

Call To Order

The regular council meeting was called to order at 6:00 p.m. by Mayor Frith. Vice-mayor Thompson, Councilmembers Arnold, Bottorff and Sheppard were present. Staff present: City Administrator Pete Carr, City Attorney Greg Einhorn, City Planner Scott Friend, City Engineer Steve Speights and City Clerk Roben Dewsnap.

1. **COMMUNITY PARTICIPATION:** Resident Mary Frith informed council that National Family Night Out would be August 7, 2012.
4. **CONSENT CALENDAR:** Mayor Frith asked to pull item G from the consent calendar and to facilitate a proclamation.

Margie Ruegger, Executive Director of Butte County Child Prevention Council, gave background information on the program.

Motion/Second to Adopt Proclamation, "PROCLAIMING APRIL AS CHILD ABUSE PREVENTION MONTH." (Bottorff/Thompson, MCU)

Mayor Frith read and presented the proclamation to Margie Ruegger.

2. PUBLIC HEARINGS:

A. Application for 2012 Community Development Block Grant Project

1. Staff Comments:

Lori Adams of Adams Ashby presented a summary of the grant application and informed council there were some decisions that needed to be made for the application. She reminded council the application would consist of \$200,000 for the Homebuyer Assistance with Rehab Program, a 10 percent set aside activity of \$100,000 being put toward the city library ADA improvements, and General Program Administration of \$22,500.

Decisions needed for the application included: minimum down payment, whether a limit would be set on the funding gap, whether to count an unborn child as a part of a family dynamics and towards income and occupancy, whether to include closing costs in the loan, term of the loan, and the program interest rate.

2. Open the hearing to the public.
 - a. Proponents. None
 - b. Opponents. None
3. Close hearing to the public.
4. Council discussion.

Ms. Adams added one more item needing a decision: The limit on rehabilitation.

Final decisions made by council were:

Down payment requirement: 3 percent

Funding limit: 30 percent

Whether to count unborn child: Yes

Allowance for necessary repairs: \$10,000

Loan to value ration: Not to exceed 105 percent

Term: 30 years

Program interest rate: 50 percent of market – no less than 2 percent

Ms. Adams reviewed the ADA part of the loan. She recommended writing this as \$30,000 from other federal funds and \$66,000 from local funds. These amounts would need to be added to the proposed resolution.

Motion/Second to adopt Resolution No. 2012-01 with said financial corrections to section one. "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE GENERAL/NATIVE AMERICAN ALLOCATION OF THE STATE CDBG PROGRAM." (Thompson/ Bottorff, MCU; Noes: Frith)

B. Zoning Code Amendment Z2012-01 – Front Yard Decorative Fences.

1. Staff Comments: City Planner, Scott Friend recommended the first reading of Ordinance No. 394.
2. Open the hearing to the public.
 - a. Proponents. None
 - b. Opponents. None
3. Close hearing to the public.
4. Council discussion.

Councilmember Bottorff agreed with the ordinance. Councilmember Arnold did not like the overall ordinance and was concerned it could cause problems in the future. Mayor Frith felt it was a good short term fix.

Motion/Second to accept first reading of Ordinance 394, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIGGS AMENDING THE BIGGS MUNICIPAL CODE TO MODIFY REGULATIONS IN SECTION 14.60.080 RELATING TO THE PLACEMENT OF A FENCE WITHIN THE PUBLIC RIGHT-OF-WAY AND MAKING MINOR EDITS RELATED TO REGULATION CONSISTENCY AND APPLICABILITY." (Thompson/Bottorff, MCU; Noes: Arnold)

3. ORDINANCE:

City Attorney Greg Einhorn directed the discussion of the proposed amendments to the Biggs Municipal Code making the regulation of the cultivation of Medical Marijuana more clear and explicit.

The greenhouse provision has been eliminated. The definition and criteria for a detached accessory structure has been included. The ordinance provides for an intra-city staff cooperation and information sharing provision. Cultivation prohibited 500 feet of school, churches and parks. Mr. Einhorn stated concerns with the 500 foot prohibition.

Resident April Rodriguez asked why cultivation would be prohibited 500 from schools, churches and parks if individuals were complying with regulations.

Councilmember Bottorff felt the 500 foot prohibition should only include schools. The remaining council members wanted the prohibition to include schools, churches and parks.

Mr. Einhorn reminded council this amendment was not about the crime of marijuana, it is about public safety – people growing marijuana and subjecting themselves and their neighbors to crime and also the problem of odor. This is nuisance abatement.

Motion/Second to approve first reading of Ordinance 395, "AN ORDINANCE OF THE CITY OF BIGGS AMENDING CHAPTER 6.25 (HEALTH AND SAFETY AND NEIGHBORHOOD NUISANCE ABATEMENT) OF THE BIGGS MUNICIPAL CODE REGARDING MEDICAL MARIJUANA CULTIVATION." (Bottorff/Sheppard, MCU)

4. CONSENT CALENDAR:

- A. Approval of Council Minutes for Regular Meeting of February 27, 2012.
- B. Approval of warrants: #26003 - 26088; #8122 - 8138; Z00599 - Z00615 for month of February 2012 in the amount of \$470,689.09.
- C. Acknowledge receipt of Police Department Report for February 2012.
- D. Acknowledge receipt of Gridley-Biggs Animal Control Officer Report for February 2012.
- E. Acknowledge receipt of Biggs Fire Department Report for February 2012.
- F. Acknowledge receipt of accountant's Monthly Cash and Investments Report for February 2012.
- H. Second Reading and Adoption of Ordinance No. 393 "AN ORDINANCE OF THE CITY OF BIGGS AMENDING THE REGULAR DAY AND THE STANDARD HOUR FOR THE COMMENCEMENT OF REGULAR COUNCIL MEETINGS."
- I. Approve dissolution of the Butte Basin Water Users Association and authorize Mayor to sign letter indicating same to County.

Motion/Second to approve the consent calendar. (Bottorff/Arnold, MCU)

5. DEPARTMENT REPORTS:

A. Engineering:

City Engineer Steve Speights reviewed the monthly engineering activity report and added he had received the plans for Bannock Street and the site improvements from SunWest.

B. Planning:

City Planner Scott Friend reviewed the Activity Report for February 2012 – March 2012 included in the agenda packet.

C. Public Safety. Nothing to report

D. Sutter Butte Flood Control. Councilmember Bottorff reported amendments to agreements had been approved for \$2.6 million for the next 18 months to cover the increased work load.

E. Pubic Works: Nothing to report.

F. Electric. Mayor Frith reported he would be attending a commission meeting on Thursday and he would also attend the water forum in Chico on Friday.

G. BCAG/Air Quality: Vice Mayor Thompson reported the transfer of emission credits was voted down at the Air Quality meeting.

H. Solid Waste: Nothing to report.

I. Mosquito Abatement. Councilmember Sheppard stated the mosquito population was increasing. There were no changes in West Nile activity in Butte County.

J. Other commission reports. Mayor Frith would be attending the Butte County Local Hazard Mitigation Plan kickoff tomorrow morning.

K. City Administrator.

1. Server Replacement – Mr. Carr reported the current server was considered past its expected useful life with significant risk of catastrophic failure. The city issued a Request for Proposal and received three responses. Mr. Carr recommended PacifiCom to install a new server. He had contacted three current customers of PacifiCom and they were very happy with PacifiCom’s services. He still needed to negotiate with them on some items. The cost of the server would be expensed to the water, sewer, electric and solid waste funds.

Motion/Second to accept Mr. Carr’s recommendation. (Bottorff/Thompson, MCU)

Mr. Carr asked for clarification that council wanted him to proceed with the contract for the server install and negotiate a service contract with PacifiCom and council said yes.

2. Replacement Street Sweeper – Mr. Carr asked council to consider purchasing a street sweep to replace the city’s current aged unit. A used sweeper had been located and because of its weight, all of the public works employees could operate the machine. This would be expensed to fund 11 which is a general fund reserve account.

Motion/Second to purchase the street sweeper at the city administrator’s recommendation. (Thompson/Bottorff, MCU)

6. CLOSED SESSION: 8:52

A. Closed session pursuant to Government Code Section 54956.8:
CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: Assessor parcel numbers 022-140-007-000, 022-160-059-000, 022-140-003-000, 022-140-004-000, 022-140-002-000, 022-140-001-000
Agency negotiator: Pete Carr and Myra Cooper Holmes
Negotiating parties: Person(s) with whom agency negotiator(s) may negotiate.

B. Closed session pursuant to Government Code Section 54957
PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Annual)
Title: City Administrator

7. RESUME REGULAR MEETING: Council resumed the Regular Meeting at 11:10 p.m.

A. No announcement.

B. Adjustment to City Administrator Compensation – Deferred to April Regular Council Meeting.

8. INFORMATIONAL:

9. ADJOURNMENT: Meeting was adjourned at 11:11 p.m.

ATTEST:

APPROVED:

Roben Dewsnup, CITY CLERK

Roger L. Frith, MAYOR

REPORT.: Apr 02 12 Monday
 RUN....: Apr 02 12 Time: 10:44
 Run By.: Roben Dewsnap

City of Biggs
 Month End Cash Disbursements Report
 Report for 03-12 BANK ACCOUNT 1010

PAGE:
 ID #:
 CTL.:

Period	Check Number	Check Date	Vendor # (Name)	Disc. Terms	Gross Amount	Disc Amount	Net Amount	Check Description
03-12	026089	03/12/12	NCPA (Northern CA Power Agency)		117,500.00	.00	117,500.00	Automatic Generated
	026090	03/12/12	AFL01 (Aflac)		165.00	.00	165.00	Automatic Generated
	026091	03/12/12	AME00 (American Express)		243.00	.00	243.00	Automatic Generated
	026092	03/12/12	ARA01 (Arasark Uniform Services)		257.60	.00	257.60	Automatic Generated
	026093	03/12/12	ATT02 (AT&T)		314.13	.00	314.13	Automatic Generated
	026094	03/12/12	BUT03 (Butte Auto Parts)		213.95	.00	213.95	Automatic Generated
	026095	03/12/12	CAR24 (Erik G Carrillo)		88.67	.00	88.67	Automatic Generated
	026096	03/12/12	DEL01 (Preferred Benefit)		731.80	.00	731.80	Automatic Generated
	026097	03/12/12	FLE00 (Fletcher's Plumbing &)		1,365.00	.00	1,365.00	Automatic Generated
	026098	03/12/12	GRI04 (City of Gridley)		56,060.30	.00	56,060.30	Automatic Generated
	026099	03/12/12	GRI08 (Gridley Country Ford)		98.98	.00	98.98	Automatic Generated
	026100	03/12/12	GRIHE (Gridley Herald)		127.50	.00	127.50	Automatic Generated
	026101	03/12/12	GRO01 (GROENIGER #1423)		105.65	.00	105.65	Automatic Generated
	026102	03/12/12	HAR05 (Harshbarger Ace Hardware)		917.07	.00	917.07	Automatic Generated
	026103	03/12/12	KY001 (Kyocera Mita America Inc)		129.04	.00	129.04	Automatic Generated
	026104	03/12/12	LAK02 (Lakeview Petroleum)		1,803.31	.00	1,803.31	Automatic Generated
	026105	03/12/12	NDR02 (North Valley Barricade, Inc.)		402.19	.00	402.19	Automatic Generated
	026106	03/12/12	PET01 (Petty Cashier)		52.09	.00	52.09	Automatic Generated
	026107	03/12/12	RES01 (Reserve Account)		800.00	.00	800.00	Automatic Generated
	026108	03/12/12	SEI01 (Roy R. Seiler, CPA)		1,141.63	.00	1,141.63	Automatic Generated
	026109	03/12/12	SHI07 (Hope Shirley & Bobby Tabor)		138.96	.00	138.96	Automatic Generated
	026110	03/12/12	SIG01 (Vona L Brown DBA)		530.89	.00	530.89	Automatic Generated
	026111	03/12/12	STR08 (Damien Strifler & Heather McCartney)		14.58	.00	14.58	Automatic Generated
	026112	03/12/12	TRO01 (Aaron & Sarah Trojanowski)		33.86	.00	33.86	Automatic Generated
	026113	03/12/12	UNI04 (Univar USA Inc)		1,787.86	.00	1,787.86	Automatic Generated
	026114	03/12/12	VIS00 (VistaNet Inc)		120.00	.00	120.00	Automatic Generated
	026115	03/12/12	WAS04 (Waste Management)		9,606.00	.00	9,606.00	Automatic Generated
	026116	03/12/12	YUB01 (City of Yuba City)		2,470.00	.00	2,470.00	Automatic Generated
	026117	03/12/12	YUB02 (Yuba City Treasurer)		790.00	.00	790.00	Automatic Generated
	026118	03/23/12	ADA01 (Adaas Ashby Group, LLC.)		1,725.00	.00	1,725.00	Automatic Generated
	026119	03/23/12	AIR00 (Aingas-NCH, Inc.)		23.13	.00	23.13	Automatic Generated
	026120	03/23/12	ARN01 (Doug Arnold)		40.54	.00	40.54	Automatic Generated
	026121	03/23/12	BEN02 (Bennett Engineering Services, Inc)		13,390.21	.00	13,390.21	Automatic Generated
	026122	03/23/12	BON01 (James Bone)		142.50	.00	142.50	Automatic Generated
	026123	03/23/12	BUT04 (Butte County Clerk Recorder)		13.00	.00	13.00	Automatic Generated
	026124	03/23/12	CAL08 (California Diesel & Power)		826.46	.00	826.46	Automatic Generated
	026125	03/23/12	CAR04 (Peter R. Carr)		391.73	.00	391.73	Automatic Generated
	026126	03/23/12	COR01 (CORBIN WILLITS SYSTEM INC)		328.95	.00	328.95	Automatic Generated
	026127	03/23/12	CUM01 (Michele Cummings)		16.81	.00	16.81	Automatic Generated
	026128	03/23/12	DON00 (Don's Shoes)		229.48	.00	229.48	Automatic Generated
	026129	03/23/12	EIN01 (Gregory P. Einhorn)		4,960.00	.00	4,960.00	Automatic Generated
	026130	03/23/12	FEA01 (Feather River Concrete Products)		229.52	.00	229.52	Automatic Generated
	026131	03/23/12	GRE02 (Tom Green)		7,408.49	.00	7,408.49	Automatic Generated
	026132	03/23/12	GRO01 (GROENIGER #1423)		90.10	.00	90.10	Automatic Generated

REPORT.: Apr 02 12 Monday
 RUN...: Apr 02 12 Time: 10:44
 Run By.: Roben Dewsnap

City of Biggs
 Month End Cash Disbursements Report
 Report for 03-12 BANK ACCOUNT 1010

