



CITY OF BIGGS Planning Staff Report

TO: **City of Biggs City Council**
FROM: Scott Friend, AICP – City Planner
MEETING DATE: November 12, 2013; 6:30 p.m., Biggs City Hall, 465 C Street,
Biggs, CA 95917

SUBJECT: **Conditional Use Permit #CUP2013-01:**

A request by Chris Swanson, owner/applicant, to permit the seasonal occupancy of up to four (4) recreational vehicles for temporary use at 2984 Seventh Street, Biggs, CA. A Use Permit is required for the temporary occupancy of recreational vehicles as required by Chapter 14.70 of the Biggs Municipal Code. Chapter 14.70 establishes that the City Council may permit the occupancy of recreational vehicles for periods in excess of 30-days upon the issuance of a Use Permit issued in conformance with Section 14.35, Conditional Use Permits, of the Biggs Municipal Code (BMC).

Environmental Review: Staff is recommending that the City Council determine that the project is *Categorically Exempt* from further environmental review pursuant to the California Environmental Quality Act (CEQA) Section 15311(c), *Accessory Structures*, a Class 11 exemption for accessory structures that includes seasonal or temporary use items.

PROJECT NAME: **“Swanson”
Conditional Use Permit #2013-01**

Summary:

The applicant is requesting permission to accommodate the seasonal occupancy of up to four (4) recreational vehicles for temporary use at an existing business, Swanson Timber Products, located at 2984 Seventh Street (refer to **Attachment A – Location Map**). The occupancy will generally parallel the Northern California duck hunting season typically occurring between the end of October and January. The proposed use permit would allow for the owners of the recreational vehicles to occupy them seasonally during this period. The recreational vehicles would be occupied on a temporary basis only during the local duck hunting season in order to accommodate the visiting owners and would not be rented out or utilized by non-owner visitors.

The subject site is located at the northeast corner of Aleut and Seventh Street, immediately south of the alley serving the south-side commercial properties in the

Downtown area. The site is zoned *M-1, Light Industrial* and is designated with the *Light Industrial* General Plan land use designation. Prior to the 2010 sale of the site to Mr. Swanson, the site was re-zoned from the *R-2, Medium Density Residential* zone district to the *M-1, Light Industrial* zone district. The intent of that action was to bring the zoning on the site into conformity with both the land use designation of the General Plan and the existing use and structure on the site.

The four (4) recreational vehicles are currently on the site and are generally positioned on the north side of the existing building and immediately south of the alley serving the commercial properties located on the south side of B Street between Sixth and Seventh Streets. The trailers are all entirely located on the private property and are within the existing fence. No structural changes are proposed to the existing structure or fence.

Mr. Swanson’s original use permit application, UP#2012-01, was filed based upon contact made by City staff informing Mr. Swanson that he was not allowed to have trailers that were occupied on his site unless a Conditional Use Permit was granted by the City Council. UP#2012-01 was rescinded, because at the time the Biggs Municipal Code didn’t allow recreational vehicles in an industrial zone. Since that time, City Council has approved a modification to the City Code allowing for the seasonal/temporary occupancy of trailers/recreational vehicles on non-residential properties. Thus, Mr. Swanson has submitted a new conditional use permit application for City Council review.

Surrounding Zoning and Land Uses:

- North: “C-D” Downtown Commercial Zoning District / Commercial.
- South: “R-2” Medium Density Residential Zoning District / Single-Family Residential Dwellings.
- East: “R-2” Medium Density Residential Zoning District / Single-Family Residential Dwellings.
- West: “P-Q” Public / Quasi Public Zoning District / Union Pacific Railroad.

Discussion:

Chapter 14.145 - M-1, Light Industrial Zone District:

The subject property is located in the *M-1, Light Industrial* zone district. The M-1 zone is intended to accommodate “light assembly and manufacturing, agricultural and industrial processing within buildings and support commercial and office uses”. The M-1 zone district accommodates a host of land uses including the use currently existing on the site and would allow for uses related to the proposed request that would include “travel trailer/mobile, truck or trailer – sale, rental, service or storage” as a permitted principal use.

Chapter 14.70.025 – Definitions:

As established in Section 14.070.025, “Recreational Vehicle” includes the Class A-, B-, and C-type recreational vehicles, travel trailers, fifth wheel trailers, toy haulers, popup trailers, and slide-in campers.

