraph (c) of this Policy CC-P1, the County may continue to process, and may approve, applications for permits for commercial cannabis cultivation that the County determines were complete on or before March 4, 2022, the date on which the notice of intention to circulate the Humboldt Cannabis Reform Initiative was submitted to the elections official of the County of Humboldt.

(e) Notwithstanding paragraphs (a), (b), and (c) of this Policy CC-P1, the County may renew a previously approved permit for commercial cannabis cultivation provided that all applicable state and local requirements for permit renewal are satisfied.

(f) The Board of Supervisors may, by resolution and without a vote of the people, reduce the caps on permits and acres established pursuant to paragraphs (a) and (b) of this Policy CC-P1. However, the limits on permits and acres established pursuant to paragraphs (a) and (b) of this Policy CC-P1 shall not be increased unless approved by a vote of the people.

(g) In order to facilitate participation in and compliance with the County’s commercial cannabis cultivation permitting programs, the County shall publish and make available the caps on permits and acres established pursuant to paragraphs (a) and (b) of this Policy CC-P1.

CC-P2:

**Limitations on Cultivation Types, Methods and Area for New and Expanded Permits.** Except for pending applications that the County determines were complete on or before March 4, 2022, the following limitations shall apply to any application for a permit, permit modification, or zoning clearance for new or expanded commercial cannabis cultivation that is approved following the Effective Date of the Humboldt Cannabis Reform Initiative:

(a) The County shall not approve an application if the total cultivation area that would result from approval exceeds 10,000 square feet.

(b) The County shall not approve an application that proposes a type of cultivation other than Outdoor Cultivation, Mixed-light-Tier 1 Cultivation, or Nursery.

The limitations in this Policy CC-P2 shall not apply to an application for renewal of an existing permit or zoning clearance that does not propose or involve any expanded use.

CC-P3: **Permit Term and Renewal.** All County-issued permits allowing commercial cannabis cultivation shall have a term of no longer than one year following the date of issuance and shall expire automatically on the anniversary date unless renewed.

CC-P4: **Permit Renewal Conditions.** Permits shall not be renewed unless all of the following conditions are satisfied:

(a) The County has conducted at least one on-site, in-person inspection of the premises within one year prior to the permit expiration date. The County may provide up to 24 hours' advance notice of any such inspection, but advance notice is not required. On-site inspection by the permittee, or by any employee or agent of the permittee, shall not be sufficient to satisfy this requirement.

(b) The County determines that any and all violations of permit conditions or applicable laws have been corrected.

(c) The County has considered and investigated any and all comments or complaints received from members of the public concerning the commercial cannabis cultivation operation's compliance with permit conditions or applicable laws.

CC-P5: **Multiple Permits.** No approval of a permit for commercial cannabis cultivation shall result in either of the following: (a) any one person holding more than one active permit approved after the Effective Date of the Humboldt Cannabis Reform Initiative at the same time, or (b) more than one active permit approved after the Effective Date of the Humboldt Cannabis Reform Initiative on the same legal parcel at the same time.

CC-P6: **Coordination and Collaboration with Other Agencies.** The County shall carry out its commercial cannabis cultivation permitting responsibilities in coordination with agencies having jurisdiction over resources affected by commercial cannabis cultivation, including but not limited to the California Department of Fish and Wildlife, State Water Resources Control Board, and Regional Water Quality Control Board.

Public Notice and Application Review

CC-P7: **Public Notice.** The County shall provide public notice of proposed commercial cannabis cultivation applications in a variety of forms so as to ensure that all persons who may be affected by proposed cultivation operations are reasonably likely to receive actual notice.

CC-P8: **Discretionary Review.** An application for commercial cannabis cultivation with a total cultivation area of greater than 3,000 square feet shall not be approved by

way of a zoning clearance or other ministerial approval. Commercial cannabis cultivation with a total cultivation area of greater than 3,000 square feet shall require a conditional use permit, special permit, or equivalent discretionary permit, and a coastal development permit where applicable. The County may by ordinance require a conditional use permit, special permit, or equivalent discretionary permit for commercial cannabis cultivation with a total cultivation area of less than 3,000 square feet. This policy shall apply to all applications for new or expanded commercial cannabis cultivation activities regardless of the size, land use designation, or zoning classification of the parcel on which cultivation is proposed.

CC-P9: **No Waiver of Public Hearings.** Notwithstanding any contrary provision of the Humboldt County Code or Zoning Regulations, public hearings on commercial cannabis cultivation permit applications shall not be waived.

Environmental Protection

CC-P10: **Instream Flows and Wells.** The County shall not approve any permit for new or expanded commercial cannabis cultivation if any well or wells proposed for use as part of the cultivation operation will reduce instream flows or otherwise adversely affect either (a) any watercourse or spring, or (b) any existing well used by a person other than the applicant.

CC-P11: **Diversionsary Water Sources and Forbearance Periods.** The forbearance period applicable to diversionsary water sources shall begin March 1 and shall end November 15 of each calendar year, unless a greater period is established pursuant to state law.

CC-P12: **Generators.** To reduce noise pollution and the risk of fuel spills, the County shall, over time, phase in standards ensuring that commercial cannabis cultivation operations are limited to a single generator rated at 50-hp or less and used for emergency purposes only.

CC-P13: **Roads.** Where any parcel on which a permit for new or expanded commercial cannabis cultivation activities is proposed is served by a private road without a centerline stripe, a licensed engineer’s report shall be required to support a conclusion that the road meets or exceeds the Category 4 standard (or same practical effect).

Standards

CC-S1: **Hydrologic Study Required.** Commercial cannabis cultivation permits shall not be granted unless a hydrologic study prepared by a qualified expert demonstrates that any well or wells proposed for use as part of the cultivation operation will not reduce instream flows or otherwise adversely affect either (a) any watercourse or spring, or (b) any existing well used by a person other than the applicant. The



hydrologic study shall include, but not be limited to, as applicable and for each well proposed for use, examination of any well log, the geology of the well and screening intervals, the depth to water and static water pressure, total drawdown of the well, anticipated yield, and analysis of topography relative to adjacent mapped surface water features.

CC-S2: **Inadequate Water Storage.** If the County determines that water storage associated with any proposed or permitted commercial cannabis cultivation operation is inadequate to support the area or methods of cultivation proposed or permitted, the County shall order the applicant or permittee either to increase the amount of water storage or to reduce the size of the cultivation area to the point where the existing associated water storage is adequate.

CC-S3: **Generators.** The use of generators in commercial cannabis cultivation activities shall be limited as follows:

(a) For new or expanded commercial cannabis cultivation sites permitted after the Effective Date of the Humboldt Cannabis Reform Initiative, only one generator rated at 50-hp or less shall be allowed, and that generator shall be used for emergency purposes only.

(b) After June 30, 2024, all commercial cannabis cultivation operations other than operations at lawfully permitted pre-existing sites established prior to January 1, 2016 shall be limited to one generator rated at 50-hp or less and used for emergency purposes only. The County shall verify compliance with this standard as part of the on-site inspection required for permit renewal.

(c) After September 30, 2025, commercial cannabis cultivation operations at lawfully permitted pre-existing cultivation sites established prior to January 1, 2016, shall be limited to one generator rated at 50-hp or less and used for emergency purposes only. The County shall verify compliance with this standard as part of the on-site inspection required for permit renewal.

CC-S4: **Public Notice.** Whenever a permit application for any commercial cannabis cultivation activity has been determined complete for processing, notice of the proposed project shall be provided as follows:

(a) Notice shall be mailed by first class mail (i) to all property owners and occupants at the address(es) shown on the latest assessment roll within one mile of the perimeter of the parcel on which a permit is being requested, and (ii) to all persons who have requested notice of commercial cannabis cultivation applications. The notice shall include the location of the project and a description of the size and type of activity proposed.

(b) Notice shall be published at least twice in a newspaper of general circulation that serves the area in which the commercial cannabis cultivation operation is to

be conducted.

(c) Notice shall be posted in at least three public locations where it is reasonably likely to be seen by persons who may be affected by the commercial cannabis cultivation activity, including persons who may rely on road systems or water sources affected by the commercial cannabis cultivation activity.

The notice required by this standard shall be sufficient to satisfy Policy CC-P7 but also is in addition to any other notice that may be required by law.

Implementation Measures

**CC-IM1: Notice to Department of Cannabis Control.** The County shall provide prompt notice of the adoption of the Humboldt Cannabis Reform Initiative to the California Department of Cannabis Control in accordance with Business and Professions Code section 26055(f)(2).

**CC-IM2: Ordinance Consistency.** The goals, policies, standards, and implementation measures set forth in Section 4.9 of the General Plan shall control over any conflicting provision of the Humboldt County Code or Zoning Regulations. As soon as possible, but no later than two years after the adoption of the Humboldt Cannabis Reform Initiative, the County shall revise the Humboldt County Code and Zoning Regulations to establish consistency with the Initiative, including all goals, policies, standards, and implementation measures set forth in Section 4.9 of the General Plan.

The Board of Supervisors is hereby authorized and directed to request California Coastal Commission certification of revisions to any portion of the Humboldt County Code and Zoning Regulations applicable in the Coastal Zone. In the event the California Coastal Commission requests or proposes modifications to any such revisions prior to or as part of certification of any Local Coastal Program amendments included therein, the Board of Supervisors is permitted to adopt such modifications without a vote of the people provided that the Board finds that the modifications further the purpose, intent, goals, policies, standards, and implementation measures set forth in the Humboldt Cannabis Reform Initiative. Revisions to any portion of the Humboldt County Code and Zoning Regulations applicable in the Coastal Zone adopted pursuant to this Implementation Measure CC-IM2 shall be effective upon the California Coastal Commission’s certification.

**2. Amendments to Implementation Action Plan (General Plan Appendix A)**

The following five rows are added to the table in Appendix A to the General Plan entitled “2017 Humboldt County General Plan – Implementation Action Plan,” at Page A-9, immediately preceding the subheading entitled “Chapter 5 Community Infrastructure and Services Element”:

Chapter 4 Land Use Element – Cannabis Cultivation					
CC-IM1. Notice to Department of Cannabis Control	Core County Service	County Administration	Immediate	TBD	All Goals, Policies, and Standards in Land Use Element Section 4.9
CC-IM2. Ordinance Consistency	Zoning Regulations; Other Development Code Revisions	Long-Range Planning	2 Years	TBD	All Goals, Policies, and Standards in Land Use Element Section 4.9

Note (for informational purposes only; not part of the General Plan text adopted by this Initiative): The six column headings applicable to the above table, from left to right, are “Text of Measure,” “Method,” “Responsibility,” “Timing,” “Cost Range,” and “Policies Implemented.”

The amendments to the Implementation Action Plan adopted in this Section 2.A.2 of the Initiative may be further amended as appropriate without a vote of the people, during the course of further updates and revisions to the General Plan, in a manner consistent with the goals, policies, standards, and implementation measures of the General Plan adopted in Section 2.A.1 of the Initiative.

**B. General Plan Conforming Amendments**

The General Plan is further amended as set forth below in this Section 2.B in order to promote internal consistency among the various sections of the General Plan. Text to be inserted in the General Plan is indicated in **bold type**. Text to be deleted from the General Plan is indicated in ~~strikeout~~ type. Text in standard type currently appears in the General Plan and is not changed or readopted by this Initiative. The language adopted in the following amendments may be further amended as appropriate without a vote of the people, during the course of further updates and revisions to the General Plan, in a manner consistent with the purpose, intent, goals, policies, standards, and implementation measures of the General Plan set forth in Sections 1 and 2.A above.

1. On page 9-7 of the General Plan, Economic Development Element Section 9.3 Background, the following paragraphs are amended to read:

Cannabis  
 The production and sale of **recreational**, medicinal and illicit cannabis contribute significantly to Humboldt County’s economy. The impact is difficult to measure but its effects are unmistakable. For example, the size of the retail and restaurant sector is out of proportion to official income levels. While the production and sale of **recreational and medicinal** cannabis is legal and local jurisdictions are collecting data that can be used to measure the size of this industry, the size of the illegal industry cannot be measured

directly. Many assume **that at times** it ~~is~~ **has been** the largest single industry in Humboldt County.