PAGE: 002
 ID #: PY-CD
 CTL.: BIG

Period	Check Number	Check Date	Vendor # (Name)	Disc. Terms	Gross Amount	Disc Amount	Net Amount	Check Description
03-12	026133	03/23/12	HOC01 (Joanna & Skyler Hockett)		168.53	.00	168.53	Automatic Generated Check
	026134	03/23/12	JCN00 (J C Nelson Supply Co)		77.22	.00	77.22	Automatic Generated Check
	026135	03/23/12	MAX01 (Maxium Security Systems)		78.75	.00	78.75	Automatic Generated Check
	026136	03/23/12	MJB01 (MJB Welding Supply, Inc.)		344.38	.00	344.38	Automatic Generated Check
	026137	03/23/12	NDR05 (NDRMAC)		178.14	.00	178.14	Automatic Generated Check
	026138	03/23/12	DRD01 (Droville Safe Lock & Door Company)		216.63	.00	216.63	Automatic Generated Check
	026139	03/23/12	PAC01 (Pace Supply Corp.)		693.95	.00	693.95	Automatic Generated Check
	026140	03/23/12	PGE01 (PACIFIC GAS & ELECTRIC CO)		166.71	.00	166.71	Automatic Generated Check
	026141	03/23/12	PMC01 (PMC, Inc.)		6,759.85	.00	6,759.85	Automatic Generated Check
	026142	03/23/12	PRIO2 (PLIC - SBD Grand Island)		126.46	.00	126.46	Automatic Generated Check
	026143	03/23/12	PUB02 (Calif Public Employees')		10,632.87	.00	10,632.87	Automatic Generated Check
	026144	03/23/12	REY01 (Donald R. Reynolds, CPA)		500.00	.00	500.00	Automatic Generated Check
	026145	03/23/12	RIG01 (Right Way Pest Control)		119.00	.00	119.00	Automatic Generated Check
	026146	03/23/12	SEL02 (Select Janitorial Services, Inc.)		206.00	.00	206.00	Automatic Generated Check
	026147	03/23/12	TRI03 (Tri-City Powered Equipment)		43.55	.00	43.55	Automatic Generated Check
	026148	03/23/12	WAS02 (Hayden Wasser)		32.75	.00	32.75	Automatic Generated Check
	026149	03/23/12	WAT02 (Waterbury Electric)		125.00	.00	125.00	Automatic Generated Check
	026150	03/23/12	WHI01 (Henry White)		35,000.00	.00	35,000.00	Automatic Generated Check
Total for Bank Account 1010 ---->					283,294.77	.00	283,294.77	
Grand Total of all Bank Accounts ---->					283,294.77	.00	283,294.77	

Report.: 04/02/12
 Run On.: 04/02/12
 Time...: 08:46
 Run By.: Roben Dewsnup

Month End Warrant Register

Page.: 00001
 Id...: SPMEM
 Ctl...: BIG
 Prog.: SP0260

Warrant Num	P#	Date	Payroll Number	Period Begin	End	*** Employee or Vendor Nbr	Name	Cal Prd	Gross Earnings	Tax Withheld	Deductions Withheld	Warrant Amount
8139	00	03/05/12	5of24	02/16/12	02/29/12			03-12	341.55	22.72	.00	318.83
8140	00	02/29/12	VENDOR PAYMENT			BOA01	BANK OF AMERICA, NT&	02-12	INVOICE NO.:	B20301		1399.93
8140	01	02/29/12	VENDOR PAYMENT			BOA01	BANK OF AMERICA, NT&	02-12	INVOICE NO.:	1B20301		1811.62
8140	02	02/29/12	VENDOR PAYMENT			BOA01	BANK OF AMERICA, NT&	02-12	INVOICE NO.:	2B20301		505.14
										TOTAL FOR VENDOR BOA01:		3716.69
8141	00	02/29/12	VENDOR PAYMENT			CAL10	CalPERS	02-12	INVOICE NO.:	B20301		148.83
										TOTAL FOR VENDOR CAL10:		148.83
8142	00	02/29/12	VENDOR PAYMENT			EDD01	Employment Developme	02-12	INVOICE NO.:	B20301		458.15
8142	01	02/29/12	VENDOR PAYMENT			EDD01	Employment Developme	02-12	INVOICE NO.:	1B20301		174.21
										TOTAL FOR VENDOR EDD01:		632.36
8143	00	02/29/12	VENDOR PAYMENT			PUB01	PERS-Retirement Syst	02-12	INVOICE NO.:	B20301		2663.00
8144	00	03/20/12	6of24	03/01/12	03/15/12			03-12	221.38	14.72	.00	206.66
8145	00	03/20/12	6of24	03/01/12	03/15/12			03-12	217.83	14.49	.00	203.34
8145	01	03/23/12	0of24	03/23/12	03/23/12			03-12	-217.83	-14.49	.00	-203.34
										TOTAL FOR VENDOR PUB01:		2663.00
8146	00	03/16/12	VENDOR PAYMENT			BOA01	BANK OF AMERICA, NT&	03-12	INVOICE NO.:	B20316		1231.19
8146	01	03/16/12	VENDOR PAYMENT			BOA01	BANK OF AMERICA, NT&	03-12	INVOICE NO.:	1B20316		1746.97
8146	02	03/16/12	VENDOR PAYMENT			BOA01	BANK OF AMERICA, NT&	03-12	INVOICE NO.:	2B20316		487.16
										TOTAL FOR VENDOR BOA01:		3465.32
8147	00	03/16/12	VENDOR PAYMENT			CAL10	CalPERS	03-12	INVOICE NO.:	B20316		148.83
										TOTAL FOR VENDOR CAL10:		148.83
8148	00	03/16/12	VENDOR PAYMENT			EDD01	Employment Developme	03-12	INVOICE NO.:	B20316		386.04
8148	01	03/16/12	VENDOR PAYMENT			EDD01	Employment Developme	03-12	INVOICE NO.:	1B20316		167.99
										TOTAL FOR VENDOR EDD01:		554.03
8149	00	03/16/12	VENDOR PAYMENT			LAB02	Laborers Local 185	03-12	INVOICE NO.:	B20316		124.00
										TOTAL FOR VENDOR LAB02:		124.00
8150	00	03/16/12	VENDOR PAYMENT			PUB01	PERS-Retirement Syst	03-12	INVOICE NO.:	B20316		2663.00
8151	00	03/23/12	1of24	03/23/12	03/23/12			03-12	217.83	14.49	.00	203.34
8152	00	03/28/12	3of12	03/01/12	03/31/12			03-12	300.00	19.95	.00	280.05
8153	00	03/28/12	3of12	03/01/12	03/31/12			03-12	300.00	19.95	.00	280.05
8154	00	03/28/12	3of12	03/01/12	03/31/12			03-12	300.00	19.95	.00	280.05
8155	00	03/28/12	3of12	03/01/12	03/31/12			03-12	300.00	19.95	.00	280.05
8156	00	03/28/12	3of12	03/01/12	03/31/12			03-12	300.00	19.95	.00	280.05
										TOTAL FOR VENDOR PUB01:		2663.00
8157	00	03/28/12	VENDOR PAYMENT			BOA01	BANK OF AMERICA, NT&	03-12	INVOICE NO.:	B20328		.00
8157	01	03/28/12	VENDOR PAYMENT			BOA01	BANK OF AMERICA, NT&	03-12	INVOICE NO.:	1B20328		156.00
8157	02	03/28/12	VENDOR PAYMENT			BOA01	BANK OF AMERICA, NT&	03-12	INVOICE NO.:	2B20328		43.50
										TOTAL FOR VENDOR BOA01:		199.50
8158	00	03/28/12	VENDOR PAYMENT			EDD01	Employment Developme	03-12	INVOICE NO.:	B20328		.00
8158	01	03/28/12	VENDOR PAYMENT			EDD01	Employment Developme	03-12	INVOICE NO.:	1B20328		15.00
Z00616	00	03/05/12	5of24	02/16/12	02/29/12			03-12	1910.25	541.60	1368.65	.00
Z00617	00	03/05/12	5of24	02/16/12	02/29/12			03-12	3720.73	1094.27	2626.46	.00
Z00618	00	03/05/12	5of24	02/16/12	02/29/12			03-12	2029.89	564.51	1465.38	.00

Report.: 04/02/12
 Run On.: 04/02/12
 Time...: 08:46
 Run By.: Roben Dewsnup

Month End Warrant Register

Page.: 0000
 Id...: SPME
 Ctl...: B16
 Prog.: SP02

Warrant Num	P#	Date	Payroll Number	Period Begin	End	*** Employee or Vendor *** Nbr	Name	Cal Prd	Gross Earnings	Tax Withheld	Deductions Withheld	Warrant Amount
Z00619	00	03/05/12	5of24	02/16/12	02/29/12			03-12	1655.28	397.65	1257.63	.00
Z00620	00	03/05/12	5of24	02/16/12	02/29/12			03-12	1810.47	404.36	1406.11	.00
Z00621	00	03/05/12	5of24	02/16/12	02/29/12			03-12	1171.03	314.67	856.36	.00
Z00622	00	03/05/12	5of24	02/16/12	02/29/12			03-12	2629.54	707.52	1922.02	.00
Z00623	00	03/05/12	5of24	02/16/12	02/29/12			03-12	3149.53	1037.43	2112.10	.00
Z00624	00	03/20/12	6of24	03/01/12	03/15/12			03-12	1941.83	554.11	1387.72	.00
Z00625	00	03/20/12	6of24	03/01/12	03/15/12			03-12	3720.73	1094.27	2626.46	.00
Z00626	00	03/20/12	6of24	03/01/12	03/15/12			03-12	1915.04	534.58	1380.46	.00
Z00627	00	03/20/12	6of24	03/01/12	03/15/12			03-12	1391.27	337.49	1053.78	.00
Z00628	00	03/20/12	6of24	03/01/12	03/15/12			03-12	1810.47	404.36	1406.11	.00
Z00629	00	03/20/12	6of24	03/01/12	03/15/12			03-12	1402.97	356.41	1046.56	.00
Z00630	00	03/20/12	6of24	03/01/12	03/15/12			03-12	2629.54	707.51	1922.03	.00
Z00631	00	03/20/12	6of24	03/01/12	03/15/12			03-12	2545.73	784.55	1761.18	.00
									37715.06	9986.97	25599.01	16459.64

24,781.51

Gridley - Biggs Police Department

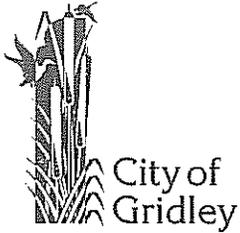
Traffic Summary for the City of Biggs

Month of March, 2012

	<i>Current Month</i>	<i>Year to Date 2012</i>
<i>Accidents Fatal</i>	0	0
<i>Accidents Personal Injury</i>	0	1
<i>Accidents Pedestrians</i>	0	0
<i>Accidents PropertyDamage</i>	1	1
<i>Hit and Run PDO</i>	0	0
<i>Hit and Run Injury</i>	0	0
<i>Accidents Total</i>	1	2
<i>Moving Violation Citations</i>	5	10
<i>Non-Moving Violations</i>	1	6
<i>Speeding Citations</i>	0	0
<i>Traffic Citations-Total</i>	6	16
<i>Traffic Stops</i>	24	83
<i>D.U.I. Arrests</i>	0	0

Comments:

--



City of Gridley Gridley-Biggs Police Department



GARY D. KEELER
Chief of Police



GRIDLEY BIGGS POLICE DEPARTMENT			
CITY OF BIGGS MONTH IN REVIEW			
March, 2012			
CALLS FOR SERVICE		ARREST CRIME REPORT	
911	17	ADULTS	
ALARM	1	ASSAULT	1
ANIMAL	9	DRIVING WHILE SUSPENDED	1
AREA CHECK	19	POSSESSION OF CONTROLLED SUB	1
ATTEMPT TO CONTACT	1	UNLICENSED DRIVER	1
ATTEMPT TO SERVE	3	WARRANT	3
BE ON THE LOOK OUT	1		
BIKE TRAFFIC	5		
CHILD CUSTODY ISSUE	2		
CIVIL STAND BY	2		
DISABLED VEHICLE	2	JUVENILE	
DISTURBANCE	3		
DRIVING WHILE SUSPENDED	1		
DRUG RELATED COMPLAINT	1		
EXTRA PATROL REQUEST	4		
INFORMATION	2		
JUVENILE PROBLEM	1		
LEWD ACTS WITH A MINOR	1		
LOUD MUSIC	5		
MEDICAL AID	1		
NON INJURY ACCIDENT	1		
OUTSIDE ASSIST	1		
PEDESTRIAN CHECK	6		
PUBLIC WORKS CALL OUT	2		
RECKLESS DRIVING	1		
REPO VEHICLE	1		
ROAD HAZARD	1		
SUSPICIOUS CIRCUMSTANCES	2		
SUSPICIOUS VEHICLE	7		
TRAFFIC STOPS	24		
UNLICENSED DRIVER	1		
VANDALISM	1		
WARRANT	3		

**GRIDLEY-BIGGS POLICE DEPARTMENT
MONTHLY COUNCIL REPORT
CITY OF BIGGS**

March. 2012

TYPE	THIS MONTH	YEAR TO DATE	2011
		2012	YEAR TO DATE
# OF ARREST			
ADULTS	7	33	26
JUVENILE	0	4	4
# OF CITATIONS			
TRAFFIC/CRIMINAL	8	40	32
MISC CALLS FOR SERVICE	132	553	421
# OF CRIMES REPORTED			
FELONY	2	12	10
MISDEMEANOR	4	28	24
# OF WARRANT ARREST			
ADULT	3	9	6
JUVENILE	0	0	0
# OF 911 CALLS	17	51	34

GRIDLEY BIGGS POLICE DEPARTMENT
CITY OF BIGGS MONTH IN REVIEW
March. 2012

PERSONNEL

3/2/2012 Reserve Officers Gillming, Knuthson and Officer Hadley are no longer employed with the department.

TRAINING

03/01-03/02/12 Dispatcher Cain attended the Public Records Act in Stockton.
03/05-03/09/12 Assistant Chief Price attended the Managers Training in Santa Rosa
3/5/2012 Officer Rodriguez & Officer Smallwood attended CCGIA Intelligence & Investigation Conference in San Jose.
3/28/2012 Officer Khan and Officer Smallwood attended Prison gang update. in Redding

NOTES

3/7/2012 Chief Keeler met with the new Chief Probation Officer in Gridley.
03/12-03/14/12 Assistant Chief Price attended the California Police Chief Conference in Sacramento.
3/13/2012 Dispatcher Carrillo attended the Dispatcher of the Year planning committee meeting in Chico.
3/15/2012 Assistant Chief Price attended the BINTF and Law Enforcement meetings in Chico.
3/15/2012 Chief Keeler met with California Assembly member Dan Logue about AB109 issue in Gridley.
3/20/2012 Chief Keeler met with Butte Co. Mitigation planning committee in Oroville.
3/21/2012 Assistant Chief Price attended an Emergency Operations planning . committee meeting in Gridley
3/21/2012 Chief Keeler participated in Community Corrections Partnership (AB109) Executive committee.
3/22/2012 Assistant Chief Price attended Safe Schools grant meeting in Biggs.