Chapter 14.70 – Temporary Occupancy of Mobile Trailers and Recreational Vehicles:

Chapter 14.70 of the BMC provides the primary guidance for this request. Section 14.70.050 establishes the criteria that shall be utilized when analyzing an application for the occupancy of a recreation vehicle within a non-residential zone district. Specifically, Section 14.70.050 establishes that on non-residential property up to four (4) recreational vehicles can be occupied for up to 120 days per calendar year with an approved use permit. The BMC provides conditions, such as shielded lighting and noise restrictions, in which the applicant must abide by and are added to the Conditions of Approval (**Attachment C**).

Chapter 14.35 – Conditional Use Permit:

Chapter 14.35 of the Biggs Municipal Code provides the legal authority and basis for the issuance of a Conditional Use Permit in the City. Section 14.35.010 establishes that following:

“Conditional use permits shall be required for site development or conduct of certain land uses which generally have a distinct impact on the area in which they are located or are capable of creating special problems for adjacent properties unless given special attention. Conditional use permits may be revocable or issued for a term. The Planning Commission may designate such conditions in connection with the granting of a conditional use permit as it deems necessary to carry out the purpose and intent of this title, and may include, but not be limited to, the following:

- (1) Dedication of right-of-way;*
- (2) Improvement of vehicle access to the subject property to city standards;*
- (3) Regulation of height, number of stories;*
- (4) Regulation of the nature, hours of operation, extent of use;*
- (5) Regulation as to transferability of the use;*
- (6) Regulation of landscaping for the protection of adjoining and nearby properties;*
- (7) Regulation of off-street parking.”*

Staff Analysis of Consistency with City Standards and Required Findings:

Staff believes that the seasonal/temporary occupancy of the four (4) recreational vehicles is consistent with the standards of the Biggs Municipal Code as stated in the required Use Permit findings listed in **Attachment D** (Required CUP Findings #2013-01). The

recreational vehicles are required to connect to city utilities using City-approved connections. This requirement is intended to which includes individual sewer hookups, electrical services and water services. This requirement will help to mitigate any sanitation and/or odor issues from occurring. Chapter 7.40 *Noise Regulation* regulates noise within the city limits. These regulations ensure that residents surrounding the property would not be negatively impacted by noise from the temporary occupancy of four recreational vehicles in the vicinity by restricting audible noise across the property line from the use of radio, television, power tools, etc. from 10:00 p.m. to 7:00 a.m. A five foot setback is required to be maintained from any recreational vehicle and a property line that abuts a residential use or zone. This condition has been added to ensure compliance and compatibility with the adjacent residential uses located to the east. Based upon a review of the proposed application and the standards and requirements of the Biggs Municipal Code, staff believes that the application meets the requirements of the BMC Section 14.70.050 and would be considered an item for favorable determination by the City Council.

Environmental determination:

In accordance with the State CEQA Guidelines, as developed under Public Resources Code Section 21084, staff recommends that the City Council determine that the project is categorically exempt from further environmental review, as it meets the criteria established for a Class 11 exemption as described in CEQA Guidelines Section 15311, *Accessory Structures*. In addition, the proposed use is compatible with applicable General Plan and Zoning designations (subject to the approval of a Conditional Use Permit); is located within the City limits on a developed site; has no significant value as habitat for endangered, rare, or threatened species; will result in no significant effects related to traffic, noise, air quality, or water quality as it is surrounded by development; and, does not propose to physically expand the existing on-site structures and the site can be adequately serviced by all required utilities and public services.

Recommendation:

Based upon the analysis of the request contained in application CUP 2013-01, as further outlined in this report, staff is recommending that the City Council approve the application for a Conditional Use Permit based upon the findings outlined in **Attachment D** and subject to the conditions listed in **Attachment C** (Conditions of Approval for CUP #2013-01).

Specifically, staff recommends that the following actions take place:

1. *California Environmental Quality Act (CEQA)*: Move that the project is *Categorically Exempt* from further environmental review pursuant to California Environmental Quality Act (CEQA) section 15311, *Accessory Structures* which is a Class 11 exemption.

2. *Conditional Use Permit*: Move to adopt the findings contained in the staff report and presented as **Attachment D**, and approve Conditional Use Permit application CUP #2013-01, a request to allow the temporary occupation of four recreational vehicles on a seasonal basis, subject to the Conditions of Approval presented as **Attachment C**.