While cash circulating is undisputedly good for the local economy, ~~the industry's use of residential, agricultural and timberlands~~ **cannabis cultivation and production** can result in environmental impacts **and** land use conflicts. The competition for labor can also be problematic, for example there is a strong appeal to local youth to enter the cannabis trade instead of preparing themselves for a legal career.

~~If~~ **Now that** statewide efforts to legalize cannabis ~~are~~ **have proven** successful, the County ~~may enjoy~~ **should work to support** a legal, ~~and~~ economically viable, **and environmentally responsible** industry based on the expertise, quality and market reputation that Humboldt County gained in the production of illicit cannabis. While there are practical and legal limitations on the County's ability to support illicit cultivation, support for legal cultivation **in accordance with Section 4.9 Cannabis Cultivation of the Land Use Element of this General Plan** should be a part of the County's overall economic policy.

- 2. In Appendix A to the General Plan, on page A-1, the following paragraph is amended to read:

For the most part, the implementation measures in the General Plan are programs, steps or processes intended to help achieve the outcomes defined by the goals and policies of each element. However, the County must take additional steps to implement each action. In this Implementation Plan, each action is organized to reflect the overarching goal and policy of a General Plan Element. In some instances, policies and standards are not directly associated with an implementation measure, such policies and standards are listed and the implementing actions are identified as though they are implementation measures. The General Plan contains a total of ~~224~~ **226** implementation measures. In addition, the General Plan contains 170 policies and 77 standards that are not directly associated with an implementation measure.

**SECTION 3: AMENDMENTS TO HUMBOLDT COUNTY LOCAL COASTAL PLANS**

This Initiative hereby amends each of the six Humboldt County Local Coastal Plans (the Eel River Area Plan, Humboldt Bay Area Plan, McKinleyville Area Plan, North Coast Area Plan, South Coast Area Plan, and Trinidad Area Plan) as those plans were amended through the Submittal Date, as set forth below. New text to be inserted in each plan is indicated in **bold** type.

The Board of Supervisors is hereby authorized and directed to request California Coastal Commission certification of the amendments in this Section 3 and any other amendments to the Local Coastal Plans necessary to implement this Initiative. In the event the California Coastal Commission requests or proposes modifications to any Local Coastal Plan amendment found in Section 3 of the Initiative prior to or as part of certification, the Board of Supervisors is permitted to amend only the affected Local Coastal Plan, and not any other part of this Initiative, as necessary to incorporate such modifications without a vote of the People, provided that the

Board finds that the modifications further the purpose and intent of the Initiative as set forth in Section 1 and are consistent with the goals, policies, standards, and implementation measures set forth in Section 2. The amendments in this Section 3 shall be effective upon the California Coastal Commission’s certification.

Except as specifically provided above, the amendments in this Section 3 may be changed only by a vote of the people.

A. Eel River Area Plan

- 1. At Chapter 3 – Page 3 of the Eel River Area Plan (Rev. December 2014), Section 3.21 URBAN LIMITS, Subsection B. General Development Policies Within the Urban Limit, the following text is inserted after Policy 5. Nonconforming Uses and Structures:

**6. Commercial Cannabis Cultivation.**

**In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the Eel River Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.**

- 2. At Chapter 3 – Page 18 of the Eel River Area Plan (Rev. December 2014), Section 3.31 RURAL DEVELOPMENT, the following text is inserted after Subsection C. NONCONFORMING USES AND STRUCTURES:

**D. COMMERCIAL CANNABIS CULTIVATION**

**In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the Eel River Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.**

B. Humboldt Bay Area Plan



1. At Chapter 3 – Page 7 of the Humboldt Bay Area Plan (Rev. December 2014), Section 3.11 URBAN LIMIT, Subsection B. DEVELOPMENT POLICIES, Subsection 2. General Development Policies Within The Urban Limit, the following text is inserted after Policy d.:

- e. **In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the Humboldt Bay Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.**

2. At Chapter 3 – Page 27 of the Humboldt Bay Area Plan (Rev. December 2014), Section 3.20 RURAL DEVELOPMENT, the following text is inserted after Policy B. NONCONFORMING USES AND STRUCTURES:

**C. COMMERCIAL CANNABIS CULTIVATION**

**In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the Humboldt Bay Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.**

**C. McKinleyville Area Plan**

1. At Chapter 3 – Page 3 of the McKinleyville Area Plan (Rev. December 2014), Section 3.21 URBAN LIMITS, Subsection B. GENERAL DEVELOPMENT POLICIES WITH THE URBAN LIMIT the following text is inserted after Policy 5. NONCONFORMING USES AND STRUCTURES:

**6. COMMERCIAL CANNABIS CULTIVATION**

**In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the McKinleyville Planning Area shall be subject to the definitions, goals, policies, standards, and**

**implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.**

- 2. At Chapter 3 – Page 14 of the McKinleyville Area Plan (Rev. December 2014), Section 3.31 RURAL DEVELOPMENT, the following text is inserted after Policy C. NONCONFORMING USES AND STRUCTURES:

**D. COMMERCIAL CANNABIS CULTIVATION**

**In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the McKinleyville Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.**

**D. North Coast Area Plan**

- 1. At Chapter 3 – Page 3 of the North Coast Area Plan (Rev. December 2014), Section 3.21 URBAN LIMITS, Subsection B. GENERAL DEVELOPMENT POLICIES WITHIN THE URBAN LIMIT, the following text is inserted after Policy 5. Non-conforming uses and structures:

- 6. **Commercial Cannabis Cultivation: In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the North Coast Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.**

- 2. At Chapter 3 – Page 10 of the North Coast Area Plan (Rev. December 2014), Section 3.31 RURAL DEVELOPMENT, the following text is inserted after Policy C. NON-CONFORMING USES AND STRUCTURES:

**D. COMMERCIAL CANNABIS CULTIVATION**

**In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment**

**from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the North Coast Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.**

E. South Coast Area Plan

1. At Chapter 3 – Page 2 of the South Coast Area Plan (Rev. December 2014), Section 3.21 URBAN LIMITS, Subsection B. GENERAL DEVELOPMENT POLICIES WITHIN THE URBAN LIMIT, the following text is inserted after Policy 5. Non-conforming uses and structures:

**6. Commercial Cannabis Cultivation: In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the South Coast Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.**

2. At Chapter 3 – Page 13 of the South Coast Area Plan (Rev. December 2014), Section 3.31 RURAL DEVELOPMENT, the following text is inserted after Policy C. NON-CONFORMING USES AND STRUCTURES:

**D. COMMERCIAL CANNABIS CULTIVATION**

**In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the South Coast Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.**

F. Trinidad Area Plan

1. At page “Chapter 3-5” of the Trinidad Area Plan (Rev. December 2014), Section 3.11 URBAN LIMIT, Subsection B. DEVELOPMENT POLICIES, Subsection 2. General Development Policies Within the Urban Limit, the following text is inserted after policy d. Nonconforming uses and structures:

e. **Commercial Cannabis Cultivation.**

**In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the Trinidad Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.**

- 2. At page “Chapter 3-12” of the Trinidad Area Plan (Rev. December 2014), Section 3.20 RURAL DEVELOPMENT, the following text is inserted after Policy A. EXISTING USES:

**B. COMMERCIAL CANNABIS CULTIVATION**

**In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the Trinidad Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.**

**SECTION 4: AMENDMENTS TO SECTION 313-55.4 OF THE HUMBOLDT COUNTY CODE**

A. Text Amendments

This section of the Initiative hereby amends Section 313-55.4 et seq. of Title III, Division 1, Chapter 3, Section B, Part 1 (Coastal Zoning Regulations) of the Humboldt County Code, as amended through the Submittal Date. New text to be inserted in the Humboldt County Code is indicated in **bold** type. Text to be deleted from the Humboldt County Code is indicated in ~~strikeout~~ type. Text in standard type currently appears in the Humboldt County Code and is not readopted by this Initiative. The text inserted or deleted by the following amendments may only be amended by a vote of the people.

- 1. Title III – LAND USE AND DEVELOPMENT, Section 313-55.4.5.6 TERM OF COMMERCIAL CANNABIS ACTIVITY CLEARANCE OR PERMIT is amended as follows:

55.4.5.6 Term of Commercial Cannabis Activity Clearance or Permit.  
Authorization for any commercial cannabis activity zoning clearance certificate,

special permit, coastal development permit or use permit issued pursuant to this section shall terminate after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an **on-site, in-person** annual compliance inspection has been conducted and the permitted site has been found to comply with all conditions of approval, applicable eligibility and siting criteria, and performance standards.

- 2. Title III – LAND USE AND DEVELOPMENT, Section 313-55.4.5 – GENERAL PROVISIONS APPLICABLE TO COMMERCIAL CANNABIS ACTIVITY LAND USE PERMITS is amended to add:

**55.4.5.11. No waiver of public hearings. Notwithstanding any contrary provision of the Humboldt County Code, including but not limited to Section 312-9.2, a public hearing on an application for a special permit, use permit, or coastal development permit for commercial cannabis cultivation shall not be waived.**

- 3. Title III – LAND USE AND DEVELOPMENT, Section 313-55.4.6.8 CAP ON PERMITS is amended as follows:

**55.4.6.8 Cap on Permits. Within each of the County’s Coastal Planning Areas (areas within the planning boundaries of the North Coast Area Plan, Trinidad Area Plan, McKinleyville Area Plan, Humboldt Bay Area Plan, Eel River Area Plan, and South Coast Area Plan), caps on the total number of permits granted for commercial cannabis cultivation and on the total permitted acreage of cultivation shall be established and implemented as follows:**

**55.4.6.8.1. In each Coastal Planning Area, the cap on the total number of permits granted for commercial cannabis cultivation shall be 1.05 times the total number of existing approved, unexpired permits for Open Air Cultivation (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation within that Coastal Planning Area as of March 4, 2022, the date on which the notice of intention to circulate the Humboldt Cannabis Reform Initiative was submitted to the elections official of the County of Humboldt. In each Coastal Planning Area, the permit cap shall be rounded to the nearest whole number.**

**55.4.6.8.2. In each Coastal Planning Area, the cap on the total permitted acreage of cultivation area shall be 1.05 times the total permitted acreage of cultivation area approved by the County under existing approved, unexpired permits for Open Air Cultivation (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation within that Coastal Planning Area as of March 4, 2022, the date on which the notice of intention to circulate the Humboldt Cannabis Reform Initiative was submitted to the elections official of the County of Humboldt.**



**55.4.6.8.3. If, at any time, in any Coastal Planning Area, either (i) the total number of permits granted for commercial cannabis cultivation or (ii) the total permitted acreage of cultivation area exceeds a cap for that Coastal Planning Area established pursuant to Sections 313-55.4.6.8.1 and 313-55.4.6.8.2, any new applications for commercial cannabis cultivation activities within that Coastal Planning Area shall be placed in a queue and shall not be further considered or processed until such time as the total number as the total number of approved permits and the total acreage of cultivation both fall below the applicable caps for that Coastal Planning Area. If and when the total number of approved permits and the total permitted acreage of cultivation area both fall below the applicable caps for a watershed, the Board of Supervisors may, by resolution and without a vote of the people, establish procedures for processing applications within the queue for that watershed.**

**55.4.6.8.4. Notwithstanding Section 313-55.4.6.8.3, the County may continue to process, and may approve, applications for permits for commercial cannabis cultivation that the County determines were complete on or before March 4, 2022, the date on which the notice of intention to circulate the Humboldt Cannabis Reform Initiative was submitted to the elections official of the County of Humboldt.**

**55.4.6.8.5. Notwithstanding Sections 313-55.4.6.8.1, 313-55.4.6.8.2, and 313-55.4.6.8.3, the County may renew a previously approved permit for commercial cannabis cultivation, provided that all applicable state and local requirements for permit renewal are satisfied.**

**55.4.6.8.6. This Section 313-55.4.6.8 was adopted as part of the Humboldt Cannabis Reform Initiative. The Board of Supervisors may, by resolution and without a vote of the people, reduce the caps on permits and acres established pursuant to Sections 313-55.4.6.8.1 and 313-55.4.6.8.2. This Section 313-55.4.6.8 may not otherwise be amended unless approved by a vote of the people.**

**55.4.6.8.7. In order to facilitate participation in and compliance with the County’s commercial cannabis cultivation permitting programs, the County shall publish and make available the caps on permits and acres established pursuant to Sections 313-55.4.6.8.1 and 313-55.4.6.8.2.**

~~The total number of permits issued for commercial cultivation activities (including outdoor, indoor, and mixed light cultivation and nurseries) in each of the six local coastal plan areas shall be as follows:~~

Coastal Planning Area	Permits	Acres
North Coast Area Plan	4	2
Trinidad Area Plan	0	0
McKinleyville Area Plan	4	2
Humboldt Bay Area Plan*	38	13
Eel River Area Plan	112	39
South Coast Area Plan	13	5
Total	171	61

\*Cannabis cultivation sites on properties zoned MG— industrial general or CG— commercial general with public water from the Humboldt Bay Municipal Water District may be exempt from the cap with a will serve letter from the district providing public water service to the site.