Response times for this month are as follows:

Priority 1 Events that involve injury, are life threatening or in progress
Priority 2 Events that involve property loss or damage
Priority 3 Other events that do not involve injury, threat of life, property loss or damage.
Priority 1 3 minutes
Priority 2 5 minutes
Priority 3 19 minutes

MONTHLY REPORT OF LOCAL RABIES CONTROL ACTIVITIES

For Biggs March, 2012

City of Biggs Animal Control

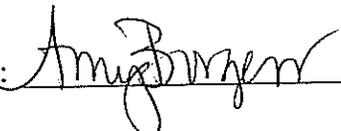
Total calls for service: 9

			Dogs	Cats
RABIES VACCINATION AND LICENSING	A. Number of "Actual Cost" rabies public vaccination clinics held		0	
	B. Number of animal control citations issued for rabies vaccination and licensing violations		0	
	C. Dogs and cats vaccinated in "Actual Cost" public vaccination clinics		0	0
	D. Dogs and cats licensed in "Actual Cost" public vaccination clinics		0	0
	E. Total number of dogs and cats LICENSED in jurisdiction		126	0
CANINE AND FELINE RABIES CONTROL	F. Dogs and cats on hand in the shelter March 1, 2012 (carried over from February 29, 2012)		2	0
	G. Dogs and cats entering the shelter, TOTAL: (Total should equal sum of 1 to 5 below)		3	5
	1. Dogs and cats captured by Animal Control Officers		3	5
	2. Dogs and cats surrendered by owners (not including those surrendered for quarantine)		0	0
	3. Dogs and cats surrendered by the public	G1 THROUGH G5	0	0
	4. Dogs and cats impounded for animal bite quarantines	ARE	0	0
	5. Dogs and cats transferred from another shelter	MUTUALLY EXCLUSIVE	0	0
	H. Disposition of dogs and cats entering shelter, TOTAL: (Total should equal sum of F. plus 1 to 6 below)		3	2
	1. Dogs and cats reclaimed by owner		2	0
	2. Dogs and cats adopted by new owners	H1 THROUGH H6	0	0
	3. Dogs and cats euthanized	ARE	1	2
	4. Dogs and cats died of other causes	MUTUALLY EXCLUSIVE	0	0
	5. Dogs and cats stolen, escaped, etc.		0	0
6. Dogs and cats transferred to another shelter		0	0	
I. Dead dogs and cats collected (excluding F, G, and H above)		0	1	
J. Dogs and cats on hand in the shelter March 1, 2012 (to be carried over to April 1, 2012)		2	2	
ANIMAL BITE REPORTING	K. Animal bites reported, TOTAL: (Total should be the sum of 1 and 2 below)		0	
	1. DOG and CAT bites reported, TOTAL: (Total should be the sum of a, b, c, and d below)		0	0
	a. Licensed		0	0
	b. Vaccinated only		0	0
	c. Neither licensed or vaccinated (but owned)		0	0
	d. Strays		0	0
	2. OTHER ANIMAL bites reported, TOTAL: (Total should be the sum of a and b below)		0	
a. Other domestics (excluding cats)		0		
b. Wild		0		

Other Animals Picked up:

		Dogs	Cats
ANIMAL QUARANTINES	L. Number of 30 day quarantines for vaccinated dogs and cats exposed to potentially rabid animals.	0	0
	M. Number of 6 month quarantines for unvaccinated dogs and cats exposed to potentially rabid animals.	0	0
	N. Number of 6 month quarantines for domestic livestock (horses, cattle, etc.) exposed to potentially rabid animals.	0	
	O. Number of 30 day or 6 month quarantines not completed because the animals were euthanized.	0	
AGENCY ADMIN.	P. Number of animal control officers employed in jurisdiction	1	
	Q. Gridley-Biggs Animal Control 685 Kentucky Street, Gridley, CA 95948 530-846-4825		

Completed by:

Signature: 

Name: Amy Burgess

Title: Animal Control Officer

Agency: Gridley-Biggs Animal Control

Telephone: 530-846-4825

Endorsement by local Health Officer or
Authorized representative:

Signature: _____

Name (print): _____

Title: _____

Agency: _____

Telephone: _____

AFTER ENDORSEMENT
PLEASE FORWARD COMPLETED FORM TO:

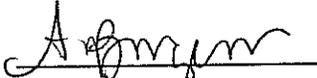
Veterinary Public Health Section
California Department of Health Services
MS 7308
P.O. Box 997413
Sacramento, CA 95899-7413

PHONE: (916) 552-9740
FAX: (916) 552-9725

Biggs Monthly Animal Bite Activity

Agency: Gridley-Biggs Animal Control Monthly March, 2012

		Dogs	Cats
Animal Bite Reporting	A. Animal Bites Reported. TOTAL should be the sum of 1 and 2 below.	0	0
	1. DOG and CAT bites reported. Should equal sum of a, b, c, and d.	0	0
	a. Licensed	0	0
	b. Vaccinated only.	0	0
	c. Neither Licensed or Vaccinated	0	0
	d. Strays	0	0
	2. OTHER ANIMAL bites reported. Should equal sum of a and b.	0	0
	a. Other domestic (excluding cats.)	0	0
	b. Wild	0	0
Animal Quarantines	L. Number of 30 day quarantines for Vaccinated dogs and cats exposed to potentially rabid animals.	0	0
	M. Number of 6 month quarantines for Unvaccinated dogs and cats exposed to potentially rabid animals.	0	0
	N. Number of 6 month quarantines for Domestic livestock (horses, cattle, etc.) exposed to potentially rabid animals.	0	0
	O. Number of 30 day or 6 month Quarantines not completed because animals were euthanized.	0	0
Agency Administration	P. Number of animal Control Officers Employed in the jurisdiction.	1	

Prepared by:  **A. Burgess Gridley-Biggs Animal Control Officer**

Date: April 4, 2012

**685 Kentucky Street
Gridley, CA 95948
530-846-4825**



City of Biggs

Agenda Item Staff Report for the Regular City Council Meeting: April 16, 2012 6:00PM

DATE: April 12, 2012
TO: Honorable Mayor and Members of the City Council
FROM: Pete Carr, City Administrator
SUBJECT: Support for Mosquito District – NPDES Issue (Consent/Action)

Council is asked to approve proposed letter of support for Mosquito & Vector Control District.

Background:

The Butte County Mosquito and Vector Control District provides mosquito and vector control, disease surveillance, and vector education to more than 220,000 residents over 1,600 square miles of Butte County and areas of Glenn County, including residents in Biggs. However, the district's ability to provide these critical public health services is being restricted by a new Clean Water Act NPDES (pollution discharge) permit requirement. Currently, under this new permit, the District will have to divert considerable money and manpower away from providing direct services and public health protection toward costly and labor-intensive reporting and monitoring activities. According to district officials, this will result in slower vector abatement response times and reduced disease surveillance and prevention, ultimately increasing the level of public health risk from existing and new species infestations such as that of the Asian tiger mosquito and from endemic diseases such as West Nile virus.

H.R. 872 is a bill that passed the House with overwhelming bipartisan support in the U.S. House of Representatives and would exempt public health pesticides from additional regulation under the Clean Water Act. Unfortunately, H.R. 872 has not been able to come to a vote in the Senate. District agencies, therefore, are being requested to send letters to both Senators Boxer and Feinstein to urge them to support H.R. 872 and encourage Senator Reid to bring the bill to a vote.

Additional information about H.R. 872 and the efforts by mosquito and vector control districts across the country to provide a legislative fix to the costly and duplicate NPDES permit requirements, please contact our Council Commissioner and district board member, Bo Sheppard.

Attachments (2):

1. Fact sheet provided by MCCAC
2. Draft letters to Senators Boxer and Feinstein

Recommendation:

Approve the proposed stand of support and authorize the Mayor to execute letters to Senators Boxer and Feinstein.

Fiscal Impact of Recommendation:

None direct to Biggs.

The Bipartisan Bill H.R. 872 Would:

- o Clarify the original Congressional intent of enactment of the Federal Water Pollution Control Act (Clean Water Act) and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA);
- o Determine that the application of beneficial pesticides, such as public health insecticides, registered under FIFRA shall not require Clean Water Act (CWA) permit, an understanding that had worked very well for 30 years since enactment;
- o Eliminate duplicative regulation, by CWA permit requirements, of insecticides already regulated and registered under FIFRA for application to navigable waters, which regulation would not provide any additional environmental protection;
- o Prevent the dilution of the NPDES permit requirement process by including FIFRA regulated pesticide applications with industrial and municipal waste discharges, thus necessitating permits that do not contain stringent monitoring requirements (paper permits), such paper permits without substantial monitoring requirements defeat the purpose and objectives of the CWA;
- o Save mosquito abatement and vector control agencies from the burden of unnecessary and duplicative regulation and wasteful costs for the provision of services to protect public health and the environment, costs that are ultimately borne by private citizens and taxpayers;
- o Protect public agencies from unnecessary and financially devastating lawsuits arising from misinterpretation of the CWA and for uses of the NPDES permit that do not fit its intended purpose.

The Legislative Clarification in H.R. 872 is Necessary Because:

- o The Courts have blurred the line that once clearly delineated the regulatory responsibilities of the CWA and FIFRA.
- o Mosquito abatement and vector control agencies are now threatened with lawsuits if we do not have an NPDES permit. Even one such lawsuit would devastate our resources and cripple our ability to protect public health.
- o NPDES permits are intended to regulate commercial wastes deposited directly in waterways and, therefore, they do not fit our operations. In addition, they carry high costs that have the potential to overwhelm our limited resources.
- o Individual mosquito and vector control agencies in California make tens of thousands of applications with environmentally friendly public health pesticides each year. If even 10 percent of these applications were required to be monitored, at a cost of about \$1,000 per assay, the yearly cost for just one such agency would be in the millions of dollars.



1215 K Street, Suite 2290
Sacramento, CA 95814
p: 916.440.0826 f: 916.231.2141
www.mvcac.org e: mvcac@mvcac.org

- o These costs exceed the funding capacities of our agencies and would divert resources away from protecting the public from mosquito-borne diseases. **This will have a profound impact on the health and welfare of women, children and minorities, who are often disproportionately affected by disease.**
- o There are numerous mosquito and vector-borne diseases present in California and the United States, and mosquito control agencies are the front line of defense. For example since 2003 in California there have been 3,213 known human infections of West Nile virus, with 100 fatalities; while in the entire U.S. there have been 30,676 cases and 1,202 deaths since 1999.
- o The additional regulation of an NPDES permit, even with the required monitoring, will not accomplish any further protection of the environment, because the protections are already built into FIFRA regulation.
- o This is not a partisan issue. This is a **public health issue**.



MVCAC

**MOSQUITO AND VECTOR CONTROL
ASSOCIATION OF CALIFORNIA**

1215 K Street, Suite 2290
Sacramento, CA 95814

p: 916.440.0826 f: 916.231.2141

www.mvcac.org e: mvcac@mvcac.org



City of Biggs

465 C Street
P.O. Box 307
Biggs, California 95917
Telephone (530) 868-5493

April 16, 2012

The Honorable Barbara Boxer
U.S. Senate
112 Hart Senate Office Building
Constitution Ave & 2nd St. NE
Washington, DC 20510

Re: Support for H.R. 872 "The Reducing Regulatory Burdens Act of 2011"

Dear Senator Boxer:

I am writing on behalf of the City of Biggs to declare our support for legislation that exempts public health pesticides from additional regulation under the Clean Water Act. The City of Biggs is disappointed that a recently proposed bill to provide such an exemption, H.R. 872, has not been able to come to a vote in the Senate after receiving overwhelming bipartisan support in the House. This new layer of regulation will not provide any foreseeable protection to our nation's waters beyond that already mandated under the Federal Insecticide Fungicide and Rodenticide Act (FIFRA) and practiced by mosquito control agencies since their inception.

We are very concerned that without H.R. 872, the regulations imposed by a new Clean Water Act NPDES permit requirement will have a significant impact on the public health of the people who live, work, and recreate in the City of Biggs. This will ultimately compromise the delivery of critical public health vector control services.

The Butte County region has seen significant West Nile virus activity in the past few years, and within the Butte County Mosquito and Vector Control District jurisdiction, there have been 386 human cases of West Nile virus since the epidemic began in 2004 with 10 of those cases resulting in fatalities. West Nile virus continues to be a threat in our region in spite of the Butte County Mosquito and Vector Control District's best efforts to control mosquitoes. West Nile virus is endemic to California, and every year, it has the potential to pose a major health risk. If our local mosquito and vector control district is not able to seek relief from the National Pollutant Discharge Elimination System (NPDES) permit, the district will be unable to provide the public health protection that our city has come to rely on.

Currently, under the NPDES permit, the Butte County Mosquito and Vector Control District will have to divert money and manpower away from providing direct services and public health protection and toward costly and labor-intensive reporting and monitoring activities, resulting in slower vector abatement response times and reduced disease surveillance and prevention, ultimately increasing the level of public health risk from new species infestations, West Nile virus outbreaks and other mosquito-borne diseases.

From past and current collaborations, we have found that the Butte County Mosquito and Vector Control District has been a productive and responsive community partner and a responsible steward of the environment. For decades, mosquito and vector control districts have implemented a wide variety of Integrated Vector Management strategies to control for disease vectors and protect public health, while minimizing environmental impacts.

In recent media coverage, other legislators and regulators have demonstrated an incomplete understanding of mosquito and vector control and how it will change under the new NPDES permit. We encourage you to support bringing H.R 872 to the floor of the Senate for debate to educate U.S. legislators about the true impact these new regulations will have on the public health of all Americans.

In the interest of public health and the long-term health of the environment we of the City of Biggs ask that you urge Senator Reid to bring H.R. 872 to a vote.

Please contact our City Administrator Pete Carr at (530) 868-5493 or biggs1@biggs-ca.gov if you need additional information.

Sincerely,

Roger L. Frith
Mayor



City of Biggs

465 C Street
P.O. Box 307
Biggs, California 95917
Telephone (530) 868-5493

April 16, 2012

The Honorable Dianne Feinstein
United State Senate
331 Hart Senate Office Building
Washington, DC 20510

Re: Support for H.R. 872 "The Reducing Regulatory Burdens Act of 2011"

Dear Senator Feinstein:

I am writing on behalf of the City of Biggs to declare our support for legislation that exempts public health pesticides from additional regulation under the Clean Water Act. The City of Biggs is disappointed that a recently proposed bill to provide such an exemption, H.R. 872, has not been able to come to a vote in the Senate after receiving overwhelming bipartisan support in the House. This new layer of regulation will not provide any foreseeable protection to our nation's waters beyond that already mandated under the Federal Insecticide Fungicide and Rodenticide Act (FIFRA) and practiced by mosquito control agencies since their inception.

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Please contact our City Administrator Pete Carr at (530) 868-5493 or biggs1@biggs-ca.gov if you need additional information.

Sincerely,

Roger L. Frith
Mayor



**CITY OF BIGGS
PLANNING STAFF REPORT**

3016 Sixth Street
P.O. Box 1134
Biggs, CA 95917

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

DATE: April 16, 2012
TO: Honorable Mayor and Members of the City Council
FROM: Scott Friend, AICP City Planner
SUBJECT: City of Biggs 2011 General Plan and Housing Element Annual Report

REQUEST

The Planning Department requests that the City Council review and accept the 2011 City of Biggs General Plan and Housing Element Annual Report as presented by the Planning Department and authorize staff to submit the report to the Governor's Office of Planning and Research and the Department of Housing and Community Development (HCD) as required by Government Code Section 65400(b).

DISCUSSION

The City of Biggs Planning Department has prepared the 2011 General Plan and Housing Element Annual Progress Report pursuant to the requirements of the California Govt. Code Section 65400(b), which requires that the City analyze and report on its efforts to implement its adopted General Plan and implement the City's Housing Element. The Annual Progress Report numerically documents that City's progress towards meeting the City's Regional Housing Needs Allocation housing goals and to remove governmental restraints associated with the development of housing in the City.

The City of Biggs 2009-2014 Housing Element was adopted by the Biggs City Council on May 3, 2010. The element was certified as meeting the requirements of the State of California in February 2010 and submitted to the Housing and Community Development Department (HCD) following its adoption by the City Council. As a result, the City of Biggs' 2009-2014 Housing Element is adopted and certified by the State and outlines the City's plan to meet its RHNA targets for the planning period.

Government Code Section 65400(a)(2) states the following:

"After the legislative body (Biggs City Council) has adopted all or part of a general plan, the planning agency (Biggs Planning Department) shall do both of the following:

(1) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.

(2) Provide an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes all of the following:

- Status of the General Plan and progress in its implementation;
- Progress made in meeting the City's share of Regional Housing Needs;
- Local efforts to remove governmental constraints to the maintenance, improvement, and development of housing;
- The degree to which the City's approved general plan complies with the State's general plan guidelines, and
- The date of the last revision to the general plan."

Therefore, pursuant to Government Code Section 65400, this information has been compiled in the *City of Biggs 2011 General Plan and Housing Element Annual Progress Report*. It is noted at this time that the Government Code mandates that the information regarding the Housing Element portion of the General Plan be reported on forms prescribed by the Department of Housing and Community Development. As such, these forms are included as an attachment to the Annual Report document.

ENVIRONMENTAL REVIEW

Not Applicable.

PUBLIC COMMENT

None received to date.

FISCAL IMPACT

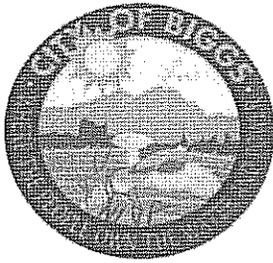
None. This task was completed by PMC within the parameters of the existing Planning Department annual budget allocation.

RECOMMENDATION

Staff recommends that the City Council review and accept the 2011 City of Biggs General Plan and Housing Element Annual Report as presented by the Planning Department and authorize staff to forward the report to the Office of Planning and Research and Housing and Community Development Department pursuant to Government Code Section 65400(a)(2).

