



LOCAL GOVERNMENT COMMITTEE City of Chico/County of Butte



Minutes of July 1, 2009 Meeting

3:30 P.M.

Conference Room No. 1, Chico Municipal Center, 421 Main Street



Called to Order at 3:30 p.m.

Committee Members Present: Jane Dolan, Andy Holcombe, Maureen Kirk, Ann Schwab, and Jim Walker.

1. Chico Urban Area Nitrate Compliance Plan - Update

At its meeting held April 8, 2009, the Local Government Committee requested that the Committee continue discussing the progress of the Nitrate Compliance Project. Specific topics for discussion include:

- Options and opportunities for funding connections to parcels not included under other funding sources (City and County staff) - **Discussion included: potential funding through local banks for community reinvestment; possible State Loan Programs through the RWQCB and through CDBG or Community Housing Rehabilitation Program for property owners who are income eligible.**
- Update on the construction project (City staff) – **City Staff reported on construction in Project Area 1N (Lassen Ave. Area). Staff provided details on the status of construction and noted that the Phase 2 contractor for the project had lost its bonding, however a new contractor was approved on 7/1/2009. This change should not impact the estimated completion date of December 2009.**
- Water Quality Control Board letter – **County staff reported that the Regional Water Quality Control Board drafted a letter to send to property owners regarding enforcement of the Prohibition Order. The letter was sent to both city staff and county staff for comment. Direction was given for staff to speak directly to the RWQCB to request deferral of the prohibition order compliance letter until the entire sewer construction project is complete.**
- Extension of sewer laterals to serve properties that are out of the original connection areas (County staff) – **City Staff clarified that sewer laterals will be extended to all properties that are adjacent to a sewer main constructed as part of the Nitrate Compliance Program even if the property is not required to connect to sewer through the Nitrate Compliance Program. The cost of the lateral construction will be absorbed, but the property owner will be responsible for the cost of the sewer connection fees. There will not be a main fee charge since this fee is paid for through the SRF Loan. Owners can request two laterals for one parcel, but that would be an agreement between the property owner and contractor.**



LOCAL GOVERNMENT COMMITTEE

City of Chico/County of Butte



Minutes of July 1, 2009

2. **FEMA Map Modification**

As the City and County focused on signing a PAL Agreement to extend the time necessary to receive FEMA certification on local levees, FEMA remapped the whole County area and has included additional areas within the City and County in flood plains. Staff will provide an update on this latest development in the FEMA Map Mod process and will discuss the potential impacts on the residents of the area. The new maps can be viewed at the link provided below. The Chico Area is primarily on panels 0339, 0340, 0343, 0345, 0502, 0505, 0506, and 0510.

<http://www.map9-m.com/projects/butte/MAPIX-M-RegionIXCoordinationSite--ButteCountyCA.shtm>

City and County staff provided a review of updated maps. Staff will continue to work with FEMA and DWR.

3. **Greater Chico Urban Area Redevelopment Project Area**

At its meeting held April 8, 2009, the Local Government Committee requested that the Committee continue discussing how the City and County can work together collaboratively prior to Agency adoption of plans, projects and budgets, and whether that collaboration would be at the staff level or the elected official level.

This item was continued for discussion at the October 7, 2009 Local Government Committee meeting.

4. **Outdoor Cultivation of Medical Marijuana**

City of Chico staff will present information on discussions that have been held regarding regulating the outdoor cultivation of medical marijuana within the City limits.

Andy Holcombe indicated that he requested this item when the City had been considering a zoning amendment that would have included a reference to indoor cultivation of marijuana, but he reported that the City is not moving forward with that amendment at this point and that the City of Chico's Internal Affairs Committee would be providing a report to the Chico City Council on July 21, 2009.

5. **Other Possible Topics**

- Shared Urban Area water – **not discussed at this meeting.**
- Woodstoves/Air Quality – **not discussed at this meeting.**

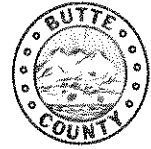
6. **Next Meeting** - October 7, 2009 – **It was requested that the next meeting include discussions on: Greater Chico Urban Area Redevelopment Project Area, woodstoves, nitrates and FEMA mapping.**

7. **Adjournment** - Meeting was adjourned at 5:00 p.m.

