



AGENDA
RIO DELL PLANNING COMMISSION
SPECIAL MEETING
TUESDAY, MARCH 12, 2024-6:00 PM
CITY HALL COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME – Copies of this agenda, staff reports and other material available to the Commission are available at the City Clerk’s Office in City Hall, 675 Wildwood Avenue and on the City’s website at www.cityofriodell.ca.gov. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell Planning Commission meetings often.

City Council and Planning Commission meetings held in City Hall Council Chambers are open to in-person attendance by the public.

Public Comment by Email:

In balancing the health risks associated with COVID-19 and the need to conduct government openly and transparently, public comment on agenda items can be submitted via email at publiccomment@cityofriodell.ca.gov. Please note which item the comment is directed to and email your comments to the above email address. The City Clerk will read comments out loud, for up to three minutes.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL MATTERS

1. 2024/0312.01 - Swearing in of newly appointed Planning Commissioner Reshell Gurney - Pg. #3

E. CONSENT CALENDAR

1. 2024/0312.02- Approve Minutes of the November 28, 2023 Regular Meeting (**ACTION**) - Pg. #6

F. PUBLIC PRESENTATIONS

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

Written public comment must be submitted via email no later than 1-hour before the meeting at publiccomment@cityofriodell.ca.gov. Your comments will be read out loud, for up to three minutes.

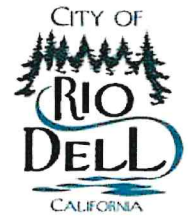
G. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

- 1.** 2024/0312.03 - Approve Resolution No. PC 174-2024 approving Design Review and Cannabis Cultivation Expansion Conditional Use Permit for Northwestern Flower Co. **(ACTION)** - Pg. #13
- 2.** 2024/0312.04 - Approve Resolution No. PC 175-2024 approving extension of the Roscoe Subdivision at 98 Painter St. File No. 052-162-016; Case No. PMS-21-02 **(ACTION)** - Pg. #59
- 3.** 2024/0312.05 - Approve Petranoff/Hoffman Lot Line Adjustment and a Variance to Create a Parcel less than 5,000 sq. ft. at 267 Berkeley St. – File No. 053-163-002 – Case No. LLA 01-2024 **(ACTION)** - Pg. #86

H. STAFF COMMUNICATIONS/UPDATES

I. ADJOURNMENT

***The next Regular Planning Commission meeting is scheduled for
March 26, 2024 at 6:00 p.m.***



*675 Wildwood Avenue
Rio Dell, CA 95562*

TO: Rio Dell Planning Commission

THROUGH: Kyle Knopp, City Manager

FROM: Karen Dunham, City Clerk

DATE: March 12, 2024

SUBJECT: Swearing in of newly appointed Planning Commissioner Reshell Gurney

RECOMMENDATION

The City Clerk will administer the Oath of Allegiance to newly appointed Planning Commissioner Reshell Gurney.

BACKGROUND AND DISCUSSION

There was one vacancy on the Rio Dell Planning Commission as the result of the resignation of Jacqui Wilson with her term ending December 31, 2025. A Notice of Vacancy was posted on January 5, 2023, with the final date for submission of applications being January 12, 2023. Since no applications were received, the date was extended each month until one or more applications were received. The only application received was from Reshell Gurney.

The City Council, at their regular meeting of February 20, 2024, approved the appointment of Reshell Gurney to fill the Planning Commission vacancy for the remainder of the term ending December 31, 2025.

ATTACHMENTS:

Planning Commission Application

CITY OF RIO DEL
FEB 01 2024
RECEIVED

Section D, Item 1.



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

APPLICATION FOR COMMISSION/BOARD

NAME Reshell Gurney DATE 1-30-24
ADDRESS 724 Pacific ave HOME PHONE 707-601-8994
BUSINESS PHONE 707-601-8994

I AM INTERESTED IN SERVING ON THE FOLLOWING BOARD/COMMISSION:

Planning Commission

OCCUPATION Realtor

HOW LONG HAVE YOU LIVED IN RIO DELL? 21 years

PROFESSIONAL AND/OR COMMUNITY ACTIVITIES
S Humboldt County Realtor / office holder at
Van Duzen Grange

ADDITIONAL PERTINENT INFORMATION/REFERENCES
Personal Reference - John Coleman

EDUCATION Fortuna High School - 1996

Please answer the following two questions:

1) Why are you interested in serving on this board/commission?

I Live in and love Rio Dell!
we need more people to step up and
continue to make our town great.

2) What special talents/experience/education do you possess that will be useful in this position?

I make my own hour so I am
available, personable, understand real
estate laws and I have an ability to
lead.

Note: A Resume may be attached

Return form to the City of Rio Dell at 675 Wildwood Ave., Rio Dell, CA 95562

**RIO DELL PLANNING COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 28, 2023**

CALL TO ORDER

Commissioner Angeloff called the regular meeting of the Rio Dell Planning Commission to order at 6:00 p.m.

Present were Commissioners Angeloff, Arsenault, Knight, and Millington.

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

CONSENT CALENDAR

Approve Minutes of the August 22, 2023 Regular Meeting

A motion was made by Arsenault/Knight to approve the Consent Calendar including approval of minutes of the August 22, 2023 regular meeting. Motion carried 4-0.

PUBLIC PRESENTATIONS

Frank Wilson addressed the Commission regarding 1000 Pine St. and said that it was his understanding that construction of the shop building was approved contingent on the property owner adding a residence to the parcel within a reasonable amount of time. He said that it had been a few years since the shop was constructed and said that it doesn't look, with the layout of the land that a house will be built. He asked staff if they had an update on the project.

Community Development Director Caldwell explained that although that was the plan conveyed to the Planning Commission when the shop was approved, the code does not require that a residence be built but that the property owner demonstrates there is enough available space on the parcel to do so.

SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

Receive an overview of the Proposed Rental Housing Inspection Program and recommend City Council approval of the Rental Housing Inspection Ordinance

Community Development Director Caldwell provided a staff report and said that in 2011, the City considered a Rental Housing Inspection Program due to complaints from tenants and neighbors which became contentious. Property owners and property managers convinced the City Council that the program was not necessary because there were already regulations to address substandard housing conditions. In addition, they argued that it would increase the cost of housing for those who could least afford it.

**RIO DELL PLANNING COMMISSION
NOVEMBER 28, 2023 MINUTES
Page 2**

After the December 2022 and January 2023 earthquakes, Cal-OES inspectors who were conducting earthquake-related inspections informed the City that they inspected a fairly significant number of substandard dwelling units. That comment was also conveyed by the Habitat for Humanity staff that were here after the earthquake to help residents. He added that many tenants don't report substandard conditions for fear of losing their housing or having their rent increased.

Community Development Director Caldwell said that staff discussed the idea of establishing the Rental Housing Inspection Program with the Nuisance Advisory Committee and received the committee's support.

The draft ordinance, which was modeled after the City of Arcata's Ordinance and the City of Sacramento's Ordinance was presented for the Commission's review.

Community Development Director Caldwell explained that of the City's approximately 1,300 dwelling units, around 640 of those are rental units. The Rio Dell Fire Protection District is responsible for inspecting multi-family properties containing more than three (3) units for a total of 152 units. In addition, there are approximately 25 mobile home rental units that are regulated by the Department of Housing and Community Development (HCD). This leaves approximately 465 units that the City would be responsible for inspecting over the next two to three years.

He noted that newly constructed dwelling units five (5) years old or newer would not be required to be inspected, or rooms rented to individuals in an owner-occupied single-family residence, or hotel or motel units subject to the City's Transient Occupancy Tax.

Community Development Director Caldwell then drew the Commission's attention to the FAQ's included in the staff report which clarified some of the most common questions regarding the program.

He pointed out that implementing the program will be cost-neutral to the City and it will not only increase property values, it will make Rio Dell a more desirable place to live.

Community Development Director Caldwell reviewed the Rental Housing Inspection Checklist and noted that property owners will have six (6) months to file the registration form with the City. He then called for questions from the Commission.

**RIO DELL PLANNING COMMISSION
NOVEMBER 28, 2023 MINUTES
Page 3**

Commissioner Knight referred to 1.5 – *“Inoperable or unregistered vehicles must be stored out of the front yard, or on an all-weather surface”* and suggested those vehicles be required to have a non-op certificate from the Department of Motor Vehicles.

Commissioner Millington asked how the program coordinates with earthquake repairs that are waiting to be done.

Community Development Director Caldwell noted that if property owners are in the process of having those repairs done, the City will grant them time to make those repairs. If it is an immediate hazard such as with faulty wiring, they will be required to take care of those life-safety issues immediately.

He noted that after the final adoption of the Ordinance, it is expected to take approximately 60 days for the roll-out of the program with registration forms filed within 6 months. Inspections of the required rental units will be once every three (3) years by the City or annually for those doing self-certification. If the rental units are occupied, the City will require that the tenant attest to the self-certification by the landlord.

Commissioner Angeloff commented that tenants may not feel comfortable attesting to the self-certification by the landlord.

Community Development Director Caldwell explained that all units will be inspected by the City within the first three years of the program. After the initial inspection, units may either qualify for self-certification, continued city inspection every three years or require a re-inspection if the unit does not pass the initial inspection. If the property owner chooses to do self-certification, they will be required to submit a copy of the self-certification form to the City annually with the required fee.

Commissioner Arsenault referred to Section 8.40.040 (5) related to costs associated with participating in the program and asked if there is a cap concerning landlords raising rents because of the program.

Community Development Director Caldwell explained that the City can't stop the landlord from raising rents unless the rental is under the Section 8 Housing Program which has to stay at fair market rents (FMR).

He said that under the Fair Market Rent Housing Voucher Program, the renter is required

**RIO DELL PLANNING COMMISSION
NOVEMBER 28, 2023 MINUTES
Page 4**

to pay 30% with the Government paying the remaining 70% of the monthly rent. Under this program, inspections are required twice a year.

Commissioner Knight expressed concern that rentals that require a lot of expensive repairs could result in higher rents and could outprice some of the renters in those sub-standard housing units.

Commissioner Millington mentioned potential problems associated with scheduling inspections and suggested inspections be required with or without the tenants present so there are no excuses for not having them done.

Commissioner Angeloff called for public comment on the proposed Rental Housing Inspection Program.

Frank Wilson compared the fees for self-certification inspections versus City inspections and asked if the landlord could request that an inspection be done by the City. He asked for clarification on the fees.

Community Development Director Caldwell said that they could request an inspection by the City. He explained that City inspections are only done every three (3) years whereas, self-certification inspections are required every year which is why it is a little cheaper to have the City do the inspections. Under the self-certification option, the City does the initial inspection and then again after five (5) years. He commented that the fees are insignificant at \$2.78 per month per unit for City inspections and \$3.75 per month for self-certification.

Commissioner Arsenault asked how long a property owner has to make repairs if they fail an inspection.

Community Development Director Caldwell indicated that the property owner has up to four (4) weeks to do the repairs but if hazardous conditions exist, they must be fixed immediately. He noted that they can also ask for an extension and have an option for appeal.

Community Development Director Caldwell said that he spoke with the City of Arcata who recently rolled out the same type of program and learned that it is working very well.

Commissioner Knight asked for clarification that the City cannot make a profit on the costs of implementing the program.

**RIO DELL PLANNING COMMISSION
NOVEMBER 28, 2023 MINUTES
Page 5**

Community Development Director Caldwell said that he was correct in that the fees are based on the actual cost of providing the service using the staff's current hourly burden rate.

Frank Wilson questioned the enforcement by the City.

Community Development Director Caldwell explained that if a unit is deemed unfit for human occupancy, the City has the authority to red-tag the house, and depending on the kinds of issues found, the City may refer the results to the State Fire Marshall.

Frank Wilson supported the program and said that it would be in the best interest of the landlords and something that the City Council would probably support.

Commissioner Millington expressed concern regarding fees for landlords with multiple units.

Community Development Director Caldwell reiterated that the Rio Dell Fire Protection District would be responsible for inspecting multifamily properties containing more than three (3) units.

A motion was made by Arsenault/Knight to recommend that the City Council approve the Rental Housing Inspection Ordinance. Motion carried 4-0.

Approve Resolution No. PC 173-2023 approving text amendments to the 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

Community Development Director Caldwell provided a staff report and explained that these text amendments are mandated by the State and fulfill some minor implementation measures identified in the City's approved Housing Element.

He reviewed the three zoning amendments and said that the City's residential zoning districts that need to be amended to principally permit Residential Care Facilities are the Urban Residential (UR), Suburban (SR), Suburban Medium (SM), and Residential Multifamily (RM) zones.

**RIO DELL PLANNING COMMISSION
NOVEMBER 28, 2023 MINUTES
Page 6**

He said that one of the reasons for knocking off these implementation programs is that the City will be applying for a pro-housing designation which will get the City bonus points on grant applications.

Commissioner Millington asked if a family designation would benefit the City.

Community Development Director Caldwell noted that it would open up more grant opportunities for the City.

Commissioner Knight asked if the residential care facilities with six or fewer persons are just for people cared for or if that included staff.

Community Development Director Caldwell clarified that the six persons refer to those who are cared for excluding staff.

Commissioner Angeloff called for public comment on the proposed text amendments.

Frank Wilson said that his church had students living together in one house and the City of Fortuna cited them for having too many vehicles on site.

Community Development Director Caldwell explained that the California Building Code defines maximum occupancy for residential dwelling units and the City does have parking restrictions in the zoning code.

A motion was made by Arsenault/Knight to adopt Resolution No. PC 173-2023 recommending that the City Council approve the proposed text amendments. Motion carried 4-0.

STAFF COMMUNICATIONS/UPDATES

Community Development Director Caldwell announced that the next regular meeting scheduled for December 26, 2023 was canceled due to the Christmas holiday however, there may be the need for a special meeting on the second Tuesday in January to discuss and approve the design review for Northwestern Flower Company.

ADJOURNMENT

**RIO DELL PLANNING COMMISSION
NOVEMBER 28, 2023 MINUTES
Page 7**

A motion was made by Arsenault/Knight to adjourn the meeting at 7:05 p.m. to the January 9, 2024 special meeting. Motion carried 4-0.

Nick Angeloff, Chair

Attest:

Karen Dunham, City Clerk



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

For Meeting of March 12, 2024

To: Planning Commission
From: Kevin Caldwell, Community Development Director 
Through: Kyle Knopp, City Manager
Date: March 7, 2024
Subject: Northwestern Flower Company Application
Cannabis Cultivation Expansion & Design Review - Conditional Use Permit
File No. 205-111-075; Case No's. CUP-DR-01-2024; CCLUO 01-2024

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed project; and
2. Open the public hearing, receive public input, close the public hearing, and deliberate; and
3. Assuming that public testimony is substantially in support of the proposal, find that:
 - (a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances.
 - (b) The proposed design, location, size, landscaping and operating characteristics of the proposed activity are compatible with and will enhance the character of the neighborhood and community and future land uses in the vicinity; and
 - (c) The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, screening of exterior

appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of existing or anticipated buildings on adjoining and nearby properties; and

(d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;

(e) The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and

(f) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and

(g) The Conditional Use Permit has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);

4. Adopt Resolution No. PC 174-2024 approving the Conditional Use Permit, subject to the Conditions of Approval, Exhibit A.

Background

Northwestern Flower Company (Applicant and Operator) is requesting a Conditional Use Permit (CUP) for the indoor cannabis cultivation of an additional 12,200 square feet of canopy. The site is currently developed with an existing two-story 19,200 square-foot building accommodating 9,600 square feet of cannabis cultivation. **See Figure 1.**

The expansion is proposed to occur in two phases. **Phase I** will include a 60' x 200' building (B2) accommodating approximately 6,480 square feet of cultivation. **Phase II** will include three additional buildings, B3, B4 and B5. Buildings B3 and B4 will be 60' x 100' (6,000 square feet each) and will accommodate approximately 3,240 square feet of cultivation each. Building B5 will be 60' x 60' and will be used for drying, processing and storage. Please refer to the Plan Set, **Attachment 2.**

Cultivation will take place in raised beds with soil. The beds will be approximately 6' X 90'. The beds will be lined with pond liners to eliminate possible leaching or draining of soil or nutrients. Like the current operation, the plants will be hand-watered to avoid over-watering.

At full build-out, the applicant anticipates four (4) full-time employees and three or four additional part-time employees for planting and harvesting activities. The applicant anticipates 4-5 growing cycles per year. Please refer to the Plan of Operation, **Attachment 3.**



Figure 1

Required Findings/Staff Analysis

Section 17.35.030 Rio Dell Municipal Code (RDMC) Conditional Use Permits.

1. Zoning Consistency

(a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;

Land Use: The property is zoned Industrial Commercial (IC). The purpose of the Industrial Commercial zone is to provide for industrial and commercial uses. Section 17.30.0990 the City's Commercial Cannabis Land Use Ordinance (CCLUO), allows commercial cannabis activities at the former Eel River Sawmill site, now known as the Humboldt Rio Dell Business Park with a Conditional Use Permit (CUP).

All cannabis applications for the required Conditional Use Permit requires the submittal of a completed application form, a Site Plan and a Plan of Operations which is required to include the following:

- A complete project description including the proposed use(s), hours and days of operation, number of employees, and the duration (temporary, seasonal or permanent) of the operation.
- The number of daily and/or weekly incoming and outgoing deliveries
- A Security Plan that addresses the cultivation, storage, processing of any cannabis, including but not limited to any video monitoring and commercial alarm systems.
- A Waste Management/Disposal Plan shall be submitted describing any produced wastes, including by-products, recycling, reusing, recovery, storage, diversion and handling and disposal.
- A description of the storage or use of any, fertilizers, pesticides, fungicides, rodenticide, or herbicides.
- A description of any discharge or emissions the operation will generate.
- A description of any noise level increase as a result of the operation.
- A description of the operation's use of public facilities such as roads, water or sewer systems.
- A description of any proposed water source, storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection.

The Plan Set (Site Plan and Elevations) is included as **Attachment 2** and the Plan of Operations and is included as **Attachment 3**. As the Commission is aware, the State must approve all cannabis activities and issue a State License prior to the operation commencing.

The proposed buildings comply with the development standards of the Industrial Commercial (IC) zone, including setbacks, lot coverage and building height. Parking and landscaping will be evaluated in the Design Review Zoning consistency discussion.

The proposed cannabis activities are allowed in the Industrial Commercial (IC) zone with a Conditional Use Permit provided the activities comply with the pertinent Performance Standards in Chapter 17.30.0990 of the Rio Dell Municipal Code (RDMC).

Performance Standards

Cultivation

Again, at full build-out the applicant is proposing 21,800 square feet (sf) (canopy area) of indoor cultivation in four (4) separate buildings.

Section 17.30.090(8) RDMC

Indoor commercial cultivation of cannabis shall be conditionally permitted in the Industrial Commercial (IC) and Natural Resources (NR) designations located in the Sawmill Annexation area and the Rural (R) designation located on the Dinsmore Plateau area pursuant to the “Indoor” cultivation area provisions described in Table 8.1 and subject to the conditions and limitations set forth in this Section and as deemed appropriate by the Planning Commission and/or the City Council.

**Table 8.1
Indoor Cultivation**

Industrial Commercial (IC), Natural Resources (NR) and Rural (R) Designations

State License Type	Allowable Canopy
“Specialty Cottage”	500 sq. ft.
“Specialty Indoor”	5,000 sq. ft.
“Small Indoor”	10,000 sq. ft.
“Medium Indoor”	22,000 sq. ft.

Note: There are no limits on canopy size. Limits are based on State requirements. Currently applicants are allowed one “Medium” license which must be backfilled with smaller licenses for

The City’s limits for cultivation are based on the State’s limits. The applicant will be required to get a “Medium Indoor” (22,000 square feet) State license.

Performance Standards for all Cultivation Operations:

(a) *No surface water withdrawals shall be allowed as part of any cultivation operations.*

No surface water withdrawals are proposed. The HRDBP is provided City water. It should be noted that this parcel is not provided water from the Northwestern water line installed by Glenn White.

(b) No Timberland Conversion Permits or Exemptions as approved by the California Department of Forestry and Fire Protection (CAL-FIRE) shall be used to facilitate the cultivation of cannabis.

A Timberland Conversion Permit is not necessary.

(c) The area of cannabis cultivation shall be located as shown on the application site plan, set back at least 50 feet from any property line in the Natural resource (NR) zone and 1000 feet from any School. Cannabis cultivation is declared to be development, subject to compliance with Section 17.30.110, Environmentally Sensitive Habitat Area's (ESHA's). For purposes of this section, where enhanced, reduced, or modified watercourse or wetland setbacks have been agreed to by the operator and the RWQCB under enrollment pursuant to NCRWQB Order No. 2015-0023 and/or preparation of a Water Resources Protection Plan, these may control and supersede any setback applied pursuant to Section 17.30.110.

The above-referenced 50-foot setback from the property line only applies to cultivation on lands designated Natural Resources (NR) and do not apply to the Industrial Commercial (IC) zone.

In regards to Environmentally Sensitive Habitat Area's (ESHA's) and required setbacks. There are no ESHA's on site. The parcel immediately to the east does contain two small seasonal creeks and associated riparian corridors. Proposed Building B5 is to be located about 75 feet west of the edge of the riparian vegetation. **See Figure 2.** The City's ESHA regulations require a 25-foot setback from the edge of the hinge point of the riparian corridor. Again, the proposed location of Building B5 is setback at least 75 feet from the edge of the riparian vegetation. The project was referred to the California Department of Fish and Wildlife (CDFW) and they did not identify any concerns regarding the proposed location of Building B5.

It should be noted that all on-site drainage is proposed to directed to the existing on-site detention/retention basin located on the west side of the parcel. Based on the proposed location of Building B5 and the lack of comments from CDFW, the project will not impact the nearby riparian corridor or the seasonal creeks.

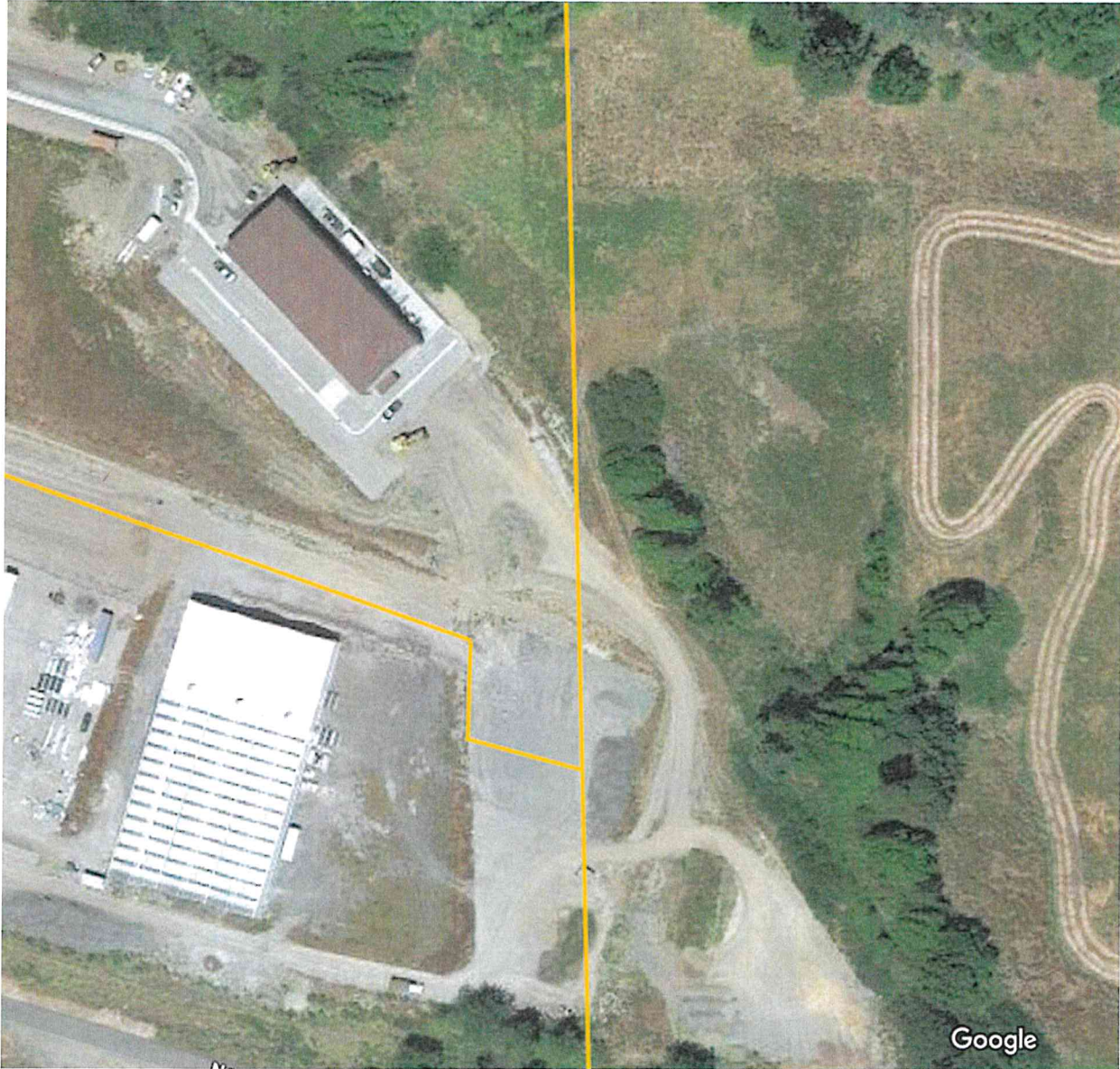


Figure 2

(d) Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board Order No. 2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the City of Rio Dell or other responsible agency.

The project was referred to the RWQCB. The City did not receive any comments or recommendations. It's staff's understanding that indoor cultivation is not subject to the RWQCB's Tier 1 standards. However, the RWQCB also reviews and comments on applications at the State level. The applicant is not entitled to commence operations until they have obtained their State license.

(e) For cultivation areas for which no enrollment pursuant to NCRWQB Order No. 2015-0023, is required by that Order, compliance with the standard conditions applicable to all Tier 1 dischargers.

It's staff's understanding that indoor cultivation is not subject to the RWQCB's Tier 1 standards. Again, the RWQCB also reviews and comments on applications at the State level. The applicant is not entitled to commence operations until they have obtained their State license.

(f) The storage or use of any fertilizer, pesticide, fungicide, rodenticide, or herbicide shall comply with the manufacture's recommendations and regulations administered by the State Department of Pesticide Regulation. Hazardous materials and wastes from agricultural businesses are regulated by the Humboldt County Environmental Health Division, which administers the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA). This includes the application, inspection, enforcement, and reporting under the program requirements and standards set by the California Environmental Protection Agency (CalEPA).

The applicant has submitted a Plan of Operation indicating that all fertilizers, pesticides, fungicides, etc. shall comply with the manufacture's recommendations and regulations regarding the storage and application of the materials. Staff has conditioned the project to require the applicant to enroll in the County Hazardous Waste program. Hazardous materials and wastes from agricultural businesses are regulated by the Humboldt County Environmental Health Division, which administers the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA). This includes the application, inspection, enforcement, and reporting under the program requirements and standards set by the California Environmental Protection Agency (CalEPA). The applicant shall provide evidence of enrollment. The project has been conditioned accordingly. **Please see Exhibit A.**

(g) Trucked water shall not be allowed as the primary water source. Water is to be sourced locally (on-site), except for emergencies. For purposes of this provision, "emergency" is defined as: "a sudden, unexpected occurrence demanding immediate action."

The site is provided with community water. The City has three sources of water. The primary source is an infiltration gallery in the river at the south end of town, Permit Number 021161. This source is used typically in the winter, spring, early summer and late fall. The secondary source are wells located at the Humboldt Rio Dell Business Park, Permit Number 010464. This source is used during late summertime low flows in the river and when the turbidity is extremely high during storm events. The City's third source is what is known as Dean Creek

Springs, located about two miles up Monument Road, Permit Number 013193. This source has not been used for decades. The City’s allowed allocation between the three permits is 1565.2 acre-feet or 510,021,896 gallons annually. The City's 2023 water usage was 89.655 million gallons.

(h) Carbon filter fans or equivalent superior filters/scrubbers shall be required to eliminate odor discharges to neighboring properties from cultivation and processing facilities.

The proposed cultivation facilities are considered a “closed system”. There are no intake or exhaust vents proposed. Each building will be equipped with a Rheem 25 ton HVAC system providing heating (if necessary) and air conditioning. Should odor become an issue, the project has been conditioned to install carbon filter fans or equivalent superior filters/scrubbers to eliminate odor discharges to neighboring properties from cultivation and processing facilities. **Please see Exhibit A.**

(i) A Waste Management/Disposal Plan shall be submitted describing any produced wastes, including by-products, recycling, reusing, recovery, storage, diversion and handling and disposal.

