



- CITY OF BIGGS -
PLANNING DEPARTMENT ACTIVITY REPORT
April/May 2014

465 C Street /
P.O. Box 1134
Biggs, CA 95917

PHONE: (530) 868-5493
FAX: (530) 868-5239

DATE: May 13, 2014
TO: Honorable Mayor and Members of the City Council
FROM: Scott Friend, AICP - City Planner
SUBJECT: Planning Department Monthly Activity Report – April/May 2014

DEPARTMENT ACTIVITY SUMMARY

Contract Staff Days/ Agency Meetings / Code Enforcement Activity:

- Code Enforcement – Regular Office Hours from 10:00am – 2:00pm on Tues. / Thurs.
- City Council Meeting: May 13th

Major Project Activity and Update Report:

1. *Wastewater Treatment Plant Land Application Project Environmental Compliance:*
Status Update: The City received a Letter of Concurrence from the US Army Corps of Engineers stating that the Corps concurs (*Preliminary Jurisdictional Delineation*) with the City's wetland delineation prepared for and submitted on behalf of the wastewater treatment plant project. The City's wetlands delineation document identified approximately 32 acres of wetlands on the project site all of which are located in a contiguous area on the western edge of the parcel adjacent to the Belding Lateral canal. Based upon that concurrence, staff is now working with the Natural Resources Conservation Service (NRCS) to complete a process to facilitate the farming of the site (alfalfa) in the future. A copy of the Letter of Concurrence has been attached to this report (*Attachment A*).

2. *2014-2022 Housing Element Update:*
The City's has received a Letter of Conditional Certification from the State of California Housing and Community Development Department (HCD) on the public review draft of the 2014-2022 Housing Element. The Department issued the letter predicated on the understanding that the City would be adopting the Housing Element document in the form provided to the State and with the edits identified by the State as being necessary for statutory compliance. At this time, staff is anticipating bringing this forward for City Council action (adoption) at a public hearing tentatively scheduled for the June City Council meeting. A copy of the Conditional Certification Letter has been attached to this report (*Attachment B*).

3. *Sixth Street Bridge Replacement Project:*

PMC's biological services staff has been working with the Project Manager from Bennett Engineering on issues related to tree removal; permit compliance; worker training; and, survey completion to allow the bridge work to proceed. As of the time of the delivery of this report, it is anticipated that PMC's project biologist will have completed all required pre-construction surveys along with all pre-construction worker training activities.

Monthly Department Activity Report:

1. *Applications / Planning Services Activities:*

- Applications: One (1) Fence Permit #2014-04 – Puga (property owner)

2. *Public Contact / Information Requests:*

- Multiple. Staff has fielded a number of phone calls in regard to a property on 2nd Street identified as being subject to a tax lien sale by Butte County in June. Additionally, staff has fielded calls regarding buildings in the Downtown area; plans for more houses at the North Biggs Estates project; the Sixth Street Bridge project; and, in regard to the City's recent action to adopt a new General Plan.

3. *General Information:*

- Nothing to report at this time

4. *Butte County Building Permit Issuance:*

- Please see the attached report provided by the Butte County Building Department for the past months permit activity.

5. *Code Enforcement: General*

Please refer to separate staff report in this month's meeting packet for additional details on the activities of the Code Enforcement Officer.

Misc. Planning Communications/Updates:

- Nothing at this time.

Attachments:

- Attachment A: Letter of Concurrence from USACOE re: wastewater project Wetlands Delineation
- Attachment B: Letter of Conditional Certification from California HCD re: 2014-2022 City of Biggs Housing Element
- *Butte County Building Permit Activity Report*
- *Code Enforcement Activity Report*



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

REPLY TO
ATTENTION OF

April 11, 2014

Regulatory Division SPK-2014-00273

Mr. Mark Sorensen
City of Biggs
P.O. Box 307
Biggs, California 95917-0307

Dear Mr. Sorensen:

We are responding to your consultant's February 28, 2014 request for a preliminary jurisdictional determination (JD), in accordance with our Regulatory Guidance Letter (RGL) 08-02, for the Biggs Waste Water Treatment Plant South Expansion site. The approximately 152-acre site is located near Hamilton Slough, Sections 22 and 23, Township 18 North, Range 2 East, Mount Diablo Meridian, Latitude 39.403055°, Longitude -121.721088°, Butte County, California.