Attachments (4):

- 2011 Annual Report; HCD submittal cover page; document submittal letter and statement of accuracy



City of Biggs

2011 City of Biggs General Plan / Housing Element
Annual Report

Submitted By:
City of Biggs Planning Department
465 C Street / P.O. Box 1134
Biggs, CA 95917

April 2012

**Department of Housing and
Community Development
ANNUAL HOUSING ELEMENT PROGRESS REPORT**

City or County Name:

City of Biggs_____

Mailing Address:

City of Biggs_____
465 C Street / P.O. Box 1134_____
Biggs, CA 95917_____

Contact Person: Peter R. Carr_____ Title: City Administrator_____
Phone: (530) 868-5493 FAX: (530) 868-5239 E-mail: biggs1@biggs-ca.gov_____
Reporting Period by Calendar Year: from January 1, 2011 to December 31, 2011_____

These forms and tables, including the **Certificate of Accuracy** are due to the Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR) on or before April 31, 2009. Submit separate reports directly to both HCD and OPR (Government Code Section 65400) at the addresses listed below:

Department of Housing and Community Development
Division of Housing Policy Development
P.O. Box 952053
Sacramento, CA 94252-2053

-and-

Governor's Office of Planning and Research
P. O. Box 3044
Sacramento, CA 95812-3044

CERTIFICATION OF ACCURACY

The undersigned, in the capacity of City Administrator of the City of Biggs, has reviewed the information provided in the forms and report contained herein, and certifies, to the best of his knowledge, that the information that has been provided herein is true and correct.

Peter C. Carr, City Administrator

April 17, 2012

CA Department of Housing and Community Development (HCD)

**Housing Element Implementation
Annual Progress Report Form**

Reporting Year 2011



BACKGROUND AND PURPOSE OF THE GENERAL PLAN ANNUAL REPORT

General – State Law and local planning

California Government Code Section 65400(a)(2) mandates that all cities and counties submit to their legislative bodies an annual report on the status of the General Plan and progress in its implementation. Only charter cities are exempt from the requirement to prepare Progress Reports, pursuant to Government Code Section 65700. A copy of this Progress Report must also be sent to the Governor's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD).

The intent is to ensure that the General Plan directs all land use decisions and remains an effective guide for future development. Because the role of the General Plan is to act as a "constitution" for the long-term physical development of a community and because it is required to be updated periodically to reflect current circumstances, it is critical that local planning agencies periodically review the General Plan and its implementation. The report is a tool for doing this.

The main purpose and most important function of the report is to provide local legislative bodies with information regarding implementation of their General Plan. The report must be presented to the local legislative body for their review and acceptance. This is typically done by placing the report on a regular meeting agenda as a consent or discussion item.

City of Biggs – Growth and the General Plan

The *City of Biggs General Plan 1997-2015* was adopted by the City Council in January of 1998. Since the Plan's adoption, the City has seen fluctuations in development interest within Biggs, as evidenced by the receipt of Land Use Entitlement Applications. After an increase in development and entitlement requests in 2005-2006 (which included annexation proposals, zone change requests, and land division requests), there was a sharp decrease in 2007, which continued to decline through 2011.

The reasons for the increased interest and subsequent decline of development in Biggs are varied, but are most directly related to the "real estate bubble" and current depressed state of the economy.

These and other market forces to include the large number of foreclosed properties and the general depressed conditions of the local job market, have resulted in a flat to declining rate of growth in the City and a continued reduction in the overall number of applications submitted to the City for development through the 2011 reporting period. As a result of these conditions, the City has not seen any real interest from groups seeking to leverage the opportunities that exist in the City for new development. The City of Biggs continues to engage in dialogue with various alternative energy providers but has not been successful in securing any real projects as a result. It is anticipated that this interest will continue due in part to the pending requirements for alternative energy components to power portfolios, the City's position as a local agency power provider and member of NCPA and the available land resources surrounding the City suitable for these types of ventures.



Regardless of development interest within the City and the current state of the economy, the City's General Plan remains a valid and useful document, and the Goals and Policies of the Plan were advanced through the actions of the City throughout the 2011 calendar year.

While the Plan remains adequate, it is now over a decade old. Thus, in 2008, the City approved a contract to update the General Plan to reflect changing market dynamics, an evolving community vision and new and changed priorities that have surfaced since the Plan was adopted in 1998.

In late 2008, as part of the General Plan Update process, an administrative draft Background Report was prepared and public meetings were held to gain community input into the process. In early 2009, a Preferred Land Use Alternative was selected by the City Council. Shortly thereafter, the Council decided to suspend the General Plan Update process due to lack of funding. The General Plan Update effort was restarted by the City in 2010 and in 2011 the City completed a draft document. The City anticipates the initiation of proceedings to prepare an Environmental Impact Report in support of the Plan Update effort in March 2011.

City of Biggs 2009-2014 Housing Element

The City of Biggs *2009-2014 Housing Element* (Housing Element or HE) was adopted by the City Council on May 3rd, 2010. The HE was drafted during the second half of 2009 and was conditionally certified by the State Department of Housing and Community Development in February of 2010. Following its adoption by the City Council in May, staff submitted the Housing Element to the State of California Housing and Community Development Department for final certification.

The Housing Element outlines the Goals, Policies and Programs of the City in relation to the provision of housing, addresses the City's success in implementing the previous Housing Element and provides a detailed demographic and analytical evaluation of how the City is planning to accommodate its share of the regions housing during the planning period (2009-2014). The primary components of the Plan remain consistent with the City's previous Housing Element. The finding of the Plan suggest that the City has made strides toward the achievement of accommodating its regional fair share of the affordable housing needs and will continue to move toward meeting the goals of the Element during the next 5-year plan period.

EXECUTIVE SUMMARY

As described in this report, the City of Biggs General Plan remains a useful and valuable tool to assist the City in providing policy direction for City decision makers and information for City residents and interested parties.

In that context and in terms of the City of Biggs and its General Plan, this report concludes the following:

- The City of Biggs General Plan remains a valid and useful document, which continues to provide guidance and direction for the City as intended. However, as previously stated, the document is over a decade old and the City will need to prioritize completion of the Plan update in 2012 in order to better reflect current



conditions, new state planning requirements, and the evolving vision of the City and its residents.

- In comparing the current City of Biggs General Plan projections to the current setting, it can be summarized that the main thrust of the General Plan projections were, and continue to be, correct in that the Plan recognized that limited new residential development would be necessary to meet projected demand.
- The adoption of new requirements (generally resulting from outside legislation) have created new topical areas, which need to be addressed as part of the General Plan Update.
- There is detailed information about the City and surrounding area in all of the elements of the current City of Biggs General Plan. Much of the overarching, supporting, and descriptive information (setting, et cetera) remains accurate and therefore useful. However, the General Plan Update will need to incorporate new setting information in order to reflect changes that have occurred since the Plan's adoption, as well as revise and renew growth projections. Changes to the Land Use and supporting elements will be reflected in the goals, objectives and policies of the updated Plan such that the revised document can serve to provide a platform from which informed land use decision are made.
- The 2009-2014 Housing Element concludes that the City is making progress towards meeting its regional housing needs allocations and has the land supply available to meet its targets in the planning horizon (2009-2014).



I. IS THE GENERAL PLAN SERVING TO MEET ITS OWN GOALS?

With regard to Land Use, all of the Policies and Programs set forth by the City of Biggs General Plan stem from **Goal 1.1**, as follows:

"Maintain and promote the qualities which make Biggs a desirable community."

A determination of whether Goal 1.1 is being met may be subjective, but there are objective measures as well. One metric to determine whether a community is desirable is whether there is a presence of growth interests. The section below titled DEVELOPMENT ACTIVITY 2011 (beginning on page 18) summarizes the development applications and activity that has occurred over the last year. Prior to that is a review of the stage set by the current General Plan.

General Plan Land Use Projections

The *City of Biggs General Plan 1997-2015* makes projections for both population and land use demands. The first section, Land Use, includes the following under its Population and Demographics heading:

"The 1977 Biggs General Plan anticipated that the growth rates of the 1960's and early 1970's would continue. This led to a belief that the population of Biggs would increase from a 1975 level of 1,377 persons to 2,200 by 1995. In fact, the 1995 population of Biggs was 1,640... the growth rate for the period from 1990 through 1996 was the lowest since Biggs incorporated in 1903...

...During the decade of 1980 to 1990 the population growth rate was about 1.2 percent per year. Over the longer thirty year term of 1970 through 1997 the City population grew at a rate of approximately 1.45% annually... It is expected that the growth rate in Biggs will fall between one and two percent during the next 18 years as families are attracted to Biggs by affordable housing and the desire to raise children in a small town setting."

That same General Plan section contained Projected Land Use Demands, which included the following:

"Based upon a 2% annual growth rate, the City will need housing for an additional 702 residents by the year 2015. Given an average household size of 3.03 persons, Biggs will need approximately 231 new homes to satisfy the community's housing needs.

It is noteworthy that the 2.0% growth rate assumed within this General Plan is optimistic. Unless regional conditions change significantly in coming years an average growth rate of 1% to 1.5% annually is more likely. However, planning for a 2% growth rate ensures that the General Plan will accommodate development should economic conditions within the region improve."

Current Setting

The *2009-2014 City of Biggs General Plan Housing Element* states that between 1990 and 2000, the City's population increased by 13.4 percent, this equates to a 1.3 percent



average annual increase. This growth rate was higher than that for the County during the same period, which was 1.0 percent. From 1980 to 2000, the City experienced a slow but steady increase in population. A review of the population and growth figures from the California Department of Finance suggests that the population of Biggs increased from 1,707 in 2010 to 1,714 in 2011.

The 2009-2014 Housing Element identified 16 vacant residential parcels within the developed portion of the City with the potential to provide for residential growth opportunities.

The largest parcel of land available for residential development within the developed City areas was 2.75 acres of a larger 6.57-acre R-1 zoned parcel constrained due to bisection by an irrigation canal. The only other parcels over an acre in size are two abutting R-3 parcels totaling 4.25 acres. The available residential land analysis identified 3.68 acres of R-1 zoned land, 2.26 acres of R-2 zoned land, and 4.25 acres of R-3 zoned land. The Housing Element 2009-2014 identified the realistic residential unit capacity by zoning district as 13, 19, and 68 units, respectively, totaling 100 units. Various other parcels over two acres in size existing within the City but are designated for use other than residential by the General Plan or zoning ordinance.

The limited availability of residential land within the developed portion of the City is also true within the City's adopted sphere of influence (SOI). While numerous vacant parcels exist within the adopted SOI, few are available for development or have the potential to provide for any substantial measure of growth in their current configurations. Few parcels that are outside the city limit boundary but inside the SOI are larger than five acres in size, and most would not be considered to serve for long-term growth planning in that they are generally not contiguous to existing development, not suitable because of size (not large enough), or are constrained by other issues including availability to market, physical properties, or current use(s) that determine suitability. Two such parcels were annexed as part of the North Biggs Estates and Summit Estates subdivisions, which have approved tentative maps totaling 109 potential new residential bts.

It can be concluded that the projections framed by the current General Plan regarding housing requirement needs accurately estimated the current setting, in that there is not a great supply of land within or surrounding the City boundary which would serve to provide for any long-term housing stock needs, should the City desire an increase in growth options.

Regional Housing Needs

A Regional Housing Needs Plan (RHNP) is mandated by the State of California (Government Code, Section 65584) for regions to address housing issues and needs based on future growth projections for the area. The State of California also establishes the number of total housing unit need for each region. In this area, the RHNP is developed by the Butte County Association of Governments (BCAG), and allocates to cities and the unincorporated county their "fair share" of the region's projected housing needs. The RHNP allocates "fair share" needs based on household income groupings over the five-year planning period for each specific jurisdiction's Housing Element. The RHNP, which covers a span of 7½ years, also identifies and quantifies the existing housing needs for each jurisdiction.



The intent of the RHNP is to ensure that local jurisdictions address not only the needs of their immediate areas but also provide their share of housing needs for the entire region. Additionally, a major goal of the RHNP is to assure that every community provides an opportunity for a mix of affordable housing to all economic segments of its population. The RHNP jurisdictional allocations are made to ensure that adequate sites and zoning are provided to address existing and anticipated housing demands during the planning period and that market forces are not inhibited in addressing the housing needs for all facets of a particular community.

Based on projections found in the BCAG *Draft Butte County Regional Housing Needs Plan, January 1, 2007 – June 30, 2014*, the City will need to provide 77 housing units affordable to very-low and low-income households over the plan horizon. In addition, the City will have to provide 78 housing units available to moderate and above-moderate income households. A total of 155 new housing units meeting the above noted income groupings are suggested to be constructed within the City of Biggs by 2014, according to the RHNA.

The 2009-2014 Housing Element counted the two pending residential projects in Biggs totaling 109 units toward meeting the RHNA. North Biggs Estates, acquired by the Community Housing Improvement Program (CHIP) in 2008, is currently being developed with 56 new affordable single-family residential units. At this time, site improvements have been installed in the project area and the Final Map has been recorded. A Community Facilities District (CFD) has been established for the North Biggs Estates project, as required by the conditions of project approval. The CFD will provide funding for expenses such as landscaping costs, drainage costs, street lights, etc. The Summit Estates tentative subdivision map was approved and annexed in 2008, and consists of 53 market-rate (above moderate) single-family lots; however, no further improvements have been made to the Summit Estates project area in furtherance of the project.

The available residential site inventory completed as part of the 2009-2014 Housing Element demonstrates the capacity for 68 very low and low income units, as well 32 moderate and above moderate units.

Between the pending projects within the City, and the available residential land for development, the City has the capacity to exceed its regional housing needs allocation by 47 low and very low income units, and 7 moderate or above moderate units.

Summary

In comparing the General Plan's projections to the current setting, it is concluded that the General Plan projections were correct in that they identified that new residential development would be required to meet demand. The City's Housing Element identifies some new requirements (resulting from outside legislation) that have created new targets for the City to meet, and through the required internal consistency will work in concert to support the General Plan to address those goals. It is then concluded that the General Plan is serving to meet its own goals. Upon initiation of unit construction in the North Biggs Estates project, it is anticipated that the City will meet or approach its targeted unit allocation for the very-low and low income housing ranges pursuant to the Updated Regional Housing Needs Plan (RHNP).



II. ADEQUACY OF THE CURRENT CITY OF BIGGS GENERAL PLAN

Government Code § 65302 states that "*the General Plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals.*" The General Plan must include the seven elements described below in this report.

For one of the required Elements, the Housing Element, the Government Code is very specific about contents, requirements and frequency of adoption. The requirements for the other six elements are less specific. The Government Code requires that the Housing Element must be reviewed and adopted or re-adopted at least every 5 years while the other elements of the Plan should be revised "as needed" to keep information current. The City of Biggs General Plan contains all seven of the required Elements comprising a legally adequate General Plan. As indicated previously in this report, all Elements of the General Plan with the exception of the Housing Element (adopted in 2010) were adopted in 1998 and remain valid and functional today.

The City of Biggs' General Plan was consistent with state requirements when it was adopted in 1998 and remains consistent with state requirements to this day. The Housing Element was updated in 2009 and adopted in 2010. The remainder of the plan will be updated as part of the City's pending General Plan Update project.

Usefulness of the Plan

The General Plan has been described by the courts as "*the constitution for development*" (of a jurisdiction). All development approvals must be consistent with the General Plan. Therefore, a General Plan is useful if it provides up-to-date information, goals, policies and implementing actions that are consistent with current city growth policies and which are physically and economically feasible to implement.

The Biggs General Plan elements are listed below, with a brief description of what they include, followed by a brief discussion and summary regarding currency and what has been done in the City of Biggs in the 2011 calendar year to ensure that the goals, policies, and programs set forth within the General Plan have been addressed:

LAND USE ELEMENT:

"A land use element which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space...and other categories of public and private uses of land. [It]...shall include a statement of the standards of population and building intensity recommended for the various districts..."

