



- CITY OF BIGGS -  
**PLANNING DEPARTMENT STAFF REPORT**

465 C Street /  
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Biggs, CA 95917

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DATE: October 17, 2011  
TO: Honorable Mayor and Members of the City Council  
FROM: Scott Friend, AICP City Planner  
SUBJECT: Department Activity Report – September/October 2011

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**DEPARTMENT ACTIVITY SUMMARY – September/October 2011**

On-Site Contract Staff Days/ Agency Meetings / Code Enforcement Activity:

- Monday, September 19<sup>th</sup> – City Council Meeting
- Wednesday, September 21<sup>st</sup> – Staff Meeting (conf. call)
- Numerous – Code Enforcement (Marijuana Cultivation) / Hearings / Citation Service
  - Ferko Nuisance Hearing – September 23<sup>rd</sup> (2<sup>nd</sup> hearing)
- Friday, September 30<sup>th</sup> – Economic Development Meeting with Butte County
- Wednesday, October 5<sup>th</sup> – Staff Meeting (conf. call)
- Friday, October 7<sup>th</sup> – 48-hour Notice Service (Marijuana Cultivation)

Major Projects Activity Report:

1. *General Plan 2035 Update:*

PMC will be presenting the last of the draft policy elements, *Land Use*, to the City Council at a Council Study Session meeting beginning at 5:00pm on Monday, October 17<sup>th</sup>. In addition to the presentation of the Land Use element, PMC will present the Circulation Diagram for consideration as a follow-up action to the Study Session of July 18<sup>th</sup> addressing the Circulation Element. At a subsequent meeting following the review and consideration of the Land Use Element by the City Council, staff will work with the City Administrator to identify and present options for the initiation of the environmental analysis and compliance portion of the effort (CEQA compliance).

2. *Sunwest Milling Warehouse Expansion Project:*

PMC, along with Bennett Engineering and the City Administrator, are continuing to work with Sunwest to move the Warehouse Expansion project forward. At this time, the City of Biggs has approved Phases 1a and 1b of the project consisting of the movement of the scale house facility, site grading, installation of pavement south of the existing flat storage facility, installation of underground utilities, construction of the new maintenance facility and initial storm water facilities. Building Permits for this work have been secured from Butte County.

City staff will continue to work with the mill and the mill's project team on the upcoming phases of the project as the additional plans are submitted.

The project engineer for the Sunwest Warehouse Expansion project, Robertson-Ericson, has submitted revised plat maps to the City Engineer for review to facilitate the necessary Lot Line Adjustment request. The City Engineer will schedule this item for consideration by the Council following the review and favorable recommendation by staff.

### Monthly Department Activity Report:

#### 2. *Applications / Planning Services Activities:*

##### Applications:

- Site Plan Review (Sunwest Milling Phase Ib):  
- (see activity description above).
- Lot Line Adjustment (Sunwest Milling):  
- (see activity description above).
- Correspondence / Information Requests:  
- Code enforcement: Various (see discussion below)

##### Planning Services Activities:

- Planning staff have begun to provide input to the Butte County Association of Governments (BCAG) for the Sustainable Communities Plan (SCS) and will continue to support that document and provide input in the coming months. It is noted that the City of Biggs will be reimbursed for the staff time devoted to this effort.
  - At the request of the City Administrator, the City Planner and City Administrator met with Butte County Administrative Officer Paul Hahn and Butte County Economic and Community Development Manager Jennifer Macarthy to discuss local and regional issues related to economic development and to discuss options for the sharing of information and resources to address economic development concerns and opportunities in the County. The County expressed a desire to assist the City of Biggs on economic development matters and agreed to look at options for citing future economic generators in the City.
  - The City Planner continued on-going conversations with a representative of a group interested in exploring options for future business opportunities in Biggs. The representative would not divulge any information concerning the potential interested party or the nature of the inquiry. The City Planner provided land use information along with copies of the City's General Plan, Development Code and land use map to the caller.
3. *Butte County Building Permit Issuance Coordination:*
- Please see *Attachment A* to this report for building permit details.
4. *Biggs Sixth Street Bridge Replacement Project – Phase II Environmental Services:*  
The project team, lead by PMC, has completed and submitted all previously known and necessary environmental studies to Caltrans for the effort to replace the Sixth Street

Bridge. Following staff's report on this matter at last month's City Council meeting, Caltrans staff determined that one additional study will be necessary for this effort. The study that is being requested is a Historical Resource Evaluation Report (HRER) for the section of Hamilton Slough adjacent to the project site. Staff is currently working with Bennett Engineering and the project manager at Caltrans to define the effort and receive supplemental funding as part of the project budget for the work. Staff has submitted a separate staff report seeking supplemental funding from the City for the completion of this effort.

