



City Council Agenda Report

Meeting Date: 6/2/09

TO: CITY COUNCIL

FROM: DENNIS BEARDSLEY, GENERAL SERVICES DIRECTOR (896-7801)

RE: RESOLUTION ADOPTING A NEGATIVE DECLARATION AND AMENDING THE CHICO MUNICIPAL CODE TO ALLOW PARA-GLIDING IN BIDWELL PARK

REPORT IN BRIEF:

On 9/02/08, the City Council conceptually approved the Bidwell Park and Playground Commission's (BPPC) recommendation to approve a proposal from Bidwell Park Fliers Club to allow para-gliding in Bidwell Park, pending environmental review and development of guidelines for implementation. Hang-gliding and motorized para-gliding will still be prohibited. An Initial Study was prepared, and a Notice of Intent to adopt a Negative Declaration for the project was issued on March 25, 2009. The public comment period ended on April 15, 2009 and staff received one comment.

Recommendation

The General Services Director and the BPPC recommend adoption of the resolution approving the negative declaration and amending Section 12R.04.250 entitled "Hang-gliding and para-gliding - Prohibited" of the Chico Municipal Code to allow individuals with valid para-gliding licenses to paraglide at designated launching and landing sites in Bidwell Park.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A NEGATIVE DECLARATION AND AMENDING TITLE 12R OF THE CHICO MUNICIPAL CODE REGARDING PARA-GLIDING IN BIDWELL PARK

FISCAL IMPACT:

City staff time was needed to coordinate completion of the environmental review. The applicant paid for the consulting time and permit fees totaling \$6,400 for the project. Ongoing costs to monitor the activity are expected to be minimal and no additional allocations will be needed.

BACKGROUND:

Staff received a request from Jon Stallman, representing the Bidwell Park Fliers, to allow para-gliding in Upper Bidwell Park. Currently, the Chico Municipal Code (CMC) prohibits such activity in Bidwell Park as follows:

"12R.04.250 Hang-gliding and para-gliding - Prohibited.

No person shall participate in the sport of hang-gliding and/or para-gliding within the boundaries of any city park or playground."

Mr. Stallman provided a detailed proposal with background information on para-gliding, for review and consideration by the BPPC Master Management Plan Committee on 4/14/08 and by the full BPPC on 4/28/08. During the meeting, the Commission discussed a wide range of issues that affect the success of para-gliding in Bidwell Park. Discussion items included:

1. The difference between para-gliding and hang-gliding - Para-gliding utilizes lighter equipment than hang-gliding. A hang glider has a rigid frame maintaining the shape of the wing, while a para-glider is an aerofoil canopy or "wing." Although hang-gliders and para-gliders are considered to be ultra-light aircraft and are not regulated by the FAA, the U.S. Hang Gliding and Paragliding Association (USHPA) administers a pilot rating system that is analogous to FAA licensing, which establishes pilot proficiency ratings (Beginner to Master) based on a specific set of flying skills.
2. Likely impacts of para-gliding - There are a limited number of para-gliders (approximately 12 to 15) interested in Bidwell Park and it is a somewhat passive sport. The "wing" is laid on the ground in preparation for launch, and taking off may require two to twenty steps to become airborne. Launching and landing areas require no infrastructure for use by para-gliders.

3. Level of interest from the hang-gliding community to use Bidwell Park if para-gliding is allowed. The intent is not to allow hang-gliding at this time. Furthermore, the most desirable launch sites in Bidwell Park are located on the North Rim Trail, requiring backpacking to the sites. Because of weight and access constraints, the proposed launch sites have little, if any interest, to the hang-gliding community.

The BPPC voted (5-2) to support the proposal pending completion of the environmental review. At its 9/2/08 meeting, the City Council supported (6-0-1) BPPC's recommendation to allow para-gliding in Upper Bidwell Park for a one year trial period, pending completion of the environmental review and development of rules for such use.

DISCUSSION:

With the completion of the environmental review and the finding of little or no significant impact, staff is recommending that the City Council approve amending the Chico Municipal Code to allow para-gliding to occur in Bidwell Park at designated launching and landing sites only. The three proposed launch sites are identified as Monkey Face, Julian and Rattle Snake (from west to east, respectively). The two designated landing areas are at Horseshoe Lake and Bear Hole parking lot. A map depicting the designated launching and landing sites is attached as Exhibit "A."

One of the requirements to fly in Bidwell Park will be that pilots be members of USHPA and have a Para 3 pilot rating, or a Para 2 rating and accompanied by a sponsor Para 3 pilot. Pilots must also obtain a permit from the General Services Department prior to flying. The permit will be valid for one-year.

As a USHPA member, pilots are covered by the association's liability insurance policy. In addition, the Bidwell Park Fliers will purchase site insurance to provide additional liability protection to the City. Risk Management has reviewed these insurance coverages.

Staff worked with the paragliding community to develop a set of rules and guidelines, a copy of which is attached as Exhibit "B", for paragliding in Bidwell Park. They will be distributed through the Bidwell Park Fliers and the General Services Department, posted on kiosks at Horseshoe Lake and other locations in Bidwell Park, and placed on the City's website. If approved by Council, the General Services Director will provide a report to the Council in August 2010 on para-gliding use in Bidwell Park during the first year.

ENVIRONMENTAL REVIEW:

A protocol-level botanical survey of the takeoff and landing locations was completed and the analysis concluded that, "No special status plants were observed within the specified survey areas." In accordance with the California Environmental Quality Act (CEQA), the City also prepared a Draft Initial Study and Proposed Negative Declaration (IS/ND) for the project. The 21-day public review and comment period for the IS/MND commenced on March 25, 2009 and closed on April 15, 2009. One comment was received (Exhibit "C"). Staff recommends that the Council adopt a Negative Declaration indicating that the project will not result in an adverse impact on the environment. The proposal is consistent with the Parks Element of the General Plan and the Bidwell Park Master Management Plan.

PUBLIC CONTACT:

The BPPC meetings on 4/14/08 and 4/28/08, and the City Council meetings on 9/2/08 and 6/2/09 were all posted public meetings.

Reviewed by:

Approved by:

Dennis Beardsley, General Services Director

David Burkland, City Manager

DISTRIBUTION:

BPPC
Jon Stallman
Jerry Olio

ATTACHMENT:

Resolution Amending CMC 12R.04/Initial Study
Exhibit A- Map of Designated Para-gliding Launch/Landing Sites
Exhibit B - Proposed Rules for Para-gliding in Bidwell Park
Exhibit C - Comments from Friends of Bidwell Park and Staff's response