The Plan of Operation indicates that all green waste will be disposed of as needed. Humboldt Recology accepts green waste. All disposal of cannabis waste is subject to Section 40290 of the California Code of Regulations (CCR). Section 40290(e) of the CR’s requires that the cannabis waste be rendered to make it unusable and unrecognizable before removing the waste from the premises. This requires that the cannabis waste be grinded and incorporated with other ground material so that the resulting mixture is at least 50% non-cannabis material by volume. The project has been conditioned accordingly. **Please see Exhibit A.**

(j) Those cultivators using artificial lighting for mixed-light cultivation shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise. Should the City receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights’ shielding and alignment has been repaired, inspected and corrected as necessary.

The proposed project does not include mixed-light and is therefore not subject to this performance standard.

(k) Generators are only allowed as an emergency back-up power source. The noise produced by a generator used for cannabis cultivation shall not be audible from neighboring residences. The decibel level for generators at the property line shall be no more than 60 decibels.

Electricity from the grid will be provided to the site. All emergency generators are subject to the following conditions:

1. Noise levels shall not exceed 60 decibels at any property line.
2. The generator(s) shall be Tier 4.
3. The applicant shall enroll in the County Hazardous Waste program which includes the storage of fuel (diesel). Hazardous materials and wastes from agricultural businesses are regulated by the Humboldt County Environmental Health Division, which administers the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA). This includes the application, inspection, enforcement, and reporting under the program requirements and standards set by the California Environmental Protection Agency (CalEPA). The applicant shall provide evidence of enrollment.

The project has been conditioned accordingly. **Please see Exhibit A.**

(l) Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, and in such a way that no spillage occurs.

As indicated above, the project is conditioned to require the applicant to enroll in the County Hazardous Waste program which includes the storage of fuel (diesel).

(m) Electricity for Indoor and Mixed Light cultivation activities shall be provided by any combination of the following:

- (i) On-grid power with 42 percent renewable source.*
- (ii) Onsite zero net energy renewable source providing 42 percent of power.*
- (iii) Purchase of carbon offsets for any portion of power above 58 percent not from renewable sources.*
- (iv) Demonstration that the equipment to be used would be 42 percent more energy efficient than standard equipment, using 2014 as the baseline year for such standard equipment.*

Purchase of carbon offset credits (for grid power procured from non-renewable producers) may only be made from reputable sources, including those found on Offset Project Registries managed the California Air Resources Board, or similar sources and programs determined to provide bona fide offsets recognized by relevant state regulatory agencies.

Redwood Coast Energy Authority (RCEA) administers the County’s Community Choice program. This program includes two options for renewable energy. REpower is higher in renewable power than PG&E’s mix. REpower+ is sourced from 100% renewable energy. The project has been conditioned to require that 100% of the energy be supplied from a renewable source, in this case Repower+ or equivalent. **Please refer to Exhibit A.**

(n) Comply with all federal, state, and local laws and regulations applicable to California Agricultural Employers, including those governing cultivation and processing activities.

The project has been conditioned to require compliance with all governing laws and regulations that apply to cultivation activities. **Please refer to Exhibit A.**

(o) Comply with any special conditions applicable to that permit or parcel which may be imposed as a condition of the required Conditional Use Permit.

The project has been conditioned on compliance with the above operational Performance Standards. In addition, the project is conditioned to comply with all State regulations including security provisions, operational standards, the storage of materials, including fertilizers pesticides, fungicides, packaging and labeling. **Please see Exhibit A.**

Industrial Commercial (IC) Development Standards

The purpose of the Industrial Commercial zone is to provide for industrial and commercial uses. The project was reviewed for Setbacks, Floor to Area Ratio (FAR) and Building Height.

Development Standards		
Setbacks	Standard	Proposed
Front	10’	Complies
Rear & Side	0’	Complies
Lot Coverage	N/A	Complies
Floor Area Ratio	.35	.08 - Complies
Building Height	4 Stories or 65’	<20’ - Complies

The proposed project complies with the development standards for the Industrial Commercial zone.

Flood Zone: Section 17.30.140 of the RDMC contains provisions for development within mapped flood zones. The parcel is located within the 100-year flood zone according to FEMA's Flood Insurance Rate Map (FIRM), Panel No. 1220. Please refer to Figure 3.

National Flood Hazard Layer FIRMette

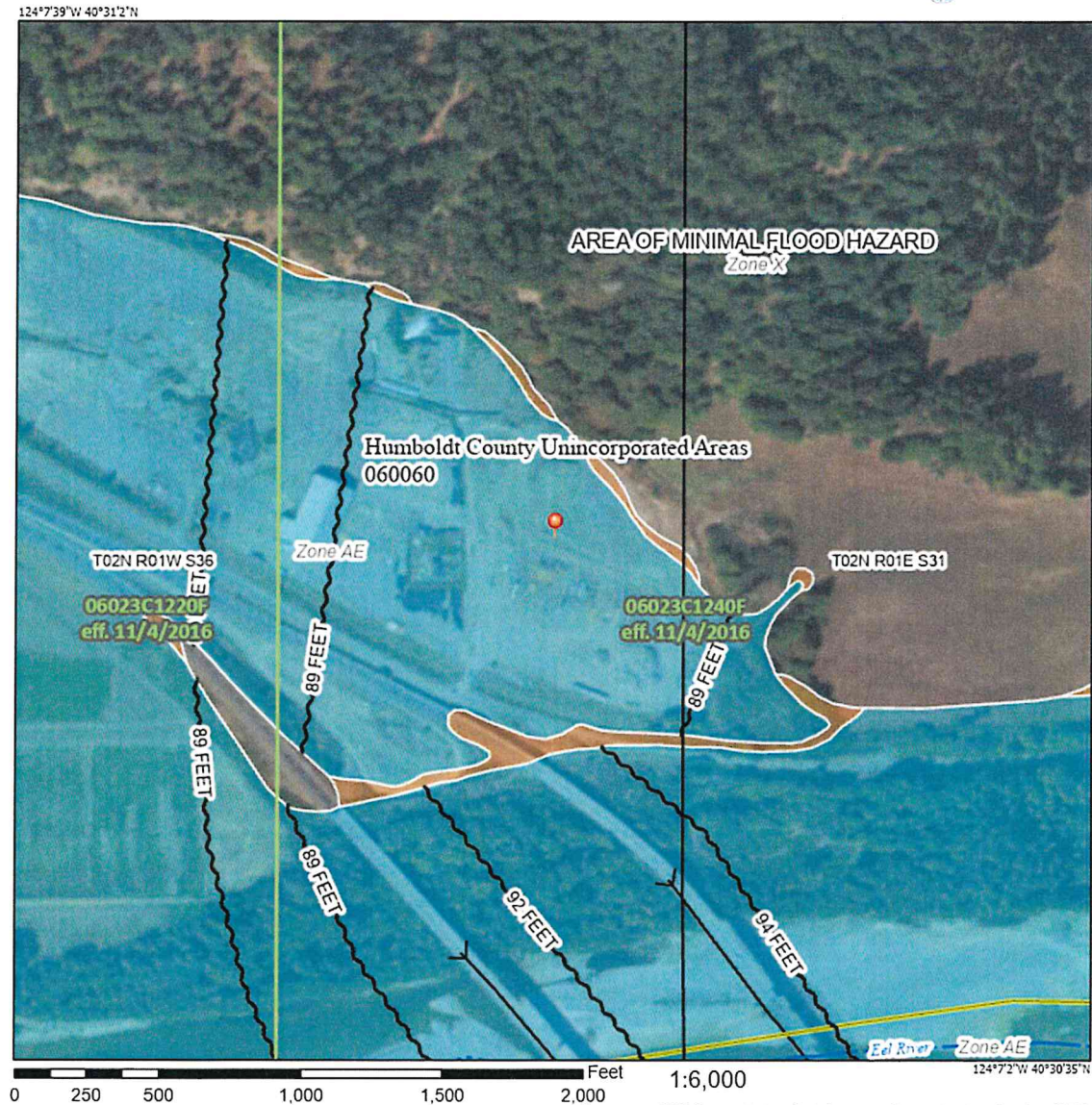


Figure 3

A Flood Elevation Certificate (FEC) was required to demonstrate that the existing building site was/is above the Base Flood Elevation (BFE). The BFE at the site 89' above mean sea level (AMSL). The applicant shall be required to submit a flood elevation Cert (FEC) documenting that the floor of the building is at least one floor above the BFE. The project has been conditioned accordingly. **Please see Exhibit A.**

Parking: Section 17.30.230 of the Rio Dell Municipal Code (RDMC) identifies Parking and Loading requirements, including the required number of spaces, landscaping, lighting, surface requirements, striping, wheel stops, number of spaces, handicap spaces, bicycle and motorcycle parking and loading spaces. It must be noted that the Planning Commission previously identified a parking demand of one space for every 800 square feet for cultivation activities.

As noted in the staff report for the existing building, applying the one space for 800 square feet would have required 24 spaces (19,200/800). The applicant requested a Parking exception for the existing building based on levels of anticipated use pursuant to Section 17.30.230(5) of the RDMC. The applicant proposed 18 spaces (1/1067 sq. ft.), which included one (1) handicap accessible space. Staff supported the request and the Planning Commission approved the request. It should be noted that based on staff’s observations, staff has not seen more than seven (7) or eight (8) spaces occupied at any one time.

Again, based on the current levels of use, the applicant requested a Parking exception for the proposed buildings based on levels of anticipated use pursuant to Section 17.30.230(5) of the RDMC. The applicant is proposing twenty (20) additional parking spaces for an on-site total of thirty-eight (38) parking spaces. This equates to one space for every 979 square feet. Staff once again, supports the applicant’s parking exception request. It should be noted that Section 17.30.230(1)(b) of the RDMC contains the following language:

“It shall be the responsibility of the developer, owner or operator of any specific use to provide adequate off-street parking even though such parking is in excess of the minimum requirements set forth in these requirements.”

Proposed Parking	
Parking Type	Number of Spaces
Standard Parking	36
ADA-Accessible Parking	2
Bicycle Parking	3
Motorcycle Parking	1
Loading Spaces	4

Loading Spaces: Section 17.30.220(21) of the RDMC identifies the number of required loading spaces. Industrial and manufacturing uses are required to provide 1 loading space for 5,000 to 40,000 square feet of gross floor area. Loading spaces must be at least 11’ x 35’ and have at

least 14 feet of vertical clearance. The site plan identifies three (3) 11' x 35' and one (1) 11' x 22' loading spaces.

The primary use of the loading space will be for the delivery of soil which is expected to be once a year. Loading areas are to be screened with a combination of dense landscaping and solid masonry walls with a minimum height of six feet. There is an exception to the screening requirements where the Community Development Director in consultation with the Director of Public Works may modify these requirements. Because the anticipated infrequent use of the loading space, staff **does not recommend** that the loading spaces be screened with a solid masonry wall and landscaping. The loading areas must be striped and identified for "loading only" and the striping and notation must be continuously maintained in a clear and visible manner. The project is conditioned accordingly. **Please refer to Exhibit A.**

Accessible Parking: The Rio Dell Municipal Code (RDMC) requires one disabled or accessible space per 25 parking. The applicant is proposing an additional accessible parking space for a total of two spaces. The handicap space must be permanently signed and the space painted with the international symbol of accessibility. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Parking Stall Dimensions: Section 17.30.220(6) of the RDMC identifies the minimum dimensions of parking spaces and aisles. The applicant is proposing perpendicular spaces. The proposed parking space dimensions, 19' x 8.5', and aisle dimensions, 25', comply with the City's parking regulations.

Parking Area Surface: Section 17.30.220(7)(a) of the RDMC requires all parking spaces, access drives and maneuvering areas to be improved with and permanently maintained with an all-weather durable asphalt, concrete or comparable surface as required by the Director of Public Works. The applicant is proposing paving the required parking/maneuvering surface. Staff has included as an operational condition that all paving be permanently maintained in good condition. **Please refer to Exhibit A.**

Parking Area Stripping: Section 17.30.220(8) of the RDMC requires that the parking spaces be clearly delineated with white 4-inch-wide lines and that the stripping be continuously maintained in a clear and visible manner. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Parking Area Curbing: Section 17.30.220(9) of the RDMC requires concrete curbing at least 6 inches in height and 6 inches wide around the perimeter of the parking and landscaped areas. The curbing is allowed to have breaks in it to allow stormwater to pass. The submitted site plan identifies the 6" curbing around the parking area. The applicant will need to provide the required curbing at the northwest corner of the building. See below. The project has been conditioned accordingly. **Please refer to Exhibit A.**

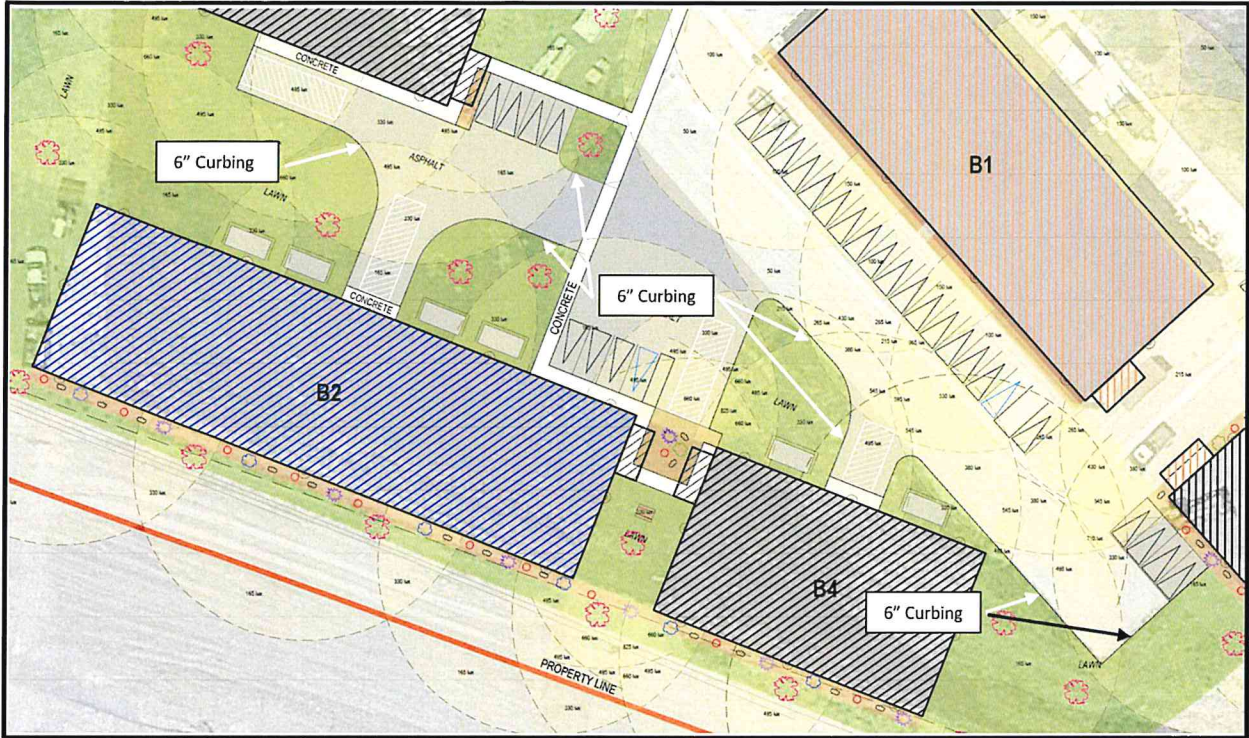


Figure 2

Driveway-Access Requirements: Section 17.30.230(10) of the RDMC identifies driveway and access requirements. The purpose of the driveway provisions is to limit the number of driveways to avoid potential conflicts with pedestrians, bicyclists, and vehicles. The number of access drives per parcel shall be the minimum number required to serve the intended use of the parcel. There is an existing driveway onto the parcel. No additional driveways are proposed. The existing driveway does not create potential conflicts with pedestrians, bicyclists, and vehicles.

Section 17.30.230(10)(b) of the RDMC requires that each access driveway be located a minimum of 50 feet from the nearest intersection, as measured from the centerline of the access road driveway to the centerline of the nearest travel lane of the intersecting street unless a lesser or greater distance is approved or required by the Director of Public Works. The existing driveway location complies with this regulation.

Section 17.30.230(11)(b) of the RDMC requires that one-way driveways be a minimum of 16 feet wide and two-way driveways be a minimum of 25 feet wide. The existing driveway into the site is 24 feet wide, two 12-foot travel lanes with curb, gutter and a 4-foot sidewalk. The referenced 25-foot width is to allow turning movements in and out of parallel parking spaces accessed by the driveway. The applicant is proposing 25 feet behind the parking spaces as required.

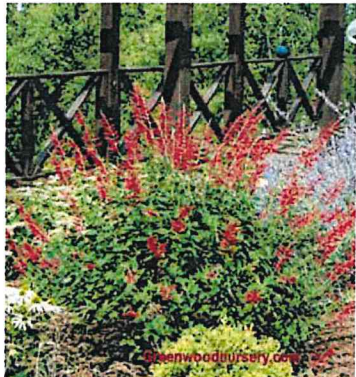
Landscaping: Sections 17.30.230(12), (13) and (14) of the RDMC identifies parking area landscape requirements for parking lots containing 3 spaces or more. Landscaping has to be provided throughout the parking lot as a combination of ground cover, shrubs and trees. The Site Plan does contain landscaping information and does incorporate the use of ground cover including shrubs and trees. The applicant is proposing Sargent Cherry trees along the perimeter of the top of the building pad. Spanish, English and French lavenders along with Rosemary, Pineapple Sage and Yarrow plants are proposed on the back side of the sidewalk and in back of buildings B2 and B4 and along the front and side of Building B5.



Sargent Cherry



Lavender



Pineapple Sage



Rosemary



Yarrow

Section 17.30.220(13)(a) of the RDMC requires that parking areas be screened from streets and adjoining properties and contains the following perimeter parking landscaping requirements:

(i) A proposed parking area adjacent to a public street shall be designed with a landscaped planting strip between the street right-of-way and parking area with a minimum depth of 6 feet.

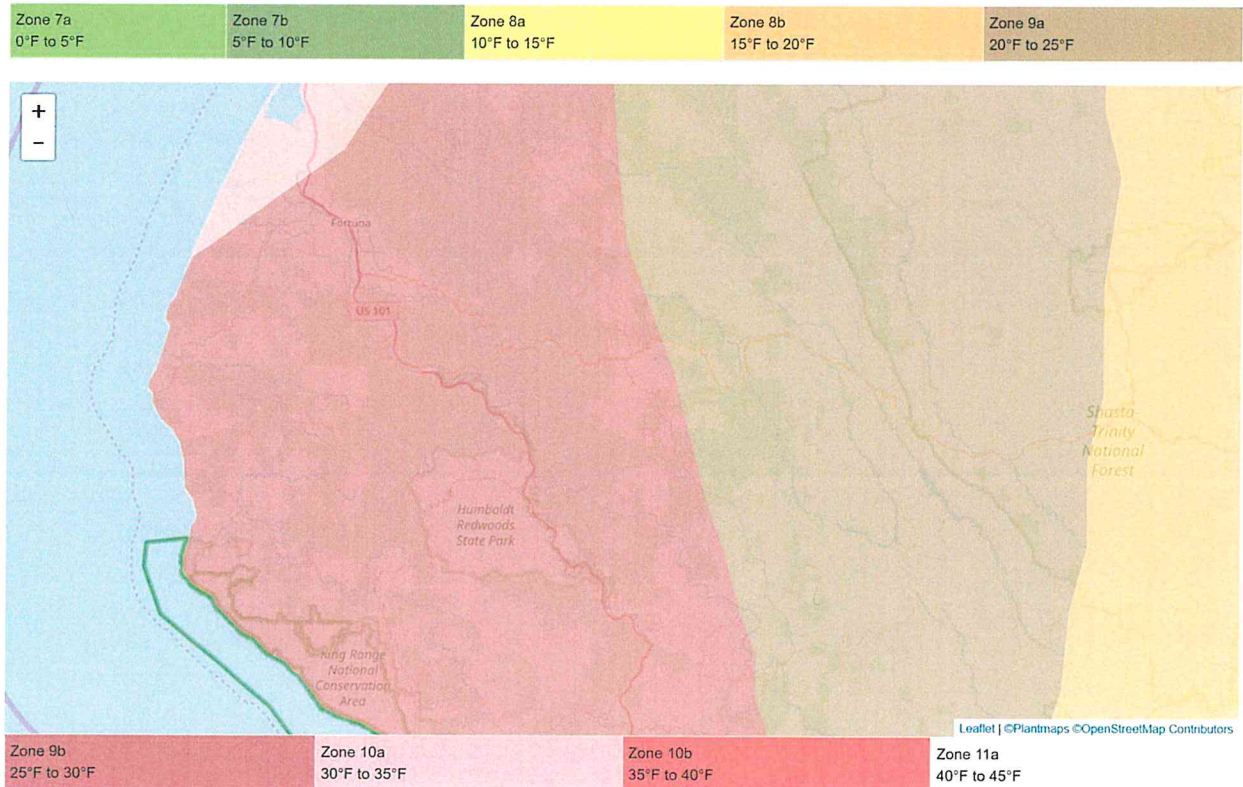
The proposed parking area is not along Northwestern Avenue. The parking area for the proposed buildings will be screened from Highway 101 by the buildings.

(ii) Landscaping within the planting strip shall be designed and maintained to screen cars from view from the street to a minimum height of 18 inches, but shall not exceed any applicable height limit for landscaping within a setback.

Although the applicant is proposing a landscaping strip along the access road and driveway, the parking will not be visible from the street.

(iv) Trees that reach a mature height of at least 20 feet shall be provided within the planting strip in addition to trees within the parking lot interior required by Subsection (a)(v). Trees types shall have root systems that will not extend beyond the planting area.

Although not within the parking lot interior, the submitted landscaping plan identifies 23 Sargent Cherry trees along the access driveway and throughout the parcel. However, Sargent Cherry's are not identified as a tree for USDA Hardiness Zone 9b. As with the original application where staff recommended that Crepe Myrtles, which do well in the hardiness Zone 9b, be planted, staff is again recommending that Crepe Myrtles or a similar (at least 20 feet in height) tree that does well in Zone 9b be planted. The project has been conditioned accordingly. **Please refer to Exhibit A.**



USDA Hardiness Zones

(v) Plant materials, signs, or structures within a traffic safety sight area of a driveway shall comply with Section 17.30.090(1) (Corner Lots – Sight Distance).

Any trees or shrubs planted near the driveway entrances shall be of size and shape so as not to impede visibility. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Section 17.30.230(14) of the RDMC requires that 10% of the gross area of the parking lot be landscaped. The parking areas, including the travelways immediately adjacent to the building and loading area, is approximately 23,000 square feet. Accordingly, about 2,300 square feet of landscaping within or adjacent to the parking area is required. The applicant is proposing 2,310 square feet of landscaping which satisfies the required landscaping.

In addition, pursuant to Section 17.30.230(14)(a) of the RDMC, trees that reach a minimum height of twenty (20) feet are required within or adjacent to the parking lot at a minimum ratio of one (1) tree for every five (5) parking spaces. The applicant is proposing 36 parking spaces, which requires at least 8 trees within or adjacent to the parking areas. Although not immediately adjacent, the applicant is proposing 23 trees throughout the area.

In total, the applicant is proposing a total of 9,510 square feet of landscaping. This includes 5,500 square feet along the road leading into the facility, 1,700 square feet facing Highway 101, and 2,310 square feet adjacent to the parking areas. This includes a combination of trees, shrubs and lawn.

Lighting: Pursuant to Section 17.30.230(15) of the RDMC, outdoor lighting fixtures are limited to a maximum height of fifteen (15) feet and the fixtures must be directed downward and away from adjoining properties and public rights-of-way, so that no on-site lighting directly illuminates adjacent properties. The applicant is proposing a number of lighting fixtures on the back, front and ends of the building. The applicant submitted a Photometric Plan, Sheet # DR 1.1. The project is conditioned so that each light fixture is LED and be directed downward and away from adjoining properties and public rights-of-way and so that no on-site light fixture directly illuminates adjacent properties. **Please see Exhibit A.**

Stormwater: Section 17.30.180(12)(a)(iii) of the RDMC encourages on-site stormwater detention/retention, pollutant cleansing and groundwater recharge. In addition, the City's Open Space and Conservation Element, Policies CO 5.2-7 and CO 5.6-2 require the incorporation of detention/retention facilities and bio swales. It is the City's policy that there is no net increase in stormwater runoff during a 25-year storm event as a result of a project.

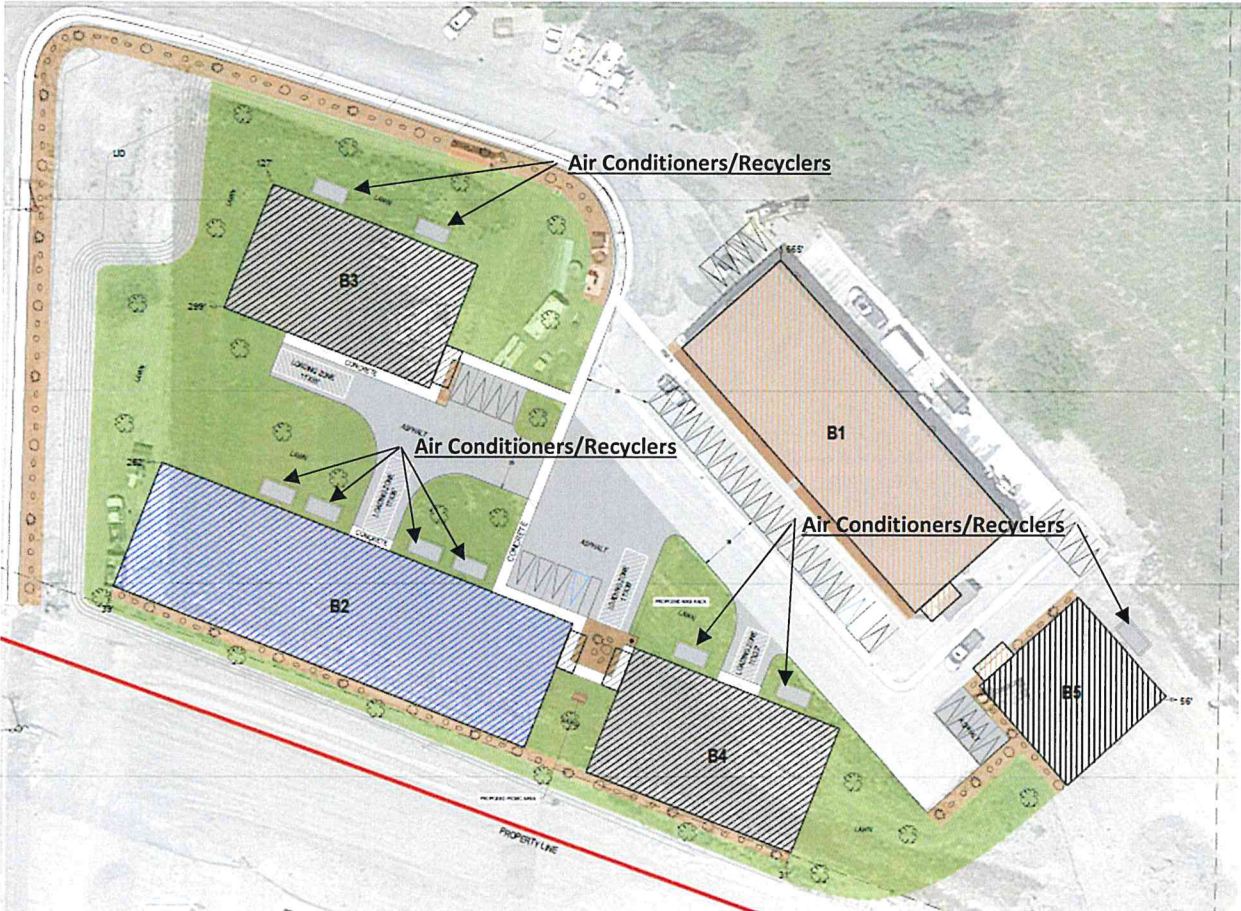
The project as proposed directs all stormwater runoff from the development to a vegetated retention/detention basin at the northwest corner of the development. The retention/detention basin was designed to accommodate a 25-year, 24-hour storm event for the existing development and potential future development. The retention/detention basin was constructed and is designed to accommodate the proposed development.

