- CITY OF BIGGS -
PLANNING DEPARTMENT ACTIVITY REPORT
April/May 2013

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DATE: May 10, 2013

TO: Honorable Mayor and Members of the City Council

FROM: Scott Friend, AICP - City Planner

SUBJECT: Planning Department Monthly Activity Report – April/May 2013

DEPARTMENT ACTIVITY SUMMARY

Contract Staff Days/ Agency Meetings / Code Enforcement Activity:

- Weekly Code Enforcement meetings - Thursday afternoons & as-necessary
- April 26, 2013 - On-site Code Enforcement / Project Review meeting
- May 6, 2013 - Biggs Wastewater Treatment Land Application Project – EIR Public Scoping Meeting #1
- May 7, 2013 – Public Works Committee meeting

Major Project Activity and Update Report:

1. *Wastewater Treatment Plant Land Application Project Environmental Compliance*:

   CEQA: A revised Notice of Preparation (NOP) and Initial Study (IS) are currently scheduled to be re-released and circulated to the State Clearinghouse and affect parties on Wednesday, May 8th. The re-release of the NOP and IS were necessary as the initial documents did not contemplate or address issues concerning the potential need for a Sphere of Influence amendment and annexation action for the ultimate project site. The lack of acknowledgement of such in the NOP and IS could prove problematic relative to the future use of the resulting environmental document by the County and/or Butte LAFCo. Re-circulation of the documents was undertaken to save time and confusion later in the process as doing so now could be accomplished with little disruption to the project schedule or budget. A second public Scoping meeting is now tentatively scheduled for Friday May 31st from 4:00-5:00pm in the City Council Chambers. The public Scoping Meeting referred to in the initial Notice of Preparation was held on Monday, May 6th. No commenting parties or agencies attended the meeting.

   PMC has been working with both the USDA and the State Water Board to identify and gain concurrence by both agencies in the decision to have the USDA assume the lead role for the purpose of meeting the requirements of the National Environmental Policy Act (NEPA). After substantial discussion and contemplation, it is currently believed that this approach is agreeable to all parties. PMC is currently working to finalize this concurrence in the form of written communications for all parties. It is anticipated that tat

written concurrences will be received by the time of the May City Council meeting. With this determination, PMC will utilize the USDA NEPA review and approval process as the guiding approach for the preparation of environmental documentation however this approach will be supplemented by the additional materials required by the State Board (re: cultural resources and biological resources).

PMC is well underway with all primary aspects of the draft EIR. PMC and BenEn are currently working on getting rights-of-entry for the various technical studies that need to be completed and field work is progressing for the south site as planned. Administrative Draft chapters of the EIR document are in progress.

One potential issue has presented itself to-date having to do with the need to conduct a pedestrian survey for cultural resources on both sites. While this comment was anticipated as being possible (refer to the *Optional Tasks* in original scope of work and separate staff report seeking supplemental funds for this purpose), the USDA project environmental coordinator has provided direction that the more detailed level of analysis is in-fact required. Because the 'West Option' site is now underwater due to the planting of the field, PMC and ecorp are now having to work with the USDA field representative to address alternative options for the undertaking of this work. No answer has yet been provided as to how the City can achieve compliance acknowledging the current state of the project site.

2. *Sixth Street Bridge Replacement Project*:
   Substantial effort has been expended in the past 2 weeks on securing the necessary permits to allow for the construction of the bridge project and towards the purchase of mitigation credits. At the time of the preparation of this report, two of the three required permits have been issued (State Water Board 401 and US ACOE 404) with the remaining permit due at the end of the month (Streambed Alteration Agreement – California DFW). PMC is continuing to work on the issues surrounding the purchase of Giant Garter Snake habitat credits and is working to address issues associated with the purchase of the required riparian habitat credits. In summary, the USACOE changed their minds at the last moment and is now not allowing the City to purchase locally available mitigation credits but is requiring the City to participate in the Departments in-lieu fee program. The net impact to the City of this decision is a cost increase of approximately $6,000 for the mitigation credits. At this time, PMC is attempting to verify that the City will NOT be required to purchase Giant Garter Snake habitat mitigation credits. More information is anticipated to be available prior to the Council meeting on this effort.

   The final required permit for the project is a Streambed Alteration Agreement with the California Department of Fish and Wildlife (CDFW). That agreement/permit is due no later than Friday, May 24th. Upon the issuance of that permit agreement, the project will be entirely in the hands of the City Engineer.

3. *Zoning Ordinance Text Amendments*:
   PMC is continuing to work on the preparation of four zoning ordinance text amendments for presentation to the City Council. Two of the draft amendments, Fences and Conditional Use Permits for Recreational Vehicles, will be presented at the May City Council meeting (please refer to separate staff reports for additional detail).

   It is staff's intent to continue to follow-up at subsequent Council meetings with code amendment information addressing transitional and supportive housing and shelters and

cottage foods. It is noted to the Council that staff has re-advertise the fence code amendment and the occupancy of recreational vehicles amendment prior to the May Council meeting to provide an opportunity for the public to become aware of the City's contemplation of the draft amendments.

4. *Program Income Reports and Program Income Re-use Plan*:
   PMC has initiated its work on the final three works tasks associated with bringing the City's CDBG-grant program into compliance with State reporting and monetary re-use requirements. PMC currently anticipates completing the three remaining tasks in later summer 2013.

5. *General Plan EIR – Notice of Completion and Public Circulation*:
   The final traffic study for the City General Plan Update EIR is scheduled for delivery to the PMC on Friday, May 17th. Following delivery of the traffic study, which was delayed to allow the City's General Plan, EIR and technical traffic study to achieve consistency with the County's Sustainable Communities Strategy (SCS) Plan (BCAG Project), Caltrans' Highway 99 Transportation Concept Report (TCD) and the recent updates to the County's overall travel demand model, PMC will make final updates to the Noise, Air Quality and Greenhouse Gas Sections of the Draft EIR and to prepare the Notice of Completion starting the mandatory 45-day comment period on the document.