Once the permit cap for a given local coastal plan has been reached, no additional permit applications for open air and indoor cultivation activities will be processed until the Planning Commission and Board of Supervisors consider a review of the limits and prescribed distribution of permitting and acreage allowances found in the above table and approve an increase in the cap by amendment of this section of the Humboldt County Code certified by the California Coastal Commission. Review shall occur at a noticed public hearing held during a meeting of the Board of Supervisors, during which the Board shall receive and consider a report providing an update on local permitting efforts. The report shall provide information detailing the number and status of all applications received, permits approved, compliance agreements that have been executed, and code enforcement actions undertaken by the Department. Law enforcement and other relevant officials from local and State agencies shall be contacted and invited to provide and present input to be considered by the Board during annual review. After holding a public hearing and considering all public testimony received, the Board

~~may choose to establish new caps on acreage and permits as well as change their distribution within watersheds.~~

- 4. Title III – LAND USE AND DEVELOPMENT, Section 313-55.4.12.1.8.2 – PERFORMANCE STANDARD – ROAD SYSTEMS: STANDARD 2 – FUNCTIONAL CAPACITY is amended as follows:

55.4.12.1.8.2 Standard 2 – Functional Capacity. Unless otherwise specified, roads providing access to the parcel(s) or premises must meet or exceed the Category 4 road standard (or same practical effect). The application package must demonstrate compliance with this requirement in one (1) of the following ways:

55.4.12.1.8.2.1 Parcel(s) served exclusively by roads which are paved publicly maintained or private roads where all portions of the paved road system feature a centerline stripe and two (2) ten (10) foot wide travel lanes require no further analysis, only a notation on the plans that the access to the site meets this requirement; or

55.4.12.1.8.2.2 Parcel(s) served by roads without a centerline stripe must submit a written assessment of the functional capacity of these road segments. If the assessment ~~reveals~~ **concludes** that all road systems meet or exceed the Category 4 standard (or same practical effect), ~~then no additional review is necessary, that conclusion must be verified by a report prepared by a licensed engineer. Documentation of self-certification shall be produced to the satisfaction of the County; including use of appropriate forms where provided.~~ The County reserves the right to independently verify ~~general~~ compliance with this standard.

55.4.12.1.8.2.3 Where access to a site is provided by roads not meeting the Category 4 standard, the application shall require a special permit and include a report prepared by a licensed engineer evaluating whether the design, condition, and performance of all necessary road segments are currently capable of supporting increases in traffic volume created by the project, in addition to the existing traffic using the road(s). In the event that the roads cannot accommodate the traffic volume anticipated the engineer shall recommend improvements to bring the road up to an adequate functional capacity.

55.4.12.1.8.2.4 Where accessed via a driveway or private road intersecting a State highway, applications shall provide an evaluation of the performance and design of the road or driveway encroachment. The evaluation will identify the required improvements necessary to ensure proper function of the access based on anticipated traffic volumes. Improvements may include paving or widening of the throat of the driveway or private road, provision of adequate sight distances, and other improvements determined necessary to comply with Caltrans standards. A copy of an approved State encroachment permit (if required) will be provided to the County. All required improvements shall be completed prior to the initiation of any new commercial cannabis use(s). (FEIR mitigation measure 3.12-2)

B. Implementation

The Board of Supervisors is hereby authorized and directed to request California Coastal Commission certification of the amendments to the Humboldt County Code and Zoning Regulations in this Section 4 of the Initiative. In the event the California Coastal Commission requests or proposes modifications to the provisions found in Section 4 of the Initiative prior to or as part of certification of any Local Coastal Program amendments included therein, the Board of Supervisors is permitted to adopt such modifications without a vote of the people provided that the Board finds that the modifications further the purpose and intent of the Initiative as set forth in Section 1 and are consistent with the goals, policies, standards, and implementation measures set forth in Section 2. The amendments in this Section 4 shall be effective upon the California Coastal Commission’s certification.

**SECTION 5: AMENDMENTS TO SECTION 314-55.4 OF THE HUMBOLDT COUNTY CODE**

This section of the Initiative hereby amends Section 314-55.4 et seq. of Title III, Division 1, Chapter 4, Section B, Part I (Inland Zoning Regulations) of the Humboldt County Code, as amended through the Submittal Date. New text to be inserted in the Humboldt County Code is indicated in **bold** type. Text to be deleted from the Humboldt County Code is indicated in ~~strikeout~~ type. Text in standard type currently appears in the Humboldt County Code and is not readopted by this Initiative. The text inserted or deleted by the following amendments may only be amended by a vote of the people.

- A. Title III – LAND USE AND DEVELOPMENT, Section 314-55.4.5.6 TERM OF COMMERCIAL CANNABIS ACTIVITY CLEARANCE OR PERMIT is amended as follows:

55.4.5.6 Term of Commercial Cannabis Activity Clearance or Permit. Any commercial cannabis activity zoning clearance certificate, special permit, or use permit issued pursuant to this section shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an **on-site, in-person** annual compliance inspection has been conducted and the permitted site has been found to comply with all conditions of approval, applicable eligibility and siting criteria, and performance standards.

- B. Title III – LAND USE AND DEVELOPMENT, Section 314-55.4.5 – GENERAL PROVISIONS APPLICABLE TO COMMERCIAL CANNABIS ACTIVITY LAND USE PERMITS is amended to add:

**55.4.5.11. No waiver of public hearings. Notwithstanding any contrary provision of the Humboldt County Code, including but not limited to Section 312-9.2, a public**

hearing on an application for a special permit or use permit for commercial cannabis cultivation shall not be waived.

- C. Title III – LAND USE AND DEVELOPMENT, Section 314-55.4.12.1.8.2 – PERFORMANCE STANDARD – ROAD SYSTEMS: STANDARD 2 – FUNCTIONAL CAPACITY is amended as follows:

55.4.12.1.8.2 Standard 2 – Functional Capacity. Unless otherwise specified, roads providing access to the parcel(s) or premises must meet or exceed the Category 4 road standard (or same practical effect). The application package must demonstrate compliance with this requirement in one (1) of the following ways:

55.4.12.1.8.2.1 Parcel(s) served exclusively by roads which are paved publicly maintained or private roads where all portions of the paved road system feature a center-line stripe and two (2) ten (10) foot wide travel lanes require no further analysis, only a notation on the plans that the access to the site meets this requirement; or

55.4.12.1.8.2.2 Parcel(s) served by roads without a centerline stripe must submit a written assessment of the functional capacity of the road segments. If the assessment ~~reveals~~ **concludes** that all road systems meet or exceed the Category 4 standard (or same practical effect), ~~then no additional review is necessary, that conclusion must be verified by a report prepared by a licensed engineer. Documentation of self-certification shall be produced to the satisfaction of the County, including use of appropriate forms where provided.~~ The County reserves the right to independently verify ~~general~~ compliance with this standard.

55.4.12.1.8.2.3 Where access to a site is provided by roads not meeting the Category 4 standard, the application shall require a special permit and include a report prepared by a licensed engineer evaluating whether the design, condition, and performance of all necessary road segments are currently capable of supporting increases in traffic volume created by the project, in addition to the existing traffic using the road(s). In the event that the roads cannot accommodate the traffic volume anticipated the engineer shall recommend improvements to bring the road up to an adequate functional capacity.

55.4.12.1.8.2.4 Where accessed via a driveway or private road intersecting a State highway, applications shall provide an evaluation of the performance and design of the road or driveway encroachment. The evaluation will identify the required improvements necessary to ensure proper function of the access based on anticipated traffic volumes. Improvements may include paving or widening of the throat of the driveway or private road, provision of adequate sight distances, and other improvements determined necessary to comply with Caltrans standards. A copy of an approved State encroachment permit (if required) will be provided to the County. All required improvements shall be completed prior to the initiation of any new commercial cannabis use(s).



- D. Title III – LAND USE AND DEVELOPMENT, Section 314-55.4.12.7.2 – FORBEARANCE PERIOD AND STORAGE REQUIREMENTS is amended as follows:

55.4.12.7.2 Forbearance Period and Storage Requirements.

55.4.12.7.2.1 Operators of cannabis cultivation site(s) shall forbear from diversions of surface water for irrigation **between March 1 and November 15, and** during periods of low or reduced stream flows, in accordance with requirements of the State Water Resources Control Board.

55.4.12.7.2.2 The County may require the submittal of a water management plan prepared by a qualified person such as a licensed engineer, hydrologist, or similar licensed professional, establishing a ~~smaller or~~ larger water storage and forbearance period, if required, based upon local site conditions.

55.4.12.7.2.3 Where subject to forbearance, the applicant shall provide a plan for developing adequate on-site water storage to provide for irrigation, based on the size of the area to be cultivated.

**SECTION 6: EXEMPTIONS**

- A. Nothing in this Initiative shall apply to prohibit any person or entity from exercising a vested right obtained pursuant to local or State law as of the Effective Date of this Initiative.
- B. The provisions of this Initiative shall not apply to the extent, but only to the extent, that they would violate the constitution or laws of the United States or the State of California.
- C. Takings:
  - 1. If a property owner contends that any provision of this Initiative effects an unconstitutional taking of that owner’s property, the County shall grant an exception to the application of that provision if the County finds, based on substantial evidence, that (1) application of that provision could constitute an unconstitutional taking of that owner’s property, and (2) that any exception granted will allow additional land uses only to the minimum extent necessary to avoid such a taking.
  - 2. This takings subsection is intended to prevent this Initiative from unconstitutionally interfering with property rights and to avoid the potential fiscal impacts to the County of meritorious claims for just compensation based on allegations of such interference. This subsection is therefore intended to avoid a taking of property, not to provide a remedy for such a taking.

**SECTION 7: IMPLEMENTATION**

- A. **Effective Date:** “Effective Date” means the date that the Initiative became effective pursuant to State law.
  
- B. **Humboldt County General Plan:** Upon the Effective Date of this Initiative, the provisions of Section 2 of the Initiative are hereby inserted into the County General Plan (“General Plan”), as an amendment thereof; except that if the four amendments of the mandatory elements of the General Plan permitted by State law for any given calendar year have already been utilized in the year in which the Initiative becomes effective, this General Plan amendment shall be the first amendment inserted into the County of Humboldt City General Plan on January 1 of the following year. Upon the Effective Date of this Initiative, any provisions of the Humboldt County Code, Zoning Regulations, or of any other County of Humboldt ordinance or resolution that are inconsistent with the General Plan amendments adopted by this Initiative shall not be applied or enforced in a manner inconsistent with this Initiative.