Signs: Section 17.30.320 includes the City's sign regulations. The project has been conditioned to require compliance with the sign regulations. **Please see Exhibit A.**

Design Review

Section 17.25.050 *et. seq.* for the RDMC contains the Design Review Regulations. The Design Review Regulations apply to new buildings and/or structures. The existing building was subject to Design Review in 2017/2018. The Planning Commission approved the design/appearance of the building at that time. The applicant is proposing the same design. and colors.

Sections 17.25.050(6) and (8) require that mechanical equipment be screened. Building B2 will have four (4) air conditioners/recyclers, Building B3 and B4 will have two (2), and Building B5 will have one (1). The air conditioner/recycler for Building 5 will be placed behind the building effectively screening the unit. The other building's air conditioners/recyclers will be visible from the access road and within the landscaped areas. Staff has conditioned that these units be effectively screened. Because of the noise levels of the units (88+/- decibels), staff has conditioned the project to utilize solid screening (i.e. wood fence, concrete block, etc.). The project has been conditioned accordingly. See Exhibit A.



Based on the submitted information, including the Plan of Operation, Building elevations, Landscaping Plan, and the recommended conditions of approval, staff believes the proposed cultivation, buildings, parking and landscaping comply with the City Zoning Regulations.

2. General Plan Consistency

(b) The proposed use is consistent with the general plan and any applicable specific plan;

The General Plan designation is also Industrial Commercial. The purpose of the Industrial Commercial designation is to provide for industrial and commercial uses. All the uses would be considered principally permitted uses if the activities did not involve cannabis.

The proposed uses are consistent with the following General Plan goal: “To promote a variety of commercial uses and allow light manufacturing in appropriate commercial areas.”

There are a number of General Plan goals and policies related to the proposed project. The following information identifies the evidence which supports the finding that the proposed project is in conformance with all applicable policies of the General Plan.

GP Policy Natural Environment G2.1-3; “Preserve drainage channels, habitat and open space.”

There are no drainage channels or habitats that would be impacted by the proposed project. The project will not result in a reduction of open space. The proposed cannabis activities will occur within the buildings. Based on the existing operation within Building B1, there is no evidence that the proposed buildings and cultivation activities would adversely impact the natural environment.

GP Goal Natural Environment G2.1-5; “Regulate clearing and development of steep slopes, river, stream and drainage channels.”

The proposed project will not require the clearing and development of steep slopes, rivers or streams. The proposed buildings will be built on a former fill site. The fill was placed under an NPDES Stormwater Permit about 10 years ago. The fill was imported from the City’s wastewater treatment plant site as part of an upgrade to the facility.

GP Goal Natural Environment G2.1-9; “Minimize loss of life and property from natural and man-made hazards.”

The parcel is located within the 100-year flood zone according to FEMA’s Flood Insurance Rate Map (FIRM), Panel No. 1220. A Flood Elevation Certificate (FEC) was required to demonstrate that the existing building site was/is above the Base Flood Elevation (BFE). The BFE at the site 89’ above mean sea level (AMSL). Again, the proposed buildings will be built on a former fill site. A Flood Elevation Certificate (FEC) will be required as part of the Building Permit process to demonstrate that the proposed buildings are above the Base Flood Elevation (BFE).

Again, the proposed buildings will be located on engineered fill and not near any steep slopes. The area is within a mapped low to moderate instability area according to the County’s GIS. All

construction must comply with the 2022 California Building Codes. Staff believes the project is consistent with this policy.

GP Policy Soils & Geologic Resources P2.1.1-4; “Require geo-technical reports to ensure that slope and stability measures are incorporated into project design.”

A Soils Report will be required as part of the Building Permit process for the proposed buildings.

GP Policy Water Resources P2.1.2-3; Incorporate on-site drainage facilities such as retention and infiltration systems to reduce run-off and maximize infiltration.

In addition to the above General Plan Policy, the City’s Open Space and Conservation Element, Policies CO 5.2-7 and CO 5.6-2 require the incorporation of detention/retention facilities and bio swales. It is the City’s policy that there is no net increase in stormwater runoff during a 25-year storm event as a result of a project.

The project directs all stormwater runoff from the development to a vegetated retention/detention basin at the northwest corner of the development. The retention/detention basin is designed to accommodate a 25-year, 24-hour storm event for the existing development and proposed development.

GP Policy Public Services P2.2.3-2; “Cooperate with the Rio Dell Fire Protection District to ensure that emergency services are adequate.”

The project site is actually located within the Fortuna Fire Protection District. The original project was referred to the Fortuna Fire Protection District for comments and recommendations. The District requested that the project be conditioned to require a double Knox key switch assembly for gate access. The double Knox key switch will allow access by both Fortuna and Rio Dell Fire. The Knox key was installed at the gate.

In regards to the proposed buildings, the FFPD requested that a turn-around be provided south of proposed Building B5. The plans identify the requested turn-around.

GP Policy Public Services P2.2.3-4; “Encourage new development to contribute its fair share of infrastructure improvements to serve the proposed development.”

The original project was conditioned to require frontage curb, gutter, sidewalk, and street improvements which have been completed.

Cannabis cultivation projects use a fairly significant amount of water. The City has been conditioning cannabis cultivation projects to require applicants to financially contribute to their fair share of the expansion of the City’s water tanks and pump upgrades and repairs. The fair share contribution is based on the City’s average water bill, estimated water use and the current cost of access to the water system, which is \$0.05 a gallon.

For the existing 9,600 square feet of cultivation, the applicant estimates an annual water demand of 328,500 gallons. As such, the cost for access to the City’s water system was \$16,425.00 (328,500 x \$0.05). The applicant paid the estimated cost. However, in reviewing the 2023 water bills for the site the applicant used only 228,140 gallons. As such the applicant overpaid their fair share by \$3,877.00. Based on the 2023 water usage, it is estimated that the operation will utilize an additional 289,750 gallons. Based on actual consumption, the fair share cost is \$14,487.50 for the proposed expansion. Subtracting the credit (\$3,877.00) for the initial overpayment, the estimated fair share is \$10,610.50. The project has been conditioned to require payment of the fair share costs at the time the Building Permit is issued. The project has been conditioned accordingly. **Please refer to Exhibit A.**

GP Policy Conservation and Open Space P5.4-4; “Identify and preserve remaining prehistoric camps, villages, and use sites. Identify areas that may be used by the local natives for resource procurement or religious purposes.”

AB 52, which went into effect after July 1, 2015, established a consultation process with all California Native American Tribes on the Native American Heritage Commission (NAHC) list, which includes both federally recognized groups and non-federally recognized groups. AB 52 also established a new class of resources, tribal cultural resources. Tribal cultural resources must be considered when determining project impacts and possible mitigation. Tribal notice and consultation must occur. A Tribal Cultural Resource is a site feature, place, cultural landscape, sacred place or object, which is of cultural value to a Tribe and is either listed on or eligible for the CRHR or a local register. A lead agency may, at its discretion, decide to treat a resource as a Tribal Cultural Resource.

Native American consultation requirements of SB 18 (Chapter 905, Statutes of 2004) apply to all general or specific plan processes proposed on or after March 1, 2005.

The project was referred to the local native American tribes, including the Bear River and Wiyot’s. Neither the Bear River or Wiyot tribes recommended a Cultural Resource Study. However, the project conditions include inadvertent discovery protocol. See Exhibit A

There are no goals or policies that would preclude the proposed use in the Industrial Commercial designation. Therefore, the proposed use as conditioned is consistent with the General Plan.

3. Land Use Compatibility

(c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

Again, the project site is located in the Industrial Commercial zone. The purpose of the industrial commercial zone is to provide for industrial and commercial uses. The design of the

proposed buildings is identical to the existing building. The proposed landscaping is consistent with the existing landscaping.

Based on the recommended conditions of approval, including the City’s Cannabis Performance Standards and the State regulations, staff believes the project can be found to be consistent with the existing and future land uses in the vicinity.

4. Site Suitability

(d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;

The site is provided power from PG&E and water from the City of Rio Dell. The City has three sources of water. The primary source is an infiltration gallery in the river at the south end of town, Permit Number 021161. This source is used typically in the winter, spring, early summer and late fall. The secondary source are wells located at the Humboldt Rio Dell Business Park, Permit Number 010464. This source is used during late summertime low flows in the river and when the turbidity is extremely high during storm events. The City’s third source is what is known as Dean Creek Springs, located about two miles up Monument Road, Permit Number 013193. This source has not been used for decades. The City’s allowed allocation between the three permits is 1565.2 acre feet or 510,021,896 gallons annually. The City's 2023 water usage was 89,655 million gallons.

Again, the cultivation activities will occur in the proposed buildings located in an Industrial Commercial zone. There is no indication, including odor, that cultivation is occurring in the existing building. As such, staff believes that there is no evidence that the proposed expansion is not suitable for the site.

Access to the project site is from Highway 101. In regards to access, the City commissioned a Traffic Impact Study (TIS) with W-Trans out of Santa Rosa. Based on current and future conditions, W-Trans concluded that the access to and from the Business Park is adequate.

However, Caltrans previously indicated that based on the intensity of development and traffic associated with it, some improvements, including the expansion of the left turn pockets (queuing), acceleration and deceleration northbound lanes, and southbound staging/merging areas for vehicles exiting the business park may be required at a future date. However, the City has since met with Caltrans to discuss future improvements and they have identified the potential improvements in their future local Highway Safety Improvement Program (HSIP).

The proposed project is expected to generate an average of 20 new daily vehicle trips during the peak season. The proposed project would be classified as a small project based on the Office of Planning and Research (OPR) guidance since it would result in fewer than 110 new daily trips even during peak season and can therefore be presumed to have a less-than-significant transportation impact on Vehicle Miles Traveled (VMT).

Based on the information on file and the recommended conditions of approval, staff believes the site is physically suitable for the intended uses.

5. Public Interest, Health, Safety and Welfare

(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located;

The proposed cultivation activities will occur within the proposed buildings. Again, based on the information on file and the recommended conditions of approval, staff believes there is no evidence to suggest that the proposed project will be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

6. California Environmental Quality Act

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

Based on the location, absence of any on-site environmentally sensitive areas, and the existing operation which has not resulted in any environmental impacts, staff believes the project is Statutorily Exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b)(3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment.

Again, based on the nature of the proposed project, including comments or lack of comments from the California Department of Fish and Wildlife (CDFW), the Regional Water Quality Control Board (RWQCB), the North Coast Unified Air Quality Management District (NCUAQMD), the California Department of Transportation (CALTRANS), Humboldt County Department of Environmental Health (DEH) and the Fortuna Fire Protection District (FFPD) and Rio Dell Fire Protection District (RDFPD), staff believes there is no evidence to suggest that the project will not result in a significant, substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

Attachments:

Attachment 1: Plan of Operations, Site Plan, Landscaping Plan, Building Elevations.

Attachment 2: Exhibit A, Conditions of Approval

Attachment 3: Resolution No. PC 174-2024.

Cultivation and Operations Plan

NORTHWESTERN FLOWER COMPANY, LLC.

REVISED
January 16, 2024

APN 205-111-075
1275 Northwestern Ave
Rio Dell, CA 95562

Contents

Project Description 3
Energy Usage3
Cultivation Plan.....4
Storage of Nutrients and Fertilizers..... 4
Waste Management..... 4
Emissions..... 4
Noise Levels 4
Odor Control.....4
Public Facilities 5
Watershed and Habitat Protection..... 5
Security Plan 6
Employees.....6
Safety 6

Project Description

- Northwestern Flower Company will operate a Cultivation and a Processing facility- totaling 21,800 sq. ft.
- This project will utilize five (5) buildings- matching in color and design.
 - One (1) building is currently operational. There are plans to build four (4) additional buildings in two phases.
 - The 1st phase will consist of building B2- a single-story building. This building will be 60 feet x 200 feet and approximately 12,000 sq. ft. Consisting of approximately 6,480 sq. ft of cultivation canopy.
 - The 2nd phase will consist of buildings B3, B4, and B5 - all single-story buildings.
 - B3 and B4 will each be 60 x 100 feet and approximately 6,000 sq. ft. Consisting of approximately 3,240 sq. ft. of cultivation canopy per building.
 - B5 will be 60 feet x 60 feet building and approximately 3,600 sq. ft. for processing, drying, and storage.
 - Cultivation will take place in raised beds with soil. The beds will be approximately 6' X 90'. The beds will be lined with pond liner to eliminate possible leaching or draining of soil or nutrients.
- The mature cannabis will be harvested and dried at the on-site processing facility. The processing area will be equipped with dehumidifiers and AC. We will utilize two types of processing - trim machines and hand trimming. The product will then be packaged and stored.
- The noise of the operation will be minimal.

Energy Usage

The energy for this project is provided by PGE and is 100% renewable carbon neutral energy.

Buildings B1 through B4 will contain Double ended HPS 1,245-watt lights.

- B1 (existing) – 122 lights downstairs and 138 lights upstairs.
- B2- 180 lights.
- B3 & B4- 90 lights each.
- B5- Drying/ processing/storage.

All cultivation is indoor and, therefore, there will be no light pollution.

Cultivation

Cannabis will be grown in sealed soil beds. This will eliminate nutrient runoff. The beds will be approximately 6’ wide to allow for easier management of the plants. The beds will be filled with 7” of organic bulk soil. The plants will be hand watered using a hose and water wand from water stored in tanks onsite. Water soluble fertilizer will be used as needed for plant health.

Crop Rotation

Cannabis will be grown year-round.

Storage of Nutrients and Fertilizers

Nutrients and fertilizers will be stored on designated shelves in each building- near the cultivation site. They will be clearly labeled and sealed to ensure there is no spillage. Any needed pesticides will be organic and follow the guidelines given by the BCC. Safety Data Sheets (SDS) will be on site and available upon request. Employees will be trained in the proper use and safety considerations for each product. Employees will also be provided with proper PPE – this will include eye protection, hearing protection, gloves, dust masks, and any other safety equipment needed for a safe work environment.

Waste Management

Solid waste – including plastic bags, containers, and cardboard - will be recycled in appropriate bins provided by Eel River Resource Recovery in Fortuna, CA. We will have scheduled pick up each week. These recycling bins will be located on the paved area shown on the site plan.

Cannabis Waste

Cannabis waste will be stored in a secure “waste area”, as indicated on the site plan. The cannabis waste will be self-hauled to a cannabis waste facility in Eureka.

Soil will be recycled as needed.

Emissions

This project is not expected to create any emissions.

Noise Levels

Expected noise levels will be minimal. AC and equipment, such as the propane powered forklift, have approved and compliant exhaust systems. We will screen the HVAC units to minimize noise impacts.

Odor Control

The building is a sealed structure. The odor will be restricted to the inside of the structure by large air conditioning units. There will be no odor emitted from the building.

Public Facilities

Roads

Access to and from the facility will utilize Highway 101 and Northwestern Avenue. This project is a wholesale business, and we expect a maximum of 8 vehicles per day to enter the site. This includes employees, vendors, and owners.

Water Source and Use

Water for this project is provided by the City of Rio Dell - utilizing an existing system. Water conservation techniques, such as utilizing recycled water from dehumidifiers, the use of timers, and soil moisture management, will help keep water usage to an industry standard. There will be one small water tank per building. These tanks will be used to mix and store water and nutrients for the plants. A small electric pump will pressurize the water system for application to the plants.

Sewer

There is an existing septic system in place.

Watershed and Habitat Protection

We will be working under the California Regional Water Quality Control Board Tier 1 framework. This tier is for operations with a low risk to water quality which is based on physical characteristics of the operation. The operation is confined to the interior of the buildings. There are no water courses within 200 ft. of the cultivation or waste structures.

Extra precautions will be in place for protection of any nearby wetland or habitat. This will include, but not be limited to, the use of straw bales, waddles, or natural soil barriers. Site runoff is engineered and designed for minimal impact to wetlands or habitat.

Cultivation spoils will be managed by loading them in bins and shipping them to an offsite soil company. There they will be composted and added to the soil for recycling. This will include all soil waste. Control measures will be in place to mitigate any potential for waste or nutrients to enter any water course. This will include the use of straw, waddles, or any other appropriate material to help contain potential runoff. Odors will be minimal as this waste will be removed from the site weekly.

Security Plan

The facility is fenced around the entirety of the property. There is one keypad gate located at the front of the property. Only authorized personnel will have the gate combination and all others will need to be verified prior to entry. The combination will be changed frequently. All efforts will be made to keep operations discrete.

A locked storage room will be installed for products of value. Only authorized personnel will have access to the locked storage. No cash will be left at the facility overnight.

All buildings will be equipped with locked doors. All entrances and exits to the buildings will be equipped with surveillance cameras. The surveillance cameras are frequently checked for functionality. The surveillance cameras record activity 24 hours a day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the public areas, including parking, the processing areas, storage areas, employee areas, all doors and windows, and any other areas as determined to be necessary by the owners. The facility is alarmed with an audible interior and exterior silent alarm system that is operated and monitored by a recognized security company.

Employees

Hours of operation for Northwestern Flower Company are as follows:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Not open for business	8 am-4 pm	8 am-4 pm	8 am-4 pm	8 am-4 pm	8 am-4 pm	Not open for business

When the project is finished there will be four (4) full-time employees.

Phase 1 of the project will include two (2) full-time employees.

Phase 2 of the project will include an additional two (2) full-time employees.

Temporary help will be utilized as needed - not to exceed four (4) temporary employees 3-4 days per month. This will vary depending on the cycle of the room.

Safety

A safe work environment will be provided by the company.

Employees will be trained in the use of fire extinguishers, evacuation plan, emergency communication, and first aid. Fire extinguishers will be placed according to industry standard and Cal-OSHA.

The fire extinguishers will be serviced regularly by a reputable local company and be listed as ABC for fires of all types. Employees will also be trained in the use of appropriate PPE. All PPE will be provided by the company. Emergency contact numbers will be posted, as well as provided to the city planning department. There will be a designated emergency protocol and an evacuation plan in place.

NORTHWESTERN FLOWER COMPANY COMMERCIAL IMPROVEMENTS

RIO DELL, CA



SYMBOL	COMMON NAME	BOTANICAL NAME	DESCRIPTION	SPECIFICATIONS
	SARGENT CHERRY	PRUNUS SARGENTI	DELICATE PINK BLOSSOMS WITH RED ORANGE AND YELLOW LEAVES IN FALL	15 GAL. 20 SPAN, 20 HEIGHT 30 FT MIN SPACING FROM EACH OTHER
	SPANISH LAVENDER	LAVANDELLA	LAVENDER BLOSSOMS	1 GAL. 3-4 FT SPAN 15-20 HEIGHT 6 FT SPACING
	ENGLISH LAVENDER	LAVANDELLA ANGSTROEMIA	LAVENDER BLOSSOMS	1 GAL. 3-4 FT SPAN 15-20 HEIGHT 6 FT SPACING
	ROSEMARY	ROSMARINUS OFFICINALIS	LAVENDER BLOSSOMS WITH GREEN FOLIAGE	1 GAL. 3-4 FT SPAN 1/3 HEIGHT 6 FT SPACING
	PIEAPPLE SAGE	SALVIA ELEAGNIS	FUSCA BLOSSOMS WITH GREEN FOLIAGE	1 GAL. 2-2 1/2 SPAN 1/4 HEIGHT 6 FT SPACING
	YARROW	ARCHILEA MILLEFOLIUM	YELLOW BLOSSOMS WITH GREEN FOLIAGE	1 GAL. 2-2 1/2 SPAN 1/4 HEIGHT 6 FT SPACING
	CALIFORNIA OATGRASS	DACTYLOCTENIA CALIFORNICA	LUSH GREEN GRASS	LAWN COVER 2-3 HEIGHT (MOWED)
	MALCH	CORK CAMELUM	REDDISH BROWN CHIPS	SHREDDED BARK, SLOW DECOMPOSER

LANDSCAPE MAINTENANCE PLAN

- PRUNE, TRIM, WEED AND REMOVE DEAD DEBRIS IN ALL LANDSCAPED AREAS AS NEEDED.
- MOW FIELD GRASS BEFORE SEEDS MATURE TO PREVENT THE SPREAD OF WEEDS AS NEEDED.
- NATURAL IRRIGATION ONLY.

PHOTOMETRIC LEGEND

- RAS, W/LED/LIGHT WALL PACK
- ILLUMINANCE LUMINAT, IRC

PHOTOMETRIC NOTES

- EXTERIOR LIGHT: RAS W/LED/20, 20 WATT LED WALL PACK, 100W, 0.51 A, 8000K, 2000 LUMENS
- PRELIMINARY ILLUMINANCE VALUES SHOWN WITHIN 160 FEET FROM THE LIGHT SOURCE WHICH YIELDS APPROXIMATELY 1.5 FC ON EXISTING BUILDINGS
- PRELIMINARY ILLUMINANCE VALUES CALCULATED USING A SOURCE LIGHT INTENSITY OF 2000 LUMENS WITH A BEAM ANGLE OF 90° FOR ALL EXTERIOR LIGHT
- THE SINGLE STORY BUILDINGS, ILLUMINANCE VALUES VALID AT EXTENT OF ILLUMINATED SECTION THEY ARE CONTAINED IN

LOW IMPACT DEVELOPMENT NOTE

- EXISTING LOW IMPACT DEVELOPMENT (LID) STRUCTURE SIZED TO ACCOMMODATE AN ADDITIONAL 30,750 S.F. OF IMPERVIOUS SURFACE

PROPOSED IMPERVIOUS SURFACE AREA

DESCRIPTION	PROPOSED IMPERVIOUS SURFACE AREA (S.F.)
B2	12,000
B3	6,000
B4	6,000
B5	3,000
CONCRETE	2,195
ASPHALT	7,800
TOTAL	37,995

BUILDING LEGEND

EXISTING BUILDING PER FLOOR	PROPOSED PHASE 1 BUILDING	PROPOSED PHASE 2 BUILDING

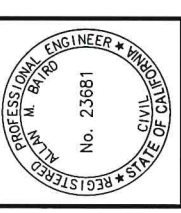
LANDSCAPE PLAN
SCALE: 1"=30'

SHEET NO. DR 1.1

NO.	DATE	DESCRIPTION	BY
1	10/21/23	LANDSCAPE PLAN V1	CPL
2			
3			
4			
5			

A.M. BAIRD
ENGINEERING & SURVEYING, INC.
1257 MAIN STREET, P.O. BOX 396
FORTUNA, CA 95540 (707) 725-5182

SCALE	AS SHOWN
DRAWN BY	CPL
CHKD	AMB
DATE	12/05/2023



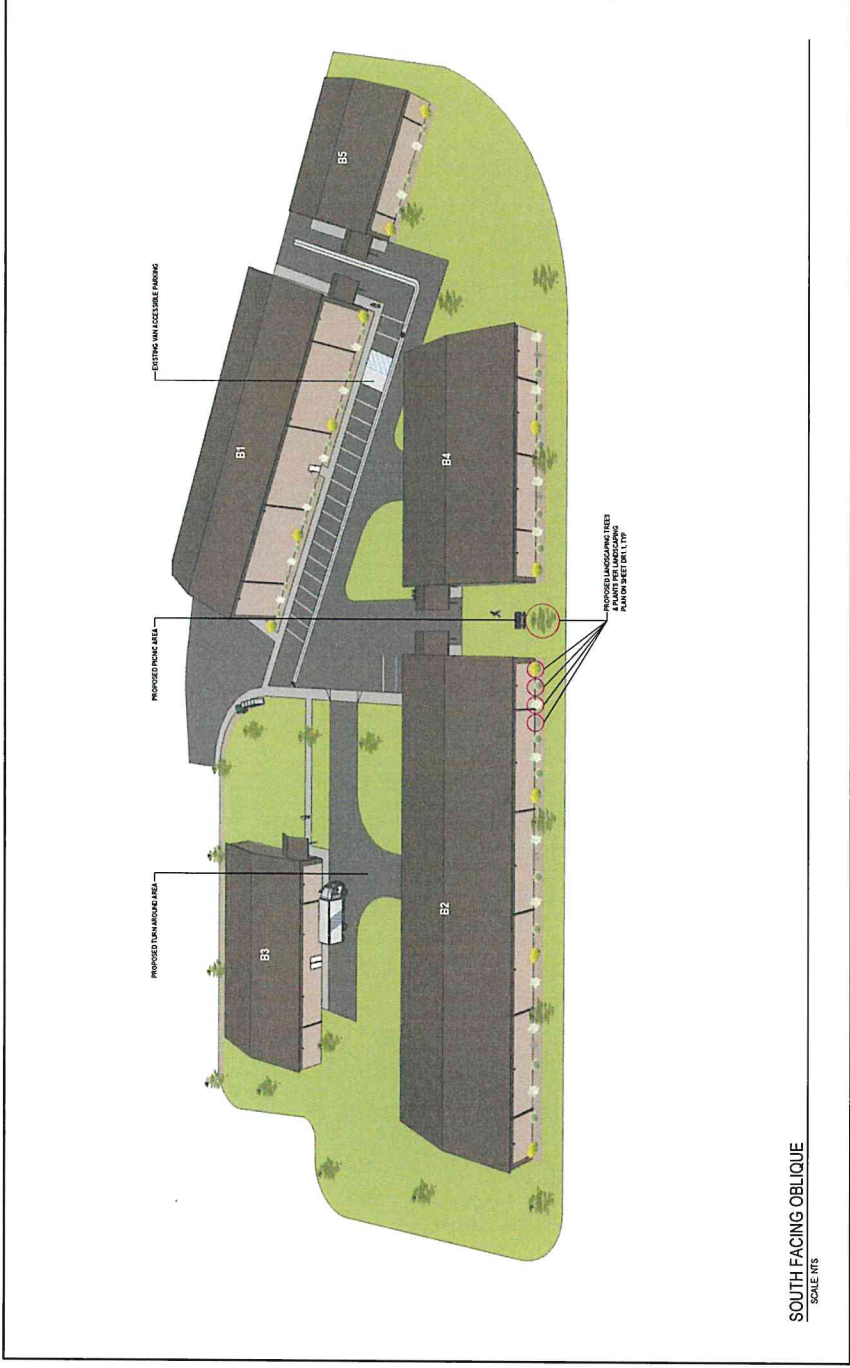
COMMERCIAL DEVELOPMENT
NORTHWESTERN FLOWER COMPANY
1275 NORTHWESTERN AVENUE, RIO DELL, CA 95540
APN: 205-111-075
DESIGN REVIEW LANDSCAPING PLAN & PHOTOMETRIC PLAN

APN: 205-111-075
JOB NO: 23-3319-23

LOW IMPACT DEVELOPMENT NOTE
THE LOW IMPACT DEVELOPMENT (LID) STRUCTURE SIZED TO ACCOMMODATE AN ADDITIONAL 30,750 S.F. OF IMPERVIOUS SURFACE

NORTHWESTERN FLOWER COMPANY COMMERCIAL IMPROVEMENTS

RIO DELL, CA



SOUTH FACING OBLIQUE
SCALE: 1/8" = 1'-0"



EAST FACING OBLIQUE
SCALE: 1/8" = 1'-0"



WEST FACING OBLIQUE
SCALE: 1/8" = 1'-0"



INTERIOR
SCALE: 1/8" = 1'-0"

NO.	DATE	DESCRIPTION	BY
1	10/31/23	LANDSCAPE PLAN VI	CPL
2			
3			
4			
5			

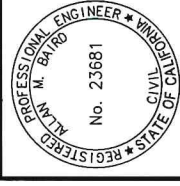
REVISIONS



A.M. BAIRD
ENGINEERING & SURVEYING, INC.