SAMPLE MOTIONS:

Motions to Approve the Application:

If the City Council determines that it intends to approve the proposed project as requested in application CUP #2013-01, staff presents the following motions for consideration:

1. **California Environmental Quality Act (CEQA):**

I move that the City Council determine that the project is *Categorically Exempt* from further environmental review pursuant to the California Environmental Quality Act (CEQA) and meets the requirements of Section 15311, *Accessory Structures* of the State CEQA Guidelines as a Class 11 exemption.

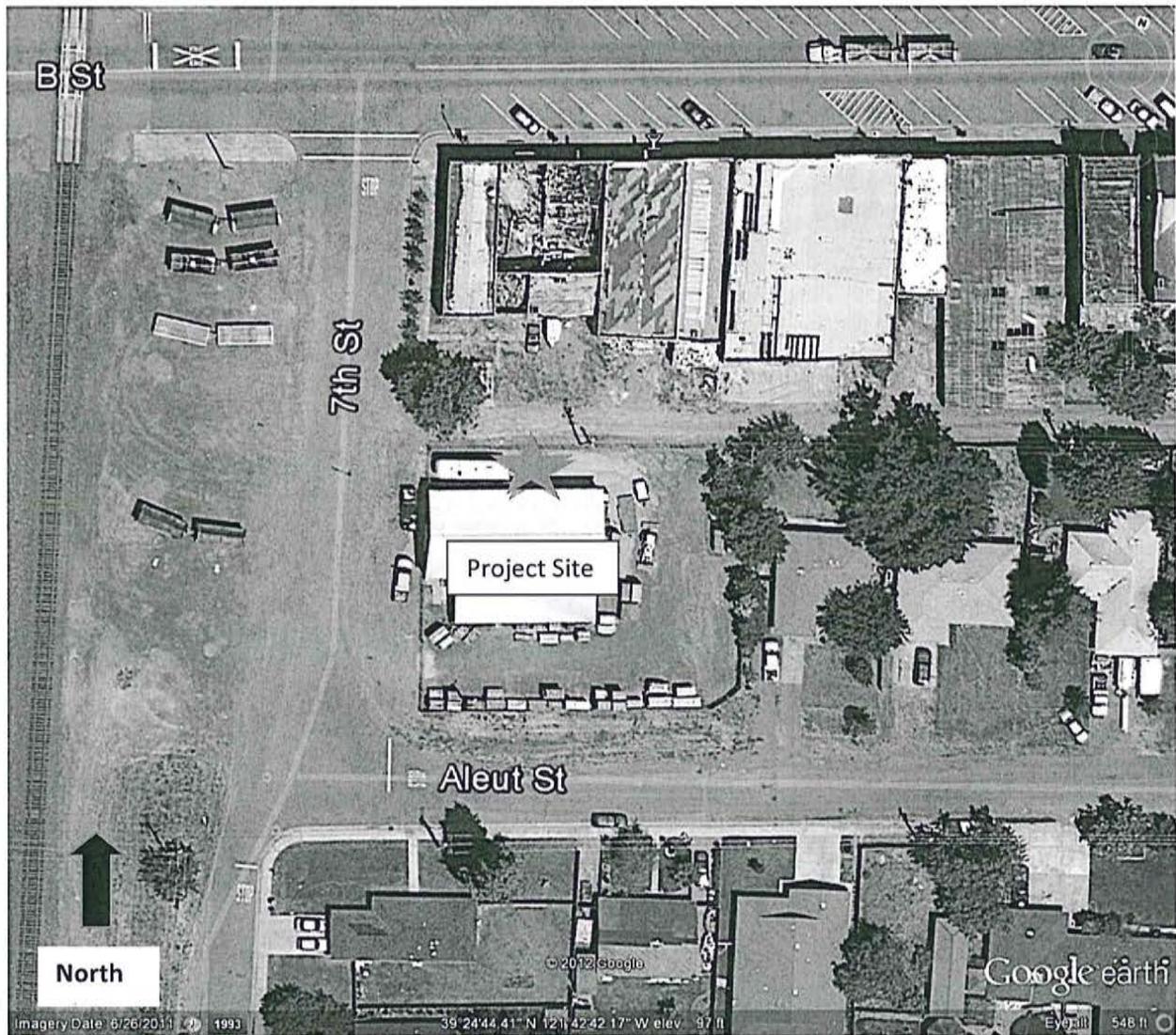
2. **Conditional Use Permit #2013-01:**

I move that the City Council adopt the findings contained in the staff report and presented as **Attachment D**, and approve Conditional Use Permit #2013-01, a request to allow the temporary occupation of four recreational vehicles on a seasonal basis, subject to the Conditions of Approval presented as **Attachment C**.