Provisions of Sections 3 and 4 of the Initiative that must be submitted to the California Coastal Commission as amendments to the County of Humboldt Local Coastal Program shall be effective upon the California Coastal Commission’s certification of those amendments. Upon the California Coastal Commission’s certification of those amendments, any provisions of the Humboldt County Code, Zoning Regulations, or of any other County of Humboldt ordinance or resolution that are inconsistent with the Local Coastal Plan amendments adopted by this Initiative shall not be applied or enforced in a manner inconsistent with this Initiative.

- C. **Interim Amendments:** The Humboldt County General Plan (including the six Humboldt County Local Coastal Plans) in effect on the Submittal Date as amended by this Initiative comprises an integrated, internally consistent, and compatible statement of policies for the County of Humboldt. In order to ensure that nothing in this Initiative measure would prevent the General Plan from being an integrated, internally consistent, and compatible statement of the policies of the County, as required by State law, and to ensure that the actions of the voters in enacting this Initiative are given effect, any amendment or update to the General Plan that is adopted between the Submittal Date and the date that the General Plan is amended by this Initiative measure shall, to the extent that such interim-enacted provision is inconsistent with the General Plan provisions adopted by this Initiative, be amended as soon as possible to ensure consistency between the provisions adopted by this Initiative and other provisions of the General Plan.
  
- D. **Other County Plans, Ordinances, and Policies:** The County of Humboldt is hereby authorized and directed to amend the General Plan, Community Plans, and other plans, ordinances and policies affected by this Initiative as soon as possible and periodically thereafter as necessary to ensure consistency between the provisions adopted in this Initiative and other sections of the General Plan and other County plans, ordinances, and policies.
  
- E. **Reorganization:** The General Plan, Local Coastal Plans, and Humboldt County Code may be reorganized or updated, or readopted in different format, and individual

provisions may be renumbered or reordered, in the course of ongoing updates of the General Plan in accordance with the requirements of State law, provided that the provisions of Section 2.A.1 and 2.A.2 of this Initiative shall remain in the General Plan, the provisions of Section 3 of this Initiative shall remain in the Local Coastal Plans, and the amendments made in Sections 4 and 5 of this Initiative shall remain in the Humboldt County Code, unless repealed or amended by vote of the people of the County of Humboldt.

- F. **Implementing Ordinances:** The Board of Supervisors is authorized, after a duly noticed public hearing, to adopt implementing ordinances, guidelines, rules, and/or regulations, as necessary, to further the purposes of this Initiative.
- G. **Enforcement and Defense of Initiative:** The Board of Supervisors shall take all steps reasonably necessary to enforce this Initiative and to defend it against any challenge to its validity.
- H. **Project Approvals:** Upon the effective date of this Initiative, the County and its departments, boards, commissions, officers, and employees shall not grant, or by inaction allow to be approved by operation of law, any general plan or local coastal plan amendment, rezoning, specific plan, subdivision map, use permit, development plan, building permit, development agreement, or any other entitlement which is inconsistent with this Initiative.

**SECTION 8: EFFECT OF COMPETING OR ALTERNATIVE MEASURE ON THE BALLOT**

This Initiative adopts a comprehensive scheme of goals, policies, standards, and implementation measures governing commercial cannabis cultivation within the County’s unincorporated areas. By voting for this Initiative, the voters expressly declare their intent that any other measure which appears on the same ballot as this Initiative and addresses commercial cannabis cultivation within the County’s unincorporated areas, or conflicts with any provision of this Initiative, shall be deemed to conflict with this Initiative. Because of this conflict, if this Initiative and any such other Humboldt County measure receive a majority of votes by the voters voting thereon at the same election, then the measure receiving the most votes in favor shall prevail and no provision of the other measure shall take effect. For the purposes of this Section 8, any other measure that appears on the same ballot as this Initiative and purports to amend any provision of this Initiative shall be deemed to directly conflict with this entire Initiative.

**SECTION 9: SEVERABILITY AND INTERPRETATION**

This Initiative shall be broadly construed in order to achieve its purpose. For purposes of determining whether any resolution, ordinance, or specific project is consistent with this General Plan, it is the intent of the voters that the goals, policies, plans, and implementation measures added by the Initiative be interpreted as fundamental, mandatory, and clear.

This Initiative shall be interpreted so as to be consistent with all applicable Federal and State laws, rules, and regulations. If any section, subsection, paragraph, subparagraph, sentence,

clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative. The voters hereby declare that this Initiative, and each section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, parts, or portions were declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application.

Any singular term shall include the plural and any plural term shall include the singular. The title and captions of the various sections in this Initiative are for convenience and organization only, and are not intended to be referred to in construing the provisions of this Initiative.

**SECTION 10: AMENDMENT OR REPEAL**

Except as otherwise provided herein, this Initiative may be amended or repealed only by the voters of Humboldt County.

**The following exhibit is attached for reference purposes only and is not adopted by the initiative:**

Exhibit A: Humboldt County Board of Supervisors Resolution No. 18-43

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings; meeting on May 8, 2018

**RESOLUTION NO. 18-43**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT ESTABLISHING A LIMIT (CAP) ON THE NUMBER OF PERMITS AND ACRES WHICH MAY BE APPROVED FOR COMMERCIAL CANNABIS CULTIVATION WITHIN UNINCORPORATED AREAS OF THE COUNTY OF HUMBOLDT.**

**WHEREAS**, California Government Code Section 65850, et seq. authorizes counties to regulate land use, and to adopt and amend zoning ordinances for such purposes, and sets forth procedures governing the adoption and amendment of such ordinances; and

**WHEREAS**, the Board of Supervisors has adopted a series of comprehensive amendments to the Humboldt County Zoning Regulations, governing commercial activities involving the Cultivation, Processing, Manufacturing, and Distribution of Cannabis within the unincorporated areas of the County of Humboldt, known as the Commercial Cannabis Land Use Ordinance (CCLUO); and

**WHEREAS**, pursuant to the California Environmental Quality Act, a Programmatic Environmental Impact Report was prepared for the Commercial Cannabis Land Use Ordinance, which evaluated, mitigated, and disclosed potentially significant environmental impacts from the proposed ordinance amendments (CCLUO); and

**WHEREAS**, during adoption of the Commercial Cannabis Land Use Ordinance the Board of Supervisors certified that the Final Environmental Impact Report (FEIR) prepared for the CCLUO had been completed in compliance with CEQA, making the findings required by Public Resources Code Section 21081(a) and CEQA Guidelines Sections 15091 and 15092, including adoption of a Statement of Overriding Considerations pursuant to Public Resources Code Section 21081 (b) and CEQA Guidelines Section 15093; and

**WHEREAS**, the Commercial Cannabis Land Use Ordinance includes provisions for the Board of Supervisors to establish by separate resolution a limit (cap) on the number of permits and acres which may be approved for Open Air Cultivation Activities (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation within each of the twelve (12) discrete planning watersheds of Humboldt County; and

**WHEREAS**, by approving this Resolution, the Board of Supervisors establishes a limit on the number of permits and acres permits which may be approved for Open Air Cultivation Activities (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation to ensure that further permitting beyond that limit will not proceed until the County has performed further analysis of the condition of these planning watersheds, including review of water flow data and applicable studies or information prepared by the following state and local agencies: California Department of Fish & Wildlife, North Coast Regional Water Quality Control Board, State Water Resources Control Board, and the Department of Forestry and Fire Protection.



Certified copy of portion of proceedings; meeting on May 8, 2018

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Humboldt County Board of Supervisors, that the Board finds as follows based on the administrative record:

1. An Environmental Impact Report (EIR) (SCH# 2017042022) was prepared and certified for the Commercial Cannabis Land Use Ordinance, which evaluated and addressed the potential environmental impacts from the ongoing regulation of commercial cannabis activities, including a limit on the number of permits and acres of cultivation. No additional review is required under section 15162 of the CEQA Guidelines because establishing a limit on the number of permits and acres of cultivation consistent with the EIR will not cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No substantial changes in the circumstances under which the resolution is being adopted will require any revisions of the certified Environmental Impact Report (EIR). There is no substantial new information which was not known and could not have been known with the exercise of reasonable diligence at the time that the EIR was certified that shows this resolution setting a limit on the number of permits and acres of cultivation consistent with the EIR will have any significant effects not discussed in the EIR, or that the significant effects examined in the EIR will be substantially more severe.
  
2. It is appropriate to limit the total number of Open Air Cultivation (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation permits granted as well as the total permitted acreage of cultivation as shown in the following table.

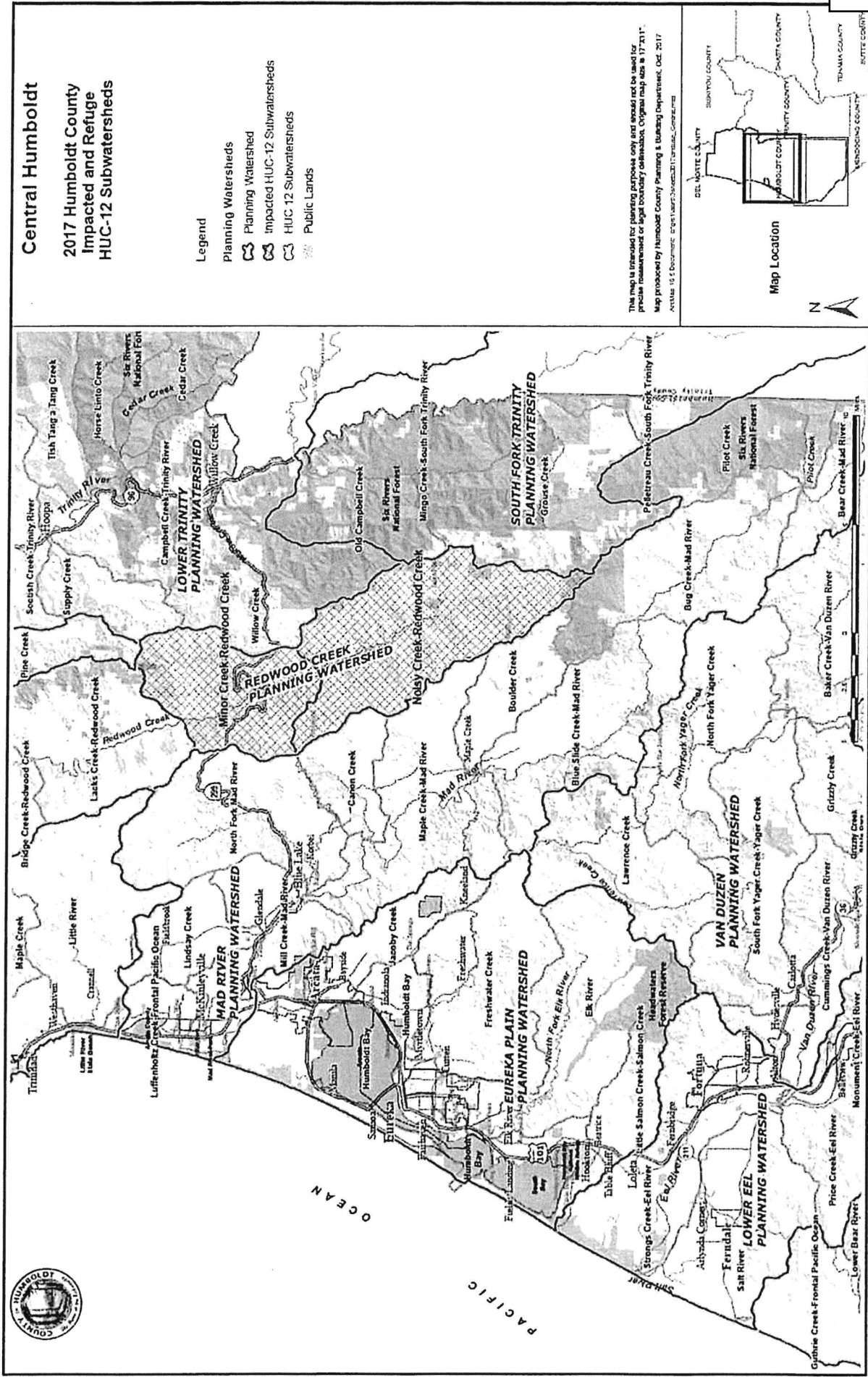
<b>Cap Distribution</b>		
<b>Watershed</b>	<b>Permits</b>	<b>Acres</b>
Cape Mendocino	650	223
Eureka Plain	89	31
Lower Eel	336	116
Lower Klamath	161	56
Lower Trinity	169	58
Mad River	334	115
Middle Main Eel	360	125
Redwood Creek	141	49
South Fork Eel	730	251
South Fork Trinity	86	29
Trinidad	19	6
Van Duzen	425	146
<b>TOTAL</b>	<b>3,500</b>	<b>1,205</b>

Certified copy of portion of proceedings; meeting on May 8, 2018

3. Certain subwatersheds are hereby declared to be impacted by low streamflows due to high concentrations of current cannabis cultivation activities. Additionally, certain other subwatersheds are hereby declared to be refuges critical to the recovery strategy for key populations of California Coho Salmon, as well as a number of other aquatic species currently listed pursuant to the federal Endangered Species Act. These subwatersheds are identified by their USGS HUC-12 (Hydrological Unit Code) names and grouped by planning watershed in the following table and mapping. Permits for new Open Air Cultivation Activities (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation Activities or expansion of lawful pre-existing sites shall be temporarily prohibited within these subwatersheds, until all known pre-existing cultivation sites (established or in operation prior to January 1, 2016) have either been suspended, permitted, or are under a compliance agreement to remediate pursuant to the Retirement, Remediation, and Relocation provisions of the Commercial Cannabis Land Use Ordinance, found in section 314-55.4 of Division 1, Title III of Humboldt County Code.