Based on available information, **we concur with the amount and location of wetlands and other water bodies on the site as depicted on the enclosed February 07, 2014 Delineation of Wetlands and Waters of the U.S. Biggs Waste Water Treatment Plant South Expansion prepared by PMC.** The approximately 22.4 acres of wetlands and other water bodies present within the survey area are potential waters of the United States regulated under Section 404 of the Clean Water Act.

We have enclosed a copy of the *Preliminary Jurisdictional Determination Form* for this site. Please sign and return a copy of the completed form to this office. Once we receive a copy of the form with your signature we can accept and process a Pre-Construction Notification or permit application for your proposed project.

You should not start any work in potentially jurisdictional waters of the United States unless you have Department of the Army permit authorization for the activity. You may request an approved JD for this site at any time prior to starting work within waters. In certain circumstances, as described in RGL 08-02, an approved JD may later be necessary.

You should provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

This preliminary determination has been conducted to identify the potential limits of wetlands and other water bodies, which may be subject to Corps of Engineers' jurisdiction for the particular site identified in this request. A Notification of Appeal Process and Request for Appeal form is enclosed to notify you of your options with this determination. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

We appreciate your feedback. At your earliest convenience, please tell us how we are doing by completing the customer survey on our website under *Customer Service Survey*.

Please refer to identification number SPK-2014-00273 in any correspondence concerning this project. If you have any questions, please contact me at our California North Branch Office, Regulatory Division, U.S. Army Corps of Engineers, 1325 J Street, Room 1350, Sacramento, California 95814-2922, by email at Leah.M.Fisher@usace.army.mil, or telephone at 916-557-6639. For more information regarding our program, please visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,

A handwritten signature in black ink, appearing to read "Leah M. Fisher". The signature is fluid and cursive, with the first name "Leah" being the most prominent.

Leah M. Fisher
Senior Project Manager, CA North Branch
Regulatory Division

Enclosures

cc: (w/o encls)

Ms. Summer Pardo, PMC, spardo@pmcworld.com

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

Sacramento District

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

Regulatory Branch: **California North** File/ORM #: **SPK-2014-00273** PJD Date: **April 11, 2014**

State: CA City/County: Butte County Nearest Waterbody: Hamilton Slough Location (Lat/Long): 39.403055°, -121.721088° Size of Review Area: 151.6 acres	Name/Address Mark Sorensen Of Property City of Biggs Owner/ P.O. Box 307 Potential Biggs, California 95917 Applicant
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Identify (Estimate) Amount of Waters in the Review Area Non-Wetland Waters: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">linear feet</td> <td style="width: 33%;">ft wide</td> <td style="width: 33%;">acre(s)</td> </tr> </table> Stream Flow: N/A Wetlands: 22.4 acre(s) Cowardin Palustrine, emergent Class:	linear feet	ft wide	acre(s)	Name of any Water Bodies Tidal: on the site identified as Section 10 Waters: Non-Tidal: <input checked="" type="checkbox"/> Office (Desk) Determination <input type="checkbox"/> Field Determination: Date(s) of Site Visit(s):
linear feet	ft wide	acre(s)		

SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply – checked items should be included in case file and, where checked and requested, appropriately reference sources below)

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- Data sheets prepared by the Corps.
- Corps navigable waters' study.
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: **1:24K; CA-BIGGS**
- USDA Natural Resources Conservation Service Soil Survey.
- National wetlands inventory map(s).
- State/Local wetland inventory map(s).
- FEMA/FIRM maps.
- 100-year Floodplain Elevation (if known):
- Photographs: Aerial
 Other
- Previous determination(s). File no. and date of response letter:
- Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Signature and Date of Regulatory Project Manager (REQUIRED) 4/22/14	Signature and Date of Person Requesting Preliminary JD (REQUIRED, unless obtaining the signature is impracticable) 4/24/2014
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EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Mark Sorensen, City of Biggs, P.O. Box
307, Biggs, California 95917-0307