1257 MAIN STREET, P.O. BOX 396
FORTUNA, CA 95540 (707) 725-5182

SCALE	AS SHOWN
DRAWN BY	CPL
CHK'D	AJB
DATE	12/05/2023

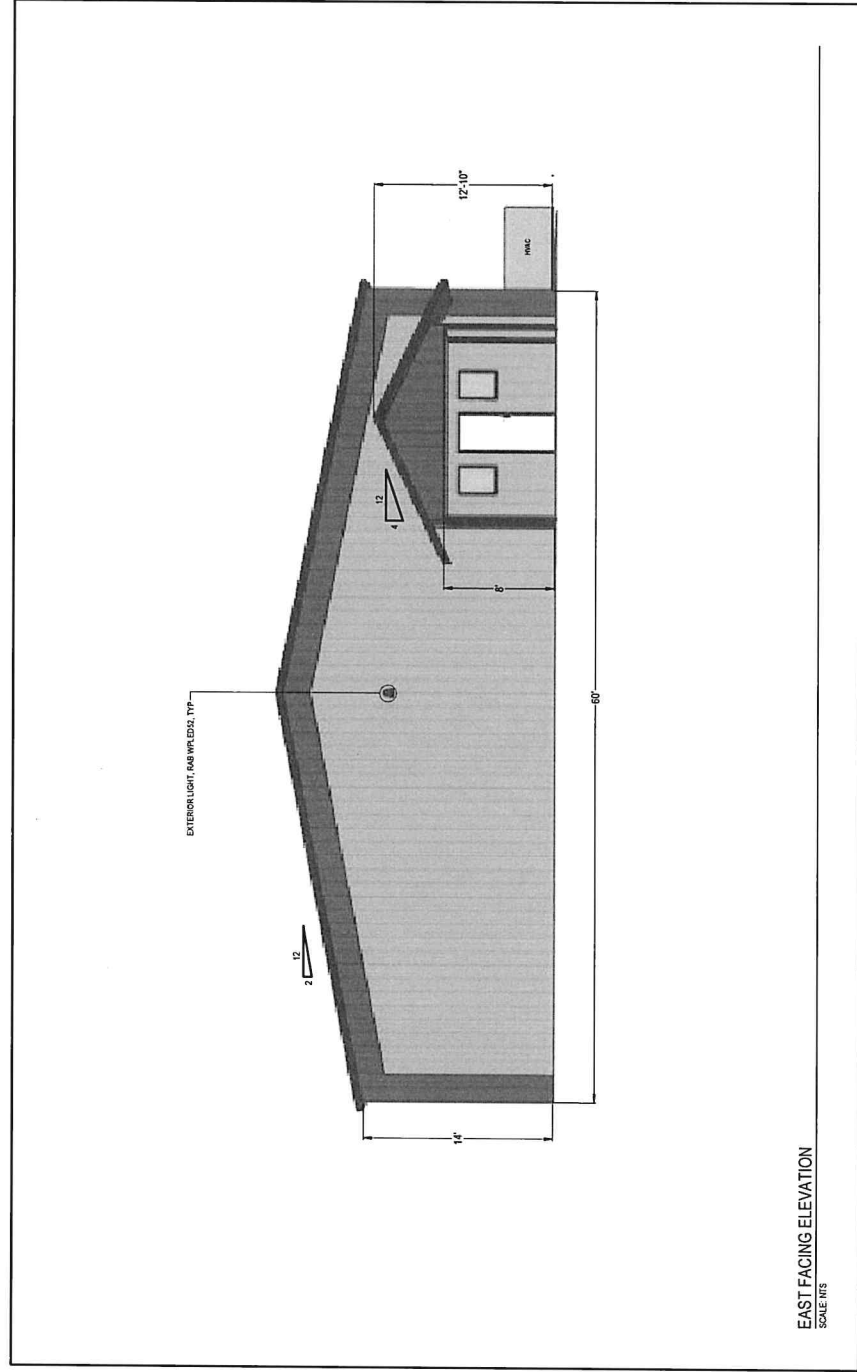
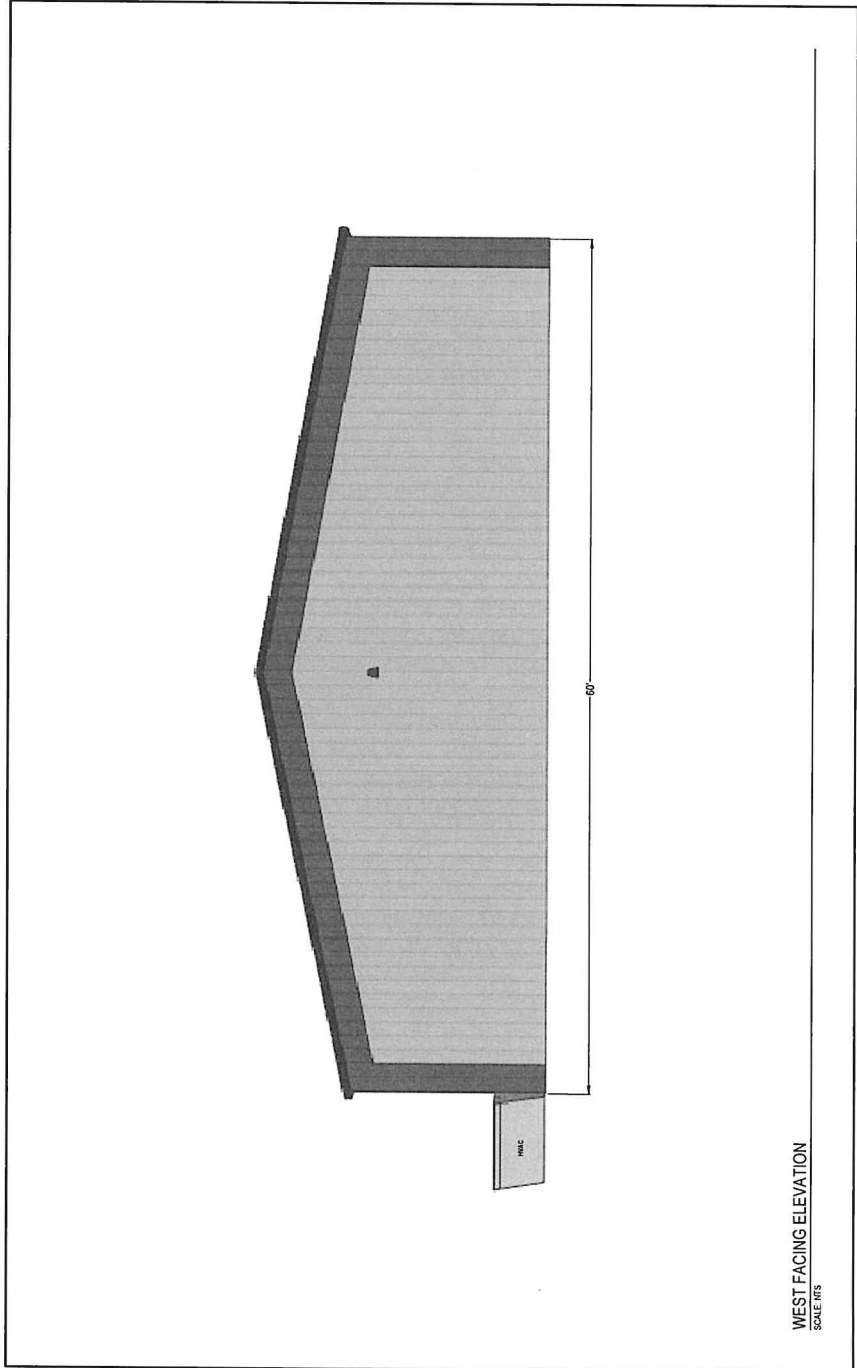
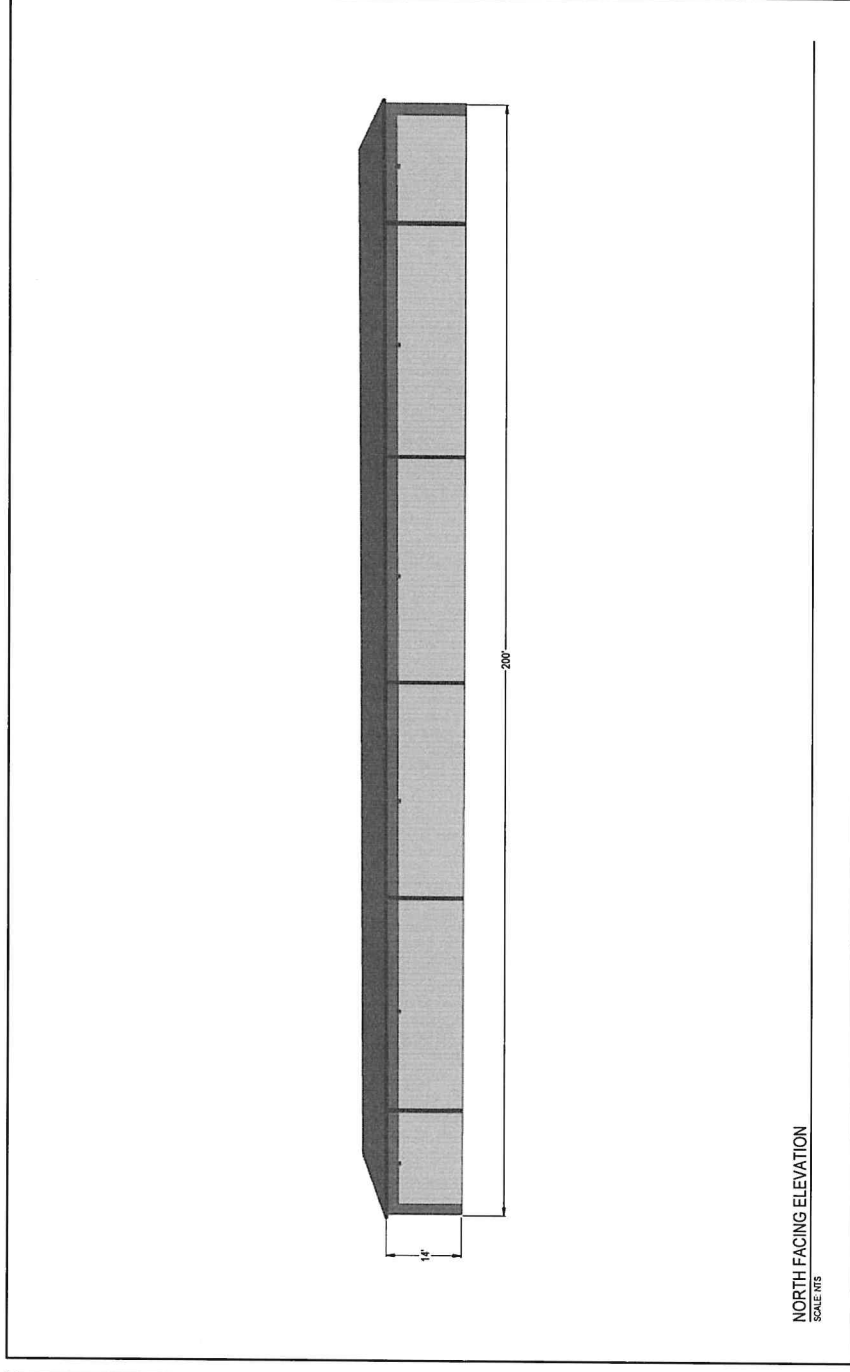
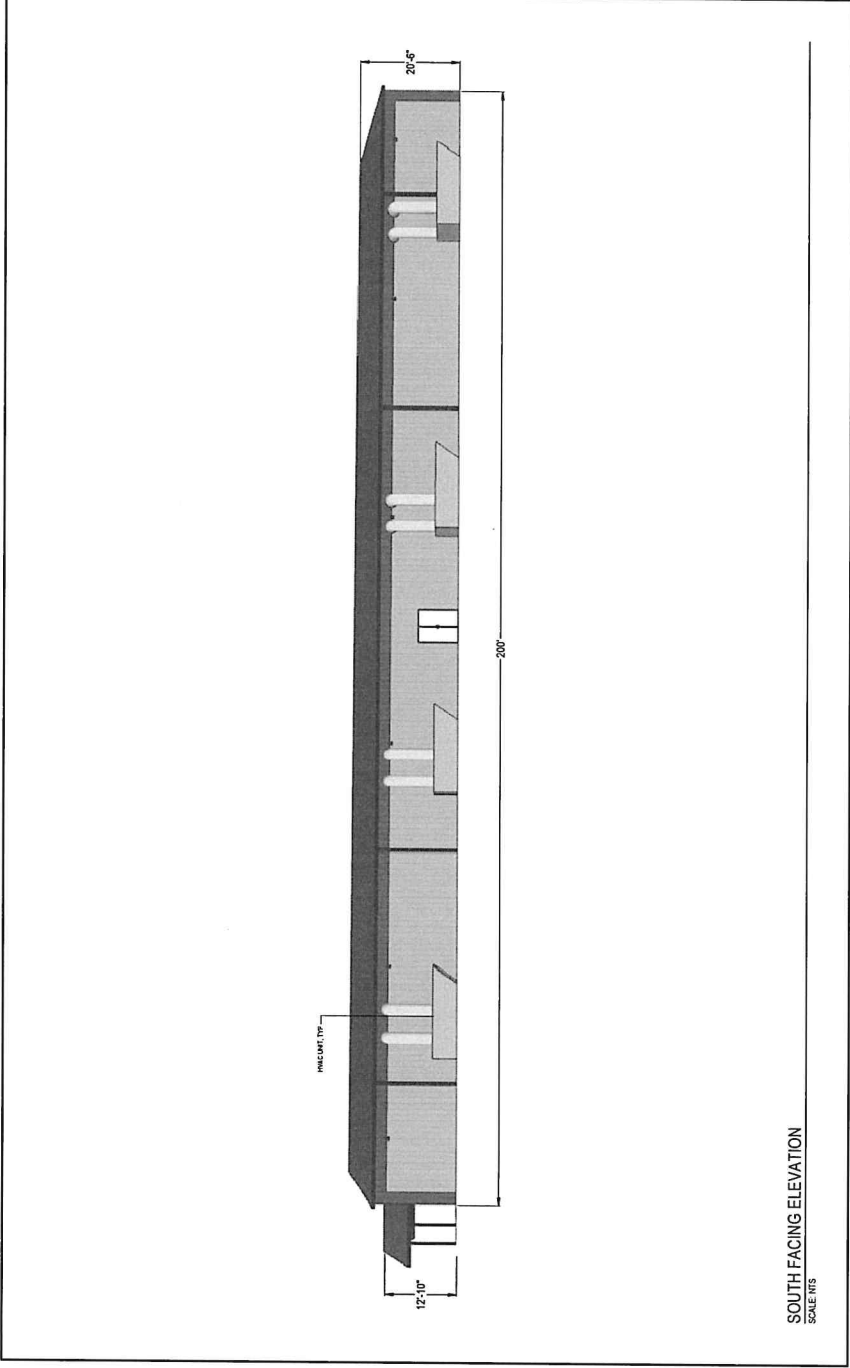


NORTHWESTERN FLOWER COMPANY 1275 NORTHWESTERN AVENUE, RIO DELL, CA 95540 APN: 205-111-075
COMMERCIAL DEVELOPMENT
DESIGN REVIEW OBLIQUE VIEWS

APN: 205-111-075
JOB NO: 23-3319-23
SHEET NO: DR 1.2

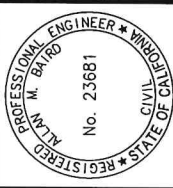
NORTHWESTERN FLOWER COMPANY COMMERCIAL IMPROVEMENTS

RIO DELL, CA



A.M. BAIRD
ENGINEERING & SURVEYING, INC.
1257 MAIN STREET, P.O. BOX 396
FORTUNA, CA 95540 (707) 725-5182

SCALE	AS SHOWN
DRAWN BY	CPL
CHKD	AJB
DATE	12/05/2023



NORTHWESTERN FLOWER COMPANY
1275 NORTHWESTERN AVENUE, RIO DELL, CA 95540
APN: 205-111-075
COMMERCIAL DEVELOPMENT
DESIGN REVIEW ELEVATIONS BUILDING 2

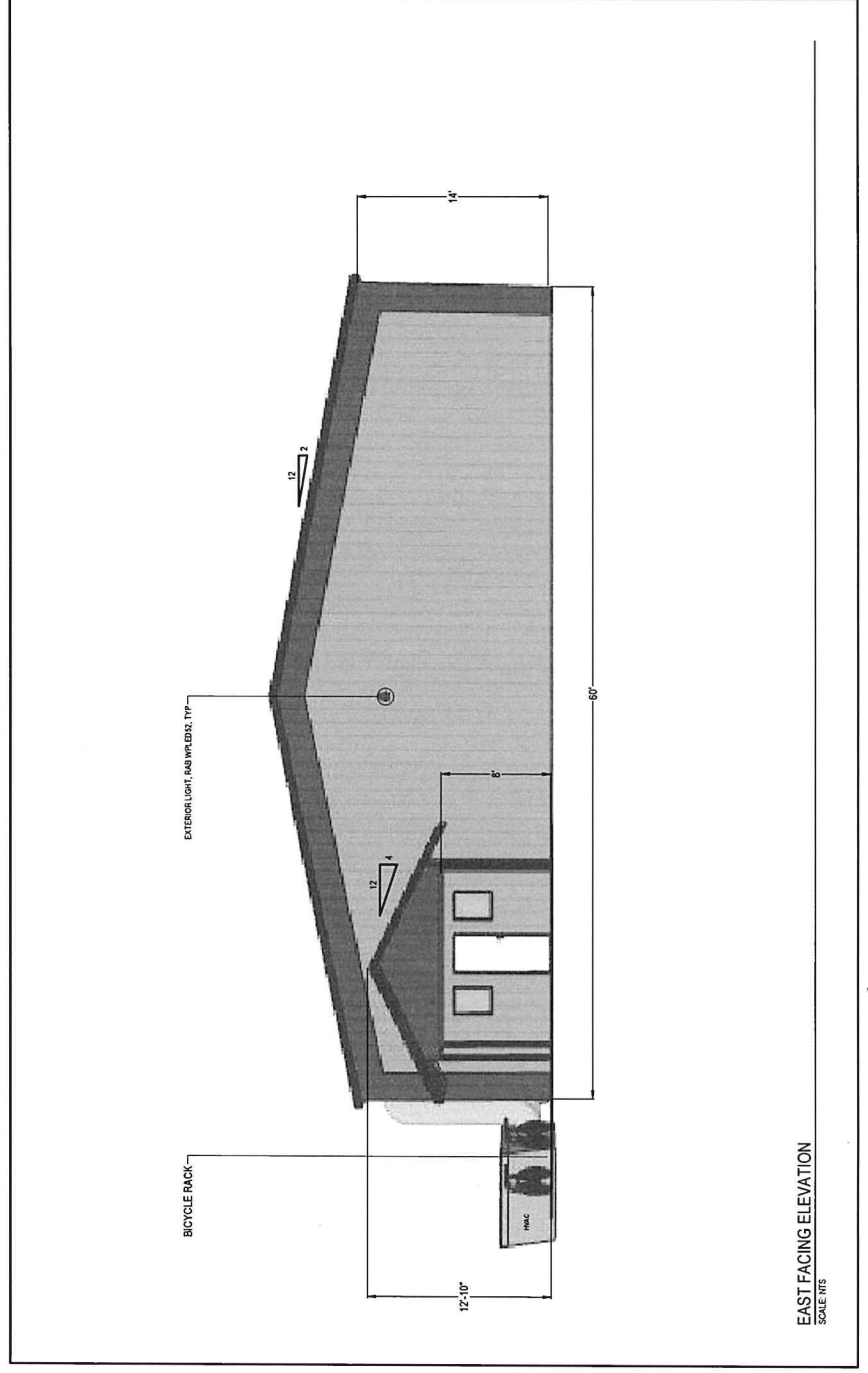
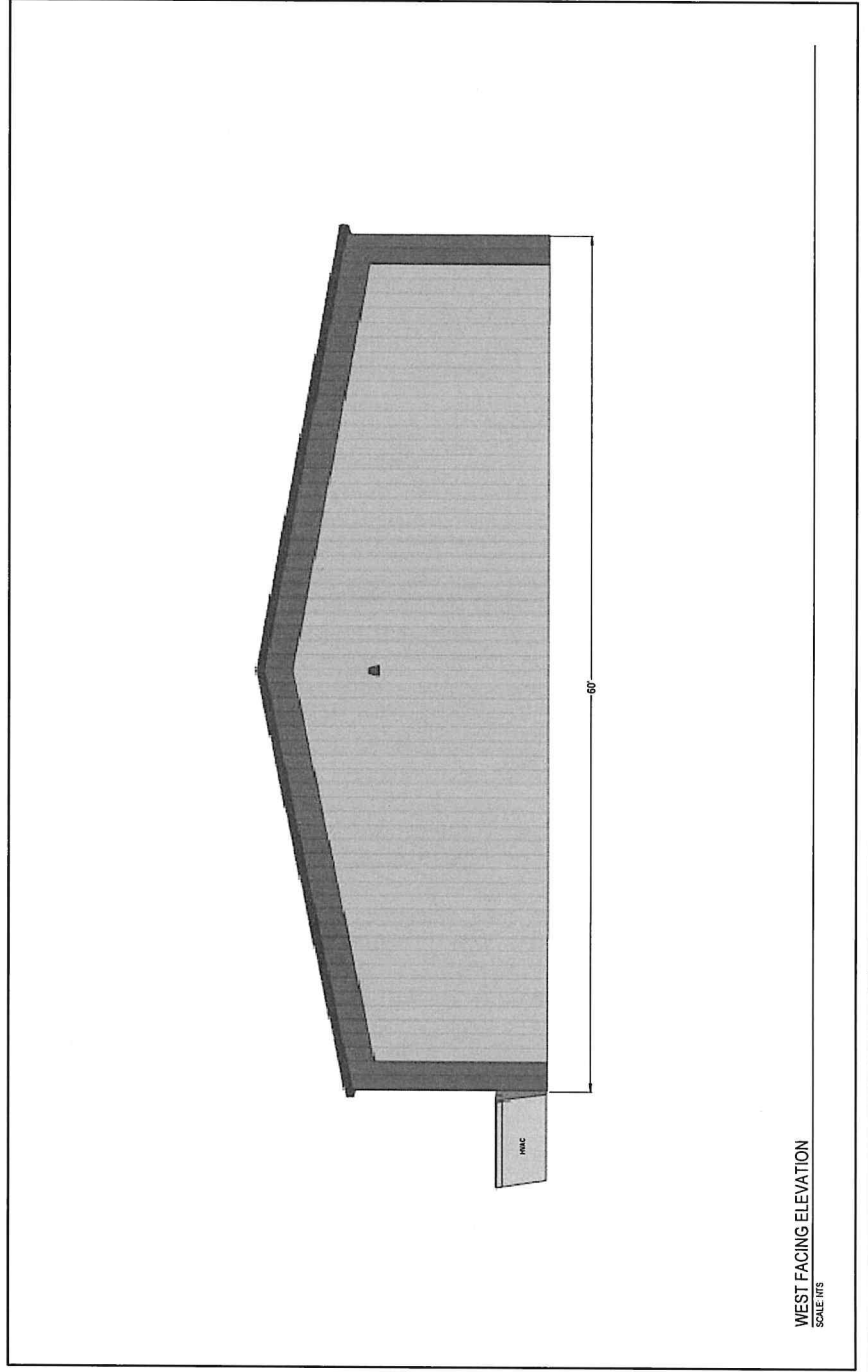
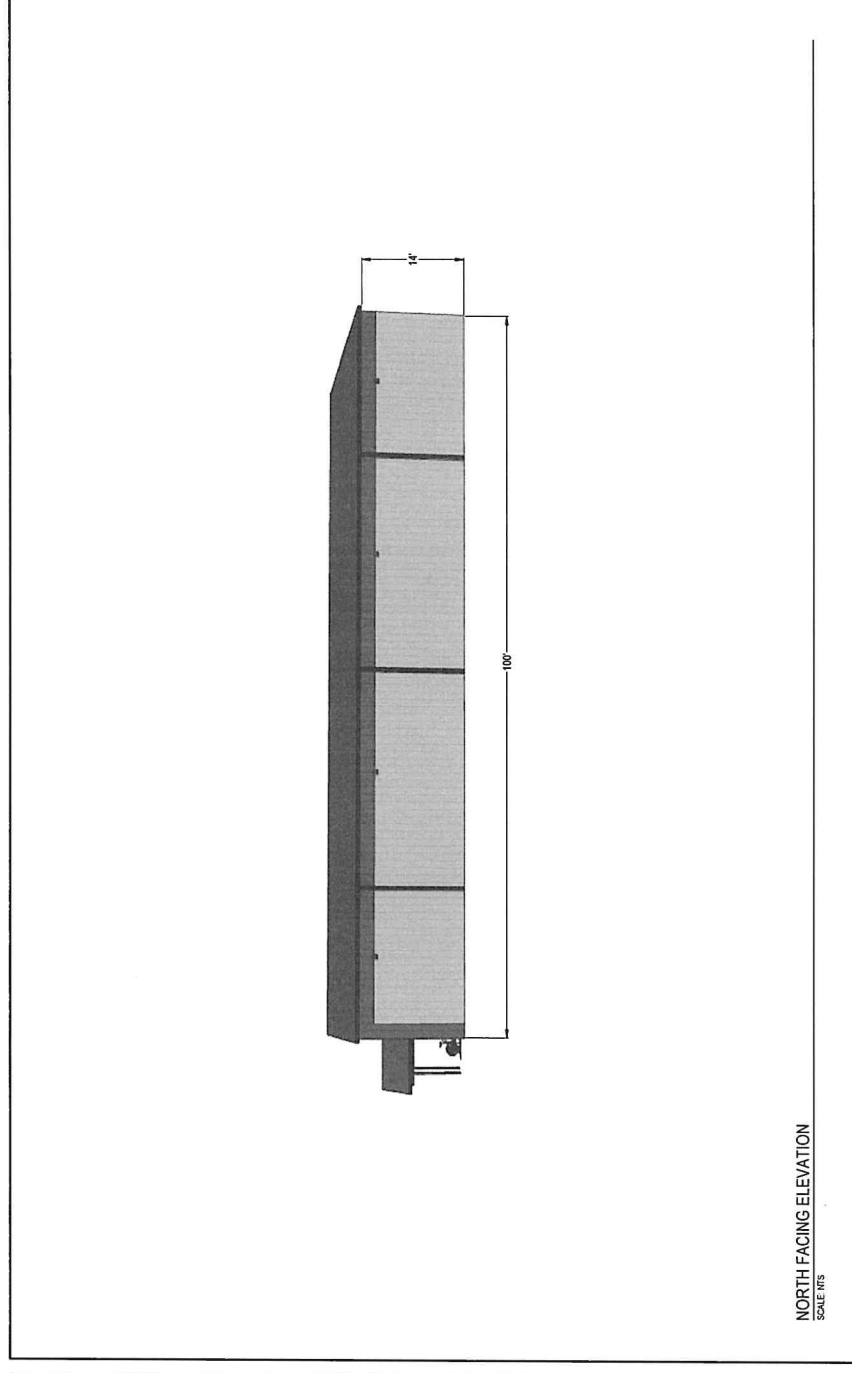
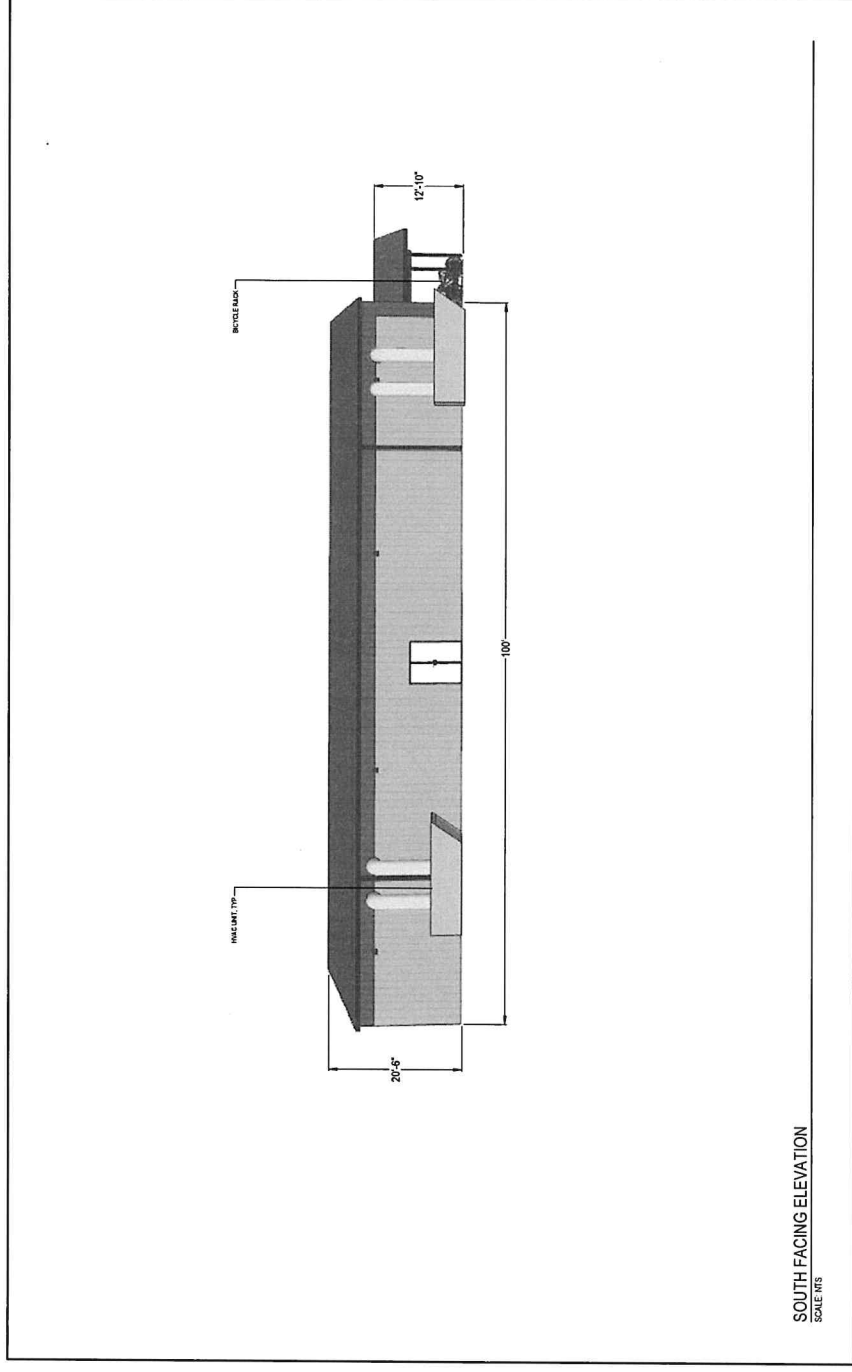
APN: 205-111-075
JOB NO: 23-3319-23

SHEET NO
DR 1.3

REVISIONS		
NO.	DATE	DESCRIPTION
1	10/31/23	LANDSCAPE PLAN VI
2		
3		
4		
5		

NORTHWESTERN FLOWER COMPANY COMMERCIAL IMPROVEMENTS

RIO DELL, CA



NO.	DATE	DESCRIPTION	BY
1	10/31/23	LANDSCAPE PLAN VI	CPL
2			
3			
4			
5			

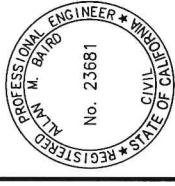
REVISIONS



A.M. BAIRD
ENGINEERING & SURVEYING, INC.