There are two goals listed within the Land Use Element of the Biggs General Plan, as follows:

- Maintain and promote the qualities which make Biggs a desirable community.
- Promote economic growth within the City of Biggs to ensure employment opportunities and goods and services are available within the community.



These goals contain several Policies and Programs which generally seek to assure adequate land supply, address blighted buildings, and assure that new buildings are aesthetically pleasing. Within that framework, Staff has been working on the following items throughout the 2011 calendar year to ensure that the goals set forth in the Biggs GP have been addressed:

- The City continues to be active in enforcing its Code Enforcement program in 2011 with a focus on fences, property and building maintenance and foreclosed structure issues. (PROGRAM 1.1.2)
- The City has completed and adopted a planning study identified as Phase II of the Downtown Visual Master Planning process. This effort tiered off of the City of Biggs Downtown Visual Master Plan Phase I adopted in 2009. This effort seeks to further refine the design standards for the downtown and review potential project structures for design enhancements (POLICY 1.1.C; PROGRAM 1.4.1)
- The City continues to utilize and pursue State and Federal grant funds for several activities and infrastructure improvements, including well-upgrade projects, the sixth street bridge replacement effort and the upgrading of the City's Wastewater Treatment Plant. (PROGRAM 1.4.2)

Summary/Conclusion: The Land Use Element is useful and adequate in its characterization of the nature of the City, and the Plan's overarching goals and policies. The Land Use Plan has been amended twice since its adoption with both changes being small changes facilitating the implementation of broader General Plan goals and policies. No amendments were made in 2011. Although the Land Use Element, including its Land Use Plan, provides meaningful, useful, and appropriate guidance to the City, it is anticipated that as part of any future General Plan Update effort that the Land Use Element will likely undergo revisions in order to reflect current conditions, new state planning requirements, and the up-to-date vision of the City and its residents.

CIRCULATION ELEMENT:

"A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land use element of the plan..."

There are five goals listed within the Circulation Element of the Biggs General Plan, as follows:

- Plan and develop roadways in an orderly and visually attractive manner which enhances the community and provides for the movement of people and goods within the City of Biggs.
- Ensure that circulation improvements are adequate to serve transportation demands of new development within Biggs.
- Accomplishment of on-going maintenance of roadways in an efficient and cost-effective manner.



- Provide safe, convenient, and attractive routes for pedestrians and bicyclists of all ages throughout Biggs.
- Minimize the impacts of the Union Pacific Railroad Company tracks on the City and its residents.

These goals contain several Policies and Programs which generally seek to enhance the movement of goods and people throughout the City, provide safe walking routes for residents, maintain and improve the quality of the roadways within the City, etc. During the 2011 calendar year, the City has taken the following measures to advance the policies and programs under these goals:

- The City of Biggs continues to pursue grant funding to upgrade and maintain City roadways. The City was unsuccessful in its efforts to acquire funding through the safe-routes-to-school grant program but continues to seek funding through other programs to include CDBG and PTA grant programs and is again pursuing funding in the next funding cycle through the safe routes-to-school program. (GOAL 2.1; POLICY 2.1.A; POLICY 2.4.A, B, and C)
- The City has completed the environmental review and analysis effort for a planned project to replaced the existing Sixth Street bridge structure with a newer, modern bridge meeting State seismic standards. The City is currently awaiting phase III funding approval for the project from the California Department of Transportation (Caltrans). (PROGRAM 2.1.5)
- The City's draft General Plan contains updated Street Standards and incorporates Complete Streets elements not previously incorporated into the City's existing General Plan. (Goal 2.2 and policies and programs 2.2.A – 2.2.F)

Summary/Conclusion: The Circulation Element in the General Plan is devised and designed to support Land Use Plan and policies for both current uses and future growth. The Circulation Element has not been substantially amended since its adoption and the goals, objectives and policies of the Element remain valid. The Circulation Plan within the Element continues to serve to facilitate the implementation of the Land Use Plan and the assumptions and projections supporting its designations of streets and roadways remain accurate and provide for a legally adequate and viable plan. However, as part of the pending General Plan Update, it is anticipated that the Element will undergo revision in order to reflect the changed vision of the City, changing current conditions, and new applicable regulatory changes.

COMMUNITY ENHANCEMENT ELEMENT:

The Community Enhancement Element is an optional element of the Biggs General Plan. This element is intended to maintain and enhance the community's existing character, preserve cultural and historical resources, and provide cultural, social, and recreational services, all of which make Biggs a desirable place to live.



There are five goals listed within the Community Enhancement Element of the Biggs General Plan, as follows:

- Maintain the small town character that makes Biggs a special place to live.
- Maintain and enhance the City's character and visual appearance in order to create a quality future community.
- Maintain and enhance the historic resources, qualities and character of the City of Biggs.
- Biggs shall provide ample recreational facilities and opportunities for all members of the community.
- The City shall maintain a system of basic social services which meet the needs of existing and future members of the community.

The City of Biggs has undertaken the following work efforts in 2011 to advance the programs and policies of the Community Enhancement Element. Some of these work efforts include the following:

- The City continues to implement the Interim Design Guidelines included within the Community Character Element of the General Plan (PROGRAM 3.2.2)
- The City continues to be active in enforcing its Code Enforcement program in 2011 with a focus on fences, property and building maintenance and foreclosed structure issues. (PROGRAM 1.1.2)

Summary/Conclusion: The Community Enhancement Element in the General Plan is envisioned and designed to maintain and enhance the community's existing character, and to reflect the desires of the City to make the City of Biggs aesthetically pleasing and well-designed. The Community Enhancement Element has not been amended since its adoption and the goals, objectives and policies of the Element remain valid. However, as part of the pending General Plan Update, the Element could undergo revisions in order to reflect the changing vision of the City, its current conditions, and new applicable regulatory framework.

PUBLIC FACILITIES ELEMENT:

Various aspects of public facilities are considered within the Public Facilities Element. While state law requires the general plan to address domestic water service issues, requirements regarding other facilities are not clearly or specifically defined. This element considers the range of public facilities which the City must provide to support existing and future urban land uses.

There are six goals listed within the Community Enhancement Element of the Biggs General Plan, as follows:

- Ensure that public facilities are planned and constructed in a comprehensive and efficient manner and that new development provides for facilities on an equitable basis.



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- Ensure an ample supply of high quality water and adequate treatment and distribution facilities are available to meet the present and future needs of the City.
 - Develop and properly maintain facilities to transport, treat, and discharge wastewater in a safe and sanitary manner.
 - Provide for the collection, transport and discharge of stormwater in a safe manner and protect people and property from flooding.
 - Ensure that electrical service facilities are adequate to meet the needs of current and future residents and those facilities are maintained and operated in a safe and efficient manner.
 - Ensure that solid waste disposal and recycling services are adequate to meet the needs of current and future residents of the City.

These goals contain several Policies and Programs which generally seek to maintain and enhance public facilities provided to the City of Biggs. These facilities include water supply facilities, wastewater disposal facilities, storm drainage facilities, electrical utility service facilities, and solid waste management. During the 2009 calendar year, the City has taken the following measures to advance the policies and programs under these goals:

- The City has converted to and partially implemented a "telemetry read" system to increase efficiency of Staff for the reading of electricity and water meters. (GOAL 4.1)
- The City has completed a project to rehabilitate and upgrade the existing municipal well located in the Family Park to ensure and increase efficiency and reliability and has installed a backup power generator at the location to address power-outage and system reliability issues. (GOAL 4.2)
- The City completed a major effort to inspect the condition of a majority of the City's sewer lines using state-of-the-art remote camera systems to identify system operational concerns and to improve overall system reliability, identify and function. (POLICY 4.2.A)
- The City is continuing its effort to leverage and utilize grant monies through the Federal Stimulus Package and other available financial programs in an effort to upgrade and enhance process by which the City treats and discharges its municipal wastewater to meet new State water quality discharge standards. (PROGRAM 4.3.A)

OPEN SPACE AND CONSERVATION ELEMENT:

"A conservation element for the conservation, development and utilization of natural resources including water...soils, rivers...and other natural resources."

There are four goals listed within the Open Space and Conservation Element of the Biggs General Plan, as follows:

- Promote and protect the continued viability of agriculture surrounding Biggs.



- Minimize impacts to wildlife and wildlife habitat as new development occurs within Biggs.
- Maintain and protect air quality within the City of Biggs at acceptable levels as defined by state and federal standards.
- Protect the quantity and quality of community water supplies and avoid degradation of water quality downstream from Biggs.

The following work efforts were undertaken or advanced in 2011 to implement the programs and policies of the Open Space and Conservation Element. Some of these work efforts included the following:

- The City continued to refine plans to upgrade and/or modify its existing wastewater treatment and disposal process to meet increasingly stringent waste discharge standards and continued to seek explore options to secure loan and grant monies to facilitate its efforts. (PROGRAM 5.4.2)
- The City continued its active maintenance program to ensure that safe, clean and reliable potable water is available to City residents. (PROGRAM 5.4.4)
- The City continues to support and participate in efforts to develop the Butte Regional Habitat Conservation Plan/Natural Community Conservation Plan currently under preparation by the Butte County Association of Governments. (Goal 5.2; Policy 5.2A, B, D).

Summary/Conclusion: The Open Space and Conservation Element remains useful and relevant and has served the City over its last period of increased development interest and activity, and the recent decrease. The Element has not been amended since its adoption and the goals, objectives and policies of the Element remain valid. However, as part of the pending General Plan Update, the Element could undergo revisions in order to reflect the changed vision of the City, updated current conditions, and new applicable regulatory framework. Additionally, the pending update will be consistent with the update to the Butte County General Plan's Habitat Conservation Plan.

NOISE ELEMENT:

"A noise element which shall identify and appraise noise problems in the community. [It] shall...analyze and quantify, to the extent practicable...current and projected noise levels for all of the following sources...[including highways, industrial uses, and others identified by Council as contributing to the community noise environment]. Noise contours shall be shown for all of these sources...The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element..."

There is one goal listed within the Noise Element of the Biggs General Plan, as follows:

- Protect City residents from the harmful and annoying effects of exposure to excessive noise and protect industrial land uses from encroachment by noise sensitive land uses.

Summary/Conclusion: The Noise Element contains standards and guidelines that protect both existing noise generating uses and new potentially noise sensitive land uses. The



Noise Element contained within the General Plan has been used by staff on a number of occasions and has provided valuable guidance and policy direction for the City. The Noise Element contained within the Plan is current and accurate, and remains useful and legally adequate. However, as part of the pending General Plan Update, the Element could undergo multiple revisions in order to reflect the vision of the City, current conditions, and applicable regulatory framework.

PUBLIC HEALTH AND SAFETY ELEMENT:

"A safety element for the protection of the community from any unreasonable risks associated with the effects of...[earthquakes, dam failures, subsidence, liquefaction and other known geologic hazards]. It shall also address evacuation routes, peakload water supply requirements..."

There are seven goals listed within the Public Health and Safety Element of the Biggs General Plan, as follows:

- To ensure that the City and involved local agencies are able to effectively respond to emergency situations which may threaten the people or property of the Biggs community.
- Minimize the risk of personal injury and property damage resulting from flooding.
- Protect people and property within the City of Biggs against fire related loss and damage.
- Ensure that police services within the City of Biggs are adequate to protect both people and property in the community.
- Minimize the threat of personal injury and property damage due to seismic and geologic hazards.
- Minimize the risk of personal injury, property damage, and environmental degradation resulting from the use, transport, disposal, and release/discharge of hazardous materials.
- Minimize the potential for hazards related to rail service in and around the City of Biggs.

There have been work efforts within the City in 2011 to advance the programs and policies of the Public Health and Safety Element. Some of these work efforts include the following:

- The City adopted its revised Emergency Response Plan, which documents and records the City's procedures to address disaster or emergency events which could occur within Biggs, including regional flooding, volcanic activity, hazardous materials incidents, dam failure, approaching wildland fire, seismic activity, etc. (PROGRAM 6.1.2)
- The City continued to receive law enforcement services from the Biggs-Gridley Police Department under the operational and costs provisions of the City's recently negotiated contract with the City of Gridley which has resulted in significant cost savings to the City and the continued provision of a high quality, community appropriate level of law enforcement services. (Goal 6.4; Program 6.4.3)



- The City has continued to aggressively and actively participate in efforts to address local and regional flood issues and has undertaken unanticipated labor costs to prepare and provide information documenting the City's topographical conditions for a determination of flood hazard levels. The City continued to participate in the Sutter Butte Flood Protection Control Authority and is actively engaged on behalf of City residents in on-going efforts by the ACOE and DWR to expand the flood protection infrastructure in the region. (Goal 6.2; Policy 6.2A; Policy 6.2.1)

Summary/Conclusion: The Public Health and Safety Element contains information and goals, policies and objectives regarding emergency preparedness, flood hazards, fire and police protection, and hazardous waste and materials. The Element has not been amended since its adoption and remains a current, useful and adequate Element of the Plan. As part of the pending General Plan Update, this Element could undergo multiple revisions in order to reflect the updated vision of the City, new conditions, and new applicable regulatory framework. Additionally, the element will be updated to include the changes in the flood status of the Biggs area, as well as the evolving nature of the police and fire departments.

HOUSING ELEMENT:

"The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. [It] shall identify adequate sites for housing, including rental housing, factory-built housing, and mobile homes, and shall make adequate provision for the existing and projected needs of all economic segments of the community... (§65580)." "Each local government shall review its housing element as frequently as appropriate...but not less than every five years." (§65588)

Summary/Conclusion: As the 2009-2014 Housing Element was adopted in May 2010, the applicable Housing Element during 2009 was the 2004-2009 Housing Element. The Housing Element was at that time, the most recently adopted Element of the General Plan. The 2004-2009 Element was adopted by the City in 2004 and was subsequently approved by the State Housing and Community Development Department. Generally, Housing Elements provide information and policy guidance on issues to include affordable housing, housing for special needs groups and identifies potential programs that the City utilizes to help fill under-served housing needs in the community.

The 2009-2014 Housing Element contains 12 policies and 25 programs designed to establish the City's approach to the planning of housing in the City. Because of issues related to the general state of the local, regional and national economies, the City has not seen any substantial housing-related planning projects nor has there been any new housing constructed in the City.

The 2009-2014 Housing Element functioned as a useful and adequate Element of the Plan over the course of the past year.



Summary

The City of Biggs adopted its General Plan in January of 1998 and the document has been providing policy guidance and direction in a meaningful way since its adoption. The General Plan Land Use Map was amended two times in 2006 with both amendments being minor in nature and not resulting in any changes or shifts in Plan vision or policy direction. Both amendments furthered the implementation of various goals and objectives of the Plan.

There have been no amendments to the Plan proposed, considered or approved in the previous year. While various setting discussions and statistical information contained within the Plan have changed following its adoption, the Plan continues to be legally-adequate and to responsibly and sufficiently represent the policy direction of the City. However as mentioned previously, because the City is in the process of updating its General Plan, significant changes are expected to occur which may result in new Goals, Policies, and Programs being analyzed in the 2012 annual report.

DEVELOPMENT ACTIVITY 2010

As discussed above, 2011 saw a continued reduction in the levels of development activity and interest following what had been a substantial increase in development and entitlement-related activities during the 2004-2006 periods.

In 2011, the City of Biggs Planning Department processed six (6) non-fence related development applications. The projects consisted of a new single family dwelling unit on an existing vacant in-fill parcel zoned R-2; two site plans for the use of existing infill lots for non-residential uses; a Home Occupation Permit for a home-base business and and a multi-phase proposal to expand the existing Sunwest Rice Mill facility and reorganize and reorient the traffic patterns on the site. The Sunwest Mill project also both a Site Plan approval action and a Lot Line Adjustment action. **Table 1** (below) is a summary of applications submitted to the City through the 2011 calendar year.

The City did not process any General Plan Amendments, Lot Mergers, Subdivision Maps, Tentative Maps or Annexation requests in 2011.