Impacted & Refuge HUC-12 Subwatersheds by Planning Watershed
<b>PLANNING WATERSHED #1 CAPE MENDOCINO</b>
<i>* Headwaters Mattole River</i>
Middle Mattole River
Upper Mattole River
<b>PLANNING WATERSHED #8 REDWOOD CREEK</b>
Noisy Creek-Redwood Creek
Minor Creek-Redwood Creek
<b>PLANNING WATERSHED #9 SOUTH FORK EEL RIVER</b>
Redwood Creek
Salmon Creek
<i>* Sprowel Creek</i>
<b>PLANNING WATERSHED #12 VAN DUZEN RIVER</b>
Hoagland Creek-Van Duzen River
Butte Creek
Little Van Duzen River
<i>* Refuge watersheds</i>

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA  
 Certified copy of portion of proceedings; meeting on May 8, 2018





**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings; meeting on May 8, 2018

- 4. Following the establishment of a countywide cap on the total number of permits and acreage of cultivation that may be approved, beginning in May of 2019, the Board of Supervisors agrees to conduct an annual review of the limits and prescribed distribution of permitting and acreage allowances found in the above table. Review shall occur at a noticed public hearing held during a meeting of the Board of Supervisors, during which the Board shall receive and consider a report providing an update on local permitting efforts. The report shall provide information detailing the number and status of all applications received, permits approved, compliance agreements that have been executed, and code enforcement actions undertaken by the Department. Law enforcement and other relevant officials from local and state agencies shall be contacted and invited to provide and present input and information to be considered by the Board during annual review. After holding a public hearing and considering all information and testimony received, the Board may choose to establish new caps on acreage and permits as well as change their distribution within watersheds.

Adopted May 8, 2018

Adopted on motion by Supervisor Fennell, seconded by Supervisor Bass, and the following vote:

AYES: Supervisors: Bass, Fennell, Sundberg, Bohn  
 NAYS: Supervisors: Wilson  
 ABSENT: Supervisors: --  
 ABSTAIN: Supervisors: --

  
 \_\_\_\_\_  
 RYAN SUNDBERG, CHAIRMAN,  
 HUMBOLDT COUNTY BOARD OF SUPERVISORS

(SEAL)  
 ATTEST:  
 Kathy Hayes, Clerk of the Board of Supervisors  
 of the County of Humboldt, State of California

By:   
 \_\_\_\_\_  
 Ryan Sharp, Deputy Clerk

Date: May 8, 2018





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*675 Wildwood Avenue  
Rio Dell, CA 95562*

**For Meeting of: February 6, 2024**  
 Public Hearing Item

**TO:** Mayor and Members of the City Council  
**FROM:** Greg Allen, Chief of Police  
**THROUGH:** Kyle Knopp, City Manager  
**DATE:** February 6, 2024  
**SUBJECT:** Ordinance No. 402-2024 – False Alarms and Fees

**RECOMMENDATION**

That the City Council:

1. Conduct second reading (by title only) of Ordinance No. 402-2024 Establishing False Alarms and Fees in Title 9.20 of the Rio Dell Municipal Code (RDMC); and
2. Open the public hearing and receive public input, close the public hearing, deliberate; and adopt Ordinance No. 402-2024.

**ATTACHMENTS:**

Ordinance No. 402-2024

ORDINANCE NO. 402-2024



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL ESTABLISHING FALSE ALARMS AND FEES IN TITLE 9.20 OF THE RIO DELL MUNICIPAL CODE.

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

WHEREAS, the Rio Dell Police Department is tasked with responding to residential and commercial alarms; and

WHEREAS, the majority of alarms officers are dispatched to are false alarms. The false alarms are caused by malfunctioning equipment that is not being repaired or maintained by the responsible with the alarm company; and

WHEREAS, the resources that are being utilized for reoccurring false alarm calls limits resources throughout the City of Rio Dell for true emergencies; and

WHEREAS, after extensive research, it was determined multiple allied agencies have a municipal code to enforce false alarms and fees.

WHEREAS, the Chief of Police recently discussed this issue with the Nuisance Committee; and

WHEREAS, the Nuisance Committee supported and recommends the City Council adopt the False Alarm and Fees.

WHEREAS, pursuant to Government Code Section 66016 the specific fees to be charged for special services must be adopted by the City Council by Ordinance or Resolution, after providing notice and holding a public hearing; and,

WHEREAS, Pursuant to California Government Code Sections 66013 and 50076, the fees adopted by this Ordinance do no exceed the estimated reasonable cost of providing the service for which the fee or charge is imposed and are not "special taxes"; and,

WHEREAS, The Council hereby adopts, approves and incorporates herein the False Alarms and Fees.

NOW THEREFORE BE IT RESOLVED, that the City of Rio Dell City Council does hereby adopt the False Alarm and Fees Ordinance 9320 of the Rio Dell Municipal Code to include:

**False Alarms and Fees  
Title 9**

**Article I**

**Purpose, Definitions and Exemptions**

- 9.20.010 Purpose
- 9.20.020 Definitions
- 9.20.030 Exemptions

**Article II**

**Duties of the Alarm User, Alarm Permit Application and Issuance, Permit Revocations and Reinstatements**

- 9.20.040 Duties of the Alarm User
- 9.20.050 Alarm Permit
- 9.20.060 Permit Application and Issuance
- 9.20.070 Permit Nontransferable
- 9.20.080 Permit Revocation
- 9.20.090 Permit Revocation Appeals
- 9.20.100 Permit Reinstatement

**Article III**

**False Alarms, Alarm Standards and Duties**

- 9.20.110 False Alarms
- 9.20.120 Alarm Standards
- 9.20.130 Duties of Monitoring Company

**Article IV**

**Penalties, Fees, Charges, Regulations and Enforcement**

- 9.20.140 Penalty for Violation of Permit Process
- 9.20.150 Fees and Charges
- 9.20.160 Applicability of Ordinance Existing Alarm Systems
- 9.20.170 Regulations
- 9.20.180 Enforcement
- 9.20.190 Posting the Permit on Premises
- 9.20.200 Confidentiality

**Article V**

**Discontinuance of Alarm Response**

- 9.20.210 Discontinuance of Alarm Response by Police; Public Nuisance
- 9.20.220 Disclaimer of the Rio Dell Police Department
- 9.20.230 Severability
- 9.20.240 Non-Exclusivity

**PASSED, AND ADOPTED** by the City Council of Rio Dell on this 6<sup>th</sup> day of February, 2024 by the

following vote:

Mayor Debra Garnes:	Yes <input type="checkbox"/> ; No <input type="checkbox"/>
Councilmember Amanda Carter:	Yes <input type="checkbox"/> ; No <input type="checkbox"/>
Councilmember Frank Wilson:	Yes <input type="checkbox"/> ; No <input type="checkbox"/>
Councilmember Robert Orr	Yes <input type="checkbox"/> ; No <input type="checkbox"/>
Councilmember Julie Woodall:	Yes <input type="checkbox"/> ; No <input type="checkbox"/>

\_\_\_\_\_  
Date

\_\_\_\_\_  
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 full, true and correct copy of Ordinance No. 402-2024 adopted by the City Council of the City of Rio Dell on February 6, 2024.

\_\_\_\_\_  
Karen Dunham, City Clerk

**9.20 FALSE ALARMS AND FEES**

**(DRAFT)**

**False Alarms and Fees  
Title 9**

**Article I**

**Purpose, Definitions and Exemptions**

- 9.20.010 Purpose
- 9.20.020 Definitions
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- 9.20.140 Penalty for Violation of Permit Process
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- 9.20.160 Applicability of Ordinance Existing Alarm Systems
- 9.20.170 Regulations
- 9.20.180 Enforcement
- 9.20.190 Posting the Permit on Premises
- 9.20.200 Confidentiality



**Article V**  
**Discontinuance of Alarm Response**

<b>Nuisance</b>	<b>9.20.210</b>	<b>Discontinuance of Alarm Response by Police; Public</b>
	<b>9.20.220</b>	<b>Disclaimer of the Rio Dell Police Department</b>
	<b>9.20.230</b>	<b>Severability</b>
	<b>9.20.240</b>	<b>Non-Exclusivity</b>

**9.20.010 PURPOSE**

The immediate preservation of the public safety, health, and welfare required the adoption of this chapter. The public has purchased alarm systems which have malfunctioned, causing an increase in the false alarm reports which require an immediate response of emergency service units subjecting the general public to a dangerous situation.

**9.20.020 DEFINITIONS**

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

**ALARM AGENT:** Any person who is employed by an alarm business operator, either directly or indirectly, who does not respond to activated alarms but whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, installing, replacing, or moving on or in any building, structure or facility, any alarm system.

**ALARM BUSINESS:** The business of any person consisting of: selling and installing, maintaining, servicing, altering, replacing or moving any alarm system or component parts thereof in or on any building, structure or facility, or responding to alarm systems.

**ALARM BUSINESS OPERATOR:** Any person who operates any business engaged in the sale and installation, maintenance, alteration, or servicing of the alarm systems, or which responds to such alarm systems. Alarm business operator shall not include a business which merely sells from a fixed location or manufactures alarms systems, unless such business services, installs, monitors, or responds to alarm systems at protected premises.

**ALARM SYSTEM:** Any mechanical or electrical device designed to detect, or enable a person to notify others of, an unauthorized intrusion onto certain premises or the existence of an emergency on such premises, and which emits a sound or transmits a signal or message when activated. The following devices shall not constitute alarm systems within the meaning of this subsection:

- (1) Devices which do not register alarms that are audible, visible, or perceptible outside the protected premises;
- (2) Devices which are not installed, operated or used for the purpose of reporting an emergency to the police;
- (3) Alarm devices affixed to motor vehicles; and
- (4) Alarm devices installed on a temporary basis by the police department.

**AUDIBLE ALARM:** Any alarm system which, when activated, emits a sound which is capable of being heard outside the structure where the system is located, even if the system is completely located within the structure.

**ANSWERING SERVICE:** A telephone answering service providing among its services the receiving on a continuous basis through trained employees of emergency signals from alarm systems, and the subsequent immediate relaying of said messages by live voice to the communication center.

**AUTOMATIC DIALING DEVICE:** An alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message indicating the existence of the emergency situation that the alarm system is designed to detect.

**CENTRAL STATION:** An office to which alarm systems are connected, where operators supervise the circuits, and where guards and/or servicemen are maintained continuously to investigate signals.

**DIRECT LINE:** A telephone line leading directly from a central station to the communication center, where said line is used only to report emergency signals on a person to person basis.