1257 MAIN STREET, P.O. BOX 396
FORTUNA, CA 95540 (707) 725-5182

SCALE	AS SHOWN
DRAWN BY	CPL
CHECKED	AJB
DATE	12/05/2023



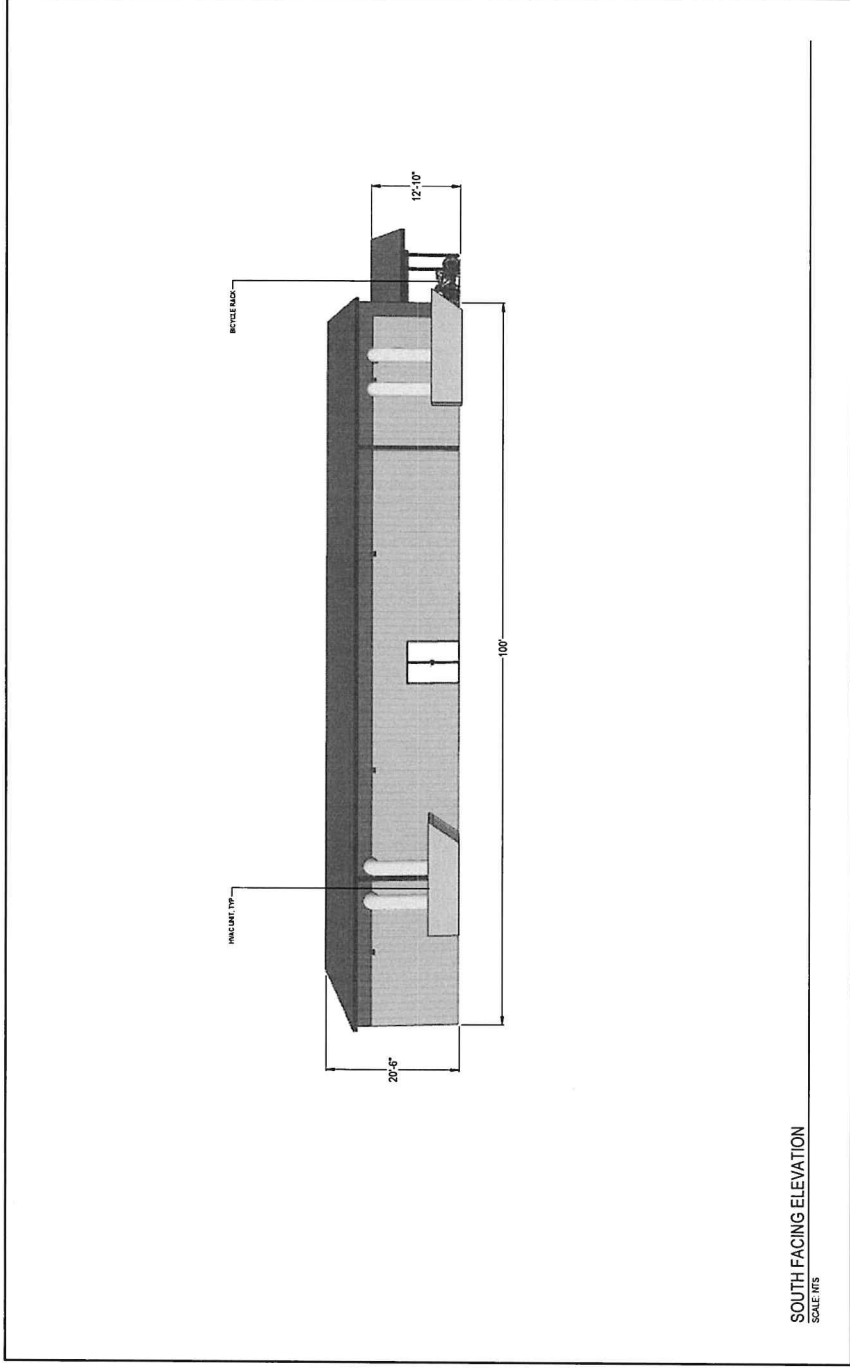
NORTHWESTERN FLOWER COMPANY
1275 NORTHWESTERN AVENUE, RIO DELL, CA 95540
APN: 205-11-075
COMMERCIAL DEVELOPMENT
DESIGN REVIEW ELEVATIONS BUILDING 3

APN: 205-11-075
JOB NO: 23-3319-23

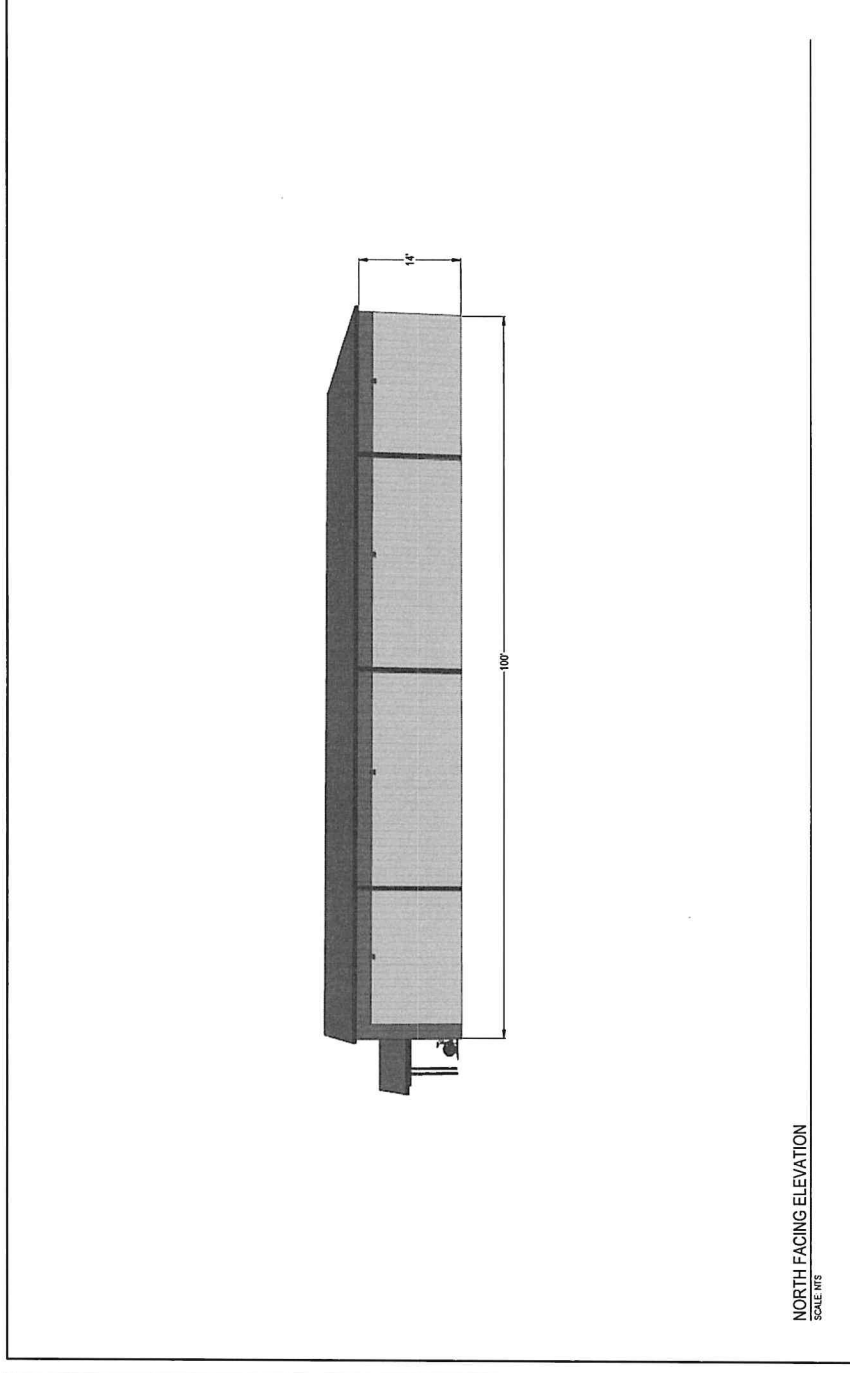
SHEET NO. **DR 1.4**

NORTHWESTERN FLOWER COMPANY COMMERCIAL IMPROVEMENTS

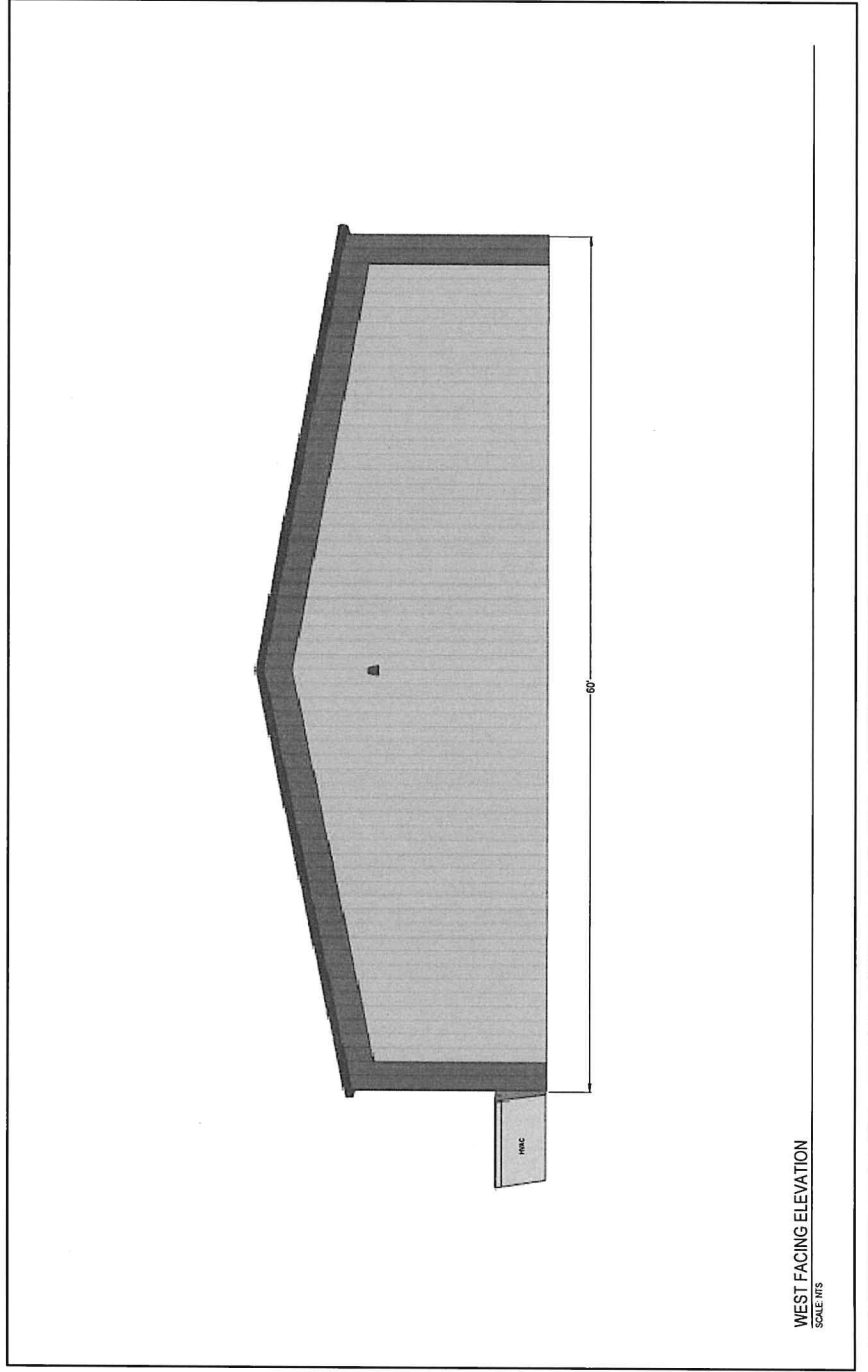
RIO DELL, CA



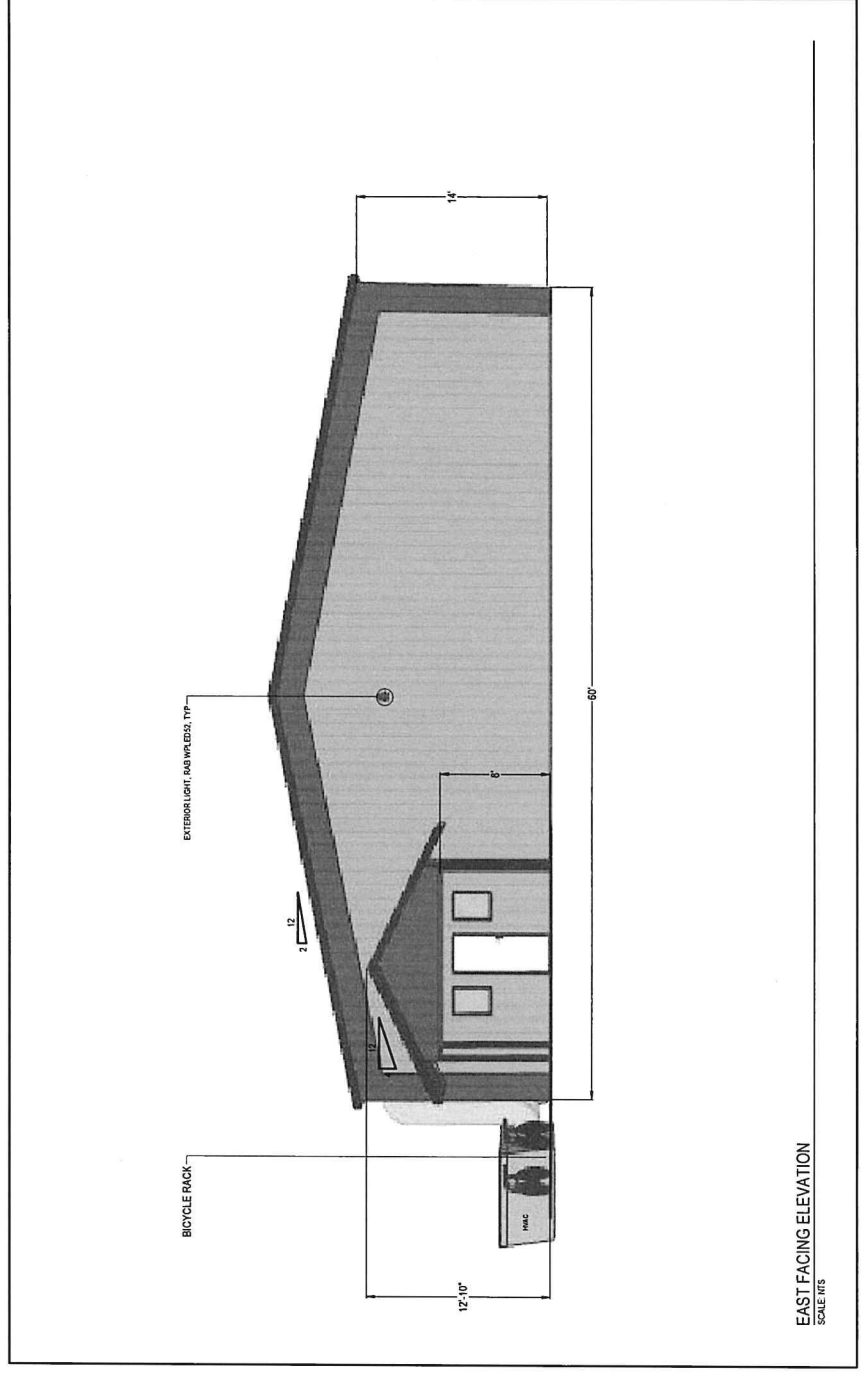
SOUTH FACING ELEVATION
SCALE: NTS



NORTH FACING ELEVATION
SCALE: NTS



WEST FACING ELEVATION
SCALE: NTS



EAST FACING ELEVATION
SCALE: NTS

NO.	DATE	DESCRIPTION	BY
1	10/31/23	LANDSCAPE PLAN VI	CPL
2			
3			
4			
5			

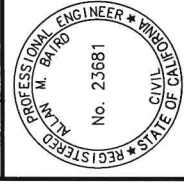
REVISIONS



A.M. BARD
ENGINEERING & SURVEYING, INC.

1257 MAIN STREET, P.O. BOX 396
FORTUNA, CA 95540 (707) 725-5182

SCALE	AS SHOWN
DRAWN BY	CPL
CHECKED	AMB
DATE	12/05/2023

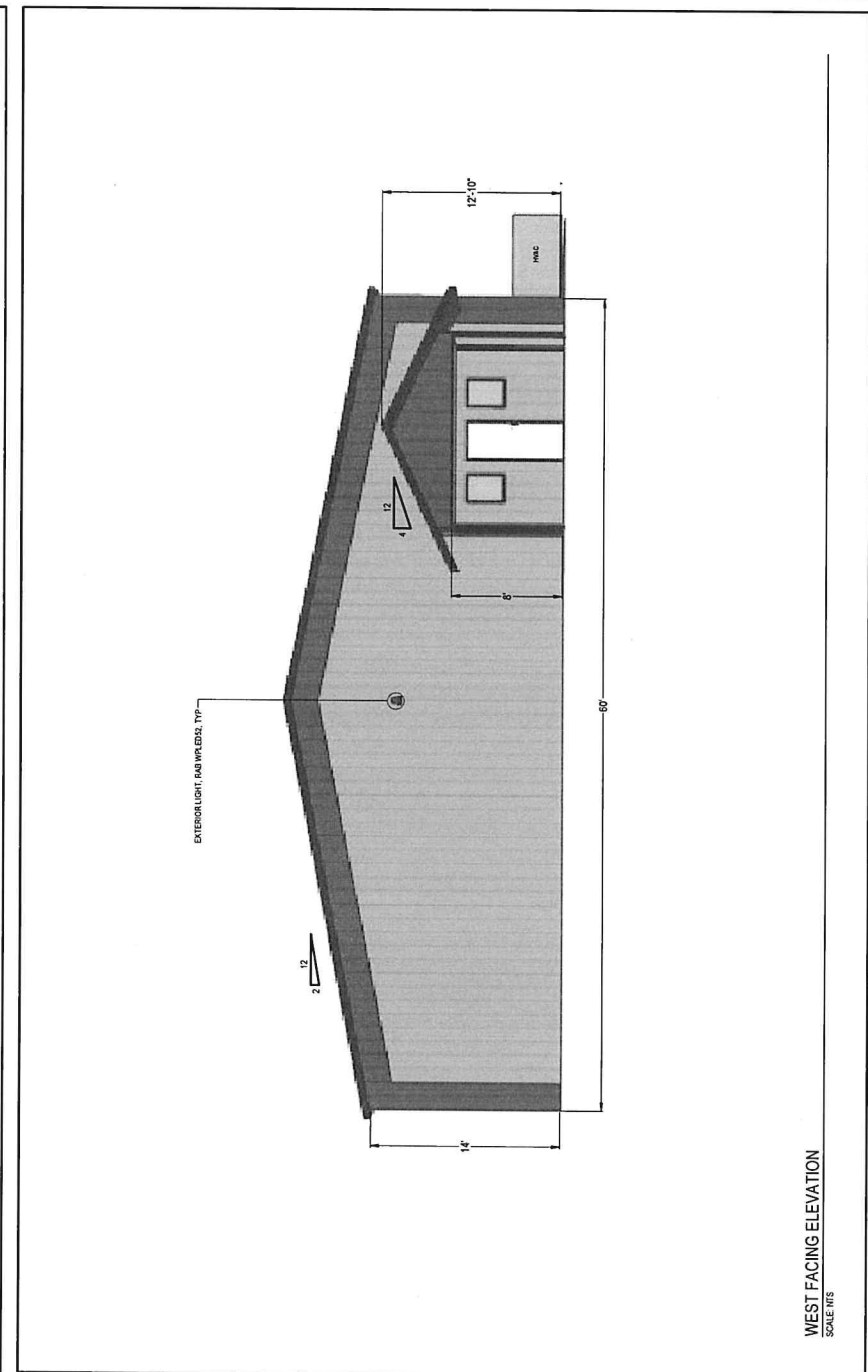
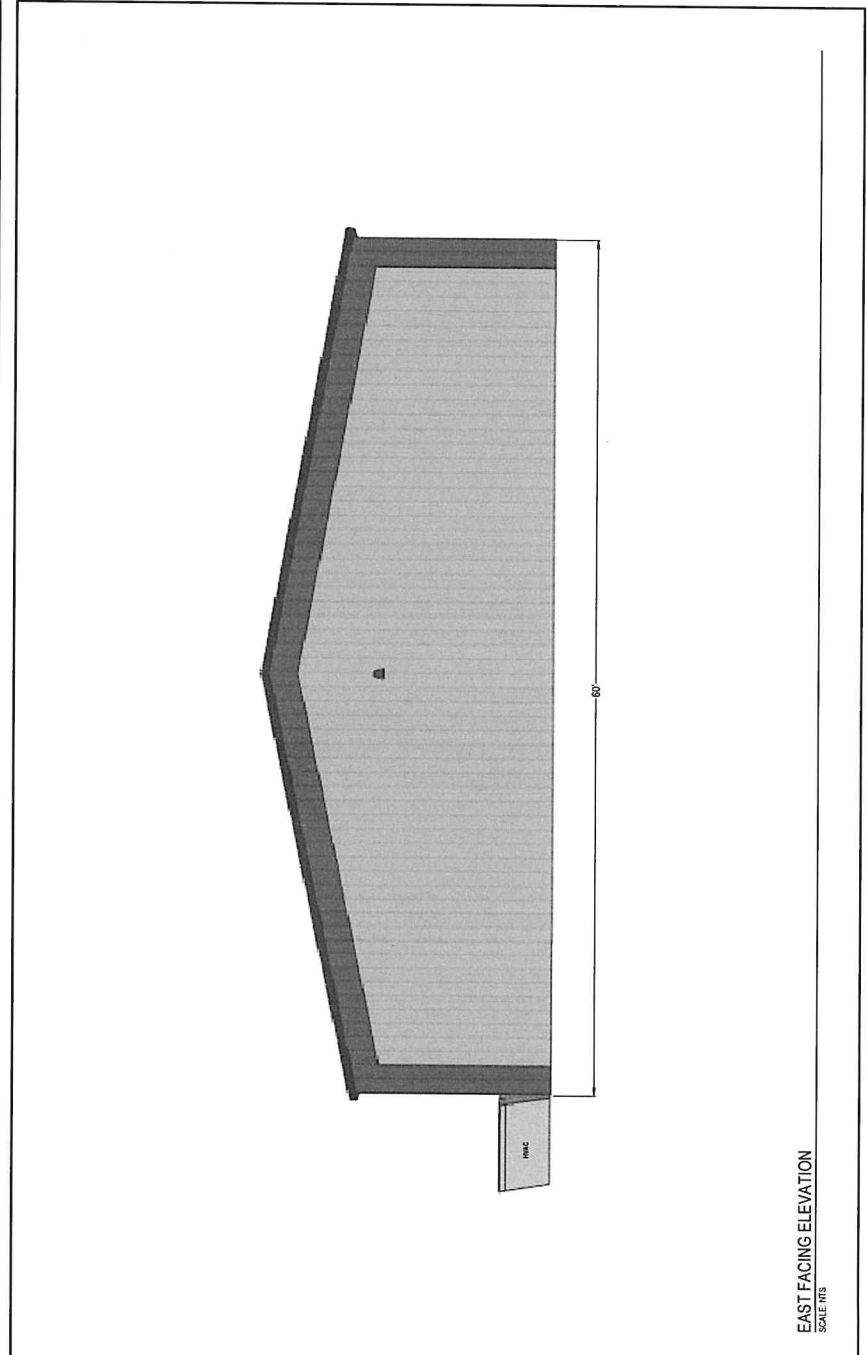
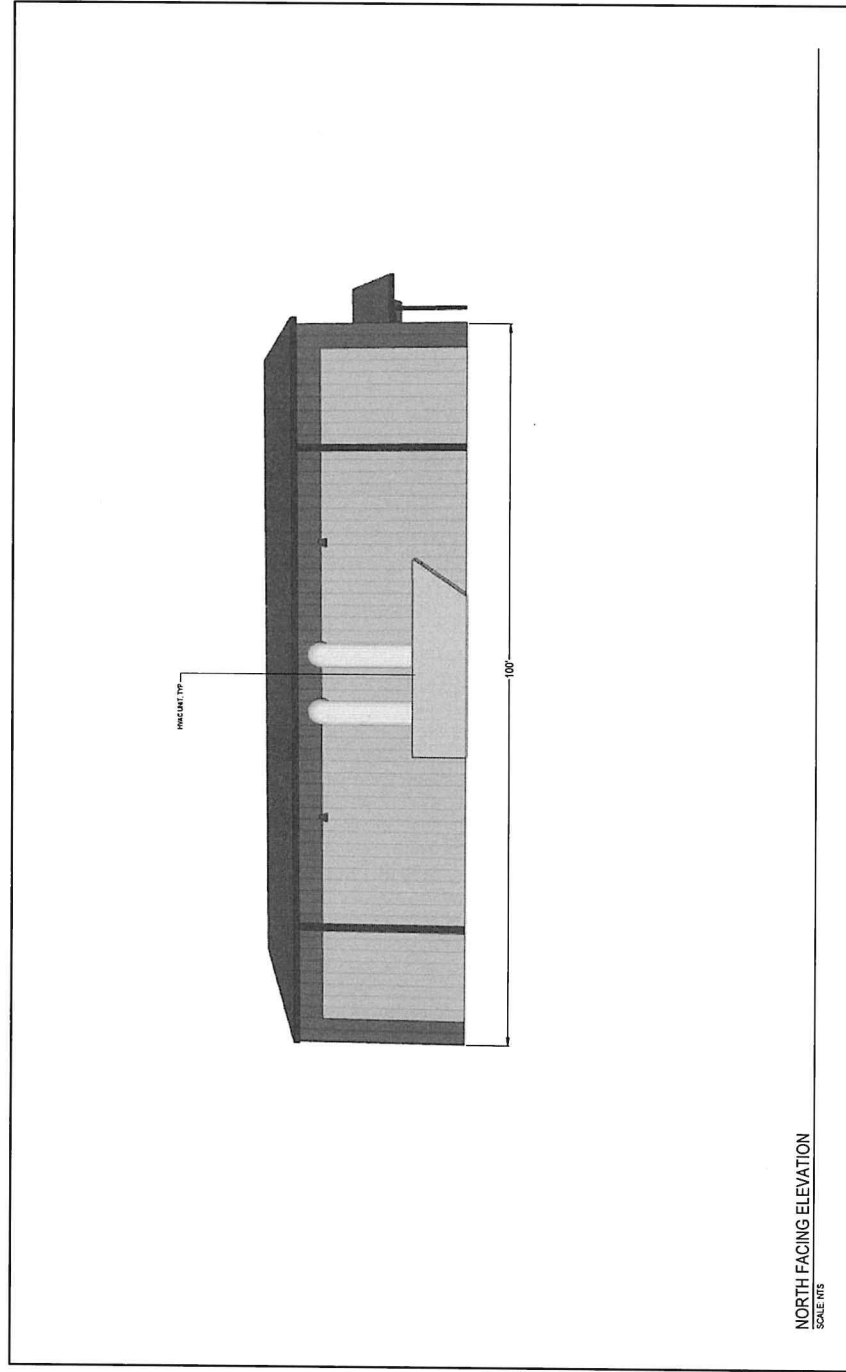
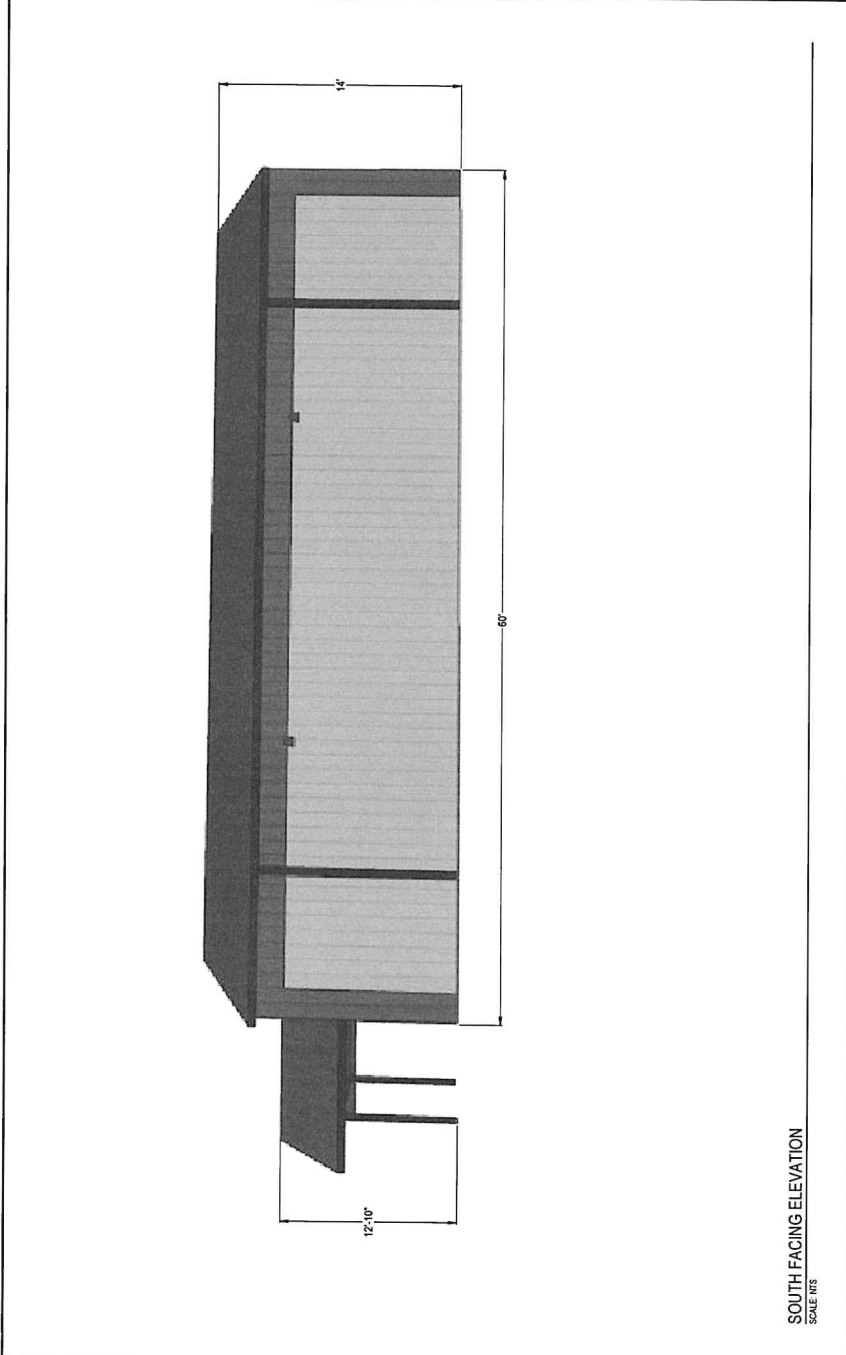