Caltrans cultural resources staff have provided a letter to response to the Enterprise Maidu tribe in Oroville acknowledging their request for tribal consultation on the project and informing the tribe that Caltrans has assumed authority for this matter and will be addressing the requirements for cultural resources preservation as required by existing agreements between Caltrans and the State Office of Historic Preservation (SHPO). At this time, no further outreach or consultation is anticipated. The letter from Caltrans to the tribe has been included as *Attachment B* to this report.

If additional information is made available prior to the Council meeting, staff will provide an update to the Council at that time.

5. *Code Enforcement: Marijuana Abatement*

The City Planner has been working with the City Administrator to actively pursue a new outdoor marijuana abatement issues at 454 Trent Street. Staff served a 48-hour notice to abate on the property on Friday, October 7<sup>th</sup> and the City Administrator completed a site inspection on Tuesday, October 11<sup>th</sup>. At the time of the site inspection, the tenant had harvested the plants and was storing them in the garage. Due to the intense odor that was resulting from the storage of the plants, staff prepared and served a Notice of Public Hearing on the tenant on Wednesday, October 12, 2011. The hearing has been scheduled for Monday, October 17<sup>th</sup> at 4:00pm.

To date for 2011, staff has pursued four marijuana cultivation violations resulting in two concluded and one scheduled violation hearing. Fines levied or collected as part of this effort exceed \$500. With the exception of the remaining hearing scheduled for the 17<sup>th</sup> of October, all three cases were abated pursuant to the provisions of the City Municipal Code.

6. *Code Enforcement: Biggs Municipal Code*

The City Planner has been actively working with staff at City Hall to re-establish the City's code enforcement effort. The City Planner and the interim Code Enforcement Officer have met on numerous occasions to review necessary steps to actively re-engage the City's enforcement efforts, to organize and attempt to understand the activities that have occurred in the past months and to prioritize those cases known to the City. Five citation letters were issues in the past two weeks for issues related to the parking of vehicles, litter and yard debris and property maintenance conditions.

**Attachments:**

- Attachment A - Butte County Building Department Permit Activity Reports
- Attachment B - Caltrans Letter to the Enterprise Maidu Tribe concerning the Sixth Street Bridge Project

10/7/2011  
10:37:46AM

Butte County  
Department of Development Services - Building Division (City of Biggs)  
PERMITS ISSUED IN City of Biggs - Summary by Type and Subtype  
For the Period 9/1/2011 thru 9/30/2011



Type / SubType	# of Permits Issued	Valuation of Work	Fees Charged
COMMERCIAL	2	\$675,017.16	\$6,530.62
F1/F 2 INDUSTRIAL	1	\$522,468.36	\$5,634.45
O OTHER TENANT IMPR	1	\$152,548.80	\$896.17
MECH ELECTRIC PLUMB	1	\$750.00	\$124.00
FURNACE RESIDENTIAL	1	\$750.00	\$124.00
MISCELLANEOUS	5	\$45,220.00	\$1,898.94
GARAGE CONVERSION	1	\$8,500.00	\$625.94
PHTOVTAIC SYS ROOF	2	\$33,000.00	\$890.00
RE-ROOF RESIDENTIAL	1	\$3,000.00	\$128.00
WINDOW/GLASS DOOR	1	\$720.00	\$255.00
Totals:	8	\$720,987.16	\$8,553.56

10/7/2011  
10:41:01AM

Butte County  
Department of Development Services - Building Division (City of Biggs)  
PERMITS ISSUED IN City of Biggs - Summary by Type and Subtype  
For the Period 7/1/2011 thru 9/30/2011



Type / SubType	# of Permits Issued	Valuation of Work	Fees Charged
COMMERCIAL	2	\$675,017.16	\$6,530.62
F1/F 2 INDUSTRIAL	1	\$522,468.36	\$5,634.45
O OTHER TENANT IMPR	1	\$152,548.80	\$896.17
MECH ELECTRIC PLUMB	2	\$9,900.00	\$346.00
FURNACE RESIDENTIAL	1	\$750.00	\$124.00
HVAC C/O COMMERCIAL	1	\$9,150.00	\$222.00
MISCELLANEOUS	9	\$82,610.08	\$3,340.54
DEMOLITION	1	\$1,000.00	\$191.00
GARAGE CONVERSION	1	\$8,500.00	\$625.94
PHTOVTAIC SYS ROOF	2	\$33,000.00	\$890.00
PRIVATE GARAGE/SHOP	1	\$32,590.08	\$740.60
REPAIR	1	\$1,200.00	\$382.00
RE-ROOF RESIDENTIAL	2	\$5,600.00	\$256.00
WINDOW/GLASS DOOR	1	\$720.00	\$255.00
Totals:	13	\$767,527.24	\$10,217.16