ATTACHMENTS

- **Attachment A - Project Location Map**
- **Attachment B - CUP #2013-01 Application Materials**
- **Attachment C - Conditions of Approval for CUP #2013-01**
- **Attachment D - Required CUP Findings #2013-01**
- **Attachment E - Notice of Exemption for CUP #2013-01**

PROJECT LOCATION MAP



Project: CUP 2013-01 – Swanson
Address: 2984 Seventh Street
APN: 001-081-035-000



City of Biggs
 Planning Department
 3016 Sixth Street
 P.O. Box 1134
 Biggs, CA 95917

Application for: Conditional Use Permit

Applicant

Applicant: Chris Swanson (Swanson Timber Co) Daytime Phone: (530) 868-1302

Street Address: 2984 Seventh St

City: Biggs

State: CA

Zip: 95917

Property Owner

Check box if same as applicant

Name: same

Daytime Phone: same

Address: PO Box 10

City: Biggs

State: CA

Zip 95917

Property Location

Address of Subject Property: 2984 Seventh St

Biggs, CA 95917

Assessor's Parcel Number(s): 001-081-035-000

Size (Acres or Sq. footage): 0.38 acres

Present City Zoning: Light Industrial

General Plan Designation: Commercial

Request

I am requesting a conditional use permit for the temporary occupancy of RV's at my location

based upon the approval of Zoning Code Amendment ZCA#2013-02

Answer all that apply:

Day and Hours of Operation: M-F 8:00am-4:00pm No. of Employees: 1

Number of Off-street Parking Spaces Proposed: 4

I hereby certify that this application and all other documents submitted are true and correct to the best of my knowledge and belief. (Before signing, see note on back.)

Applicant's Signature

Date

9/11/13

For Office Use Only

Submittal Information

Application received by: _____ Date: _____

Fees:

Application Fee \$ 741 ²⁵

Receipt No. _____

Environmental Review \$ _____

Total Fee \$ 741 ²⁵

Planning Commission Action: Approved _____ Denied _____

Date _____ Vote _____

City Council Action: Approved _____ Denied _____

Date _____ Vote _____

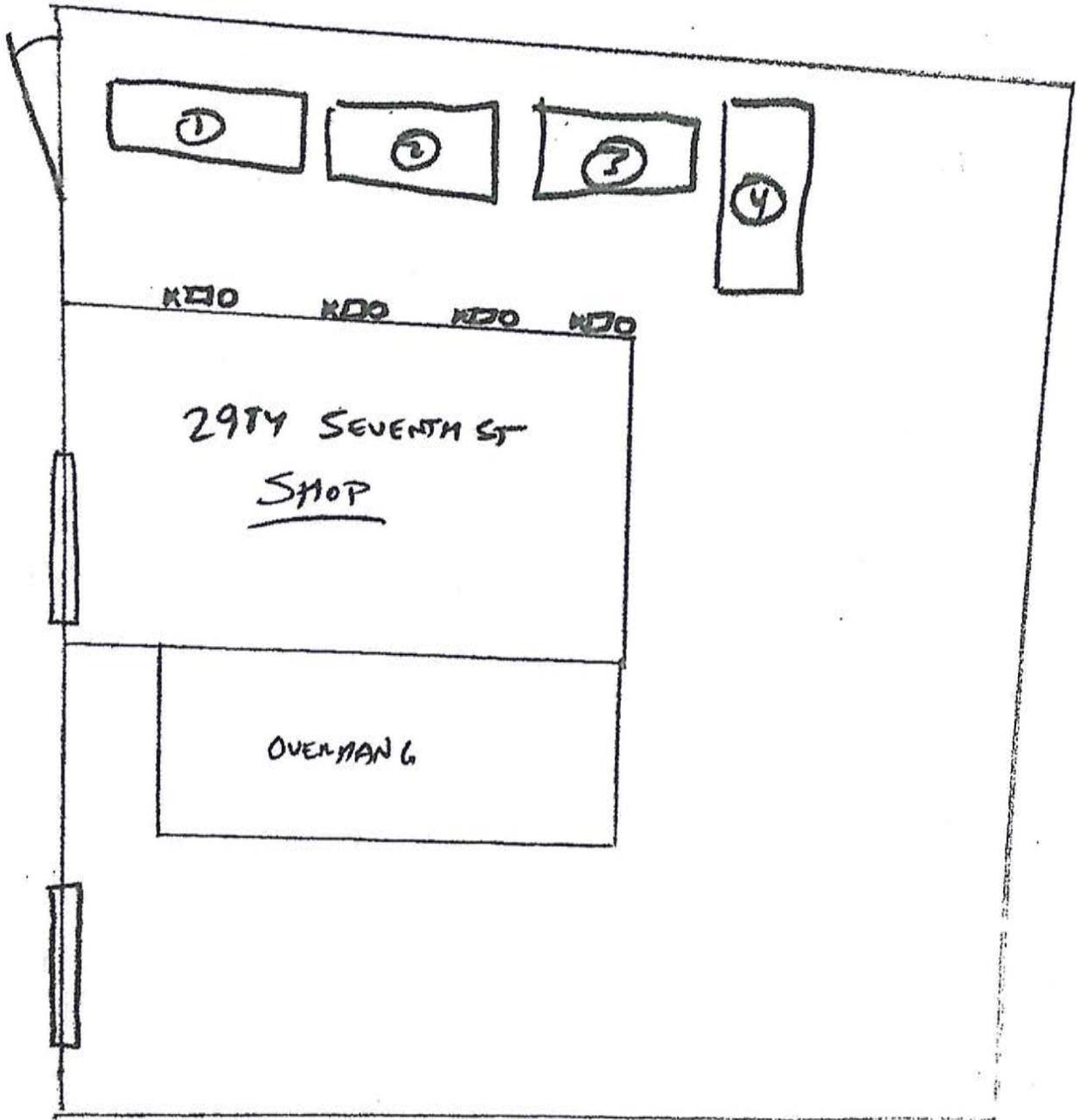
Resolution No. _____

See back and attachments for additional information.

SWANSON SITE PLAN
(CONDITIONAL USE PERMIT)



ALLEY



1-4 - RV'S

0 - SEWER HOOKUP

□ - ELECTRIC HOOKUP (30 AMP BREAKER)

A - FRESH WATER HOOKUP

ALERT ST →

September 11, 2013

Receipt #.: 98534

Wednesday 9:10 am

* City of Biggs *

Register #.: 000

By: MARLEE

Terminal ID: T1

3016 Sixth Street, P.O. Box 307 Biggs, CA. 95917 0307

I.D. Number

Amount Paid

USEP USE PERMIT/VARIANCE

741.25

Cmt: CHRIS SWANSON APPL CONDITIONAL USE PERMIT USEP

Check #	Check Amount	Cash	Amt Tendered	Total Paid	Change
001325	741.25	.00	741.25	741.25	.00

Paid By.: CHRIS SWANSON APPL CONDITIONAL USE PERMIT USEP

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT #2013-01, Swanson

Assessor's Parcel Numbers: 001-081-035-000

Project location: 2984 Seventh Street

Zoning: M-1, Light Industrial

General Plan Land Use Designation: LI, Light Industrial

Conditional Use Permit # 2013-01, Swanson: A request by Chris Swanson to accommodate seasonal occupancy of four recreational vehicles for temporary use at 2984 Seventh Street. The occupancy 'season' parallels the local duck hunting season in Northern California. The recreational vehicles would be occupied on a temporary basis during the local duck hunting season only in order to accommodate visiting sportsmen. A Conditional Use Permit is required for the temporary occupancy of recreational vehicles as mandated by Chapter 14.70 of the Biggs Municipal Code. Chapter 14.70 establishes that the City Council may permit the occupancy of recreational vehicles for temporary use subject to the issuance of a Use Permit issued in conformance with Section 14.35, Conditional Use Permits, of the Biggs Municipal Code.