NORTHWESTERN FLOWER COMPANY
1275 NORTHWESTERN AVENUE, RIO DELL, CA 95540
APN: 205-111-075
COMMERCIAL DEVELOPMENT
DESIGN REVIEW ELEVATIONS BUILDING 4

APN: 205-111-075
JOB NO: 23-3319-23
SHEET NO: **DR 1.5**

NORTHWESTERN FLOWER COMPANY COMMERCIAL IMPROVEMENTS

RIO DELL, CA

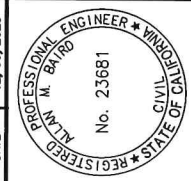


NO.	DATE	DESCRIPTION
1	10/31/23	LANDSCAPE PLAN VI
2		
3		
4		

REVISIONS

A.M. BAIRD
ENGINEERING & SURVEYING, INC.
1257 MAIN STREET, P.O. BOX 396
FORTUNA, CA 95540 (707) 725-5182

SCALE AS SHOWN
DRAWN BY
CHKD
DATE 12/05/2023



NORTHWESTERN FLOWER COMPANY
1275 NORTHWESTERN AVENUE, RIO DELL, CA 95540
APN: 205-111-075
COMMERCIAL DEVELOPMENT
DESIGN REVIEW ELEVATIONS BUILDING 5

APN: 205-111-075
JOB NO: 23-3319-23
SHEET NO: **DR 1.6**

EXHIBIT A
Conditions of Approval
Northwestern Flower Company Cultivation Application
Conditional Use Permit & Design Review
File No. 205-111-075; Case No's. CUP-DR-01-2024; CCLUO 01-2024

Conditions of Approval

- 1. The applicant shall pay their fair share contribution to the City’s water system. The fair share cost is based on estimated water use and the current cost of access to the water system, which is \$0.05 a gallon. Based on the 2023 water usage, it is estimated that the operation will utilize an additional 289,750 gallons. Based on actual consumption, the fair share cost is \$14,487.50 for the proposed expansion. Subtracting the credit (\$3,877.00) for the initial overpayment, the estimated fair share is \$10,610.50. The fair share costs shall be paid at the time the Building Permit is issued.

- 2. 100% of the energy used for cultivation activities shall be supplied from a renewable source, in this case the Redwood Coast Energy Authority’s RePower+ program. Written verification from the Redwood Coast Energy Authority is required before the Certificate of Occupancy is issued

- 3. The applicant shall provide parking, accessible parking, bicycle parking, motorcycle parking, and loading spaces as shown below:

Proposed Parking	
Parking Type	Number of Spaces
Standard Parking	36
ADA-Accessible Parking	2
Bicycle Parking	3
Motorcycle Parking	1
Loading Spaces	4

The applicant shall submit Improvement Plans identifying the required parking, loading spaces and curbing.

- 4. All parking spaces, access drives, and maneuvering areas to be improved with and permanently maintained with an all-weather durable asphalt, concrete of comparable surface as required by the Director of Public Works. The structural section of all new asphalt shall include a minimum of 0.2 foot of Caltrans Type B hot mix (asphalt) over 0.67 foot of Caltrans Class 2 aggregate base. If required by the City Engineer, the structural section of all new roads

shall be determined by the Caltrans R-Value method using a Traffic Index (T.I.) approved by the City Engineer. Based on soil conditions, the City Engineer may also require a geotextile fabric to be placed on top of the subgrade. The applicant shall submit Improvement Plans identifying the required curbing.

5. The parking spaces and loading space shall be clearly delineated with white 4-inch-wide lines and the stripping be continuously maintained in a clear and visible manner.

6. Concrete curbing at least 6 inches in height and 6 inches wide shall be installed around the perimeter of the parking and landscaped areas, including curbing identified in **Figure 2**. The curbing shall have breaks in it to allow stormwater to pass and infiltrate the landscaped areas. The curbs shall be a PCC Caltrans Type A1-6. The applicant shall submit Improvement Plans identifying the required curbing.

7. Landscaping:

- Crepe Myrtle trees or other trees approved by the City shall be planted adjacent to the access road and driveway at 40'+/- intervals.
- The applicant shall install a 12' x 16' gazebo over the concrete picnic table between Buildings B2 and B4,
- The applicant shall install solid screening (i.e. wood fence, concrete block, etc.) around each of the air conditioners/recyclers.

8. All exterior lighting shall be LED fixtures and be directed downward and away from adjoining properties and public rights-of-way and so that no on-site light fixture directly illuminates adjacent properties.

9. The applicant shall submit Improvement Plans identifying the following. The plans shall be reviewed approved by the City Engineer. The applicant shall be responsible for the costs of the review and approval.

10. Any signs must comply with Section 17.30.300 of the RDMC.

11. Community Relations: The applicant shall provide the City Manager or designee with the name, phone number, facsimile number, and email address of an on-site community relations or staff person or other representative to whom the City can provide notice if there are operating problems associated with the medical cannabis facility or refer members of the public who may have any concerns or complaints regarding the operation of the cannabis facility. Each medical cannabis facility shall also provide the above information to its business neighbors located within 300 feet of the cannabis facility.

12. Inspections: Consent to a minimum of at least one quarterly on-site compliance inspection, to be conducted by appropriate City officials during regular business hours (Monday – Friday,

9:00 am – 5:00 pm, excluding holidays). The applicant shall be required to pay the Inspection Fee in effect at that time.

Operational Conditions

1. Emergency generators are subject to the following conditions:

- Noise levels shall not exceed 60 decibels at any property line.
- The generator(s) shall be Tier 4.
- The applicant shall enroll in the County Hazardous Waste program which includes the storage of fuel (diesel). Hazardous materials and wastes from agricultural businesses are regulated by the Humboldt County Environmental Health Division, which administers the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA). This includes the application, inspection, enforcement, and reporting under the program requirements and standards set by the California Environmental Protection Agency (CalEPA). The applicant shall provide evidence of enrollment.

2. All disposal of cannabis waste is subject to Section 40290 of the California Code of Regulations (CCR). Section 40290(e) of the CCR's requires that the cannabis waste be rendered to make it unusable and unrecognizable before removing the waste from the premises. This requires that the cannabis waste be ground and incorporated with other ground material so that the resulting mixture is at least 50% non-cannabis material by volume. All hazardous waste as defined in Section 40141 of the Public Resources Code (PRC) must be managed with all applicable hazardous waste statutes and regulations.

3. In addition to any and all State regulations to cannabis cultivation, all cultivation activities are subject to the Performance Standards in Section 17.30.195(10) of the Rio Dell Municipal Code.

4. The building, parking lot, stripping and landscaping shall be maintained in good condition. The stripping shall be permanently maintained in a clear and visible manner.

5. The storm drain system, including on-site drainage ditches and detention basin shall be maintained to ensure they work properly.

6. Exterior light fixtures shall be directed downward and away from adjoining properties and public rights-of-way and so that no on-site light fixture directly illuminates adjacent properties.

7. The operations shall comply with all local and State regulations at all times.

8. Comply with all federal, state, and local laws and regulations applicable to California Agricultural Employers, including those governing cultivation activities, the storage and handling of materials, including fertilizers, pesticides and fungicides.

9. Record Retention. The term record includes: all records, applications, reports or other supporting documents required by the City and the State.

- ◆ Each permittee shall keep and maintain the records listed in subsection (e) for at least 7 years from the date the document was created.
- ◆ Records shall be kept in a manner that allows the records to be immediately produced for the City at the permitted premises.
- ◆ All records related to commercial cannabis activity are subject to inspection by the City.
- ◆ A permittee may contract with a third party to provide custodial or management services of the records. Such a contract shall not relieve the licensee of its responsibilities under this condition.
- ◆ Each permittee shall maintain all of the following records on the licensed premises or at a different location identified by the licensee and approved by the City, including but not limited to:
 - City and State issued permits and license(s);
 - Plan of Operations;
 - All records evidencing compliance with the environmental protection measures required in Sections 8313, 8314, and 8315 of the California Code of Regulations;
 - Any supporting documentation for data or information input into the track-and-trace system;
 - Financial records, including but not limited to, bank statements, tax records, invoices, and sales receipts;
 - Personnel records, including each employee's full name, social security, or individual tax payer identification number, date of beginning employment, and date of termination of employment if applicable;
 - Training records, including but not limited to the content of the training provided and the names of the employees that received the training;
 - Contracts with other state licensed medical cannabis businesses;

- Permits, licenses, and other local authorizations to conduct the licensee’s commercial cannabis activity;
 - Security records; and
 - Records associated with the composting or disposal of waste.
- ◆ All required records shall be prepared and retained in accordance with the following conditions:
 - ◆ Records shall be legible; and
 - ◆ Records shall be stored in a secured area where the records are protected from debris, moisture, contamination, hazardous waste, fire and theft.

10. The applicant shall pay all fees and taxes as required by the City of Rio Dell.

Informational Notes

1. If potential archaeological resources, paleontological resources or human remains are unearthed during grading activities, all work ground disturbing activities shall be stopped and a qualified archaeologist funded by the applicant and approved by the City of Rio Dell and the Wiyot Tribe, shall be contracted to evaluate the find, determine its significance, and identify any required mitigation (e.g., data recovery, resource recovery, in-situ preservation/capping, etc.). Any such mitigation shall be implemented by the developer prior to resumption of any ground disturbing activities.

2. In accordance with California Health and Safety Code §7050.5 and California Public Resources Code §5097.94 and 5097.98, if human remains are uncovered during project subsurface construction activities, all work shall be suspended immediately and the City of Rio Dell, Humboldt County Coroner and the Bear River Band of the Wiyot Nation shall be immediately notified. If the remains are determined by the Coroner to be Native American in origin, the Native American Heritage Commission (NAHC) shall be notified within 24 hours of the determination, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.

RESOLUTION NO. PC 174-2024



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
APPROVING NORTHWESTERN FLOWER COMPANY’S
CANNABIS CULTIVATION & DESIGN REVIEW CONDITIONAL USE PERMIT
File No. 205-111-075; Case No’s. CUP-DR-01-2024; CCLUO 01-2024**

WHEREAS Northwestern Flower Company (Applicant and Operator) is requesting a Conditional Use Permit (CUP) for the indoor cannabis cultivation of an additional 12,200 square feet of canopy; and

WHEREAS the site is currently developed with an existing two-story 19,200 square-foot building accommodating 9,600 square feet of cannabis cultivation; and

WHEREAS drying will occur on-site in the existing cargo containers behind Building B1; and

WHEREAS processing will occur off-site at an off-site (Humboldt 454) licensed facility; and

WHEREAS project site is located at the Humboldt Rio Dell Business Park (HRDBP); and

WHEREAS the property is designated Industrial Commercial; and

WHEREAS Section 17.30.195 the City’s Commercial Cannabis Land Use Ordinance (CCLUO), allows commercial cannabis activities at the Humboldt Rio Dell Business Park (HRDBP) with a Conditional Use Permit (CUP); and

WHEREAS the project was evaluated for compliance with the City’s commercial cannabis regulations; and

WHEREAS the project was evaluated for compliance with the City’s Zoning Regulations, including Design Review, the General Plan and compliance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS based on the information submitted, and recommended conditions of approval, staff recommends that the proposed uses be found to be consistent with the development standards of the Industrial Commercial zone and the Commercial Cannabis Land Use Ordinance, Section 17.30.195 and the Design Review regulations, Section 17.25.050 and the Use Permit requirements of Section 17.35.030 of the Rio Dell Municipal Code; and

WHEREAS the project was referred to a number of local agencies including the California Department of Fish and Wildlife (CDFW), the Regional Water Quality Control Board (RWQCB), the North Coast Unified Air Quality Management District (NCUAQMD), the California Department of Transportation (CALTRANS), Humboldt County Department of Environmental Health (DEH) and the Fortuna Fire Protection District (FFPD) and Rio Dell Fire Protection District (RDFPD), and local native American tribes, including the Bear River and Wiyot's; and

WHEREAS neither the Bear River or Wiyot tribes recommended a Cultural Resource Study due to the fill that created the building pad in 2013; and

WHEREAS staff has included a condition to require inadvertent discovery protocol as a precaution; and

WHEREAS the proposed project is expected to generate an average of 20 new daily vehicle trips during the peak season; and

WHEREAS the proposed project would be classified as a small project based on the Office of Planning and Research (OPR) guidance since it would result in fewer than 110 new daily trips even during peak season and can therefore be presumed to have a less-than-significant transportation impact on Vehicle Miles Traveled (VMT).

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

- (a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;
- (b) The proposed use is consistent with the general plan and any applicable specific plan; and
- (c) The design, location and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity; and
- (d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;

(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and

(f) The Conditional Use Permit has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

(g) Based on the location, absence of any on-site environmentally sensitive areas, and the existing operation which has not resulted in any environmental impacts, the Planning Commission finds that the project is Statutorily Exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b)(3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential to cause a *significant* effect on the environment.

Based on the nature of the proposed project, including comments or lack of comments from the California Department of Fish and Wildlife (CDFW), the Regional Water Quality Control Board (RWQCB), the North Coast Unified Air Quality Management District (NCUAQMD), the California Department of Transportation (CALTRANS), Humboldt County Department of Environmental Health (DEH) and the Fortuna Fire Protection District (FFPD) and Rio Dell Fire Protection District (RDFPD), there is no evidence to suggest that the project will not result in a significant, substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on March 12, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Nick Angeloff, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 174-2024 adopted by the Planning Commission of the City of Rio Dell on March 12, 2024.


Karen Dunham, City Clerk, City of Rio Dell



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

For Meeting of: March 12, 2024

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: February 7, 2024

Subject: Extension Approval of the Roscoe Subdivision; 98 Painter Street
File No. 052-162-016; Case No. PMS 21-02

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed subdivision approval extension;
2. Open the public hearing, receive public input and deliberate;
3. Close the public hearing;
4. Adopt Resolution No. PC 175-2024 approving the requested extension for an additional 12 months. The extension shall expire one year after the effective date.

Discussion

The Planning Commission originally approved the Roscoe minor subdivision of a 2.59-acre parcel into four parcels: Parcel 1 - 6918 sq. ft.; Parcel 2 - 7,606 sq. ft.; Parcel 3 - 16,667 sq. ft.; and Parcel 4 - 91,789 sq. ft on January 18, 2022. The property is currently developed with three single-family residences. The eastern residence will be relocated to Parcel 2. Parcel 4 is vacant with no development proposed at this time. The parcels are provided with community water and sewer. A copy of the Tentative Map is included in **Attachment 1**.

Section 66452.6 of the Map Act and Section 16.15.130(2)(c) of the RDMC limits subdivision extensions to twelve (12) months. Both local regulations and the Subdivision Map Act allow a total of a three (3) year extension to the original two (2) year approval. The total life of a tentatively approved map is limited to five (5) years. **Attachment 2** includes a copy of the original staff report and conditions of approval.

Section 16.15.130(2) of the Rio Dell Municipal Code identifies the process for approving extensions, including application submittal, the required Planning Commission action, time limits of extensions, conditions of approval, potential appeals and cost recovery.

In reviewing requests for subdivision extensions, staff considers any changes in the original required findings. The original required findings are identified below:

- 1. That the proposed subdivision together with the provisions for its design and improvements is consistent with the City's General Plan; and*
- 2. That the proposed subdivision complies with the requirements and standards of the City's zoning regulations; and*
- 3. That the proposed subdivision complies with the requirements and standards of the City's subdivision regulations; and*
- 4. That the proposed subdivision is physically suitable for the type of development; and*

5. The proposed subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Staff did refer the project to a number of agencies for comments and recommendations. The California Department of Fish and Wildlife (CDFW) requested an additional condition regarding the possibility of a tree being removed on the east side of the property. They recommended that the tree removal, if necessary occur outside of nesting season (generally March 15 – August 15) to avoid impacts to native resident and migratory birds. If that's not feasible, a qualified biologist shall survey for active bird nests no more than seven days prior to tree felling. If an active nest is found, the permittee should consult with CDFW regarding appropriate site-specific avoidance measures and buffer distances. If there is a lapse in project-related activities of seven days or more, the biologist should re-survey the area before work resumes. The project has been conditioned accordingly.

There have been no changes to the original required findings. The subdivision is still consistent with the General Plan, Zoning and Subdivision regulations. In addition, the subdivision (parcels) are suitable for their intended use and there is no evidence to suggest that granting the extension will cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Staff determined that the original approval of the subdivision was Statutorily Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15315 of the CEQA Guidelines this exemption applies to the division of property in urbanized areas zoned for residential use into four or fewer parcels when the division is consistent with the General Plan and zoning and no variances or exceptions are required. There is no evidence to suggest that the extension of the original subdivision approval will result in a significant impact to the environment. Therefore, staff recommends that subdivision extension approval be found to be statutorily exempt pursuant to Section 15315 of the CEQA Guidelines.

Because there have been no changes in the General Plan, Zoning and Subdivision regulations which would affect the original approval, staff recommends that the Planning Commission approve a one (1) year extension to the approved subdivision. Accordingly, the subdivision will expire one year after the effective date of the Planning Commission's decision.

Attachments:

Attachment 1: Tentative Parcel Map.

Attachment 2: Original Staff Report and revised Conditions of Approval to reflect CDFW's recommendation.

Attachment 3: Resolution No. PC 175-2024

ROSCOE MINOR SUBDIVISION

APN 052-162-016
 LOCATED IN NORTHEAST 1/4 OF SECTION 6,
 TOWNSHIP 1 NORTH, RANGE 1 EAST, H.M.,
 IN THE CITY OF RIO DELL,
 COUNTY OF HUMBOLDT, CALIFORNIA



VICINITY MAP

NTS

PROJECT DESCRIPTION
 This minor subdivision permit application proposes a subdivision of parcel APN 052-162-016. The current use of the parcel is single family residential.

Water service & sanitary sewer service are available and will be extended to serve the subdivision per City of Rio Dell standards. PG&E supplies electricity and gas, AT&T provides telephone services, and Suddenlink provides community access television services. Rio Dell Volunteer Fire Department provides fire protection services.

The property is zoned UR specifying a minimum lot size of 5,000 square feet. The adjacent properties have similar zoning and general plan designations.

The property is not shown on official maps to be subject to flooding. No hazardous areas, historic buildings, or archaeological sites are known to exist adjacent to the property. No onsite sewage disposal or water sources are located on the parcel. No propane nor ketone tanks are located on the parcel.

Topography is based on a field survey by Ontiveros & Associates Inc., is shown at 1 foot contour intervals (on NAVD83 Datum), draining/ditching as shown. Minimal grading will be required to ensure proper drainage.

Assessor Parcel Information is from the Humboldt County Assessor's Office. Existing Parcel Data is from Parcel Map 3522 (34 PM 119-120) and Parcel Map 3498 (34 PM 61-64).

All easements of record are shown or referenced on the Tentative Parcel Map and will appear on the recorded Parcel Map.

OWNER/APPLICANT INFORMATION:

Timothy L. Roscoe
 P.O. Box 593
 Fortuna, CA 95540
 Phone: 707-499-7152

SITE INFORMATION:

APN 052-162-016
 Rio Dell, CA 95552

ENGINEER/SURVEYOR:

Ontiveros & Associates Inc.
 404 N. Fortuna Blvd.
 Fortuna, CA 95540
 (707) 725-7410
 Contact: Brian Ontiveros or Ken Johnson

UTILITIES:

PG&E
 Water: City of Rio Dell
 Sewer: City of Rio Dell
 Electricity: AT&T
 Telephone: Suddenlink
 Cable: Suddenlink

LOT SIZE:

(E) Parcel: 112,980sf (Gross)
 112,880sf (Net)
 (P) Lot 1: 6,918sf (Gross)
 5,131sf (Net)
 (P) Lot 2: 7,686sf (Gross)
 6,529sf (Net)
 (P) Lot 3: 16,667sf (Gross)
 14,443sf (Net)
 (P) Lot 4: 91,789sf (Gross)
 91,395sf (Net)

ZONED:

UR - Family Residential
 6,000sf Min. Lot Size
 60' Min. Lot Width

SETBACKS:

Front: 20'
 Rear: 10'
 Sides: 5'
 Max Building Height: 35'

ABBREVIATIONS

EXISTING	MECHANICAL JOINT
RADIAL	PORTLAND CEMENT CONCRETE
AD	POINT OF VERTICAL INTERSECTION
AC	POINT OF CONNECTION
APPROX.	POINT OF REVERSE CURVE
BVC	POINT TO UTILITIES EASEMENT
BEGIN CURVE RADIUS	POLY VINYL CHLORIDE
BEGIN VERTICAL CURVE	RIGHT OF WAY
CL	RADIUS OR RIGHT
CLR	STORM DRAIN
CCURT	SANITARY SEWER
DI	SANITARY SEWER CLEANOUT
END CURVE RADIUS	SANITARY SEWER MANHOLE
END VERTICAL CURVE	TOP OF CURB
EXISTING	T.O.C.
FIN	TYP.
FL	GRADE
GRD.	HORIZONTAL
HORIZ.	LEFT
L	VERTICAL
MIN.	WATER METER
MIN.	LOW IMPACT DEVELOPMENT
MINIMUM	

ONTIVEROS & ASSOCIATES
 CONSULTING ENGINEERS AND SURVEYORS
 404 N. Fortuna Blvd. • Fortuna, CA 95540
 Phone: (707) 725-7410 • Fax: (707) 725-7411
 Ontiveros.Assoc@oia.net

PROFESSIONAL ENGINEER
 CIVIL
 No. 53998
 Exp. 12/31/22
 STATE OF CALIFORNIA

TIMOTHY L. ROSCOE

ROSCOE MINOR SUBDIVISION

98 Painter Street
 Rio Dell, CA 95562
 APN: 052-162-016

TENTATIVE MAP

MARK	DESCRIPTION	DATE
1	REV. PER CITY COMMENT	8/22/2021
2	REV. PER CLIENT	11/03/2021

PILOT INFORMATION
 CAD DWG FILE: 162-016-TM.DWG
 SUBMISSION DATE: 11/03/2021
 ROT DATE: 11/03/2021 11:00 AM
 SAVE DATE: 11/03/2021 5:16 PM

SUBMITTAL STATUS
 City Review

PROJECT NO: 20-094
 DATE: 6/16/2021
 DRAWN BY: BAO
 CHKD BY: KRJ

1

SHEET 1 OF 2

ATTACHMENT 1

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



For Meeting of: January 25, 2022

Consent Item; Public Hearing Item

To: Planning Commission

From: Kevin Caldwell, Community Development Director

Through: Kyle Knopp, City Manager

Date: January 18, 2022

Subject: Roscoe Subdivision; 98 Painter Street
File No. 052-162-016; Case No. PMS 21-02

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed subdivision;
2. Open the public hearing, receive public input and deliberate;
3. Close the public hearing;
4. Find that the proposed subdivision: (1) is consistent with the Rio Dell General Plan; (2) complies with the requirements and standards of the City's zoning regulations; (3) complies with the requirements and standards of the City's subdivision regulations; (4) is physically suitable for the type of development; and (5) is Categorically Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.
5. Adopt Resolution No. PC 164-2022 approving the proposed subdivision.

applicant has submitted evidence in support of making all of the following required findings:

1. That the proposed subdivision together with the provisions for its design and improvements is consistent with the City's General Plan; and
2. That the proposed subdivision complies with the requirements and standards of the City's zoning regulations; and
3. That the proposed subdivision complies with the requirements and standards of the City's subdivision regulations; and
4. That the proposed subdivision is physically suitable for the type of development; and
5. The proposed subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Staff Analysis

1. General Plan Consistency:

There are a number of General Plan goals and policies related to the proposed subdivision. The following information identifies the evidence which supports the finding that the proposed subdivision is in conformance with all applicable policies of the General Plan.

Land Use: The General Plan designation for the project site is Urban Residential (UR). The purpose of the UR zone is to provide neighborhood residential areas with varying densities for single-family dwellings. The Urban Residential designation requires a 6,000 square foot minimum parcel size and a density range of 7 to 10 units per acre.

Finding: The proposed parcels meet the minimum parcel size and density requirements of the Urban Residential designation.

Natural Resources: Both the Land Use Element and the Open Space and Conservation Element contain a number of natural resource goals and policies that must be considered when evaluating project proposals. There is a *seasonal* drainage channel approximately forty (40) feet west of the western property line. See Figure 2.

The Land Use Element of the General Plan contains a broad goal regarding the City's natural environment. Goal 2.1-3 calls for the City to "*Preserve drainage channels, habitat and open space.*" The Conservation Element also contains a number of goals and policies calling for the protection of the City's natural resources.