   Staff had anticipated engaging the Council through a General Plan Update workshop in May however that was not possible due to the timing of the receipt of the traffic study. It is now anticipated that this discussion will occur as part of review process for the DEIR which may occur in July.

6. Draft Request for Proposal for Demolition Services – 3069 Eighth Street
   At the request of the City Administrator, PMC prepared a draft Request for Proposals for demolition and debris removal services for the now City-owned dwelling at 3069 Eighth Street. It has been staff's intention of moving forward with the circulation of the RFP as quickly as possible. However, staff has determined that it is necessary to first engage the services of a hazardous materials testing service to determine if various materials of interest a present at the site (lead pipes; asbestos containing siding, flooring or wallboard; toxic air contaminants) prior to the issuance of the Request for Proposal. Staff is working with the Valley Contractor's Exchange to get a list of potential direct contact parties for this effort. Details of the engagement of a materials testing firm are not currently known. As available, information will be provided to the City Council.

7. Regional / Multi-Agency Housing Element:
   A representative of the Butte County Development Services Department (DSD) has recently contacted the City to verify if interest existed in participating with the County and potentially the City of Oroville in a Multi-Agency Housing Element update effort. This idea would be the County and a participating City would prepare one Housing Element update for all participating entities. After discussing this idea with the City Administrator, calling the State Housing and Community Development Department (HCD) to discuss the idea and reviewing the City's existing Housing Element, staff is recommending at this time that the City of Biggs not participate in such an approach. Staff believes that the probability of achieving any cost- or time-efficiencies is low and believes that mixing housing issues in both the incorporated and un-incorporated areas into a single document could lead to schedule issues and unanticipated complexity. It is noted to the Council that the City's Housing Element update is due in June of 2014 and needs to be initiated in the coming month's to meet this deadline.

Monthly Department Activity Report:

1. *Applications / Planning Services Activities:*

   Applications: 1 – Design Review Approval and Request for Parcel Addressing (Community Housing Improvement Program - CHIP)

2. *Public Contact / Information Requests:*
   - Fence Installation Problem / Code Enforcement Action: Grey. A new fence was installed at Fifth and E. Streets without a fence permit and in a location not permitted by the City Code. The property owner has indicated that they will be approaching the City Council about this matter at the May City Council meeting to seek guidance on a resolution of the matter. In the event that additional information and direction is *not* provided by the City Council as a result of the comments by the property owner, staff will be requiring the property owner to remove and re-locate the fence to achieve compliance with City codes.
   - A property owner within the City at the SWC of Second and D Streets contacted the Planning Department in regard to a question concerning the potential for expansion of the existing duplex unit facing D Street. Planning staff provided information concerning setbacks, lot coverage, and building permits to the property owner. The property owner indicated that they were going to undertake additional research on the matter prior to making any requests to the City.
   - The City Planner was contacted by two parties seeking information on the City's Marijuana cultivation regulations. Appropriate copies of the City's Municipal Code were provided.
   - The environmental consultant working for the Butte County Association of Governments (BCAG) contacted the City seeking information for the EIS/EIR for the Habitat Conservation Plan. Information was provided as requested.
   - Community Housing Improvement Program (CHIP): The new development manager for CHIP formally submitted revised design plans to the City for approval. Assuming no input is provided by the City Council on the drawings provided, the Planning Department intends on approving the drawings as submitted. Additionally, the City Planner and City Engineer are working on to provide addresses to the new parcels as request by CHIP.

3. *Butte County Building Permit Issuance*:
   - One (1) building permit was issued in the City by the Butte County Building Services Division for the reporting period. The permit was for electrical work at an existing residence (installation of a new panel).

4. *Code Enforcement: General*

   Primary code enforcement activity during the reporting period has been focused on normal Spring-time nuisance vegetation matters. Staff has been utilizing a "courtesy notice" approach whereby problem properties are issued a Courtesy Notice informing them owners that a Violation exists and that abatement is needed to address the violation and eliminate the initiation of formal Code Enforcement proceedings. Generally speaking, staff is seeing a 50-60% voluntary abatement rate using this approach. For those not voluntarily abating a nuisance, a formal code citation process is then initiated. During the reporting period, nine (9) formal abatement notices were issued with seven (7) properties abating the identified nuisance conditions (all vegetation related). It is noted to the City Council at this time that formal abatement proceedings will likely be undertaken at two locations (B Street and 3rd Street) due to

non-compliance and statements made by property owners that no actions are planned. For these locations, second notices will be mailed during the week of May 13th.

Code Enforcement staff have been in contact with the local Butte County/Calfire representatives (Captain Tindell) about the Departments annual weed abatement observations. Based upon those discussions, it is anticipated that Fire Department observations will occur in the last 2-weeks of the month. Code Enforcement staff will work with the Fire Department to coordinate violation notices and abatement activities.

5. *Regional Planning Activities*:

Planning staff continues to be actively engaged in the following on-going regional planning activities on behalf of the City of Biggs:

- Butte County Agriculture Mitigation Ordinance;
- Butte Regional Habitat Conservation Plan (HCP/NCCP);
- Butte County AQMD GHG Emissions handbook preparation and update.

No notable activities have occurred during the reporting period on any of these projects.

Misc. Planning Communications/Updates:

- *Nothing to report*

Activity Report Attachments:

- *Sixth Street Bridge Section 401 and 404 Permits (available upon request)*