Shari McCracken, Deputy Administrative Officer, County of Butte



LOCAL GOVERNMENT COMMITTEE
City of Chico/County of Butte



Meeting of October 7, 2009

4. **FEMA Flood Map Modification Project – Discussion and Direction**
(Fritz McKinley and Mike Crump)

- City staff reported that they have received information from the California Department of Water Resources (DWR) that they will provide City staff the levee data by the end of February. This is good news, because the City and County had not anticipated receiving the State's testing data until at least July. Once the data is received, a local geo-technical engineer will review the data to see if it meets FEMA's levee certification requirements. The City and County should know within a month of receiving DWR's data whether it will be sufficient for the FEMA requirements. If the data matches the Army Corps of Engineers original drawings for the levees, there should not be a problem. DWR's report, based upon that same data, should be available in July.
- The flood insurance requirements start in January 2011, if the levees are not certified.
- FEMA anticipates issuing preliminary maps in September 2010.
- The City and County will need to determine by July 2010 whether there is sufficient information to get the levees certified within FEMA's timeline. If it is determined the information is not sufficient, the City and County, along with FEMA will begin community outreach efforts.

5. **Bike Path (eastern side of Highway 99) - Update**
(Bob Greenlaw)

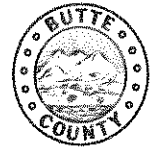
- The City received \$2.245 million in federal stimulus funding for Phase 1 of the bike path. Phase 1 will be constructed this summer. Plans will be sent to all stakeholders for review and input. Construction documents are in the process of being developed.
- The City also has \$1 million in funding for Phase 2.
- City and County staff will work with neighbors of the bike path on fencing and security issues.

6. **Coordination of Regulation of Marijuana Sales/Use – Update and Discussion**
(John Rucker)

- The City is cognizant of the District Attorney's opinion on the issue.
- Awaiting court decision about what is or isn't legal as far as being a member of a cooperative or collective.
- The City plans on writing an ordinance regarding dispensaries with a caveat of "if it is legal." The ordinance will focus on zoning. The City is leaning towards only allowing dispensaries in commercial, industrial, or agricultural zones.
- The City continues to discuss the merits of indoor vs. outdoor grows, has reviewed the Arcata ordinance, and is learning from Arcata's experience.
- Local landlords have expressed concern with allowing indoor grows, especially in rental properties.
- City staff will give the City Council a variety of options to choose from.
- City Council may consider the number of plants and/or square footage that will be allowed for individual medical grows.
- The City is working on identifying tools for mitigating nuisance disputes between neighbors related to growing of medical marijuana.
- The City is considering an appropriate distance for dispensaries from schools and other youth organization sites. Currently looking at a 1,000 foot requirement.
- The City needs to work with the County and County Counsel so that regulations do not cause conflict between the jurisdictions.



LOCAL GOVERNMENT COMMITTEE City of Chico/County of Butte



Meeting of October 7, 2009

- The County adopted an ordinance for an immediate moratorium on dispensaries. Staff will recommend that the Board of Supervisors extend the moratorium on February 23rd to allow more time to research and analyze the options for the County.
- The City is considering requiring a State Medical Marijuana ID for a use permit to grow medical marijuana.
- The City anticipates taking a proposed ordinance to the City Council in April.
- The City Council's intention is to set fairly high standards for dispensaries. If the courts determine dispensaries are legal, then the City wants to make sure that the appropriate land has been zoned for that purpose.

7. Wood Burning Ban – Update and Discussion

(Linda Herman)

- City staff gave an update on the City's proposal to implement a mandatory wood burn curtailment program within the City's Sphere of Influence to the Air Quality Management District (AQMD) last week. The AQMD authorized staff to work with the City on an ordinance that would apply within the City of Chico's Sphere of Influence. City staffs plan on requesting conceptual approval from the Board of Supervisors in March for the unincorporated parcels that lie within the City's Sphere of Influence.
- The City's current concept is outlined in Attachment A to these minutes.
- Supervisor Dolan recommended a different strategy, if the City is able to get full Board of Supervisors conceptual approval in March. Instead of signing a Joint Powers Agreement that would end up with the AQMD enforcing the City and County ordinances, she proposed that the City go back to AQMD and ask them again to adopt a program just within the City's Sphere, instead of the costly and timely process currently proposed, which would end up with AQMD administering the program anyway.

8. Future Discussion Topics

- FEMA Map Modification
- General Plan
- Nitrate Compliance Plan
- RDA Litigation

9. Next Meeting – April 7, 2010

10. Adjournment