Table 1: City of Biggs Land Use Entitlement Actions & Related Applications - 2011

APPLICATION TYPE	NUMBER OF APPLICATIONS	STATUS
CONDITIONAL USE PERMIT	0	n/a
GENERAL PLAN AMENDMENT	0	n/a
LOT LINE ADJUSTMENT	1	Approved
LOT MERGER	0	n/a
CHANGE OF ZONE	0	n/a
FENCE	7	6 -Approved, 1-Denied as submitted and subsequently Approved
VARIANCE	0	n/a
TENTATIVE MAP	0	n/a
HOME OCCUPATION PERMIT	1	Approved
USE PERMIT	1	Approved
ANNEXATION	0	n/a
MERGER BY DEED	0	n/a
SITE PLAN REVIEW	3	Approved

The project listing is further illustrated with a table attached as **Appendices A**.

Summary

As the real estate market continued to stagnate throughout the majority of Northern Sacramento Valley communities, the City of Biggs has experienced a slowing in total development activity and application levels experienced in the mid- to late-2000's to a level today resulting in almost no substantial development activity within the City in 2011.

As indicated previously in this report, the City of Biggs General Plan continues to provide meaningful direction to elected officials, city staff, landowners, citizens and parties interested in the future of the City. Through the end of the calendar year 2011, the Plan has remained essentially unchanged in its direction and policy foundations from the time of its adoption in 1998. The Plan was not amended in 2011, and there were no changes to land uses or to the goals, objectives and policies of the Plan.



Although the General Plan is pending a comprehensive update, the current General Plan continues to provide accurate and useful policy guidance for the City. The document is adequate and functional, and succeeds in meeting its own goals, policies, and programs and in serving the needs of the City of Biggs.

REFERENCES

1. *City of Biggs General Plan 1997-2015*
2. *2009-2014 City of Biggs General Plan Housing Element*
3. *2011 City of Biggs Planning Department Application Processing Log*
4. *Draft Butte County Regional Housing Needs Plan, January 1, 2007 – June 30, 2014*, Butte County Association of Governments (December 2007).
5. California Department of Finance, Demographic Research Unit, E-5 Report, (2011).
6. Website, State of California: Governor's Office of Planning and Research. Various pages; <http://www.opr.ca.gov/>

ANNUAL ELEMENT PROGRESS REPORT *Housing Element Implementation* (CCR Title 25 §6202)

Jurisdiction City of Biggs
Reporting Period 1-Jan-11 - 31-Dec-11

Table A

**Annual Building Activity Report
Very Low-, Low-, and Moderate-Income Units and Mixed-Income Multifamily Projects**

Housing Development Information							Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions	
1	2	3	4				5	6	7	8
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure: Renter Owner	Affordability by Household Incomes				Total Units per Project	Assistance Programs for Each Development	Deed Restricted Units	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.
			Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income		See instructions	See instructions	
			0	1	0	0			1	
(9) Total of Above Moderate from Table A2			▶	▶	▶	▶	0			
(10) Total by income units (Field 5) Table A			▶	▶	▶	▶	0			

Table A2

Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1.c.1

Note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria in GC 65583.c.1

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection c.7 of GC 65583.1
	Ext. Low	Very Low	Low	Total Units	
(1) Rehabilitation					
(2) Preservation of Units at-Risk	0	0	0	0	
(3) Acquisition of Units	0	0	0	0	
(5) Total Units by Income	0	0	0	0	

Table A3

**Annual building Activity Report Summary for Above Moderate-Income Units
(not including those units reported on Table A)**

	Single Family	2 - 4 Units	5+ Units	Second Unit	Mobile Homes	Total
No. of Units Permitted for Above Moderate						0

Table B

Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.		2007	2008	2009	2010	2011	2012	2013	2014		Total Units to Date (all years)	Total Remaining RHNA by Income Level
Income Level		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9		
Very Low	Deed Restricted	0	0	0	0	0					0	51
	Non-deed restricted	0	0	0	0	0					0	
Low	Deed Restricted	0	0	0	0	0					0	21
	Non-deed restricted	4	0	0	0	1					5	
Moderate	Deed Restricted	0	0	0	0	0					0	19
	Non-deed restricted	0	0	2	1	0					3	
Above Moderate		3	4	0	0	0					7	49
Total RHNA by COG Enter allocation number:		155										
Total Units		▶	▶	▶	▶	▶					15	140
Remaining Need for RHNA Period		▶	▶	▶	▶	▶						

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Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction City of Biggs
Reporting Period 1-Jan-11 - 31-Dec-11

Table C

Program Implementation Status

Program Description (By Housing Element Program Names)	Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including progress in removing regulatory barriers as identified in Housing Element .		
Name of Program	Objective	Deadline in H.E.	Status of Program Implementation
<u>Program 1.1 – Housing Inspection</u> Implement a building inspection program for health and safety standards and building code violations. Particular attention shall be given to housing units identified as dilapidated in the 2004 Housing Condition Survey. The owners of buildings in need of rehabilitation will be notified of options and programs available to address building issues.	Continue the code enforcement program and explore options for the establishment of a Housing Condition Inspection Program. Buildings found to be in violation of health and safety standards and/or building codes will be targeted for rehabilitation to meet current codes and standards.	Jan-11	The City has been active in utilizing the Code Enforcement program to combat blight and sub-standard buildings. Through study sessions with the City Council, the City has adopted procedures to be more aggressive in the assessment of fines for substandard buildings which has resulted in abatement of known issues in the City. Additionally, the City is working with the County on a joint-inspection process to address building code violations in the City.
<u>Program 1.2 – Housing Rehabilitation</u> Continue to apply for Community Development Block Grant (CDBG) funding and apply for funding from HOME and CalHome programs. The Housing Rehabilitation Program shall be publicized through the development of informational material made available at City Hall, the City's quarterly newsletter and the library.	Continue the Housing Rehabilitation Program to provide financial assistance to eligible owner and renter households for housing rehabilitation.	As NOFAs are released.	This program was not implemented due to a lack of State funding in 2010 and 2011.
<u>Program 1.3 – Housing Condition Survey</u> During the next Housing Element Update process, the City will conduct a housing condition survey in order to assess housing conditions in the City and determine the need for rehabilitation.	Maintain a current inventory of housing conditions within the City.	During preparation of the next Housing Element	It is anticipated that the City will implement this program in 2013 during preparation of the next Housing Element update.
<u>Program 1.4 – General Plan and Housing Element Periodic Review and Update</u> Review the General Plan and Housing Element on an annual basis as part of the City's General Plan Annual Report to evaluate the effectiveness of the Element in achieving goals and objectives and update the data in the Element on a continual basis. Provide annual reports as to the effectiveness of the Housing Element to the Biggs City Council and the Department of Housing and Community Development, as required by Government Code Section 65400.	Maintain a General Plan, including the Housing Element that contains current data and is effective in implementing housing goals.	Annually	The City most recently prepared, reviewed, and submitted its General Plan and Housing Element annual progress reports in May 2010. The City continues to utilize this opportunity to review the effectiveness of its adopted goals, policies, and programs, as well as consider any updates that may be needed.
<u>Program 1.5 – Zoning Ordinance Review and Update</u> Review the Zoning Ordinance on an ongoing basis to determine the effectiveness of the Ordinance in achieving goals and objectives and update the data in the General Plan and its compliance with State law.	Maintain a Zoning Ordinance that contains current data and is effective in implementing housing goals.	Ongoing	The City continually evaluates all of its codes and ordinances to determine if development impediments exist. During the past five years, the City has initiated five (5) amendments to the City Code to address new housing laws and to address topics related to the currency of the contents of the City Code.
<u>Program 1.6 – Design Review Evaluation</u> Review of the design review process annually to determine if the process has a negative impact on residential development. If the process is determined to constrain residential development, the City shall initiate actions to address these constraints.	The City's Zoning Ordinance requires a design review of all development proposals, with some exceptions. The objective of this program is to minimize discretionary aspects of the design review process and provide clear guidance for developers.	Annually	No projects during the reporting period were proposed which required or necessitated the application of the City's Design Review program. As such, the project was not an impediment to development and did not negatively impacts the processing of an application to the City.
<u>Program 1.7 – Multifamily Housing</u> Currently, the City allows for the development of single-family homes in the high density zoning district (R-3). The City will consider amending the Zoning Ordinance to require a CUP for single-family development in the R-3 zoning district so that these remaining sites can be used to accommodate multi-family housing.	Continue to explore alternative methods for increasing the City's affordable housing stock.	Jan-11	The City of Biggs did not receive any requests to construct on land designated with the R-3 zoning designation. As such, no land was utilized for a land use type or at a density below what would be allowed under the R-3 zone district.
<u>Program 2.1 – First-Time Homebuyers</u> Apply annually for HOME and CDBG funding for the continuation of this program.	Continue the First-Time Homebuyers Program to assist lower-income households purchase a home.	Ongoing/ Annually	This program was not implemented due to a lack of State funding in 2011 and due to a lack of program participants in past program years.

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<p><u>Program 2.2 – Farmworker Housing</u> The City shall amend its Zoning Ordinance so that it conforms to State law regarding farmworker housing for six or fewer persons. The City shall consider measures to encourage the production of housing for permanent and migrant farmworkers. Such measures include funding development, developer identification, maintaining an inventory of suitable sites, site development, and ensuring zoning and development standards that would facilitate a variety of housing types for farmworker housing needs.</p>	<p>Provide for the development of suitable housing for farmworkers. Farmworkers typically have special housing needs due to their lower incomes and the seasonal nature of their work. As a result, farmworkers often have a more difficult time finding suitable housing. California Health and Safety Code Section 17021.5 states that employee housing for farmworkers accommodating six or fewer workers shall be considered a residential use and shall not require any special approvals that are not required of a family dwelling of the same type in the same zone. Currently, the City's Zoning Ordinance does not explicitly allow for agricultural employee housing within zoning districts in the City.</p>	<p align="center">Jan-11</p>	<p>Incomplete. This program is required by law and will be continued to ensure the City provides an amendment to the Zoning Ordinance so that it conforms to State law regarding farmworker housing for six or fewer persons.</p>
<p><u>Program 2.3 – Large Household Housing.</u> The City will consider a program to provide incentives such as fee reductions, modifications to development standards, and financial incentives for the development of rental housing units with four or more bedrooms.</p>	<p>Renter households with six or more persons do not have an adequate number of dwelling possibilities in the City. The number of large rental housing units is limited in the City, and as such large renter households cannot obtain adequate housing.</p>	<p align="center">Ongoing</p>	<p>The City has not received any development proposals for large household housing, with four or more bedrooms, during the period of time following the adoption of the past Housing Element and has not been approached by any prospective developers of this type of housing. This program is appropriate and required by law and will be continued to ensure incentives are offered for the production of large household housing within the City as part of the Housing Element update.</p>
<p><u>Program 2.4 – Infill Development</u> The City will maintain a database of vacant and underutilized residential land and the constraints to the development of that land. This information shall be made available to the public by the City.</p>	<p>The supply of developable land zoned for higher-density residential use is a limiting constraint to the development of higher-density housing in the City. Identification of vacant and underutilized residential land and its development potential will help to determine the residential development potential in the City and assist in identifying ways to remove the constraints.</p>	<p align="center">Ongoing</p>	<p>All units constructed within the past five years have been on infill lots within the City limits and fee exemptions have been utilized on a majority of these lots.</p>
<p><u>Program 2.5 – Second Units</u> Encourage the development of second dwelling units and allow the following incentives on a case by case basis: the reduction of parking requirements; enhanced processing times, and impact fee reduction. Provide educational materials regarding second units in the form of brochures at City Hall and the public library.</p>	<p>An adequate second dwelling unit housing supply to meet the needs of the expanding Biggs population.</p>	<p align="center">Ongoing</p>	<p>Although the City made information available in 2011, no second units were proposed for construction.</p>
<p><u>Program 2.6 – Development Processing System Review</u> Annually monitor the development processing/review procedures on an ongoing basis, and make changes as required to minimize the time required for review by the City as much as feasible. This reduction in time will reduce the cost to developers and may increase housing production in the City.</p>	<p>Minimize processing time for development permits, especially those for affordable residential projects and those that conform to City development requirements. Complex processing procedures in permit issuance can be an obstacle in housing development especially for affordable housing projects that are under tight timelines imposed by state and federal funding programs.</p>	<p align="center">Annually</p>	<p>The City has not adopted any major new zoning, building, or site development ordinances following the adoption of the Development Code in 1997. Due to the low volume of permits issued by the City and the City's use of on-call staffing allowing for flexible staffing to accommodate its needs in process projects, time constraints on project processing are minimal within the City.</p>

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<p><u>Program 2.7 – State and Federal Housing Programs</u> Coordinate with county, state and federal resources to obtain any available sources of funding for the development of affordable housing units. Actively pursue all potential funding sources available to the City. This activity will be updated bi-annually. The City will assist and support applications for funding for affordable housing development. There are a number of state and federal programs which provide low-cost financing or subsidies for the production of low and moderate income housing. Certain programs require an application and participation by the local public agency, other programs are for use by nonprofit housing corporations and housing authorities, and the remaining programs require application and direct participation by a private developer. The City will determine which programs will be most beneficial for housing production in the City and then directly or indirectly pursue those programs. Programs in which the City will consider are: State Predevelopment Loan Program (PDLP); Multifamily Housing Program (MHP); Rural Development Assistance Program; State Joe Sema Farmworker Grant Program (FWHG); USDA Rural Development, Section 515 Program; USDA Rural Development.</p>	<p>To provide support and assistance to affordable housing developers to help meet the needs of existing and future residents.</p>	<p>Ongoing</p>	<p>The City did not secure any state or federal monies in 2011 that could be used to support the development of affordable housing.</p>
<p><u>Program 2.8 – Density Bonus Program</u> The City's Zoning Ordinance shall be amended to adhere to the 2004 statutory modifications to the state density bonus law. The City will amend its Zoning Ordinance to offer a density bonus in accordance with the state density bonus law of up to 35 percent.</p>	<p>The production of additional low and moderate income housing.</p>	<p>Jan-11</p>	<p>Incomplete. This program is required by law and will be continued to ensure the City provides an amendment to the Zoning Ordinance so that it conforms to State law. However, a provision of Government Code 65915 allows for density bonuses to be granted regardless of the presence of an adopted ordinance.</p>
<p><u>Program 2.9 – Planned Development</u> Provide informational materials and staff resources to describe the Planned Development process and its possibilities, identify areas of the City that may be rezoned as Planned Development Districts, and identify possible development incentives for a Planned Development such as density bonuses and development standard modifications.</p>	<p>Encourage Planned Developments in the North Area and South Area Residential Special Planning Districts as discussed in the City's General Plan. The City permits Planned Development Districts, which allows for flexibility in the use and design of land and structures. This flexibility may include the alteration of setback requirements, height limits, sign requirements, building coverage limits, off-street parking, density and intensity limits, etc. These districts are areas for the development of a mix of different housing types, including live-work units, apartments, and single-family dwellings.</p>	<p>Jan-11</p>	<p>Following adoption of the General Plan, the City has approved one development project within the North Area PD district area. This project is the location of a self-help project currently under construction.</p>
<p><u>Program 2.10 – Substandard Lot Development Variance</u> The City shall allow the owners of the existing substandard lots to apply for a variance to allow development on lots not meeting the minimum required lot size. The City shall support such requests for a variance to the minimum lot size, when no public health and safety issues are found.</p>	<p>To provide opportunities for the use of under-utilized or infill redevelopment residential parcels. Within the City there are approximately 16 small residentially zoned lots less than 7,200 square feet which may support residential development but because of the 7,200 minimum square footage requirement in the City's Zoning Ordinance, these lots are unbuildable at this time. This program was developed to allow these lots to apply for a variance to allow for development on a lot less than 7,200 square feet.</p>	<p>As requested</p>	<p>Ongoing. Since the adoption of the Housing Element, none of the 16 vacant small residentially zoned parcels have been proposed for development.</p>