Goal LU 2.1-5: "*Regulate clearing and development of steep slopes, river, stream and drainage channels.*"



Figure 2

Goal CO 5.2-1: Provide open space for the preservation of natural resources for the preservation of plant and animal life, such as habitat for fish and wildlife and areas required for ecological and other scientific study (for example: rivers, streams, bays and estuaries, coastal beaches, lakeshores, riverbanks, and watersheds)

Policy CO 5.2-1: Riparian areas within the City shall be protected when adjacent development projects are proposed.

In order to achieve consistency with the Natural Resources Goals and Policies, the City established Environmentally Sensitive Habitat Area (ESHA) regulations, Section 17.30.130 of the Rio Dell Municipal Code (RDMC). The purpose of these regulations is to ensure that environmentally sensitive habitat areas are protected for both the wildlife inhabiting them as well as the enjoyment of present and future residents of the City.

The ESHA regulations require minimum setbacks from environmentally sensitive areas, including streams and riparian corridors. The minimum setback for seasonal or intermittent streams is 25 feet from the hinge-point of the riparian corridor on each side of intermittent streams.

The hinge-point of the riparian corridor is approximately five (5) to ten (10) feet west of the existing western property line. Proposed Parcel 1 is developed with a single-family residence and garage. The applicant is proposing to relocate the existing 575+/- square foot residence located on the eastern side of the parcel to Parcel 2. The proposed location is approximately forty (40) feet from the hinge-point of the riparian corridor. The proposed location meets the required 25-foot setback.

Future development of Parcel 4 will be subject to the City's General Plan policies and the Environmentally Sensitive Habitat Area (ESHA) regulations, Section 17.30.130 of the Rio Dell Municipal Code (RDMC). In addition to the seasonal creek on the west side of the Parcel, there is an existing seasonal drainage ditch located in the northeast corner of the parcel. Staff does not consider this an environmentally sensitive area; however, staff is recommending that a fifteen-foot (15') drainage easement be established by the Parcel Map. **The project has been conditioned accordingly. Please refer to Exhibit A.**

Finding: The proposed subdivision complies with the City's Natural Resource General Plan policies and the Environmentally Sensitive Habitat Area (ESHA) regulations.

Goal Natural Environment G2.1-9: "Minimize loss of life and property from natural and man-made hazards."

The parcel is not located within the 100-year flood zone according to FEMA's Flood Insurance Rate Map (FIRM) of the area nor is it located within the mapped Dam Failure Inundation Area.

A Soils Engineering Geologic Report was prepared by Lindberg Geologic Consulting (LGC) for the site. The Report does include the following recommendations:

- Within the building footprints, and from the area five feet beyond building perimeters, strip the uppermost 18-inches of turf, sod, vegetation, and topsoil. Similarly strip areas to be paved, and areas to be cut and filled. *This recommendation will apply to the relocation of the eastern residence to Parcel 1.*
- Embed foundations a minimum of 6 inches into stiff silt with fine sand occurring at approximately 18-inches feet below the ground surface.
- To reduce the possibility of moisture migration through a slab-on-grade, a minimum six-mil plastic membrane (vapor retarder) should be placed on 6 inches of prepared Class 1, Type A gravel or Class-2 aggregate base subgrade. Joints between the sheets and utility

pipings openings should be lapped and taped.

- Maintain a five percent gradient away from foundation for landscaped (unpaved) areas within 15-feet of the buildings.
- Maintain a two percent gradient away from foundations for all hardscaped (paved) areas within 15-feet of the buildings.
- All roof storm drainage should be contained and controlled with gutters and downspouts.
- Connect downspouts securely to tight-lines, conveying runoff to the curb.
- Runoff from hardscaped areas and impermeable surfaces (driveways, sidewalks, parking areas), should likewise, to the extents feasible, be discharged to appropriate outlet points.

The project has been conditioned to incorporate the Soils Report recommendations. Please refer to Exhibit A.

LU Policy Soils & Geologic Resources P2.1.1-4: “Require geo-technical reports to ensure that slope and stability measures are incorporated into project design.”

Please refer to the above discussion.

LU Policy Water Resources P2.1.2-3: “Incorporate on-site drainage facilities such as retention and infiltration systems to reduce run-off and maximize infiltration.”

In addition, Section 16.25.020(3) of the of the City Subdivision Regulations requires that stormwater runoff from the subdivision be collected and conveyed to an approved storm drainage system.

Parcels 1, 2 and 3 are or will be developed. Parcel 4 is undeveloped. The only increase in stormwater runoff will be from the required curbs, gutter and sidewalks along the frontage of the parcels. The increase is considered insignificant. Future development of Parcel 4 will require incorporation of retention/detention facilities.

LU Policy Public Services P2.2.3-2: “Cooperate with the Rio Dell Fire Protection District to ensure that emergency services are adequate.”

The project was referred to the Rio Dell Fire Protection District for comments and recommendations. The District has requested that the project be conditioned to require that the existing overhead utilities (power, phone and cable) be placed underground. The District

has indicated that overhead utilities create a hazard when responding to a structure fire. In addition, LU Public Services Policy P2.2.3-4 requires underground utilities for new development. Although the houses are existing, subdivisions are considered development. Furthermore Section 16.25.020(6) of the City Subdivision Regulations requires all utilities, including gas electric and cable within the subdivision to be placed underground. However, Section 6.25.020(6)(b) contains the following exception:

(b) Lot Splits. For subdivisions of four or less parcels (lot splits), undergrounding requirements may be waived or modified by a majority of the Planning Commission upon recommendation by the City Planner and City Engineer upon finding:

(i) The subdivision is within an area where existing utilities have not been undergrounded.

(ii) Overhead utilities will have no significant visual impact.

If the undergrounding requirement is waived as allowed by subsections (6)(b)(i) and (ii) of this section, the in-lieu fee as established by the City Engineer shall be paid and deposited in a special undergrounding account to be used and approved by the City Council for future undergrounding of utilities throughout the City.

(c) For subdivisions of four or less parcels (lot splits), the undergrounding in-lieu fee may be waived or modified by a majority of the City Council upon recommendation by the City Planner, City Engineer, and a majority of the Planning Commission upon finding:

(i) The subdivision is within an area where existing utilities have not been undergrounded;

(ii) Overhead utilities will have no significant visual impact;

(iii) Circumstances exist that would make the application of the in-lieu fee requirement appear impractical or unjust, economically or otherwise, to the subdivider. [Ord. 176 § 1, 1983; Ord. 165 § 1, 1982; Ord. 60 § 1.802, 1968.]

The District is also recommending an emergency hammerhead turnaround at the end of the driveway, access road serving parcels 1, 2 and 3. **The project has been conditioned accordingly. Please refer to Exhibit A.**

LU Policy Public Services P2.2.3-4: “Encourage new development to contribute its fair share of infrastructure improvements to serve the proposed development.”

Section 16.25.020(2) of the of the City Subdivision Regulations requires that frontage improvements, including street structural sections, curbs, gutters, sidewalk approaches and

transitions be completed as conditions of approval. In addition, Section 17.30.310 et. seq. of the Zoning Regulations requires the construction of curb, gutter, sidewalks and street improvements as conditions of approval of an entitlement permit. This is also consistent with a number of Goals and Policies of the Circulations Element, including Policies 3-1 and 3-2, requiring pedestrian and bicycle improvements. Furthermore, these regulations and policies are consistent with AB 1328, Complete the Streets legislation and the United States Department of Transportation Policy Statement on bicycle and pedestrian improvements.

The project has been conditioned to require the construction of curb, gutter, sidewalks and street improvements along the Painter Street frontage. Please refer to Exhibit A.

LU Policy Public Services P2.2.3-4: Require underground utilities for new development.

As discussed above, the project has been conditioned to require power, phone and cable to be placed underground to the proposed parcels 1, 2 and 3 and stubbed into the Parcel 4. **Please refer to Exhibit A.**

GP Policy Conservation and Open Space P5.4-4; *“Identify and preserve remaining prehistoric camps, villages, and use sites. Identify areas that may be used by the local natives for resource procurement or religious purposes.”*

AB 52, which went into effect after July 1, 2015, established a consultation process with all California Native American Tribes on the Native American Heritage Commission (NAHC) list, which includes both federally recognized groups and non-federally recognized groups. AB 52 also established a new class of resources, tribal cultural resources. Tribal cultural resources must be considered when determining project impacts and possible mitigation. Tribal notice and consultation must occur. A Tribal Cultural Resource is a site feature, place, cultural landscape, sacred place or object, which is of cultural value to a Tribe and is either listed on or eligible for the CRHR or a local register. A lead agency may, at its discretion, decide to treat a resource as a Tribal Cultural Resource.

Native American consultation requirements of SB 18 (Chapter 905, Statutes of 2004) applies to all general or specific plan processes proposed on or after March 1, 2005.

The project was referred to the local native American tribes, including the Bear River and Wiyot’s. The Bear River tribe did indicate that there is “... a moderate likelihood of cultural resource discovery.” As such they recommended that a cultural monitor observe all ground disturbing activities. **The project has been conditioned accordingly. Please see Exhibit A.**

There are no goals or policies which would preclude the proposed use in the Rural designation. Therefore, the proposed use as conditioned is consistent with the General Plan.

Based on comments from referral agencies, information submitted by the applicant and the recommended conditions of approval, the evidence supports the finding that the proposed subdivision is in conformance with all applicable policies of the General Plan.

2. Zoning Consistency:

Land Use, Section 17.20.030 Rio Dell Municipal Code: The property is zoned Urban Residential (UR). The purpose of the UR zone is to provide neighborhood residential areas with varying densities for single-family dwellings. The Urban Residential designation requires a 6,000 square foot minimum parcel size. The proposed parcels meet the required minimum parcel size of 6,000 square feet.

Development Standards: Table 17.20.030 of the Rio Dell Municipal Code (RDMC) identifies the development standards for the Urban Residential (UR) zone.

Table 17.20.030
Development Standards for the Urban Residential or UR Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	6,000 square feet
Maximum Ground Coverage:	50%
Minimum Lot Width:	60 feet
Minimum Yards	
Front:	20 feet
Rear:	10 feet
Side:	5 feet
Maximum Building Height:	35 feet

As indicated above, the minimum lot width required in the UR zone is 60 feet. The definition of "Lot Width" found in the RDMC is:

"Lot width" means the horizontal distance between the side lot lines measured at right angles to the depth of the lot at the front yard setback line.

The lot width at the front yard setback for Parcel 1 is proposed to be 50 feet. However, pursuant to Section 17.30.160, Lot Size Modifications, the exceptions to lot sizes lot, widths and lot depth requirements may be allowed due to topography and other natural or man-made features. Below is a copy of Section 17.30.160.

17.30.160 Lot Size Modifications

Exceptions to Lot Size, Lot Width and Lot Depth Standards. In order to better design and cope with difficulties due to topography and other natural or man-made features, minimum lot size, minimum lot width and maximum lot depth in all zones may be modified as specified in the following table, subject to securing a Use Permit:

EXCEPTIONS TABLE		
DEVELOPMENT STANDARD	PERMITTED MODIFICATIONS	LIMITATIONS
Minimum Lot Size	Minimum Lot Size may be modified down to a maximum of fifty (50) percent, or 5,000 square feet, whichever is greater.	Such modification must be approved in conjunction with a subdivision or lot line adjustment. The total number of lots created by the subdivision shall not be more than that allowed by the applicable General Plan and zone designations.
Minimum Lot Width	Minimum Lot Width may be modified to a maximum of fifty (50) percent.	Minimum Lot Width shall not be modified below fifty (50) feet.
Maximum Lot Depth	Maximum Lot Depth may be modified up to a maximum of twice that permitted.	Maximum Lot Depth shall not be modified to exceed eight (8) times the lot width.

Based on the locations of the existing residences, staff supports the lot size modification to reduce the lot width for Parcel 1 to 50 feet at the front yard setback.

The existing residences, including the 575+/- square foot residence to be relocated to Parcel 2 will comply with the UR setbacks, lot coverage and building height requirements.

Environmentally Sensitive Habitat Area (ESHA) Regulations, Section 17.30.130 Rio Dell

Municipal Code: As previously discussed there is a *seasonal* drainage channel approximately forty (40) feet west of the western property line. See Figure 2.

Again, the ESHA regulations require minimum setbacks from environmentally sensitive areas, including streams and riparian corridors. The minimum setback for seasonal or intermittent streams is 25 feet from the hinge-point of the riparian corridor on each side of intermittent streams. The hinge-point of the riparian corridor is approximately five (5) to ten (10) feet west of the existing western property line. Proposed Parcel 1 is developed with a single-family residence and garage. Again, the applicant is proposing to relocate the existing 575+/- square

foot residence located on the eastern side of the parcel to Parcel 2 ADU. The proposed location is approximately forty (40) feet from the hinge-point of the riparian corridor. The proposed location meets the required 25-foot setback.

As previously discussed, future development of Parcel 4 will be subject to the City's General Plan policies and the Environmentally Sensitive Habitat Area (ESHA) regulations, Section 17.30.130 of the Rio Dell Municipal Code (RDMC). In addition to the seasonal creek on the west side of the Parcel, there is an existing seasonal drainage ditch located in the northeast corner of the parcel. Staff does not consider this an environmentally sensitive area; however, staff is recommending that a fifteen-foot (15') drainage easement be established by the Parcel Map. **The project has been conditioned accordingly. Please refer to Exhibit A.**

Based on the proposed subdivision, the proposed project complies with the requirements of the City's Zoning Regulations.

3. Subdivision Regulations Consistency:

The City's Subdivision Regulations, Title 16 of the Rio Dell Municipal Code (RDMC) and the City's Standard Improvement Specifications identifies the requirements for subdivisions.

Section 16.05.030 of the RDMC requires General Plan and Zoning compliance. As previously discussed the project as conditioned is consistent the General Plan polices and the City's zoning regulations.

Section 16.05.040 identifies the Tentative Map requirements identify the required information on the map. The submitted Tentative Map for the proposed subdivision complies with the requirements of Section 16.10.040 of the RDMC.

Section 16.10.050 identifies the required application submittal requirements, which includes the Tentative Map, Soils Report, Drainage Report when necessary and Title Reports.

Again, a Soils Engineering Geologic Report was prepared by Lindberg Geologic Consulting (LGC) for the site. The Report does include the following recommendations:

- Within the building footprints, and from the area five feet beyond building perimeters, strip the uppermost 18-inches of turf, sod, vegetation, and topsoil. Similarly strip areas to be paved, and areas to be cut and filled. *This recommendation will apply to the relocation of the eastern residence to Parcel 1.*
- Embed foundations a minimum of 6 inches into stiff silt with fine sand occurring at approximately 18-inches feet below the ground surface.
- To reduce the possibility of moisture migration through a slab-on-grade, a minimum six-mil plastic membrane (vapor retarder) should be placed on 6 inches of prepared Class 1,

Type A gravel or Class-2 aggregate base subgrade. Joints between the sheets and utility piping openings should be lapped and taped.

- Maintain a five percent gradient away from foundation for landscaped (unpaved) areas within 15-feet of the buildings.
- Maintain a two percent gradient away from foundations for all hardscaped (paved) areas within 15-feet of the buildings.
- All roof storm drainage should be contained and controlled with gutters and downspouts.
- Connect downspouts securely to tight-lines, conveying runoff to the curb.
- Runoff from hardscaped areas and impermeable surfaces (driveways, sidewalks, parking areas), should likewise, to the extents feasible, be discharged to appropriate outlet points.

The project has been conditioned to incorporate the Soils Report recommendations. Please refer to Exhibit A.

Again, Section 16.25.020(2) of the of the City Subdivision Regulations requires that frontage improvements, including street structural sections, curbs, gutters, sidewalk and driveway approaches and transitions be completed as conditions of approval. In addition, Section 16.25.020(3) requires that stormwater runoff be collected and conveyed by an improved storm drain system.

As such, staff is recommending the frontage of the parcel(s) be improved with curbs, gutters and sidewalks, a 16' ADA compliant driveway approaches for the two parcels. The Parcel 4 access road shall have two 12'travel lanes, curb, gutter, sidewalk on the west side, curb, gutter and 6' landscaping strip on the east side, with ADA curb-drops at the intersection of Painter Street. The first 10' behind the sidewalk be improved into the panhandle of Parcel 4 and utilities, including power, phone, cable, gas stubbed in. In addition, staff is recommending that the area between the new sidewalk and the edge of the existing pavement along Painter street be paved. **The project has been conditioned accordingly. Please refer to Exhibit A.**

As previously discussed, Section 16.25.020(6) of the City Subdivision Regulations requires all utilities, including gas electric and cable within the subdivision to be placed underground. Again, the Fire District is also recommending that the existing overhead utilities be placed underground as a condition of approval. However, Section 6.25.020(6)(b) contains the following exception:

(b) Lot Splits. For subdivisions of four or less parcels (lot splits), undergrounding requirements may be waived or modified by a majority of the Planning Commission upon recommendation by the City Planner and City Engineer upon finding:

(i) The subdivision is within an area where existing utilities have not been undergrounded.

(ii) Overhead utilities will have no significant visual impact.

If the undergrounding requirement is waived as allowed by subsections (6)(b)(i) and (ii) of this section, the in-lieu fee as established by the City Engineer shall be paid and deposited in a special undergrounding account to be used and approved by the City Council for future undergrounding of utilities throughout the City.

(c) For subdivisions of four or less parcels (lot splits), the undergrounding in-lieu fee may be waived or modified by a majority of the City Council upon recommendation by the City Planner, City Engineer, and a majority of the Planning Commission upon finding:

(i) The subdivision is within an area where existing utilities have not been undergrounded;

(ii) Overhead utilities will have no significant visual impact;

(iii) Circumstances exist that would make the application of the in-lieu fee requirement appear impractical or unjust, economically or otherwise, to the subdivider. [Ord. 176 § 1, 1983; Ord. 165 § 1, 1982; Ord. 60 § 1.802, 1968.]

Based on the proposed improvements and recommended conditions of approval, staff believes the proposed subdivision is consistent with the City Subdivision Ordinance and the City's Standard Improvement Specifications.

4. That the proposed subdivision is physically suitable for the type of development:

Based on the proposed parcel sizes and existing development, staff believes the proposed parcels are physically suitable for residential development.

5. The proposed subdivision is not likely to cause substantial environmental damage or substantially and avoidably impact fish or wildlife or their habitat.

The project was referred to the California Department of Fish and Wildlife (CDFW). CDFW did identify the seasonal drainage ditch and the possible need to protect it. Staff does not believe this seasonal drainage ditch to be environmentally sensitive, however, staff is recommending that a fifteen-foot drainage easement be established to protect the drainage ditch.

Based on the proposed project, staff has determined that the project is Categorical Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15315 of the CEQA Guidelines this exemption applies to the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

Attachments:

- Attachment 1: Tentative Map
- Attachment 2: Conditions of Approval
- Attachment 3: Resolution No. PC 164-2022

**Roscoe Subdivision; 98 Painter Street
File No. 052-162-016; Case No. PMS 21-02
Conditions of Approval**

Approval of the subdivision is conditioned upon the following terms and requirements which must be fulfilled before the Parcel Map may be recorded.

- 1. Map Expiration:** The approval of the Tentative Map shall expire 24 months after all appeal periods have lapsed.

- 2. Taxes:** All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable to the satisfaction of the County's Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Final Map to satisfy this condition.

- 4. Map Type:** The applicant must cause to be filed a Parcel Map in accordance with the Final Map requirements of Section 16.10.120 et. seq. of the Rio Dell Municipal Code (RDMC). The approved lot line adjustment shall be reflected on the Final Map. A subdivision map checking deposit of \$500.00 shall be paid at the time the subdivision map is submitted for checking. County Recorder fees shall be paid prior to submittal of the map to the County recorder for filing.

- 5. Improvement Plans:** Pursuant to Section 16.25.060 of the Rio Dell Municipal Code (RDMC) the applicant shall submit improvement/construction plans for the **required curbs, gutter and sidewalk, underground utilities, access road/driveway serving Parcel 1, 2 and 3 and the access road serving Parcel 4.** Improvement plans must be prepared by a Civil Engineer registered by the State of California. Improvement plans shall be on 24" x 36" sheets, unless otherwise approved by the City Engineer.

The Improvement Plans shall be reviewed, signed as approved by the City Engineer (GHD). A plan checking deposit of \$500.00 shall be paid at the time the Improvement Plans are submitted for checking. The City Engineer shall review and approve the Improvement Plans prior to any construction activity.

6. Required Improvements:

Curbs, Gutters and Sidewalks: Curbs, gutters and a five (5) foot sidewalk shall be provided along Painter Street. A PCC Caltrans Type A2-6 curb shall be provided. The applicant shall pave any area between the new gutter and the existing asphalt.

When widening hot mix (asphalt roads) the widened road shall be paved with hot mix. A sawcut is required to ensure a uniform joint between the existing and new pavement. The

location of the sawcut shall be approved by the City Engineer and the Department of Public Works. The structural section of all new asphalt shall include a minimum of 0.3 foot of Caltrans Type A hot mix (asphalt) over 0.67 foot of Caltrans Class 2 aggregate base. If required by the City Engineer, the structural section of all new roads shall be determined by Caltrans R-Value method using a Traffic Index (T.I.) approved by the City Engineer. Based on soil conditions, the City Engineer may also require a geotextile fabric to be placed on top of the sub grade.

Common Driveway for Parcels 1, 2 and 3: The proposed common access road/driveway for Parcels 1, 2 and 3 shall be a minimum width of 16 feet. The access road/driveway shall include a “hammerhead” turn-around at the end of the driveway/access road serving Parcel 1, 2 and 3.

The first 20 feet behind the sidewalk shall be paved. The remainder of the access road/driveway shall be improved with an all-weather surface as approved by the City Engineer.

The structural section of all new asphalt shall include a minimum of 0.3 foot of Caltrans Type A hot mix (asphalt) over 0.67 foot of Caltrans Class 2 aggregate base. If required by the City Engineer, the structural section of all new roads shall be determined by Caltrans R-Value method using a Traffic Index (T.I.) approved by the City Engineer. Based on soil conditions, the City Engineer may also require a geotextile fabric to be placed on top of the sub grade. The common access road/driveway/sidewalk approach shall be designed and constructed to meet current ADA requirements.

Parcel 4 Access: The access road for Parcel 4 shall have two 12’ travelways, curb, gutter, sidewalk on the west side, curb, gutter and 6’ landscaping strip on the east side, with ADA curb-drops at the intersection of Painter Street. The first 10’ behind the sidewalk shall be improved into the panhandle of the Parcel and utilities, including power, phone, cable, gas stubbed in. In addition, staff is recommending that the area between the new sidewalk and the edge of the existing pavement along Painter street be paved.

Blow-Off-Valve: Relocate the existing blow-off-valve located in the proposed access to Parcel 4 to be within the proposed 10’ PUE.

Lot 1 Sidewalk: Extend the existing sidewalk from the house on Lot 1 to the new sidewalk to be constructed along Painter Street.

Curb Ramps: The curb ramp on the western side of the new access road to Parcel 4 shall be a bidirectional curb ramp to allow pedestrian access across the access road and across Painter Street. The curb and gutter on the eastern side of the new access road to Parcel 4 shall be graded like a curb ramp to allow for a new sidewalk curb ramp to be installed in this location at a future date.

8. Unknown Improvements: Other on-site and/or off-site improvements may be required which cannot be determined from the Tentative Map at this time. These improvements, if any, will be determined after a complete review of the required Improvement Plans.

9. Easements: All easements, including Drainage easements that encumber or are appurtenant to the subdivision shall be shown graphically on the Parcel Map. Those easements that do not have a metes and bounds description shall be noted on the Parcel Map and shown as to their approximate location, including the recommended fifteen- foot (15') Drainage Easement on the northeast corner of Parcel 4.

10. Utilities: All future utilities, including water, power, phone, cable tv, etc. shall be placed underground to the residences.

11. Rio Dell Fire Protection District: The applicant shall provide written verification from the Rio Dell Fire Protection District that their concerns have been satisfied, including the emergency “hammerhead” turnaround at the end of the driveway/access road serving Parcel 1, 2 and 3 and they have no objection to the recordation of the Parcel Map.

12. The applicant shall retain a cultural monitor approved by the Bear River tribe to observe all ground disturbing activities. Written verification from the Bear River tribe indication that they have approved the cultural monitor is required prior to any ground disturbing activities.

13. Tree removal, if necessary occur outside of nesting season (generally March 15 – August 15) to avoid impacts to native resident and migratory birds. If that’s not feasible, a qualified biologist shall survey for active bird nests no more than seven days prior to tree felling. If an active nest is found, the permittee should consult with CDFW regarding appropriate site-specific avoidance measures and buffer distances. If there is a lapse in project-related activities of seven days or more, the biologist should re-survey the area before work resumes.

***Added as a Condition of Approval for the Subdivision Extension at the meeting of
March 12,2024***

RESOLUTION NO. PC 175-2024



RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL APPROVING A ONE (1) YEAR EXTENSION OF THE ROSCOE SUBDIVISION:

WHEREAS the Planning Commission originally approved The Planning Commission originally approved the Roscoe minor subdivision of a 2.59-acre parcel into four parcels: Parcel 1 - 6918 sq. ft.; Parcel 2 - 7,606 sq. ft.; Parcel 3 - 16, 667 sq. ft.; and Parcel 4 - 91,789 sq. ft on January 18, 2022; and

WHEREAS the approval became effective on February 8, 2022 and was set to expire on February 9, 2020; and

WHEREAS the applicant submitted a request for a one year extension on January 16, 2024; and

WHEREAS if approved the subdivision approval will expire on August 9, 2016; and

WHEREAS the proposed parcels are developed with single family homes and residential accessory structures; and

WHEREAS Section 16.15.130(2) of the Rio Dell Municipal Code identifies the process for approving extensions, including application submittal, the required Planning Commission action, time limits of extensions, conditions of approval, potential appeals and cost recovery; and

WHEREAS Section 66452.6 of the Map Act and Section 16.15.130(2)(c) of the RDMC limits subdivision extensions to twelve (12) months; and

WHEREAS both local regulations and the Subdivision Map Act allow a total of a three (3) year extension to the original two (2) year approval. The total life of a tentatively approved map is limited to five (5) years; and

WHEREAS in reviewing requests for subdivision extensions, staff considers any changes in the original required findings. The original required findings are identified below:

1. That the subdivision together with the provisions for its design and improvements is consistent with the City's General Plan; and
2. That the subdivision complies with the requirements and standards of the City's zoning regulations; and
3. That the subdivision complies with the requirements and standards of the City's subdivision regulations; and
4. That the subdivision is physically suitable for the type of development; and
5. The subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; and

WHEREAS there have been no changes to the original required findings. The subdivision is still consistent with the General Plan, Zoning and Subdivision regulations. In addition, the parcels are suitable for their intended use and there is no evidence to suggest that granting the extension will cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; and

WHEREAS staff did refer the project to a number of agencies for comments and recommendations; and

WHEREAS the California Department of Fish and Wildlife (CDFW) requested an additional condition regarding the possibility of a tree being removed on the east side of the property; and

WHEREAS CDFW recommended that the tree removal, if necessary, occur outside of nesting season (generally March 15 – August 15) to avoid impacts to native resident and migratory birds. If that's not feasible, a qualified biologist shall survey for active bird nests no more than seven days prior to tree felling; and

WHEREAS if an active nest is found, the permittee should consult with CDFW regarding appropriate site-specific avoidance measures and buffer distances. If there is a lapse in project-related activities of seven days or more, the biologist should re-survey the area before work resumes. The project has been conditioned accordingly.

WHEREAS staff has determined that the extension is Statutorily Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations; and

NOW, THEREFORE, BE IT RESOLVED the Planning Commission finds that based on evidence on file and presented in the staff report that the proposed subdivision extension complies with all of the following original required findings:

1. That the subdivision together with the provisions for its design and improvements is consistent with the City's General Plan; and
2. That the subdivision complies with the requirements and standards of the City's zoning regulations; and
3. That the subdivision complies with the requirements and standards of the City's subdivision regulations; and
4. That the subdivision is physically suitable for the type of development; and
5. The subdivision is not likely to cause substantial environmental damage or substantially and avoidably fish or wildlife or their habitat; and

BE IT FURTHER RESOLVED that the Planning Commission of the City of Rio Dell approves the subdivision extension subject to the original conditions of approval and the condition recommended by CDFW.

APPROVED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of March 12, 2024 by the following vote:

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

Nick Angeloff, Chair

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 175-2024 adopted by the Planning Commission of the City of Rio Dell on March 12, 2024.