File No.: SPK-2014-00273

Date: April 11, 2014

Attached is:

See Section below

	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
X	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/cecw/pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



April 30, 2014

Mr. Mark Sorensen, City Administrator
City of Biggs
P. O. Box 307
Biggs, CA 95917

Dear Mr. Sorensen:

RE: City of Biggs' 5th Cycle (2014-2022) Draft Housing Element

Thank you for submitting Biggs' draft housing element update received for review on March 1, 2014, along with additional revisions received on April 28, 2014. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by a telephone conversation on April 10, 2014 with Mr. Scott Friend, City Planner, and Ms. Amy Sinsheimer, PMC. The City utilized the Department's pre-approved housing element data package.

The draft element meets the statutory requirements of State housing element law. The element will comply with State housing element law (GC, Article 10.6) when adopted and submitted to the Department, in accordance with GC Section 65585(g).

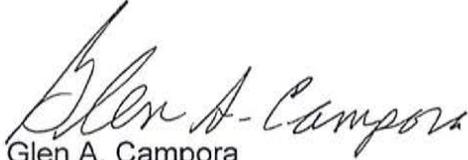
To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) the City must adopt its housing element within 120 calendar days from the statutory due date of June 15, 2014 for BCAG localities. If adopted after this date, GC Section 65588(e)(4) requires the element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit our website at: http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

HCD Review of Biggs' Housing Element
April 30, 2014
Page 2 of 2

The Department appreciates the hard work and dedication of Mr. Scott Friend and Ms. Amy Sinsheimer in preparation of the housing element and looks forward to receiving the City of Biggs' adopted housing element. If you have any questions or need additional technical assistance, please contact Robin Huntley, of our staff, at (916) 263-7422.

Sincerely,

A handwritten signature in cursive script that reads "Glen A. Campora". The signature is written in black ink and is positioned above the printed name and title.

Glen A. Campora
Assistant Deputy Director

5/1/2014
1:37:24PM

Butte County
Department of Development Services - Building Division (City of Biggs)
Permits Applications in the City of Biggs- Summary by Type and Subtype
For the Period 4/1/2014 thru 4/30/2014



Type / SubType	# of Permits Issued	Valuation of Work
MECH ELECTRIC PLUMB	1	\$6,000.00
HVAC C/O RESIDENTIAL	1	\$6,000.00
Totals:	1	\$6,000.00

5/1/2014
1:36:51PM

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 4/1/2014 thru 4/30/2014



Type / SubType	# of Permits Issued	Valuation of Work	Fees Charged
	0		
	0		
Totals:	0		



- CITY OF BIGGS -
PLANNING DEPARTMENT ACTIVITY REPORT
April/May 2014

465 C Street
P.O. Box 1134
Biggs, CA 95917

PHONE: (530) 868-5493
FAX: (530) 868-5239

DATE: May 7, 2014
TO: Honorable Mayor and Members of the City Council
FROM: Nicole Fillmore-Deniz - Code Enforcement Officer
SUBJECT: Planning Department Monthly Activity Report – April 2014

DEPARTMENT ACTIVITY SUMMARY

Contract Staff Days/ Code Enforcement Activity:

- Weekly Code Enforcement meetings - Thursday afternoons & as-necessary

Department Activity Summary:

For the month of April, there was 1 (one) property regarding “Occupying a structure without utilities”. The property is still currently shut off for non-payment and Code Enforcement is in the process of Nuisance Abatement proceedings.

At this time, Code Enforcement is utilizing their personal vehicle.

Throughout the month of April, the following violations were found on various properties and notices were sent out to each property accordingly.

Trash	13
Landscape/Vegetation	15
Furniture/Appliances	3
Vehicles	2
Buildings and Structures	0
No Utilities	1
Misc. (Pools, Parking limitations)	8