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Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction City of Biggs
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<p><u>Program 2.11 – Emergency Shelters/ Transitional and Supportive Housing</u> The City's Zoning Ordinance shall be amended as necessary to adhere to State legislation regarding the allowance of emergency shelters, transitional and supportive housing by right in the M-1 zoning district. Both transitional and supportive housing will be allowed as a permitted use subject only to the same restrictions on residential uses contained in the same type of structure. In addition, the City will evaluate the potential for adopting development standards consistent with Government Code Section 65583(a)(4), which may include lighting, on-site management, maximum number of beds or persons to be served nightly by the facility, off-street parking based on demonstrated need, and security during hours that the emergency shelter is in operation. The City will continue to support local and regional public assistance programs for the homeless, such as those sponsored by the Butte County Continuum of Care.</p>	<p>The provision of emergency shelters and transitional and supportive housing resources for homeless and nearly homeless persons as required by State law.</p>	<p>Jan-11</p>	<p>The City of Biggs Planning Department is currently working on a series of revisions to the City's Zoning Ordinance. One of the revisions currently contemplated by this action in the modification of the M-1 zone district pursuant to the requirements of Govt. Code Section 65583.a.4. Staff currently anticipates that this amendment will be presented to the Biggs City Council for consideration in mid- to late-2012.</p>
<p><u>Program 2.12 – Single-Room Occupancy Units</u> The City will update its Zoning Code to include a definition for SROs in the same zone(s) where types of units are allowed.</p>	<p>To encourage and facilitate supportive housing and single-room occupancy units (SROs).</p>	<p>Aug-11</p>	<p>The City of Biggs Planning Department is currently working on a series of revisions to the City's Zoning Ordinance. One of the revisions currently contemplated by this action in the modification of the M-1 zone district pursuant to the requirements of Govt. Code Section 65583.a.4. Staff currently anticipates that this amendment will be presented to the Biggs City Council for consideration in mid- to late-2012.</p>
<p><u>Program 2.13 – Extremely Low-Income Households</u> The City shall continue to work with the private sector, nonprofit agencies, and to secure funds through state and federal programs for development of new lower-income housing and rehabilitation of existing lower-income households. As funding becomes available, the City will prioritize a portion of the funds to encourage the development of housing (i.e. SROs) for extremely low-income households. In addition, the City will consider incentives or regulatory concessions to encourage the development of SROs.</p>	<p>To encourage and facilitate supportive housing and single-room occupancy units (SROs).</p>	<p>Annually</p>	<p>There was no affordable housing proposed in the City in 2011. Further, the City did not secure any state or federal monies in 2011 that could be used to support the development of affordable housing.</p>
<p><u>Program 2.14 – At Risk Units</u> The City shall maintain a list of all dwellings within the city that are subsidized by government funding or low-income housing developed through local regulations or incentives. The list shall include at least: the number of units, the type of government program, and the date on which the units may convert to market-rate dwellings. The City will require all property owners to provide at least 2 years notice prior to the conversion of any units for lower-income households to market-rate units in any of the following circumstances: the units were constructed with the aid of government funding; the project was granted a density bonus the project received other incentives. Such notice shall be given at least to the following: the City; HCD; Butte County Housing Authority; Residents of at-risk units; and any others deemed appropriate.</p>	<p>Preservation of affordable units in the City.</p>	<p>Ongoing</p>	<p>All subsidized affordable housing in the City is administered by the Butte County Housing Authority, as such these units are not at-risk of market rate conversion.</p>
<p><u>Program 2.15 – Residential Care Facilities</u> The City shall amend Chapter 14.100 Residential Use Table, of the Biggs Municipal Code to allow for small care facilities having less than 6 persons as a by-right Permitted Principal Use and to allow large care facilities having 7 or more persons as a permitted use subject to the approval and issuance of a conditional use permit by 2011.</p>	<p>Revise Zoning Ordinance to establish Residential Care Facilities as use that are Principally Permitted or permitted via a Use Permit in residential zone districts.</p>	<p>Jan-11</p>	<p>The City of Biggs Planning Department is currently working on a series of revisions to the City's Zoning Ordinance. One of the revisions currently contemplated by this action in the modification of the M-1 zone district pursuant to the requirements of Govt. Code Section 65583.a.4. Staff currently anticipates that this amendment will be presented to the Biggs City Council for consideration in mid- to late-2012.</p>

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<p><u>Program 3.1 – Housing Discrimination and Housing Equal Opportunity</u> Continue to coordinate and refer interested persons to the appropriate agencies such as the Community Legal Information Center, Mediation Center of the North Valley, Butte County Housing Authority, and Legal Services of Northern California. The City will act as an independent third party to discrimination complaints. The City will support equal housing opportunity programs by continuing to provide informational fair housing brochures in English and Spanish that will be available to the public at City Hall, the library, and other public places.</p>	<p>Prevent housing discrimination and promote equal housing opportunities.</p>	<p>Ongoing</p>	<p>Ongoing. The City received no reports of discrimination in 2011. Fair housing information is available in the lobby of City Hall and at the library.</p>
<p><u>Program 3.2 – Removal of Housing Constraints for Persons with Disabilities</u> . The City will annually evaluate whether there are constraints on the development, maintenance and improvement of housing intended for persons with disabilities. The analysis will include a monitoring of existing land use controls, permit and processing procedures and building codes. If any constraints are found in these areas, the City will initiate actions to address these constraints, including removing the constraints or providing reasonable accommodation for housing intended for persons with disabilities.</p>	<p>Identify and remove possible governmental constraints to the development of housing for persons with disabilities.</p>	<p>Annual review, if constraints exist, remove by August 2012</p>	<p>No constraints to the development of housing for persons with disabilities were identified in 2011. The City will continue to review and address constraints to development as they are identified.</p>
<p><u>Program 4.1 – Implement State Energy Conservation Standards</u> The City will request that the Butte County Development Services Building Division will be responsible for implementing the state's energy conservation standards. This includes checking of building plans and other written documentation showing compliance and the inspection of construction to ensure that the dwelling units are constructed according to those plans.</p>	<p>Promote energy and resource conservation wherever possible. Applicants for building permits must show compliance with the state's energy conservation requirements at the time building plans are submitted.</p>	<p>Ongoing</p>	<p>The City of Biggs, through its use of the Butte County Building Division for building permitting and plan check services, has adopted all current California Building and Energy Codes (as required) including Title 24 of the Energy Code addressing energy and resource conservation.</p>
<p><u>Program 4.2 – Biggs Municipal Utility Home Energy Efficiency Rebate Program</u> The Home Energy Efficiency Rebate Program will continue to promote energy reduction and conservation by providing rebates for the installation and usage of energy efficient appliances, insulation materials, windows, energy audits, weatherization, and other energy saving techniques.</p>	<p>The Biggs Municipal Utility will promote energy and resource conservation wherever possible.</p>	<p>Ongoing</p>	<p>The City of Biggs has partnered with 2 property owners in the City to partially offset costs associated with the installation solar panels on existing houses and continues to actively seek opportunities to educate and assist residents with energy efficiency upgrades.</p>

April 5, 2012

Honorable Tom Ammiano
California State Assembly
State Capitol Building, Room 4005
Sacramento, CA 95814

**Re: AB 2312 (Ammiano). Controlled Substances
Notice of Opposition**

Dear Assembly Member Tom Ammiano:

On behalf of the City of Biggs, I regret to inform you that we oppose your Assembly Bill 2312. This effort is premature and would create additional costs to our city. We respectfully request you take no further action on this bill until the California Supreme Court delivers its decision on three important medical marijuana regulation cases later this year, including *Pack v. City of Long Beach*.

Medical marijuana regulation is a complex issue. Potential conflicts between state and local authority have been the source of many lawsuits with varying outcomes. It simply makes more sense to understand the extent of both local and state powers in this area following the Supreme Court rulings before the Legislature establishes a new statewide regulatory scheme.

In addition to being premature, AB 2312 would require cities to permit a minimum number of dispensaries based on the total population in the jurisdiction and further erode local control. For cities of all sizes, this bill creates an additional burden should a city wish to establish a different standard to meet the needs of their community. Our resources would be better spent on providing services to our community in all areas of need, not just medical marijuana regulation.

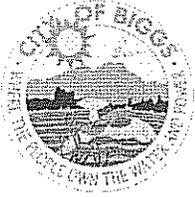
For all of these reasons, the City of Biggs opposes AB 2312. If you have questions regarding our position, please contact me at (530) 868-5493

Sincerely,

Roger L. Frith
Mayor
City of Biggs

cc: Honorable Doug LaMalfa, Senator, via fax: 916/445-7750
Honorable Jim Nielsen, Assemblyman, via fax: 916/319-2102
Honorable Dan Logue, Assembly Health Committee, via fax: 916/319-2103
Honorable Bill Monning, Assembly Health Committee Chair, via fax: 916/319-2127
Gary Olson, Consultant, Assembly Republican Caucus, via fax: 916/319-3902
League of California Cities, via fax: 916/658-8240
Assembly Member Gilbert Cedillo, via fax: 323-225-4500
Assembly Member Holly J. Mitchell, via fax: 310-342-1078
Assembly Member Nancy Skinner, via fax: 510-286-1406
Assembly Member Toni Atkins, via fax: 916-319-2177
Assemblywoman Susan Bonilla, via fax: 916-319-2111
Assembly Member Mike Eng, via fax: 916-319-2149

Assembly Member Martin Garrick, via fax: 916-319-2174
Assembly Member Richard S. Gordon, via fax: 916-319-2121
Assembly Member Mary Hayashi, via fax: 916-319-2118
Assembly Assistant Majority Whip Roger Hernandez, via fax: 916-319-2157
Assembly Member Bonnie Lowenthal, via fax: 916-319-2154
Assembly Member Allan R. Mansoor, via fax: 916-319-2168
Assembly Member Holly J. Mitchell, via fax: 916-319-2147
Assembly Member Brian Nestande, via fax: 916-319-2164
Assembly Member Richard Pan, via fax: 916-319-2105
Assembly Member V. Manuel Perez, via fax: 916-319-2180
Assembly Member Jim Silva, via fax: 916-319-2167
Assembly Member Cameron Smyth, via fax: 916-319-2138
Assembly Member Das Williams, via fax: 916-319-2135



- CITY OF BIGGS -
PLANNING DEPARTMENT STAFF REPORT

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

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

DATE: April 16, 2012
TO: Honorable Mayor and Members of the City Council
FROM: Scott Friend, AICP City Planner
SUBJECT: SECOND READING OF ORDINANCE 2012-__:
Zoning Code Amendment Z2012-01 – Front Yard Decorative Fences

Report Summary:

Note: This staff report has been amended and re-published from the March 19, 2012 meeting of the Biggs City Council.

Staff has prepared a Zoning Ordinance text amendment (Z2012-01) to Section 14.60.080, Fences and landscaping – General height limitations of the Biggs Municipal Code (BMC) to allow for the placement of decorative fences meeting the proposed standards within the public right-of-way in the front or street-side yard area.

Staff is recommending that the City Council approve the second reading of the proposed Ordinance as submitted and as previously reviewed and considered by the City Council at their regular meeting of March 19, 2012.

Background - General:

Chapter 14 – Zoning; Section 14.60, Development Standards – General, of the Biggs Municipal Code (BMC) establishes the primary authority for the City's regulation of fences. Specifically, Sections 14.60.080, -.090, and -.100 provide the details of the City's fence code requirements (see *Attachment A*). In addition to Section 14.10, Definitions, of Chapter 14 provides definitions for terms used in the enforcement of the provisions of Section 14.60.080.

The Biggs Municipal Code currently defines the term "fence" as follows:

14.10.390 Fence. *"Fence" means a wall or barrier, typically constructed of wood, for the purpose of enclosing space, separating parcels of land and/or providing privacy. [Ord. 320 § 1, 1999]*

Section 14.60.080 currently establishes the following basic development standards for fences in the City of Biggs (see *Attachment A* for full details):

- Max. fence height in a front yard area: 4' (6' with a use permit)
- Max. fence height in a side- or rear-yard area: 6' (8' with a use permit)
- No barbed wire fences in residentially zoned areas;
- No electrified fences anywhere;

- Fences shall not be permitted which interfere with sight visibility issues or which present safety hazards;
- Fence exceeding three (3) feet in height shall not be permitted closer than 15 feet from the right-of-way in a front yard or street-side yard area.
- No fences are currently permitted within the public right-of-way.

BMC Citation: 14.60.080 – Fences and landscaping – General height limitations (*Attachment A*)

Discussion – General:

Currently, Section 14.60.080 of the Biggs Municipal Code does not allow for the placement of fences within the public right-of-way. Acting at the direction of the City Council following discussion and debate at the City Council meeting of January 23, 2012, staff has drafted proposed modifications to the text of Section 14.60.080 of the Biggs Municipal Code that would permit the placement of decorative fences having a height of four feet or less, or three feet or less within a sight visibility triangle, within the public right-of-way subject to the issuance of an encroachment permit from the City. The approval of an encroachment permit for this purpose would be subject to Conditions of Approval addressing potential issues to include access to public facilities and improvements within the public right-of-way, the signing of a waiver of liability for improvements within the public right-of-way and the signing of an agreement acknowledging that the fence is located on public property and may be removed by the City without reconstruction or compensation to the owner of the fence upon initiation of a project undertaking working within the affect section of the public right-of-way.

In addition, staff has made a number of minor additional edits to the text of this section to address numbering, regulation consistency, the placement and planting of screening vegetation and to add clarification to the existing standards.

Fiscal Impact:

Staff time for report preparation, preparation of amended text, and amendment processing. No direct fiscal impacts or supplemental funding impacts are anticipated are anticipated to be necessary as a result of this project.

Environmental Review:

This action has been determined to be *exempt* from CEQA review pursuant to Public Resources Code Section 15305, Minor Alterations in Land Use Limitations (Class 5). No new construction would result from the amendment, no new parcels of land would be created and no new uses would be allowed or would occur. (Note: Authority cited: Section 15305, Public Resources Code).

Public Comment / Input:

None Received.

Staff Recommendation:

Staff recommends that the City Council approve the draft Ordinance identified as Ordinance 2012-__ amending Section 14.60.080 Fences and landscaping – General height limitations, to allow for the placement of decorative fences within the public right-of-way upon approval by the City of Biggs, as presented and as previously discussed at a noticed public hearing held during the regular City Council meeting of March 19, 2012.

Attachments:

- Attachment A* - Draft Text: Amended Section 14.60.080 Fences and Landscaping of the Biggs Municipal Code.
- Attachment B* - Draft Ordinance 2012-____, Amending Section 14.60.080 Fences and Landscaping of the Biggs Municipal Code.
- Attachment C*- Draft Notice of Exemption

**City of Biggs Municipal Code - Chapter 14.60
DEVELOPMENT STANDARDS – GENERAL**

Section:

14.60.080 Fences and landscaping – General height limitations.

14.60.080 Fences and landscaping – General height limitations.

(1) On all lots except double frontage and key lots, fences, hedges, and similar obstructions, not including ornamental features and design elements of a conforming decorative fence, shall not exceed four feet in height in front yards, nor six feet in height in any required rear or side yard, unless additional height is authorized by a use permit issued pursuant to Chapter 14.90 BMC (Exceptions). No fence authorized under the provisions of Chapter 14.90 BMC (Exceptions) shall exceed six feet in height in any required front yard, or eight feet in height in any side or rear yard setback.

(2) On double frontage lots, fences, hedges, and similar obstructions, not including ornamental features and design elements of a conforming decorative fence, shall not exceed four feet in height in front yards, nor six feet in height in any required rear or side yard, unless additional height is authorized pursuant to Chapter 14.90 BMC (Exceptions).

(3) On key lots, fences and similar obstructions may be constructed within a required front yard setback area to match the height of an adjacent lot's legal existing side or rear yard fence subject to the requirements of sections (1) and (2) above.