## Attachment B

### DEPARTMENT OF TRANSPORTATION, DISTRICT 3

703 B STREET  
MARYSVILLE, CA 95901-0911  
Telephone (530) 741-7113  
Facsimile (530) 741-4457



*Flex your power!  
Be energy efficient!*

October 4, 2011

Enterprise Rancheria of Maidu Indians  
Estom Yumeka Maidu Tribe  
Glenda Nelson, Chairperson  
3690 Olive Highway  
Oroville, CA 95966

ATTN: Cindy Smith, Environmental Director

**RE: 6<sup>th</sup> Street Bridge Project, City of Biggs, Butte County, California**

Dear Ms. Nelson,

Thank you for your August 15, 2011 letter to Pacific Legacy regarding the replacement of the 6<sup>th</sup> Street Bridge in the city of Biggs. Because this project will use federal funds Caltrans will be doing oversight of the National Environmental Policy Act (NEPA) documentation. Caltrans serves as the delegated federal agency following the provisions of the *Memorandum of Understanding (MOU) between the Federal Highway Administration and the California Department of Transportation State Assumption of Responsibility for Categorical Exclusions, which became effective on June 7, 2007 and renewed on June 7, 2010*. The MOU was signed pursuant to Section 6004 of the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, which allows the Secretary of Transportation to assign, and the State of California to assume, responsibility for FHWA's responsibilities under the National Environmental Policy Act as well as consultation and coordination responsibilities under other federal environmental laws. In that this project is covered by the above referenced MOU, FHWA has assigned, and Caltrans has assumed, FHWA responsibility for environmental review, consultation, and coordination on this project.

Further, this project falls under the *January 2004 Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California (PA)*. Caltrans takes its cultural resource stewardship seriously and appreciates working with concerned Tribes and individuals.

Efforts to comply with the Section 106 PA for this project included specific steps detailed in Stipulation VIII, which is in accordance with 36 CFR Part 800.4. Identification efforts were initiated consisting of background records and literature searches for any information pertaining

## Attachment B

Glenda Nelson  
October 4, 2011  
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to the area regarding potential use and occupation by the Estom Yumeka Maidu Tribe. The letter to you from Pacific Legacy was a part of this effort to collect information. Such information might suggest the degree of potential for such cultural resources to exist in the project Area of Potential Effects (APE). However, background research and a thorough pedestrian archaeological survey of the APE, conducted by a qualified archaeologist meeting the Secretary of the Interior's Standards for practicing archaeology in the United States, indicated that no known Native American archaeological sites are present within the project's APE.

It is Caltrans policy and practice to retain Native Americans as monitors in three circumstances: 1) during archaeological excavations, 2) during construction and construction related activities adjacent to known Native American archaeological or cultural sites, or such sites identified as Environmentally Sensitive Areas (ESAs), and 3) during construction or related activities in areas where there is a high probability that there may be a buried deposit based on geomorphology of the area. None of these three criteria apply to this project.

Moreover, it is Caltrans policy that if during construction any deposits of artifacts and/or human remains are discovered, that all work halt in the area of the find until examination by a qualified archaeologist meeting the Secretary of the Interior's Standards. Moreover, regarding human remains Caltrans follows Section 7050.5 of the California Health and Safety Code in addition to Public Resources Code Section 21083.2 in terms of effects on archaeological resources. In circumstances where discovery of artifactual deposits occur, the Estom Yumeka Maidu Tribe would be contacted immediately to undertake inspection and consultation of the situation.

Per Caltrans policy and State of California property rights law, any artifacts uncovered are property of the legal land owner. At the request of the landowner, Caltrans may curate such materials at a facility that meets the standards set forth in the *Curation of Federally-owned and Administered Archaeological Collections* (36 CFR §79).

If you still have questions regarding this project, Caltrans is happy to host a meeting at our District Office in Marysville. You may call Daryl Noble, Associate Environmental Planner (Archaeology) at (530) 741-4538, or send an e-mail to [daryl\\_noble@dot.ca.gov](mailto:daryl_noble@dot.ca.gov) if you have any questions, comments, or would like to schedule a meeting date.

Sincerely,  
*/original signed by/*

Susan D. Bauer  
Senior Environmental Planner  
Caltrans, District 3  
703 B Street, Marysville, CA 95901

cc: Project File  
Cara Lambirth, Project Coordinator  
Allison Vanderslice, Project Archaeologist