**DURESS ALARM:** A silent alarm system signal generated by the entry of designated code into an arming station in order to signal that the alarm user is being forced to turn off the system and requests law enforcement response.

**EMERGENCY:** The commission or attempted commission of a robbery or burglary.

**ENHANCED CALL CONFIRMATION:** An attempt by the alarm system monitoring company to contact the alarm site and/or alarm user, to determine whether an alarm event is valid before requesting law enforcement response. A second call will be made to contact the alarm user if the first attempt fails. EXCEPT:

- (1) As defined by ANSI/CSAA CS V 01 2016 or current version, in case of a fire, panic robbery-in-progress alarm or verified alarm, or
- (2) As defined by the local jurisdiction or state law.

**FALSE ALARM:** means an alarm signal that prompts a response by the Rio Dell Police Department when an emergency does not exist:

- (1) Alarms generated by severe storms, earthquakes, or other violent acts of nature when an emergency does not exist shall not be deemed a false alarm.

(2) Alarm users may intentionally activate alarms only when necessary to alert police regarding human life in imminent jeopardy or in response to armed robberies, burglaries, or other felonies occurring on alarm premise at the time of such intentional alarm activation. All other alarm activations shall be deemed false alarms.

(3) Alarm users, or alarm companies authorized by alarm users, may notify the Rio Dell Police Department by telephone after it is determined that a mechanical problem exists in the alarm system, that any alarm from said alarm is to be deemed a false alarm, and no response from the Rio Dell Police Department is necessary:

(a) There is no evidence of a crime or other activity that warrants the assistance of the Rio Dell Police Department on the premises, as indicated by the investigation of a police officer on the scene or by the lack of a police report filed by the property owner, and no individual who was on or near the premises or who had viewed a video communication from the premises called for dispatch or confirmed a need for police response; or

(b) The dispatch of police was cancelled by the alarm system monitoring company, whether the alarm was cancelled before or after the arrival of police personnel at the alarm site.

**HOLD-UP ALARM:** Activation of an alarm system or alarm device that notifies Rio Dell Police Department that the alarm site is being held-up.

**INTERCONNECT:** To connect an alarm system to a telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

**INTRUSION ALARM:** An alarm whose purpose is to detect entry or attempted entry into a structure or a defined area, whether interior or exterior in nature.

**LATE APPLICATION FEE:** If Police or Fire responds to the alarm activation without having an alarm permit on file, the permit holder is subject to a late alarm application fee for the first false alarm activation and shall be subject to the normal false alarm assessments for the second and subsequent false activations. (See the City of Rio Dell's Master Fee Schedule for specific fee and assessment amounts.)

**PANIC ALARM:** Any alarm system that is activated by the direct action of the person who believes they are or are about to be the victim of a crime requesting the emergency response of police officers.

**PENALTY ASSESSMENT:** The civil penalty against the permit holder in the form of a letter or bill for the misuse or false activation of any alarm.

**PERMITTEE:** The person to whom an alarm system permit is issued.

**PERSON:** means any natural person, partnership, corporation, unincorporated association, or other business entity.

**PRIVATE MEDICAL LIFELINE ALARM:** Any alarm system which is activated by a person needing emergency medical/welfare assistance and/or the alarm monitoring company requests an emergency medical response because the alarm subscriber did not respond to a regularly scheduled "well person" check.

**RESIDENTIAL:** Any premises used as dwelling units which includes apartments, hotels, motels and lodging houses, whether or not the location is occupied.

**RESPONSE:** The point in time that a police unit has been dispatched or an engine company has moved the fire apparatus to respond to an alarm activation.

**ROBBERY/HOLD-UP:** Any alarm system that is activated by the direct action of the person being robbed or an observer of the robbery.

**SILENT ALARM:** Any alarm system which, when activated, transmits an alarm signal to a receiving center without obvious local indication of alarm activation.

**SIREN:** Any audible noise similar to that which must be sounded by an authorized emergency vehicle under the conditions set forth in section 21055 of the California Vehicle Code.

**VERIFY:** An attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made to attempt to determine whether an alarm signal is valid before requesting police or fire dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this subchapter, telephone verification shall require, as a minimum, that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch.

### **9.20.030 EXEMPTIONS**

This chapter shall not apply to alarm systems affixed to automobiles, boats, or recreational vehicles or systems which do not require a response by the Rio Dell Police Department. However, in systems other than those affixed to automobiles, boats, or recreation vehicles, if any person requests a response by the Rio Dell Police Department, that alarm system will be brought within the permit requirements from that time forward.

### **9.20.040 DUTIES OF THE ALARMS USER**

- (1) An alarm user shall:
  - (a) Obtain an alarm permit from the City of Rio Dell;
  - (b) Maintain the alarm site and the alarm system in a manner that will minimize or eliminate false alarms;
  - (c) Ensure that a responsible party is available, at all times, to verify that an alarm signal is valid;
  - (d) Ensure that a responsible party responds to the alarm system's location within 30 minutes when requested by Police in order to:
    - (i) Deactivate an alarm system;
    - (ii) Provide access to the alarm site; and/or
    - (iii) Provide alternative security for the alarm site.

(e) Not activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report.

(2) An alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than ten minutes after being activated. An alarm user shall have a licensed alarm installation company inspect the alarm system after two false alarms in a 12-month period. The Rio Dell Police Department may waive a required inspection if it determines that a false alarm(s) could not have been related to a defect or malfunction in the alarm system or malfunction in the alarm system. After three false alarms within a 12-month fiscal-year period, the alarm user must have a licensed alarm installation company modify the alarm system to be more false-alarm resistant or provide additional user training as appropriate. The alarm user shall also be subject to penalties for such false alarms.

(3) An alarm user/alarm system shall not use automatic voice dialers.

(4) An alarm user shall maintain at each alarm site a set of written operating instructions for each alarm system.

(5) The Police Chief may require an alarm user to remove or modify a hold-up alarm that is single action, non-recessed button, if two false hold-up alarms have occurred.

**9.20.050 ALARM PERMIT**

(1) It shall be unlawful for any person to use, install, or cause to be installed an alarm system on any premises within the city without first applying for and receiving an alarm permit. Alarm systems installed prior to the effective date of this chapter shall be required to be brought within the alarm standards set forth by this chapter within 90 days.

(2) It shall be unlawful for any person to use or operate an alarm system within the city under a revoked permit.

(3) Any person operating an alarm system within the city without an alarm permit as required by this chapter, or under a revoked permit, shall be subject to all applicable penalty fees. (See the City of Rio Dell Master Fee Schedule.)

**9.20.060 PERMIT APPLICATION AND ISSUANCE**

(1) Each application for an alarm system permit shall be made on a form prescribed by the city which may include any information which is necessary for effective administration of this subchapter, including the following information:

(a) Name, address and telephone number of the applicant.

(b) Name, address, and telephone number of the business or premises where the alarm system will operate.

(c) The names and telephone numbers of two or more persons who have the ability to verify and respond to the alarm site within 30 minutes, if activation occurs, during any hour of the day or night, and that the person(s) have the ability to deactivate the alarm. In the event a person able to respond to the alarm site as mentioned above cannot be located, the responsible alarm company shall release the public safety response agency(s) from the scene.

(d) A description of the alarm system, its purposes, the alarm system model number, the manufacturer's name and the name of the company performing the installation and maintenance.

(e) Any dangerous or special conditions present at the alarm site.

(f) Schedule for regular maintenance of the alarm system.

(2) The Alarm Administrator shall approve and issue the permit upon finding:

(a) The application contains the required information;

(b) The alarm system meets the standards prescribed by this chapter;

(c) That the applicable fees have been paid (pursuant to the City of Rio Dell's Master Fee Schedule);

(d) That the alarm system is accessible to Police;

(e) The permit is issued subject to the proper maintenance and operation of the alarm's system.

(3) Change of information on alarm permit. The permittee shall give written notice to the Alarm Administrator within five (5) working days of any change in the information provided on the alarm permit application.

(4) The permit is good for two years from the date of issuance. It is incumbent upon the permittee to ensure that the permit does not expire, and that the renewal application questionnaire is completed and returned to the Rio Dell Police Department in a timely fashion.

#### **9.20.070 PERMIT NONTRANSFERABLE**

The permit shall not be transferable and shall terminate when there is a change of alarm user, change of location, or upon revocation or suspension.

#### **9.20.080 PERMIT REVOCATION**

(1) An alarm permit may be revoked by recommendation of the Rio Dell Police Department for any of the following reasons:

(a) False representations were made upon the permit application; or

(b) The alarm system emits excessive false alarms, deeming the system an immediate safety hazard as prescribed by this chapter; or

(c) Failure to observe any of the regulations or provisions of this chapter.

(2) Notice and effective dates. A written notice of revocation, setting the reason for the action, shall be mailed by certified mail giving the permittee ten working days from the mailing date to disconnect or remove the alarm from the premises. Any person failing to disconnect the alarm system when required by this chapter shall be subject to the penalties as set forth in the City of Rio Dell's Master fee Schedule



### **9.20.090 PERMIT REVOCATION- APPEALS**

- (1) Revocation of an alarm system permit may be appealed to the Alarm Administrator. The permittee may submit a written statement, setting forth the reasons why the permit should not be revoked, to the Alarm Administrator not more than ten working days from the mailing date of the notice of revocation.
- (2) The alarm user may continue to operate the alarm system during the appeal process, unless the Alarm Administrator recommends the disconnection of the alarm system.
- (3) The decisions of the Alarm Administrator with respect to this chapter will be final and conclusive.

### **9.20.100 PERMIT REINSTATEMENT**

Following the revocation of the alarm permit, the permit may be reinstated upon recommendation of the Alarm Administrator when:

- (1) The cause for the revocation has been corrected; and
- (2) The permittee pays a permit reinstatement fee to the city. (See the City Rio Dell's Master Fee Schedule".)

### **9.20.110 FALSE ALARMS**

- (1) It shall be unlawful for any person to use, operate, or maintain an alarm system within the City of Rio Dell that emits excessive false alarms.
- (2) It shall be unlawful for any person who operates, manages, maintains, or uses the premises on which an alarm system is located to permit the alarm system to emit excessive false alarms.
- (3) The number of false alarms to be considered "excessive" as described in subsections (1) and (2) of this section is any false alarm in excess of six (6) false alarms within any six (6) month period shall be deemed an "excessive false alarm." Any alarm system, either silent or audible, that emits more than six (6) false alarms within any six (6) month period shall be deemed an "immediate safety hazard" and by recommendation of the Rio Dell Police Department the alarm permit shall be revoked.
- (4) Whenever any alarm activation occurs because of apparent or suspected alarm malfunction, the alarm user shall arrange for an alarm system inspection by a licensed alarm business.
- (5) The Rio Dell Police Department may require an alarm user's permit holder to submit a report within ten (10) days of request, describing the action taken to discover and eliminate the cause or causes of false alarms. Failure to submit such a report within ten (10) days of request shall be cause for revocation of the permit. If the alarm system is not repaired satisfactorily in the opinion of the Rio Dell Police Department or its agent, then the Rio Dell Police Department may order deactivation of the permit holder's alarm system until the alarm system is properly repaired.

## 9.20.120 ALARM STANDARDS

It shall be unlawful for any person to sell, install or operate any alarm system for use within the city that does not meet the minimum standards as prescribed as follows:

### (1) *Audible alarms.*

(a) All audible alarm systems shall have a sign or notice posted on or near the system, (visible from the exterior), with the name and telephone number of the person responsible for the service and maintenance of the system. The notice shall be conspicuously posted and readable from ground level.

(b) All audible alarms shall be equipped with a device that will deactivate the alarm system not more than ten minutes after activation. It is unlawful for an alarm user maintaining an audible alarm system to cause, permit, suffer, or allow such system to ring for period in excess of one (1) hour after notification of the alarm activation or after efforts of notification have been made of such conduct shall constitute grounds for revocation of the permit. In addition, should an alarm fail to be silenced within the time limits prescribed in this chapter, the Rio Dell Police Department shall have the authority to hire an alarm agent to silence the alarm. All costs and expenses incurred by the city in hiring an alarm agent to silence the alarm, costs incurred from damage to the alarm site or vehicle as a result of silencing the alarm, and costs incurred to obtain materials and security personnel to re-secure the alarm site, shall be borne by the permittee or owner.