Karen Dunham, City Clerk, City of Rio Dell

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



For Meeting of March 12, 2024

Consent Item; Public Hearing Item

To: Planning Commission
From: Kevin Caldwell, Community Development Director 
Through: Kyle Knopp, City Manager
Date: March 6, 2024
Subject: Petranoff Lot Line Adjustment & Variance
File No. 053-163-002; Case No's. LLA 01-2024 & VAR 01-2024

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed lot line adjustment; and
2. Open the public hearing, receive public input, close the public hearing and deliberate; and
3. Find that the proposed lot line adjustment is consistent with the Rio Dell General Plan, Zoning and Building regulations and is Categorical Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations; and
4. Adopt Resolution No. PC 176-2024 approving the proposed lot line adjustment

Background

A lot line adjustment between two parcels, Lots 13 and 14 of Block Sixteen as shown on the map of the First Addition to New Rio Dell Tract, recorded April 14, 1930, in Book 11 of Maps, pages 76-79. The proposed lot line adjustment will be adjusting approximately 500 square feet from one parcel to another resulting in two parcels of 5,500 square and 4,500 square feet. The

purpose of the lot line adjustment is to is to adjust the common property line from being built over. The parcels are provided with community water and sewer. See Figure 1. Attachment 1 includes the site plan illustrating the proposed lot line adjustment.



Figure 1

Based on the proposed project, staff has determined that the project is Categorically Exempt pursuant to Class 5, Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. This exemption applies to lot line adjustments with an average slope of less than 20% and does not result in any changes in land use or density.

The applicant has submitted evidence in support of making the required findings. Lot line adjustments *shall* be approved if the required findings can be made. Therefore, staff recommends that the Planning Commission approve the project as conditioned.

Required Findings

Section 17.35.030 Rio Dell Municipal Code (RDMC).

A lot line adjustment shall be approved or conditionally approved when there is compliance with all of the following approval criteria:

- (1) The application is found to be complete; and
- (2) Either (a) the parcels to be adjusted are found to be in compliance with the Subdivision Map Act and local subdivision regulations, or (b) a Conditional Certificate of Subdivision Compliance for the parcel or parcels has been issued for recordation prior to or concurrent with the lot line adjustment; and
- (3) The proposed lot line adjustment neither causes non-conformance nor increases the severity of pre-existing nonconformities with the General Plan, Zoning and Building ordinances. Providing compliance with this subsection, the approval shall not be conditioned on correction or preexisting non-conformities with the General Plan, Zoning and Building ordinances.

Staff Analysis

1. Complete Application

The applicant has submitted the required application materials including the map/plot plan illustrating the proposed lot line adjustment, copies of the current deeds, creation documents and copies of a Preliminary Title Report (PTR) for each of the parcels.

2. Subdivision Map Act Compliance

The parcels were created in compliance with State and local regulations in 1930 by Parcel Map. The subject parcels are Lots 13 and 14 of Block Sixteen as shown on the map of the First Addition to New Rio Dell Tract, recorded April 14, 1930, in Book 11 of Maps, pages 76-79. A records search and a review of the Preliminary Title Report indicate that the lots have not been formally merged.

3. General Plan, Zoning and Building Ordinance Consistency

The parcels are planned and zoned Urban Residential (UR). See Figure 2. The purpose of the Urban Residential zone is to provide neighborhood residential areas with varying densities for single family dwellings. A copy of the Urban Residential development standards is included as Attachment 3. The Urban Residential designation requires a minimum parcel size of 6,000 square feet. Both parcels are currently 5,000 square feet. They are legal non-conforming parcels.

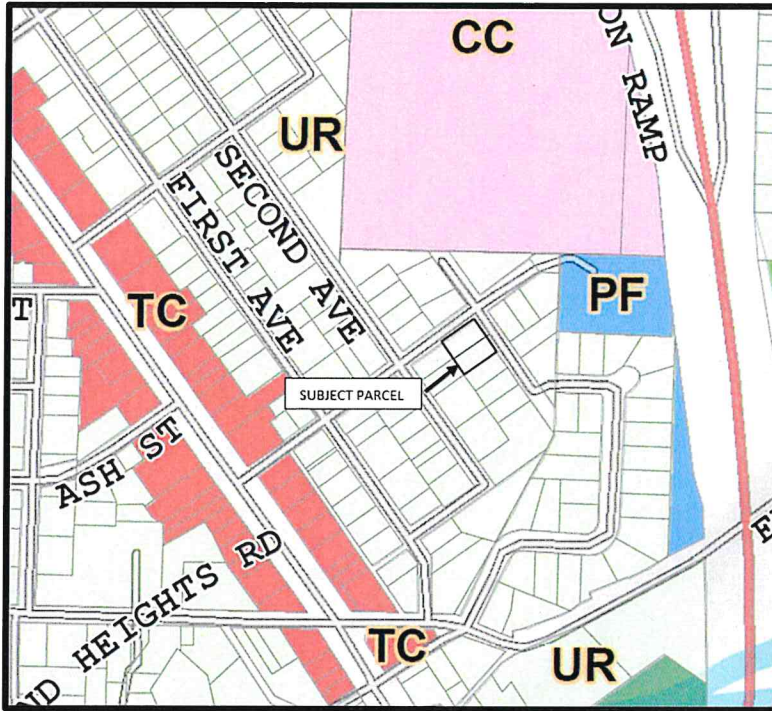


Figure 2

The applicant has requested to utilize the Lot Size Modification provisions to reduce one parcel to 4,500 square feet. Section 17.30.190 of the RDMC allows exceptions to Lot Size, Lot Width and Lot Depth Standards to better design and cope with difficulties due to topography and other natural or manmade features, minimum lot size, minimum lot width, and maximum lot depth in all zones. The Lot Size Modification provisions allow parcels to be modified down to not less than 50 percent, or 5,000 square feet, whichever is greater.

Staff is supportive of a Variance to the 5,000 square-foot minimum parcel size requirement. Section 17.35.020 identifies the required findings to approve a Variance.

- The location, shape, size, surroundings, topography, or other condition, applicable to the subject property, represents special circumstances, and that strict application of this title would deny the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district.

The proposed lot line adjustment will resolve the existing building encroachment over the common property line. This represents a special circumstance. Several properties in the Avenue’s neighborhood are less than 5,000 square feet. There are parcels as small as 2,500 square feet. As such, the strict application would deny the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district

- The variance is necessary for the enjoyment and preservation of substantial property rights enjoyed by other property owners in the same vicinity and zoning district; and

If the Variance is not approved, the owner would be required to merge the properties, resulting in a loss of property value.

- The variance is consistent with the general plan.

There is nothing in the General Plan which would prohibit the approval of the Variance. Approval of the Variance will allow the owner to sell the parcel, which is currently in escrow. The new owner plans on repairing the existing dwelling, which maintains and enhances the City housing stock. This is consistent with the City’s State-approved Housing Element.

The proposed lot line adjustment does not result in any nonconformity in regard to setbacks or lot coverage and does not require the relocation of any easements or utilities. The proposed lot line adjustment resolves a setback issue.

Based on comments from referral agencies, information submitted by the applicant, and the recommended conditions of approval, the evidence supports the finding that the proposed lot line adjustment is in conformance with all applicable policies of the Zoning Regulations, General Plan and Building Regulations.

Approval of the Lot line Adjustment does not guarantee that the parcels are suitable for development in accordance with existing and future regulations.

4. California Environmental Quality Act (CEQA)

Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Class 5, Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. This exemption applies to lot line adjustment with an average slope of less than 20% and does not result in any changes in land use or density.

Attachments:

- Attachment 1: Map of Proposed Lot Line Adjustment and map of the First Addition to New Rio Dell Tract.
- Attachment 2: Development Standards for the Urban Residential designation.
- Attachment 3: Conditions of Approval.
- Attachment 4: Resolution No. PC 176-2024.

If the Variance is not approved, the owner would be required to merge the properties, resulting in a loss of property value.

- The variance is consistent with the general plan.

There is nothing in the General Plan which would prohibit the approval of the Variance. Approval of the Variance will allow the owner to sell the parcel, which is currently in escrow. The new owner plans on repairing the existing dwelling, which maintains and enhances the City housing stock. This is consistent with the City’s State-approved Housing Element.

The proposed lot line adjustment does not result in any nonconformity in regard to setbacks or lot coverage and does not require the relocation of any easements or utilities. The proposed lot line adjustment resolves a setback issue.

Based on comments from referral agencies, information submitted by the applicant, and the recommended conditions of approval, the evidence supports the finding that the proposed lot line adjustment is in conformance with all applicable policies of the Zoning Regulations, General Plan and Building Regulations.

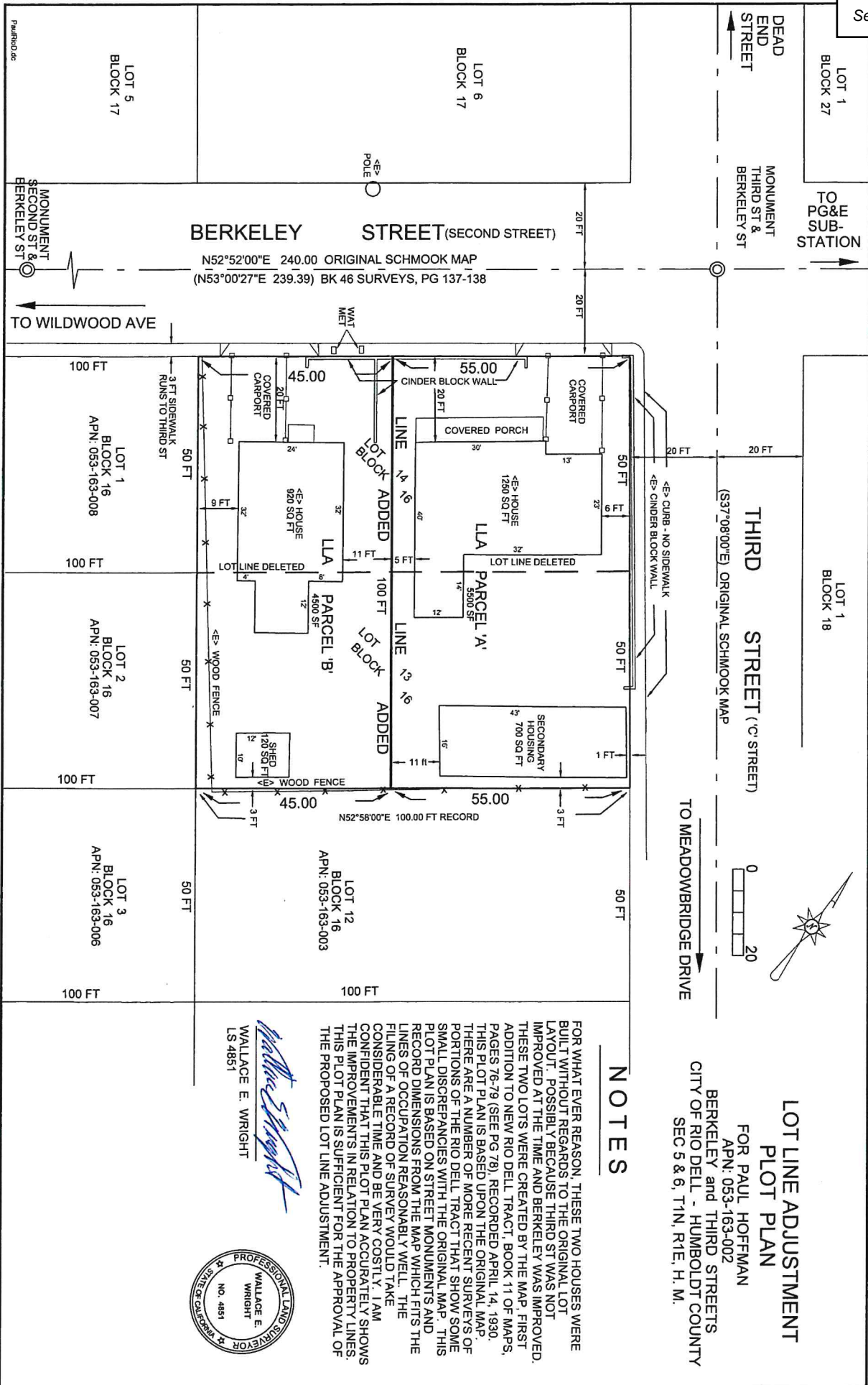
Approval of the Lot line Adjustment does not guarantee that the parcels are suitable for development in accordance with existing and future regulations.

4. California Environmental Quality Act (CEQA)

Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Class 5, Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. This exemption applies to alterations in land use limitations and lot line adjustment with an average slope of less than 20% and does not result in any changes in land use or density.

Attachments:

- Attachment 1: Map of Proposed Lot Line Adjustment and map of the First Addition to New Rio Dell Tract.
- Attachment 2: Development Standards for the Urban Residential designation.
- Attachment 3: Conditions of Approval.
- Attachment 4: Resolution No. PC 176-2024.



**LOT LINE ADJUSTMENT
PLOT PLAN**
FOR PAUL HOFFMAN
APN: 053-163-002
BERKELEY and THIRD STREETS
CITY OF RIO DELL - HUMBOLDT COUNTY
SEC 5 & 6, T1N, R1E, H, M.

NOTES

FOR WHAT EVER REASON, THESE TWO HOUSES WERE BUILT WITHOUT REGARDS TO THE ORIGINAL LOT LAYOUT. POSSIBLY BECAUSE THIRD ST WAS NOT IMPROVED AT THE TIME AND BERKELEY WAS IMPROVED. THESE TWO LOTS WERE CREATED BY THE MAP FIRST ADDITION TO NEW RIO DELL TRACT, BOOK 11 OF MAPS, PAGES 76-79 (SEE PG 78), RECORDED APRIL 14, 1930. THIS PLOT PLAN IS BASED UPON THE ORIGINAL MAP. THERE ARE A NUMBER OF MORE RECENT SURVEYS OF PORTIONS OF THE RIO DELL TRACT THAT SHOW SOME SMALL DISCREPANCIES WITH THE ORIGINAL MAP. THIS PLOT PLAN IS BASED ON STREET MONUMENTS AND RECORD DIMENSIONS FROM THE MAP WHICH FITS THE LINES OF OCCUPATION REASONABLY WELL. THE FILING OF A RECORD OF SURVEY WOULD TAKE CONSIDERABLE TIME AND BE VERY COSTLY. I AM CONFIDENT THAT THIS PLOT PLAN ACCURATELY SHOWS THE IMPROVEMENTS IN RELATION TO PROPERTY LINES. THIS PLOT PLAN IS SUFFICIENT FOR THE APPROVAL OF THE PROPOSED LOT LINE ADJUSTMENT.

Wallace E. Wright
WALLACE E. WRIGHT
LS 4851



MAP OF THE- FIRST ADDITION TO NEW RIO DELL TRACT HUMBOLDT COUNTY, CALIFORNIA A PART OF SECTION 6, TWP 1 N. R. 1 E. H. M. AND OF SECTION 5, TWP 1 N. R. 1 E. H. M.

CONSENT AND DEDICATION

I, F. M. Bailey, (a single man) declare that I am the sole owner of the land subdivided upon this map consisting of Sheets 1, 2, 3 and 4; that there are no persons whose consent is necessary to pass a clear title to the subdivided lands, other than those whose names are subscribed hereto; that I caused this land to be surveyed and laid out as shown, and consent to and approve this map; and I hereby dedicate to the public use all streets and alleys shown thereon which have not already been dedicated, and I dedicate also, the right of use of said streets and alleys for drainage of surface and storm water.

And we John J. Kelly and Mattie W. Kelly, his wife, as trustees and franchise bank (a corporation) (an artificially created and dissolved corporation) and also Bailey, F. M. Bailey, (a corporation) (a corporation) as trustee and the First National Bank of Soledad (a corporation) as trustee and under another deed of trust of the subdivided lands, do hereby consent to and approve this map, and I, John J. Kelly, do hereby dedicate to the public use all streets and alleys shown thereon which have not already been dedicated, and also the drainage rights therein, as set forth in his statement above.

In Witness Whereof, F. M. Bailey, John J. Kelly and Mattie W. Kelly, have subscribed their names; and Bailey, F. M. Bailey, as trustee (company), Franchise Bank and the First National Bank of Soledad, (corporations), have caused this document to be signed by their respective officers, duly authorized for the purpose by their respective Boards of Directors, and otherwise with their corporate seals.

F. M. Bailey
F. M. Bailey
Bailey, F. M. Bailey, (a corporation)
(as trustee under deed of trust by F. M. Bailey)
by *John J. Kelly* and *Mattie W. Kelly*
John J. Kelly, President
Mattie W. Kelly, Secretary
Attest: *John J. Kelly*
John J. Kelly, Secretary
FERNON BANK
by *John J. Kelly*
John J. Kelly, Secretary
Bailey, F. M. Bailey, (a corporation)
(as trustee under deed of trust by F. M. Bailey)
by *John J. Kelly* and *Mattie W. Kelly*
John J. Kelly, President
Mattie W. Kelly, Secretary
Attest: *John J. Kelly*
John J. Kelly, Secretary
THE FIRST NATIONAL BANK OF SOLEDAD
by *John J. Kelly*
John J. Kelly, Secretary

STATE OF CALIFORNIA

On this day, April 10, 1930, before me, Walter F. Johns a Notary Public in and for the County of Humboldt, personally appeared F. M. Bailey, John J. Kelly and Mattie W. Kelly, who are personally known to me to be the persons whose names are subscribed to the above consent and dedication, and acknowledged to me that they executed and acknowledged the same.

In Witness Whereof, I have subscribed my name and official seal.
Walter F. Johns
Walter F. Johns
Notary Public
in and for the County of Humboldt,
State of California.

On this day, April 11, 1930, before me, Grace H. Jennings, Notary Public in and for the County of Humboldt, personally appeared F. M. Bailey, John J. Kelly and Mattie W. Kelly, who are personally known to me to be the persons who executed the above consent and dedication, and acknowledged to me that they executed and acknowledged the same.

In Witness Whereof, I have subscribed my name and official seal.
Grace H. Jennings
Grace H. Jennings
Notary Public
in and for the County of Humboldt,
State of California.

On this day, April 11, 1930, before me, Grace H. Jennings, a Notary Public in and for the County of Humboldt, personally appeared F. M. Bailey, John J. Kelly and Mattie W. Kelly, who are personally known to me to be the persons who executed the above consent and dedication, and acknowledged to me that they executed and acknowledged the same.

In Witness Whereof, I have subscribed my name and official seal.
Grace H. Jennings
Grace H. Jennings
Notary Public
in and for the County of Humboldt,
State of California.

1556
FILED APR. 14, 1930 at 2 o'clock P.M.
By *W. F. Johns*
Notary Public
Fee \$1.50

Sheet # 1 of 4 Sheets.

SURVEYORS CERTIFICATE

I hereby certify that I made the surveys represented on this map and that the map is an accurate depiction thereof, and that there are sufficient monuments left on the ground from which the survey can be retraced, the character and location of which are shown on Sheets 2, 3 and 4 hereto.

Dated April 10, 1930.
Witness my hand and seal.
Walter F. Johns
Walter F. Johns
Notary Public
in and for the County of Humboldt,
State of California.

TAX AND ASSESSMENT CERTIFICATE

I hereby certify that the lands subdivided upon this map of First Addition to New Rio Dell Tract are in Humboldt County, California, and not within any incorporated town or territory; that there are no liens for unpaid State or County taxes against the lands thereon subdivided, except taxes not yet payable.

The amount of taxes against the lands there subdivided, which are a lien but not yet payable (being property taxes for fiscal year 1930-31) I estimate to be \$1,000.00.

Further, I certify that I am the officer in charge of special assessments in unincorporated territory in said county, and that the lands subdivided upon this map have not been paid off in full; also that any such lands are not subject to any special assessments, the liens of which have not yet become a lien.

Dated this 10th day of April, 1930.
Walter F. Johns
Walter F. Johns
Notary Public
in and for the County of Humboldt,
State of California.

BOND CERTIFICATE

I hereby certify that on the 10th day of April, 1930, a bond in the sum of \$5,000.00 was filed by F. M. Bailey and approved by the Board of Supervisors of Humboldt County, in consideration of the payment of taxes against the lands subdivided upon this map which are a lien at time of filing said map but not yet payable.

In Witness Whereof, I have subscribed my name and affixed the official seal of the Board this 10th day of April, 1930.
Walter F. Johns
Walter F. Johns
Notary Public
in and for the County of Humboldt,
State of California.

COUNTY SURVEYORS' APPROVAL

I, Frank E. Kelly, County Surveyor of Humboldt County, California, hereby certify that this map of First Addition to New Rio Dell Tract, consisting of four sheets has been examined by me; that the land subdivided is not in incorporated territory and is not within three miles of any incorporated city or town; that there is not at this date any authorized county planning commission or city planning commission authorized or required to pass upon the same; that I am well acquainted with the land subdivided; that I have examined the maps and the data given thereupon, and the surveys, certificates and other parts thereof and find the same correct and suitable and conformable to the provisions of the State laws regarding subdivision maps; and I approve the same and recommend that the Board of Supervisors approve the map and accept the dedications thereon.

Dated this 10th day of April, 1930.
Frank E. Kelly
Frank E. Kelly
County Surveyor, Humboldt County,
California.

ACCEPTANCE

The Board of Supervisors of Humboldt County, California, approves the accompanying map of FIRST ADDITION TO NEW RIO DELL TRACT and accepts on behalf of the public the dedication of those streets and alleys shown thereon, which have not yet been dedicated, together with the drainage easements therein, as set forth upon said map. All of which appears by an order, duly passed by the Board this 10th day of April, 1930.

Walter F. Johns
Walter F. Johns
Notary Public
in and for the County of Humboldt,
State of California.

Book 11 of Maps, Page 76

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



Urban Residential Zone Development Standards
Section 17.20.030 Rio Dell Municipal Code

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.

(2) Uses Permitted with a Use Permit.

(a) Attached dwellings with a minimum lot size of 4,000 square feet; *See General Policy below.*

(b) Rooming and boarding of not more than two persons not employed on the premises;

(c) Public and private non-commercial recreation facilities;

(d) Schools, churches, civic and cultural uses including City offices and day care centers.

(e) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

(3) Other Regulations. See Table 17.20.030 for development standards for the Urban Residential (UR) zone.

Table 17.20.030
Development Standards for the Urban
Residential or UR Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	6,000 square feet
Maximum Ground Coverage:	50%
Minimum Lot Width:	60 feet
Minimum Yards	
Front:	20 feet
Rear:	10 feet
Side:	5 feet
Maximum Building Height:	35 feet

General Plan Land Use Policy for Attached Dwellings

Policy LU-14: The standards for attached dwelling units shall be designed to maintain Rio Dell's small town atmosphere. These standards shall include:

- A dwelling group may not contain more than four attached units; and
- Each dwelling unit must have a ground floor front door that faces a public street; and
- Each dwelling unit must have a sidewalk from the public street to the front door that is separate from any driveway; and
- Parking for the dwelling unit group should be located at the rear of the building; and
- Each dwelling unit should have a covered stoop or porch at the front door.

Petranoff Lot Line Adjustment
File No. 053-163-002; Case No's. LLA 01-2024 & VAR 01-2024
Conditions of Approval

Approval of the Lot Line Adjustment is conditioned upon the following terms and requirements:

1. The instruments of record as approved by the Planning Department shall be recorded and the lot line adjustment shall be completed within thirty-six (36) months of approval of the lot line adjustment.

Prior to expiration, the applicant or property owner may request extension of the filing deadline by submitting a written extension request and a filing fee as set by resolution of the City Council.

The Planning Director may grant a maximum of three years extension of the filing deadline if the Planning Director finds that the conditions under which the tentative approval was issued have not significantly changed.

2. A Notice of Lot Line Adjustment shall be recorded for the resulting parcels. The following information must be submitted to the Planning Department for review prior to recordation:

(a) A copy of the deeds to be recorded for the adjusted parcels; provided however, that when the parcels being adjusted are held in common ownership, no new deeds shall be required for the preparation of the Notice of Lot Line Adjustment.

(b) A Lot Book Guarantee or Preliminary Title Report current within 6 months or other evidence satisfactory to the Planning Department regarding ownership of parcels.

(c) Completed "Notice of Lot Line Adjustment and Certificate of Subdivision Compliance" forms (these are available from the Planning Department).

3. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) must be submitted for review and approval to the Planning Department.

4. Pursuant to Section 8762 of the Business and Professions Code a Record of Survey monumenting the corners of the new property line(s) may be required. The City Engineer shall not require the Record of Survey if in his opinion any one of the following findings can be made:

(a) The new boundary line(s) are already adequately monumented of record.

(b) The new boundary line(s) can be accurately described from Government Subdivision Sections or aliquot parts thereof.

(c) The new boundary line(s) can be accurately described and located from existing monuments of record.

(d) The new boundary is based upon physical features (i.e. roads, creeks, etc.) which themselves monument the line.

5. The applicants shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the lot line adjustment have been paid in full if payable, or secured if not payable to the satisfaction of the County Tax Collector's Office, and all special assessments on the parcels must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to submitting the required conditions of approval.

6. The applicant/owner shall pay any outstanding fees, fines, penalties or liens associated with the parcels.

Informational Note:

1. Approval of the Lot line Adjustment does not guarantee that the parcels are suitable for development in accordance with existing and future regulations.

RESOLUTION NO. PC 176-2024



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
APPROVING THE PETRANOFF LOT LINE ADJUSTMENT**

WHEREAS, the parcels were created in compliance with State and local regulations in 1930 by Parcel Map. The subject parcels are Lots 13 and 14 of Block Sixteen as shown on the map of the First Addition to New Rio Dell Tract, recorded April 14, 1930, in Book 11 of Maps, pages 76-79; and

WHEREAS the proposed lot line adjustment will adjust 1500 square feet from one parcel to another resulting in two parcels of 5,500 square and 4,500 square feet; and

WHEREAS both parcels are developed single family residences; and

WHEREAS the parcels are planned and zoned Urban Residential (UR); and

WHEREAS the Urban Residential zone requires a 6,000 square foot minimum parcels size; and

WHEREAS the applicant has requested to utilize the Lot Size Modification provisions to reduce one parcel to 4,500 square feet; and

WHEREAS the Lot Size Modification provisions allow parcels to be modified down to not less than 50 percent, or 5,000 square feet, whichever is greater; and

WHEREAS Staff is supportive of a Variance to the 5,000 square-foot minimum parcel size requirement; and

WHEREAS staff has presented evidence in support of the proposed Variance; and

WHEREAS based on a review of the Preliminary Title Report, current deeds and creation map, staff has determined that the two parcels are legal, separate parcels created in compliance with the Subdivision Map Act and local regulations; and

WHEREAS the proposed lot line adjustment does not result in any nonconformity in regards to setbacks or lot coverage and does not require the relocation of any easements or utilities; and

WHEREAS the applicant has submitted evidence in support of making the required findings and

WHEREAS the City has reviewed the submitted application and evidence and has referred the project to various agencies for review, comments and recommendations; and

WHEREAS based on comments from referral agencies, information submitted by the applicant and the recommended conditions of approval, the evidence supports the finding that the proposed lot line adjustment is in conformance with all applicable policies of the Zoning Regulations, General Plan and Building Regulations; and

WHEREAS the area being adjusted has an average slope of less than 20%; and

WHEREAS staff has determined that the project is Statutorily Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations; and

WHEREAS pursuant to Section 15305 of the CEQA Guidelines this exemption applies to alterations in land use limitations and lot line adjustments with an average slope of less than 20% and does not result in any changes in land use or density.

NOW, THEREFORE, BE IT RESOLVED the City finds that based on evidence on file and presented in the staff report that the proposed lot line adjustment and variance complies with all of the following required findings:

1. That the proposed lot line adjustment application was found to be complete; and
2. That the parcels involved in the lot line adjustment were created in compliance with the Subdivision Map Act;
3. That the proposed lot line adjustment neither causes non-conformance nor increases the severity of pre-existing nonconformities with the General Plan, Zoning and Building ordinances; and
4. The location, shape, size, surroundings, topography, or other condition, applicable to the subject property, represents special circumstances, and that

strict application of this title would deny the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district; and

5. The variance is necessary for the enjoyment and preservation of substantial property rights enjoyed by other property owners in the same vicinity and zoning district; and

6. The variance is consistent with the general plan

7. That the proposed lot line adjustment and variance is Statutorily Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Rio Dell approves the proposed lot line adjustment and variance subject to the recommended conditions of approval.

APPROVED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of March 12, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Nick Angeloff Chair

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 176-2024 adopted by the Planning Commission of the City of Rio Dell on March 12, 2024.

Karen Dunham, City Clerk, City of Rio Dell