General Conditions of Approval:

1. The applicant shall file a Declaration of Acceptance of the following conditions by submitting a signed copy of the conditions to the Planning Department within ten (10) days of City Council approval.
2. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of permit constitutes cause for the revocation of said permit. Unless otherwise provided for in a special condition to this Use Permit, all conditions must be completed prior to or concurrently with the establishment of the granted use.
3. The applicant shall submit a check or money order in the amount of **\$100.00 made payable to the City of Biggs** for the preparation of the Notice of Exemption from CEQA within five (5) days of the date of approval.
4. The applicant shall submit a check or money order in the amount of **\$50.00 made payable to the Butte County Recorder's Office** for the fee to record the Notice of Exemption from CEQA within five (5) days of the date of approval.
5. Neither the applicant, or any agent nor representative of the applicant shall intentionally omit or misrepresent any material fact in connection with the application. Any alleged material misrepresentation shall constitute grounds for the City of Biggs to commence a revocation hearing and constitute grounds to revoke the permit.
6. Minor changes may be approved by the City Planner upon receipt of a substantiated written request by the applicant, or their respective designee. Prior to such approval, verification shall be made by each Department that the modification is consistent with the application,

fees paid, and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application for amendment by public hearing before the City Council.

7. The applicant shall pay all appropriate fees for any required utilities modification and connections.
8. No changes shall be made to any approved plan(s), which would alter the character of the site plan or the use of the property, without prior approval of the City Planner or City Administrator.
9. If changes are requested to the plan or the Conditions of Approval, a Conditional Use Permit Amendment shall be required, with all applicable fees, and approved by the City Council prior to implementing the changes.

Application Specific Conditions of Approval:

Maximum Permit Occupancy:

10. The Use Permit is for the allowance of no more than four (4) recreational vehicles to be temporarily occupied on a seasonal basis and for no more than 120 days in a calendar year. This use shall not be expanded or modified beyond the approvals detailed in this report.

Permitting and Approvals:

11. All recreational vehicles or trailers shall have independent utility connections, as approved by the Public Works Supervisor.

Parking:

12. All recreational vehicles or trailers shall be parked on a graveled or improved surface.
13. Visual screening of the trailers shall be provided along the northern property boundary and northwestern corner of the property via the placement of fence slats into the existing chain-link fence. The fence slats shall be maintained and in good condition.
14. Parking shall be provided on-site for the owners/occupants of the recreational vehicles unless off-site parking is available in a location(s) that does not impact or take-up business required spaces needed by the surrounding commercial properties.

Utility Surcharge:

15. An additional surcharge will be accessed to the property's monthly sewer charge during the period of occupancy to account for additional wastewater flows resulting from the project approval. The specific amount of the surcharge shall be as agreed upon by the owner and the City Administrator.

Illumination:

16. No exterior, non-shielded flood lights shall be permitted. All exterior lighting shall be implemented in conformance with Municipal Code Section 14.55.080, which requires that all lighting fixtures be appropriate in scale, intensity, and height to the use they are serving.

Noise:

17. No exterior amplified speaker system(s), amplified music system(s) or audible noise in excess of what may be considered normal for the use shall be permitted.

Maintenance:

18. The applicant shall be responsible for keeping the adjacent City right-of-ways free from trash resulting from the occupancy of the trailers.

Setbacks:

19. No recreational vehicle(s) shall be parked closer than five (5) feet from to the eastern property line and/or any adjacent residential use or zone district.

**CITY OF BIGGS
CITY COUNCIL FINDINGS OF APPROVAL FOR:
CONDITIONAL USE PERMIT #2013-01
FOR: Chris Swanson**

Assessor's Parcel Numbers: 001-081-035-000: 2984 Seventh Street

Findings for adoption of the Conditional Use Permit:

1. The proposal will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use;
2. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use;
3. The proposed use will not be detrimental or injurious to the general welfare of the City of Biggs;
4. The proposed use will be consistent with the policies, standards and intent of any use designations of the general plan;
5. The project will not have a significant or un-mitigable impact on the physical environment.

Staff Analysis of Consistency with Required Findings:

1. The proposal will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use: *The proposed temporary occupancy of up to four (4) recreational vehicles on a temporary and seasonal basis would not jeopardize or be detrimental to the health, safety or general welfare of person residing or working in the neighborhood. The proposal would not generate noise and there are no scenic vista points or designated scenic roadways in the area that would be affected. Subject to the issuance of a Conditional Use Permit by the City Council, and subject to the Conditions of Approval for the project, uses of the site would remain consistent with the intent of the General Plan designation and zone district. As such, the project will not be detrimental to the health, safety or general welfare of the project area.*
2. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use: *The proposed temporary occupancy of four (4) recreational vehicles on a temporary and seasonal basis would not jeopardize or be detrimental to the health, safety or general welfare of person residing or working in the neighborhood as such activity will be located entirely on the existing parcel. The proposal would not generate noise and there are no scenic vista points or designated scenic roadways in the area that would be affected. As conditioned, potential impacts associated with the temporary occupancy of four (4) recreational vehicles on a seasonal basis would be addressed to include setback requirements, utility connection requirements and use and occupancy restrictions. Subject to the issuance of a Conditional Use Permit by the City Council, and subject to the Conditions of Approval for the project, uses of the site would remain consistent*

with the intent of the General Plan designation and zone district. As such, the project not be detrimental or injurious to property and improvements in the neighborhood of the project area.

3. The proposed use will not be detrimental or injurious to the general welfare of the city: *The proposal would not jeopardize or be detrimental to the health, safety or general welfare of person residing or working in the City as such activity will be located entirely on the existing parcel and conditions of use and approval have been added to address any issues associated with parking, noise, lighting and utility connections. The temporary occupancy of four (4) recreational vehicles on a seasonal basis would not result in the use of hazardous substances or create a hazardous condition on the site. As such, the project will not be detrimental or injurious to the general welfare of the city.*
4. The proposed use will be consistent with the policies, standards and any use designations of the general plan: *Municipal Code Section 14.70.020, Provisions, establishes that recreational vehicles may be occupied in all zoning districts subject to the provisions of Section 14.70.030. Section 14.70.030(2b) of the Municipal Code states that approval of a use permit in accordance with the procedures set forth in Municipal Code Chapter 14.35, Conditional Use Permits, shall be required for occupancy of a recreational vehicle for more than 30 days within a calendar year. The proposal would not alter the uses permitted on the site. With the issuance of a Conditional Use Permit, the project would be consistent with the City's codes and standards.*
5. The project will not have a significant or un-mitigable impact on the physical environment. *The proposed occupancy meets the criteria for a Class II Exemption pursuant to the State CEQA guidelines and will not have a significant impact on the physical environment.*

NOTICE OF EXEMPTION

To: Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

From: City of Biggs
Planning Department
P.O. Box 1134
Biggs, CA 95917

County Recorder
Butte County
25 County Center Drive
Oroville, CA 95965

Approved: November 12, 2013, by the City of Biggs City Council
Project Title: **Conditional Use Permit #2013-01 (Swanson)**
Landowner: Chris Swanson

2984 Seventh Street, Biggs, CA 95917

Applicant: Chris Swanson
2984 Seventh Street, Biggs, CA 95917

Project Location: 2984 Seventh Street in Biggs, Butte County, CA 95917.

Assessor's Parcel Number(s): 001-081-035-000

Project Description: The applicant is requesting permission to accommodate seasonal occupancy of four recreational vehicles for temporary use at 2984 Seventh Street. The occupancy 'season' parallels the local duck hunting season in Northern California. The recreational vehicles would be occupied on a temporary basis during the local duck hunting season only in order to accommodate visiting sportsmen.

Lead Agency: City of Biggs
Project Planner: Scott Friend, AICP

- Exemption Status: Ministerial [Section 21080(b); 15268];
 Declared Emergency [Section 21080(b)(3); 15269(a)];
 Emergency Project [Section 21080(b)(4); 15269(b)(c)];
 General Rule [Section 15061(b)(3)];
 Categorical Exemption [Section 15311, Accessory Structure];
 Statutory Exemption;
 Other: Section 21169

REASONS WHY THIS PROJECT IS EXEMPT OR DOES NOT REQUIRE FURTHER ENVIRONMENTAL DOCUMENTATION:

In accordance with the State CEQA Guidelines, as developed under Public Resources Code Section 21084, City Staff has determined the project to be categorically exempt, as it consists of the development of an "Accessory Structure" as described in CEQA Guidelines Section 15311, a class 11 exemption. The proposed use is compatible with applicable General Plan and Zoning designations with an approved Conditional Use Permit, is located on a developed site, has no value as habitat for endangered, rare, or threatened species, will result in no significant effects related to traffic, noise, air quality, or water quality as it is surrounded by commercial, public/quasi public and multiple-family zoning; and the site is serviced by developed utilities and public services.

City Planner
City of Biggs

By: _____
Scott Friend, AICP
Date: November 12, 2013