(c) Any alarm system that has an automatic shut-off with a re-arming phase must be able to distinguish between an open and closed circuit; and, if the circuit is open, will not rearm.

(d) No audible alarm shall be installed, maintained or activated which emits the sound of a siren similar to those utilized on emergency vehicles or for civil defense disaster warnings.

### (2) *Alarms.*

(a) No alarms shall have an automatic dialing system as defined in this chapter. This chapter does not apply to alarm devices that relay a digital coded signal to the alarm company.

(b) All alarm systems shall have a standby back-up power supply which will automatically assume operation of the alarm system should any interruption occur in the power to the system. The transfer of power from the primary source to the back-up source must occur in a manner that does not activate the alarm. Back-up power supply must be capable of at least 12 hours of operation.

(c) All silent burglar alarm systems installed after the effective date of this chapter shall have a pre-alert or pre-alarm unit allowing the user to reset the system if activated in error, before the system goes into full alarm activation. This section does not apply to banks, savings and loans and other high-risk businesses as determined by the Rio Dell Police Department.

(d) An alarm user shall maintain at each alarm site a set of written operating instructions for each alarm system.

(e) Homeowners shall test systems in accordance with the manufacturer's instructions and shall have every household fire alarm system having a control panel tested by a qualified service technician every three years.

(3) The Rio Dell Police Department reserves the right to inspect all alarm systems after giving 48 hours advance warning to the permittee to ensure that the alarm standards have been met.

**9.20.130 DUTIES OF MONITORING COMPANY**

(1) An alarm company responsible for monitoring services shall make two attempts to contact user or users of alarm system prior to requesting law enforcement response.

(a) Communicate any available information regarding specifics of the alarm event.

(b) Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary.

(2) It shall be unlawful for any person to engage in, conduct, or carry on any alarm/monitoring business within the city unless said person has first registered the intention to engage in such alarm business with the city, giving the city such information as it may require; and has displayed to the city a current valid city business license and a permit issued by the State of California, where state law requires such a permit or license.

(3) Any person engaging in, conducting, or carrying on any alarm/monitoring business within the city shall notify each alarm owner of the permit and false alarm process upon the request of installation of an alarm system and verify said notification in writing has been signed by the alarm user. Violation of said requirement shall be considered a violation of this chapter and subject to a fine for each occurrence. (See the City of Rio Dell's Master Fee Schedule)

**9.20.140 PENALTY FOR VIOLATION OF PERMIT PROCESS**

Any violation of the provisions of this ordinance shall be considered an infraction, punishable by a fine of seventy-five dollars (\$75.00) for the third offense; a fine of one hundred dollars (\$100.00) for a fourth offense; a fine of one hundred fifty dollars (\$150.00) for the fifth offense; and revocation of the permit for the sixth offense in a twelve (12) month period. If an alarm user's permittee fails to pay within thirty (30) days of its billing any charges authorized by this chapter a penalty assessment for thirty (30), sixty (60), or ninety (90) days late payment as set forth in City of Rio Dell's Master Fee Schedule.

**9.20.150 FEES AND CHARGES**

(1) The City Council may, from time to time, by resolution, adopt such fees and service charges for the following items, as it deems appropriate:

- (a) Alarm permit.
- (b) Reinstatement fee.
- (c) False alarm fee.
- (d) Late application fee.
- (e) Renewal fee.

(2) Any failure to pay, within 30 days of billing, any fees authorized by this chapter shall result in a penalty assessment being added.

(3) The City of Rio Dell’s Master Fee Schedule adopted by the City Council as of the adoption date of this Ordinance is recited as follows (the “City of Rio Dell’s Master Fee Schedule”):

**City of Rio Dell’s Master Fee Schedule (Alarm Ordinance):**

<u>SERVICE OR CHARGE</u>	<u>FEES</u>
New alarm permits	Free
Renewal Fee (Every 2 years)	\$20.00
Late application fee	\$50.00
Permit reinstatement fee	\$100.00
False alarms	2 free per 12-month period
3 <sup>RD</sup> false alarm in 12-month period	\$75.00
4 <sup>TH</sup> false alarm in 12-month period	\$100.00
5 <sup>TH</sup> false alarm in 12-month period	\$150.00
Alarm permit violation – 1 <sup>st</sup> offense	\$50.00
Alarm permit violation – 2 <sup>nd</sup> offense	\$100.00
Alarm permit violation – 3 <sup>rd</sup> offense	\$150.00
Alarm permit violation – 4 <sup>th</sup> offense	Permit revoked
Alarm fees 30-day late payment penalty	\$5.00
Alarm fees 60-day late payment penalty	\$10.00
Alarm fees 90-day late payment penalty	\$25.00

The initial alarm permit will be free of charge. A renewal charge every two years of \$20.00 will be levied for all alarm permits. It is incumbent upon the subscriber to insure that the permit does not expire, and that the renewal application questionnaire is completed and returned to the Police Department in a timely fashion. If the Police Department responds to an alarm activation at a location that does not have a valid alarm permit on file, the responsible party will be notified of the need to obtain an alarm permit and will be assessed a late application fee of \$100 if the permit is not obtained within 30 days of the notification.

Failure to apply for a permit prior to installing an alarm will result in the new permit fee of \$50.00, late application fee of \$50.00, and alarm permit violation fee first offense of \$50.00.

Additional charges will be levied for false alarms in excess of the guidelines set forth in the alarm ordinance. A charge of \$100.00 will be levied for the reinstatement of any alarm permit previously revoked by the Chief of Police.

**9.20.160 APPLICABILITY OF ORDINANCE TO EXISTING ALARM SYSTEMS**

All alarm systems within the City of Rio Dell installed prior to the effective date of this chapter shall be brought within standards set forth within ninety (90) days of the effective date of this chapter.

**9.20.170 REGULATIONS**

The City of Rio Dell may, by resolution, adopt such rules and regulations necessary or appropriate to reduce or eliminate false alarms.

**9.20.180 ENFORCEMENT**

The Rio Dell Police Department shall enforce this chapter. Each violation shall constitute a separate offense.

**9.20.190 POSTING THE PERMIT ON PREMISES**

The alarm user's permit shall be posted on the premises where the alarm system is located.

**9.20.200 CONFIDENTIALITY**

Information furnished and secured pursuant to this chapter shall be confidential in character and shall not be subject to public inspection and shall be kept so that the contents thereof shall not be known except to persons charged with the administration of this subchapter or for legitimate law enforcement needs.

**9.20.210 DISCONTINUANCE OF ALARM RESPONSE BY POLICE; PUBLIC NUISANCE**

- (1) *Discontinuance of alarm response.*
  - (a) The Rio Dell Police Department reserve the right to discontinue response to any location of a silent or audible alarm, where an alarm system has been declared a public nuisance by an Alarm Administrator. An alarm system may be declared a public nuisance when all of the following conditions have been met.
    - (i) The alarm user permit has been revoked due to false alarms;
    - (ii) The revoked alarm user permit has not been reinstated;
    - (iii) The cause of the false alarms has not been corrected; or
  - (b) Any alarm that activates falsely more than two times per 24-hour period and is in apparent need of repair, adjustment or correction shall be deemed a nuisance by the Rio Dell Police Department. In order to minimize danger to emergency responders and to the public

during the response of any alarm, the on-duty watch commander or officer may use their discretion to discontinue additional responses. Any such decision shall be followed up by making the permittee or their alarm agent aware of the decision to discontinue response if possible. The Alarm Administrator or designee shall make the contact to relay the decision to discontinue response.

(2) *Unavailability or refusal by alarm user.* When an alarm user, responsible alarm agent, or property owner of an unsecured alarmed premises cannot be located or refuses the request from a police officer, the Police Departments shall be under no obligation to remain or secure the premises and the permittee's alarm permit may be subject to suspension or revocation.

#### **9.20.220 DISCLAIMER OF THE RIO DELL POLICE DEPARTMENT**

Passage of the ordinance codified in this chapter does not in any way constitute an agreement, in fact or implied, that the Rio Dell Police Department must respond to an activated alarm, even though an alarm user has fully complied with this chapter.

The Rio Dell Police Department and the City of Rio Dell shall not be liable in any manner whatsoever for any claim, demand or suit for damages arising out of or in any manner occasioned by connection to or use of any alarm system or device or by reason of Rio Dell Police Department failure or inability to respond to an alarm.

#### **9.20.230 SEVERABILITY**

The provisions of this subchapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this subchapter, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this subchapter, or the validity of its application to other persons or circumstances.

#### **9.20.240 NON-EXCLUSIVITY**

Nothing in this chapter shall limit or preclude the enforcement of other applicable laws.




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



**For the Meeting of February 6, 2024**

Consent Item;  Public Hearing Item

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: January 29, 2024

Subject: Text Amendments to **(1)** define and allow for residential care homes with six or fewer persons by right in all residential zones subject only to the same restrictions in that zone.; **(2)** Update the definition of family to state the following. Family -- "one or more persons living together in a dwelling unit."; and **(3)** provide for farm employee housing in zones that allow agriculture as a permitted use pursuant to the State Employee Housing Act (Health and Safety Code Sections 17021.5 and 17021.6.



**Recommendation:**

That the City Council:

1. Allow staff to introduce Ordinance No. 403-2024 amending the City's Zoning Regulations **(1)** define and allow for residential care homes with six or fewer persons by right in all residential zones subject only to the same restrictions in that zone.; **(2)** Update the definition of family to state the following. Family -- "one or more persons living together in a dwelling unit."; and **(3)** provide for farm employee housing in zones that

allow agriculture as a permitted use pursuant to the State Employee Housing Act (Health and Safety Code Sections 17021.5 and 17021.6. of the Rio Dell Municipal Code; and

2. Receive comments from the public; and
3. Direct staff to make any recommended changes to the Ordinance; and
4. Continue the public hearing to the February 20, 2024 meeting for approval and adoption of Ordinance No. 403-2024.

**Discussion:**

State law and the City’s approved Housing Element require that the City identify the City’s housing goals, policies, and implementation programs for the planning period 2019 through 2027. Some of the implementation programs are minor in nature and others are more complicated. The proposed text amendments fulfill some minor implementation measures. Below are the Zoning Amendments Implementation Programs in B-2 of the Housing Element.

Programs	Completed	Outstanding
<p>(B-2) ZONING AMENDMENTS</p> <p>Amend the Zoning Ordinance to address the following:</p> <ul style="list-style-type: none"> <li>– <b>Residential Care Homes.</b> Amend the Zoning Ordinance to define and allow for residential care homes with six or fewer persons by right in all residential zones subject only to the same restrictions in that zone.</li> <li>– <b>Definition of Family.</b> Update the definition of family to state the following. Family -- “one or more persons living together in a dwelling unit.”</li> <li>– <b>Employee Housing.</b> Comply with the State Employee Housing Act (Health and Safety Code Sections 17021.5 and 17021.6.</li> </ul>		<p>×</p> <p>×</p> <p>×</p>

**Residential Care Homes:** Although the Implementation Program requires that the City define residential care homes with six or fewer persons, the definition is already included in the municipal code. Below is a copy of the definition:

*Residential Care Facility. Consistent with the definitions of State law, a “residential care facility” is a facility that provides 24-hour nonmedical care for more than six persons 18 years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes group homes, residential care facilities for the elderly, adult residential facilities, juvenile court residential facilities, and other facilities licensed by the State of California.*

The Urban Residential (UR), Suburban Residential (SR), Suburban Medium (SM) and Residential Multifamily (RM) zones are the City residential zoning districts that need to be amended to principally permit Residential Care Facilities.

**Definition of Family:** The City’s current definition of “family” is as follows:

*“Family” means a person living alone, or two or more persons related by blood, marriage or adoption, or a group of not more than five unrelated persons living together as a single nonprofit housekeeping unit in a dwelling unit.*

Although it can be argued that the current definition satisfies the State requirement, “...a group of not more than five unrelated persons living together...”, the State is requiring jurisdictions to incorporate the following language:

*“Family” means one or more persons living together in a dwelling unit.*

**Employee Housing:** This program is based on requirements in the California Employee Housing Act (California Health and Safety Code 17000 – 17062.5), which prohibits cities and counties from requiring a Conditional Use Permit or other discretionary approval for agricultural employee housing when such a requirement is not required of other agricultural activity in the same zone.

The Text Amendment includes establishing the definition of Agricultural Employee Housing. Below is the State approved definition:

*“Agricultural employee housing” means housing occupied by agricultural employees regulated by the California Department of Housing and Community Development under the Employee Housing Act (California Health and Safety Code 17000 – 17062.5).*

The City’s Rural (R) designation is the only true agricultural zoning designation. The Rural designation is applied to the Dinsmore Plateau and the Rio Vista neighborhood going over to the Belleview/Ogle neighborhood. Below is a copy of the Rural designation allowed uses, Section 17.20.070 of the Rio Dell Municipal Code (RDMC):

**17.20.070 Rural or R zone.**

The Rural or R zone is intended to provide for agricultural and very low density residential uses. The following regulations shall apply in all rural or R zones:

(1) Principal Permitted Uses.

- (a) General agricultural uses, including crop production and animal grazing;
- (b) Farm dwellings, including detached residential dwelling units.

(2) Uses Permitted with a Use Permit.

- (a) Commercial uses, including retail sales of items produced on the property, nurseries and greenhouses;
- (b) Lodging uses, including bed and breakfast inns and rooming and boarding houses in a residential unit or in accessory building;
- (c) Animal feed yards and sales yards;
- (d) Agricultural products processing plants;
- (e) Rental and sales of irrigation equipment and storage incidental thereto;
- (f) Animal hospitals;
- (g) Civic and cultural uses, including parks.

There has been some confusion over the years regarding whether or not single-family homes not associated with agricultural operations are an allowed use on lands designated Rural. The

City has historically allowed single family homes in the Rural designation that are not related to agricultural uses. As such, staff recommends amending the principally permitted uses to include residential uses. Below is a copy of the recommended revisions to Section 17.20.070 of the RDMC.

The Rural or R zone is intended to provide for agricultural and very low density residential uses. The following regulations shall apply in all rural or R zones:

(1) Principal Permitted Uses.

(a) General agricultural uses, including crop production and animal grazing;

(b) Detached single-family dwellings, including Farm farm dwellings, ~~including detached residential dwelling units.~~

(c) Agricultural employee housing with no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household, or that is approved pursuant to Section 17021.8 of the Health and Safety Code.

In addition, to establishing the definition and modifying the allowed uses, Chapter 17.30 of the RDMC, General Provisions, needs to be modified to include State mandated processing requirements for agricultural employee housing. Below is a copy of the State allowed processing requirements:

Agricultural Employee Housing. Agricultural employee housing shall comply with the following:

1. Location. Agricultural employee housing may, but is not required to, be developed or provided by the employer, or located on the same lot where the qualifying agricultural work is being performed.
2. Evidence of Valid Permit. Within 30 days after obtaining the appropriate permit from the California Department of Housing and Community Development (HCD) to operate the agricultural employee housing, and thereafter on an annual basis, the applicant shall submit evidence that the HCD permit for the agricultural employee housing is current and valid.



3. Deed Restriction.

a. Within 30 days after receiving approval for permanent or seasonal employee housing from the Community Development Department, and before issuance of the final Zoning Clearance Certificate, the applicant shall record with the County Recorder, a deed restriction in a form approved by the City that runs with the land on which the agricultural employee housing is located declaring that:

i. The agricultural employee housing will continuously be maintained in compliance with this section and all other applicable sections of the Zoning Code; and

ii. The applicant will obtain and maintain, for as long as the agricultural employee housing is operated, the appropriate permit(s) from HCD pursuant to the Employee Housing Act and the regulations promulgated thereunder.

b. The deed restriction shall not be amended, released, terminated, or removed from the property without the prior written consent of the City. In the event the agricultural employee housing use is terminated and/or structures are removed in accordance with the Zoning Code and other applicable law as confirmed in writing by the Community Development Director, the deed restriction that accompanies the development shall be released and removed from the property.

4. Signed Affidavit for Temporary Employee Housing. Within 30 days after receiving approval for temporary employee housing from the Community Development Department, the applicant shall submit a signed affidavit, in a form approved by the City, affirming that:

a. The agricultural employee housing will only be used as temporary employee housing; and

b. The applicant will obtain and maintain, for as long as the temporary employee housing is operated, the appropriate permit(s) from HCD pursuant to the Employee Housing Act and the regulations promulgated thereunder.



The text amendments were presented to the Planning Commission at their meeting of November 28, 2023. The Planning Commission unanimously approved the recommended text amendments and recommends the Council approve the amendments.

**Attachment 1: Ordinance No. 403-2024**

**ORDINANCE NO. 403-2024**



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL APPROVING AMENDMENTS TO THE RIO DELL MUNICIPAL CODE TO (1) DEFINE AND ALLOW FOR RESIDENTIAL CARE HOMES WITH SIX OR FEWER PERSONS BY RIGHT IN ALL RESIDENTIAL ZONES SUBJECT ONLY TO THE SAME RESTRICTIONS IN THAT ZONE.; (2) UPDATE THE DEFINITION OF FAMILY TO STATE THE FOLLOWING. FAMILY -- "ONE OR MORE PERSONS LIVING TOGETHER IN A DWELLING UNIT."; AND (3) PROVIDE FOR FARM EMPLOYEE HOUSING IN ZONES THAT ALLOW AGRICULTURE AS A PERMITTED USE PURSUANT TO THE STATE EMPLOYEE HOUSING ACT (HEALTH AND SAFETY CODE SECTIONS 17021.5 AND 17021.6.**

**THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:**

**WHEREAS** State law and the City’s approved Housing Element require that the City identify the City’s housing goals, policies, and implementation programs for the planning period 2019 through 2027; and

**WHEREAS** some of the implementation programs are minor in nature and others are more complicated; and

**WHEREAS** the proposed text amendments fulfill some minor implementation measures; and

**WHEREAS** the Housing Element and State law requires the City to amend the Zoning Ordinance to define and allow for residential care homes with six or fewer persons by right in all residential zones subject only to the same restrictions in that zone; and

**WHEREAS** the Urban Residential (UR), Suburban Residential (SR), Suburban Medium (SM) and Residential Multifamily (RM) zones are the City residential zoning districts that need to be amended to principally permit Residential Care Facilities; and

**WHEREAS** the Housing Element and State law requires the City to amend the Zoning Ordinance to update the definition of family to mean one or more persons living together in a dwelling unit; and

**WHEREAS** the Housing Element and State law requires the City to amend the Zoning Ordinance to comply with Health and Safety Code Sections 17021.5 and 17021.6 regarding farm employee housing; and

**WHEREAS** notices were posted on November 20, 2023 in conspicuous locations including City Hall and the City website, specifying the availability of the proposal, and the date, time, and location of the public hearing for this Code amendment.

**WHEREAS** the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment under Title 14 of the California Code of Regulations, Section 15061(b)(3).

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

**Section 1.**

Title 17 of the Rio Dell Municipal Code is hereby amended to read in as follows:

Definitions – Section 17.10.010

“Agricultural employee housing” means housing occupied by agricultural employees regulated by the California Department of Housing and Community Development under the Employee Housing Act (California Health and Safety Code 17000 – 17062.5).

~~“Family” means a person living alone, or two or more persons related by blood, marriage or adoption, or a group of not more than five unrelated persons living together as a single nonprofit housekeeping unit in a dwelling unit.~~

“Family” means one or more persons living together in a dwelling unit.

#### **17.20.020 Suburban residential or SR zone.**

The purpose of the suburban residential or SR zone is to provide land for low-density residential uses. The following regulations shall apply in all suburban residential or SR zones:

- (1) Principal Permitted Uses.
  - (a) Single-family dwellings.
  - (b) Residential Care Facilities.

#### **17.20.030 Urban residential or UR zone.**

The purpose of the urban residential or UR zone is to provide neighborhood residential areas with varying densities for single-family dwellings. The following regulations shall apply in all urban residential or UR zones:

- (1) Principal Permitted Uses.
  - (a) Detached single-family dwellings.
  - (b) Residential Care Facilities.

#### **17.20.035 Residential multifamily or RM zone.**

The purpose of the residential multifamily or RM zone is to provide land suitable for higher density residential uses. The following regulations shall apply in all residential multifamily or RM zones:

- (1) Principal Permitted Uses.
  - (a) Detached single-family dwellings, multiple dwellings and dwelling groups;
  - (b) Community care facility for six or fewer individuals;
  - (c) Family day care home for 12 or fewer children, including children who reside at the residence;
  - (d) Emergency shelters/transitional housing subject to the operational standards in RDMC

[17.30.120](#);



- (e) Low barrier navigation centers.
- (f) Residential Care Facilities.

### **Section 17.20.070 Rural or R zone.**

The Rural or R zone is intended to provide for agricultural and very low-density residential uses. The following regulations shall apply in all rural or R zones:

- (1) Principal Permitted Uses.
  - (a) General agricultural uses, including crop production and animal grazing;
  - (b) Detached single-family dwellings, including farm dwellings, ~~including detached residential dwelling units.~~
  - (c) Agricultural employee housing with no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household, or that is approved pursuant to Section 17021.8 of the Health and Safety Code.

### **17.20.130 Suburban medium or SM zone.**

The suburban medium zone provides for low-density residential areas. The following regulations shall apply in all suburban medium zones:

- (1) Principal Permitted Uses.
  - (a) Residential uses, including detached residential units.
  - (b) Residential Care Facilities.

### **17.30.045 Agricultural Employee Housing.**

Agricultural employee housing shall comply with the following:

1. Location. Agricultural employee housing may, but is not required to, be developed or provided by the employer, or located on the same lot where the qualifying agricultural work is being performed.
2. Evidence of Valid Permit. Within 30 days after obtaining the appropriate permit from the California Department of Housing and Community Development (HCD) to operate the agricultural employee housing, and thereafter on an annual basis, the

applicant shall submit evidence that the HCD permit for the agricultural employee housing is current and valid.

3. Deed Restriction.

a. Within 30 days after receiving approval for permanent or seasonal employee housing from the Community Development Department, and before issuance of the final Zoning Clearance Certificate, the applicant shall record with the County Recorder, a deed restriction in a form approved by the City that runs with the land on which the agricultural employee housing is located declaring that:

i. The agricultural employee housing will continuously be maintained in compliance with this section and all other applicable sections of the Zoning Code; and

ii. The applicant will obtain and maintain, for as long as the agricultural employee housing is operated, the appropriate permit(s) from HCD pursuant to the Employee Housing Act and the regulations promulgated thereunder.

b. The deed restriction shall not be amended, released, terminated, or removed from the property without the prior written consent of the City. In the event the agricultural employee housing use is terminated and/or structures are removed in accordance with the Zoning Code and other applicable law as confirmed in writing by the Community Development Director, the deed restriction that accompanies the development shall be released and removed from the property.

4. Signed Affidavit for Temporary Employee Housing. Within 30 days after receiving approval for temporary employee housing from the Community Development Department, the applicant shall submit a signed affidavit, in a form approved by the City, affirming that:

a. The agricultural employee housing will only be used as temporary employee housing; and



b. The applicant will obtain and maintain, for as long as the temporary employee housing is operated, the appropriate permit(s) from HCD pursuant to the Employee Housing Act and the regulations promulgated thereunder.

**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. Effective Date**

This ordinance becomes effective thirty (30) days after 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 February 6, 2024 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 February 20, 2024 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. 403-2024 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the February 20, 2024.

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Karen Dunham, City Clerk, City of Rio Dell