(4) Decorative fences no greater the four feet in height, or three feet in height within a sight visibility triangle area, may be allowed within the public right-of-way subject to the approval of a fence permit and upon the issuance of an encroachment permit by the City. Where a decorative fence is permitted within the public right-of-way through the encroachment permit process, applicants shall be required to sign an agreement acknowledging that the fence is located within the public right-of-way; acknowledging that the fence may be removed by the City or its authorized agents without compensation or replacement when authorized work within the affected section of the public right-of-way is undertaken; and, shall sign an indemnification agreement with the City. All approved Encroachment Permits for this purpose, along with the signed acknowledgement statements, shall be recorded against the property with the Butte County Recorder. Conditions of Approval may be added to both the fence permit and the encroachment permit addressing public safety issues related to obstruction of, and interference with, existing and proposed improvements in the right-of-way area (e.g. fire hydrants, street signs, underground utilities, etc.) as well as sight-distance and visibility issues.

(5) No fence greater than six feet in height may be authorized by use permit where such fence would be located within 10 feet of a residential structure either within the subject parcel or on an adjacent residential property.

(6) No fence, hedge, wall or other improvement within the sight distance zone, as defined in Chapter 14.10 BMC, shall exceed three feet in height and no tress or vegetation shall be planted within the sight distance triangle area. [Ord. 320 § 1, 1999]

(7) Fence, hedge, wall or similar barrier heights may be reduced from standards noted in Section 1, 2 and 3 above, to address non-intersection sight visibility concerns where it is determined that the fence, hedge, wall or barrier poses a hazard or safety risk to a public street, right-of-way or driveway.

(8) In no case shall a fence exceeding four three feet in height be located closer than 15 feet from the right-of-way in a front or street side-yard area. [Ord. 383, 2009; Ord. 320, 1, 1999]

(9) In no case shall a fence, hedge or wall, decorative or otherwise, be located closer than one foot behind the back edge of an existing developed sidewalk, pedestrian path, bike path or recognized public access way.

ORDINANCE NO. 394

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIGGS AMENDING THE BIGGS MUNICIPAL CODE TO MODIFY REGULATIONS IN SECTION 14.60.080 RELATING TO THE PLACEMENT OF A FENCE WITHIN THE PUBLIC RIGHT-OF-WAY AND MAKING MINOR EDITS RELATED TO REGULATION CONSISTENCY AND APPLICABILITY

The City Council of the City of Biggs does hereby ordain as follows:

Section 14.60.080 of the City of Biggs Zoning Code shall be amended to read as follows (deletions are everstruck, additions are underlined):

14.60.080 Fences and landscaping – General height limitations.

(1) On all lots except double frontage and key lots, fences, hedges, and similar obstructions, not including ornamental features and design elements of a conforming decorative fence, shall not exceed four feet in height in front yards, nor six feet in height in any required rear or side yard, unless additional height is authorized by a use permit issued pursuant to Chapter 14.90 BMC (Exceptions). No fence authorized under the provisions of Chapter 14.90 BMC (Exceptions) shall exceed six feet in height in any required front yard, or eight feet in height in any side or rear yard setback.

(2) On double frontage lots, fences, hedges, and similar obstructions, not including ornamental features and design elements of a conforming decorative fence, shall not exceed four feet in height in front yards, nor six feet in height in any required rear or side yard, unless additional height is authorized pursuant to Chapter 14.90 BMC (Exceptions).

(3) On key lots, fences and similar obstructions may be constructed within a required front yard setback area to match the height of an adjacent lot's legal existing side or rear yard fence subject to the requirements of sections (1) and (2) above.

(4) Decorative fences no greater the four feet in height, or three feet in height within a sight visibility triangle area, may be allowed within the public right-of-way subject to the approval of a fence permit and upon the issuance of an encroachment permit by the City. Where a decorative fence is permitted within the public right-of-way through the encroachment permit process, applicants shall be required to sign an agreement acknowledging that the fence is located within the public right-of-way; acknowledging that the fence may be removed by the City or its authorized agents without compensation or replacement when authorized work within the affected section of the public right-of-way is undertaken; and, shall sign an indemnification agreement with the City. All approved Encroachment Permits for this purpose, along with the signed acknowledgement statements, shall be recorded against the property with the Butte County Recorder. Conditions of Approval may be added to both the fence permit and the encroachment permit addressing public safety issues related to obstruction of, and interference with, existing and proposed improvements in the right-of-way area (e.g. fire hydrants, street signs, underground utilities, etc.) as well as sight-distance and visibility issues.

(5) No fence greater than six feet in height may be authorized by use permit where such fence would be located within 10 feet of a residential structure either within the subject parcel or on an adjacent residential property.

(6) No fence, hedge, wall or other improvement within the sight distance zone, as defined in Chapter 14.10 BMC, shall exceed three feet in height and no trees or vegetation shall be planted within the sight distance triangle area. [Ord. 320 § 1, 1999]

(7) Fence, hedge, wall or similar barrier heights may be reduced from standards noted in Section 1, 2 and 3 above, to address non-intersection sight visibility concerns where it is determined that the fence, hedge, wall or barrier poses a hazard or safety risk to a public street, right-of-way or driveway.

(8) In no case shall a fence exceeding four three feet in height be located closer than 15 feet from the right-of-way in a front ~~or street~~ side-yard area. [Ord. 383, 2009; Ord. 320, 1, 1999]

(9) In no case shall a fence, hedge or wall, decorative or otherwise, be located closer than one foot behind the back edge of an existing developed sidewalk, pedestrian path, bike path or recognized public access way.

I **HEREBY CERTIFY** that the above and foregoing Ordinance was introduced on the 19th day of March, 2012, and was passed and adopted by the City Council of the City of Biggs at a regular meeting thereof duly held on the 16th day of April, 2012, by the following vote, to wit:

AYES: COUNCILMEMBER: _____

NOES: COUNCILMEMBER: _____

ABSENT: COUNCILMEMBER: _____

ABSTAIN: COUNCILMEMBER: _____

ATTEST:

APPROVED:

Roben Dewsnap
CITY CLERK

Roger L. Frith
MAYOR

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 / 3016 Sixth Street
Biggs, CA 95917

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

Project Title: AMENDMENT TO BMC Section 14.60.080 Fences and Landscaping –
General Height Limitations.

Project Location: City of Biggs.

Assessor's Parcel Number(s): n/a (City-wide)

Project Description: An amendment to the Biggs Municipal Code Section 14.60.080 [Fences and Landscaping – General Height Limitations] to address the placement of fences within the public right-of-way and to make minor edits addressing consistency, landscape planting, separation of fences and sidewalks and permitting requirements.

Lead Agency: City of Biggs

Project Planner: Scott Friend

Exemption Status: Ministerial [Section 21080(b); 15268];
 General Rule [Section 15061(b)(3)];
 Categorical Exemption [Section 15305];
 Statutory Exemption;

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

This action has been determined to be exempt from CEQA review pursuant to Public Resources Code Section 15305, Minor Alterations in Land Use Limitations (a class 5 exemption). The proposed amendment would modify the existing text of Section 14.60.080 to allow for the placement of fences within the public right-of-way area and would better define and explain the intent and application of the Biggs Municipal Code Section 14.60.080 relative to vegetation planting and permitted fence locations.

City Planner
City of Biggs

By: _____



Scott Friend, AICP

Date: April 17, 2012

ORDINANCE NO. 395

**AN ORDINANCE OF THE CITY OF BIGGS
AMENDING CHAPTER 6.25 (HEALTH AND SAFETY AND
NEIGHBORHOOD NUISANCE
ABATEMENT) OF THE BIGGS MUNICIPAL CODE REGARDING
MEDICAL MARIJUANA CULTIVATION**

WHEREAS, the City Council of the City of Biggs, pursuant to Chapter 6 of the Biggs Municipal Code, hereby intends to regulate the cultivation of marijuana for medical purposes, including but not limited to, regulations as to location of the cultivation, size of the area used for cultivation, and the use of fencing or other screening and security structures, to accommodate the needs of qualified patients and their caregivers, and in furtherance of the public necessity, convenience and general welfare. Nothing in these Sections shall be construed to authorize any use, possession, cultivation, or distribution of marijuana for non-medical purposes; and,

WHEREAS, the measures herein are established to regulate Medical Marijuana cultivation in a manner that mitigates potential impacts on surrounding properties and persons, and that is in conformance with the provisions of California Health and Safety Code Section 11362.5 through 11362.83; and,

WHEREAS, the provisions of these Sections shall apply to all persons and businesses described herein whether the activities described herein were established before or after the effective date of this Section; and,

WHEREAS, in 1996, the voters of the State of California approved Proposition 215 which was codified at California Health and Safety Code Section 11362.5, and entitled "The Compassionate Use Act of 1996" ("the Compassionate Use Act" or "CUA"); and,

WHEREAS, the intent of the Compassionate Use Act was to enable persons who are in need of marijuana for medical purposes to obtain and use it under limited, specific circumstances, without being subject to criminal prosecution under certain state statutes; and,

WHEREAS, on January 1, 2004, Senate Bill 420, codified at California Health and Safety Code Sections 11362.7 et seq. and entitled "The Medical Marijuana Program," ("MMP") became effective to clarify the scope of the Compassionate Use Act; and,

WHEREAS, California Health and Safety Code Section 11362.83 expressly allows Cities and Counties to adopt and enforce ordinances that are consistent with Senate Bill 420; and,

WHEREAS, the City of Biggs Police Department, City residents and other public entities have reported adverse impacts from Medical Marijuana cultivation, including disagreeable odors; increased risk of burglary and other property crimes, and acts of violence in connection with the commission of such crimes or the occupants' attempts to prevent such crimes; and,

WHEREAS, the creation of persistent strong odors as marijuana plants mature and flower is offensive to many people and creates an attractive nuisance, alerting persons to the location of valuable marijuana plants and creating an increased risk of crime; and,

WHEREAS, the indoor cultivation of substantial amounts of marijuana also frequently requires excessive use of electricity, which often creates an unreasonable risk of fire from the electrical grow lighting systems used in indoor cultivation; and,

WHEREAS, children are particularly vulnerable to the effects of marijuana use, and the presence of marijuana plants has proven to be an attractive nuisance for children, creating an unreasonable hazard in areas frequented by children including schools, parks, and other similar locations; and,

WHEREAS, the City Council further takes legislative notice that the United States Attorney General's four U.S. Attorneys in California announced with significant publicity an intensified campaign targeting the state's medical marijuana growers and distributors; and,

WHEREAS, the tension between state and federal laws governing marijuana has created confusion about what authority cities have regarding the regulation of medical marijuana; and,

WHEREAS, the City Council finds and determines that the enactment of this Ordinance is exempt from environmental review pursuant to California Environmental Quality Act Guidelines Section 15061(b)(3) in that there is nothing in this Ordinance or its implementation that could have a foreseeable significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BIGGS DOES ORDAIN AS FOLLOWS:

Section 1. The above-listed findings and statements of intent are true and correct.

Section 2. Delete section 6.05.210 of the Biggs Municipal Code.

Section 3. Section 6.25.030 of the Biggs Municipal Code is added as follows:

6.25.035 - Regulation of Location, Development, and Operation of Medical Marijuana Cultivation

A. Regulation of Location.

1. Medical Marijuana cultivation shall be prohibited on any parcel within the incorporated area of the City of Biggs except as an accessory use to a legally established residence within a legal accessory building on a legal parcel.

2. No Medical Marijuana cultivation is permitted within five hundred feet of any hospital, school, church, park or playground or in other areas where large numbers of minors regularly travel or congregate. The distance between any Medical Marijuana cultivation and any hospital, school, church, park or playground or other areas where large numbers of minors regularly travel or congregate shall be measured in a straight line, without regard to intervening structures, from the closest exterior wall of the detached accessory building in which the marijuana cultivation is occurring to the closest property line where the other building or activity is conducted.
3. Except as provided in Section 6.25.035(A)(4), Medical Marijuana cultivation may be undertaken only by a qualified patient who must occupy the residence on the parcel proposed for cultivation as their primary residence.
4. A qualified primary caregiver, as defined in Section 6.25.255, may undertake cultivation of Medical Marijuana on behalf of his/her qualified patient(s), but only in an accessory structure located on a parcel containing the primary caregiver's or qualified patient's primary residence.
5. Cultivation shall only be permitted in a detached accessory building and said cultivation area shall be limited to 50 square feet per parcel or residence, whichever is less. The cultivated marijuana may be used only by the qualified patient and not distributed, sold, given or transferred in any way to any other person or organization.
6. Outdoor cultivation shall be unlawful and a public nuisance for any person owning, leasing, occupying or having charge for possession of any parcel within any zoning district in the City of Biggs.
7. Indoor cultivation within a residence shall be unlawful and a public nuisance with regard to any person owning, leasing, occupying or having charge for possession of any parcel within any zoning district in the City of Biggs.

B. Development and Operational Standards.

1. From a public right-of-way, there shall be no exterior evidence of Medical Marijuana cultivation located inside an accessory building.
2. The qualified patient or primary caregiver shall reside in the residence located on the parcel containing the accessory structure where the Medical Marijuana cultivation occurs.

3. The qualified patient or primary caregiver shall not cultivate Medical Marijuana in any other location within the City of Biggs other than in the accessory structure located on the parcel containing his/her primary residence.
4. The qualifying residence located on the property containing the detached accessory building in which Medical Marijuana is cultivated shall maintain kitchen, bathrooms, and primary bedrooms for their intended use and shall not be used for Medical Marijuana cultivation.
5. Medical Marijuana cultivation shall not adversely affect the health or safety of nearby residents by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.
6. Residential accessory structures used for cultivation shall meet the following criteria:
 - a. The building shall be provided with locking doors and have a working security system. The alarm shall be a standard audible residential alarm of at least 90 dBA but not exceeding 110 dBA.
 - d. The structure shall be located in the rear yard portion of the lot and shall, to the extent physically possible, maintain a minimum of a ten (10) foot setback from the side and rear property lines and from any other building on the parcel.
 - e. Any accessory structure, of any size, utilized for cultivation of marijuana shall be legally constructed with a building permit to the extent required. All electrical and plumbing shall be installed with a valid electrical and plumbing permit from the City. Such building permits will only be issued to the owner of the property. If the resident is proposing to convert an existing accessory structure for cultivation of marijuana, an inspection will be required to ensure compliance with the ordinance.
 - f. Medical Marijuana cultivation lighting shall not exceed 1200 watts and shall conform to all applicable codes.
 - g. Accessory structures utilized for cultivation shall be ventilated with odor control filters, and shall not create an odor, humidity or mold problem on the subject property or adjacent properties.
 - h. Other activities may occur within a detached accessory structure where medical marijuana is cultivated provided that the cultivation area itself within the structure does not exceed 50 square feet and

further provided that the cultivation area is segregated from all other building uses by permitted walls and all other conditions of this Section are satisfied.

7. Wherever Medical Marijuana is grown, a copy of a current and valid, State-issued Medical Marijuana card must be kept available to immediately present to City employees, including, but not limited to law enforcement officers, upon request.
8. Nothing in this Section shall be construed as a limitation on the City's authority to abate any nuisance which may exist from the planting, growing, harvesting, drying, processing or storage of marijuana plants or any part thereof from any location, indoor or outdoor, including from within a fully enclosed and secure building.

C. Accessory Buildings or Structures: Definitions and Criteria

1. Accessory building or structure.

“Accessory building or structure” means a building or structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. An accessory building or structure may be erected only after the principal building or structure is established. See BMC 14.10.030.

2. Accessory building – Detached.

The following setback criteria shall apply to all detached nonresidential accessory buildings or structures:

- (1) Accessory buildings or structures shall comply with front yard requirements for primary dwellings.
- (2) The accessory building or structure shall comply with the following minimum side yard and rear yard setbacks, subject to meeting all Uniform Building Code requirements; provided, that if the lot abuts an alley, no rear yard setback shall be required.
- (3) The street-side setback of an accessory building or structure shall be no less than what is required by the zone district in which the building is located.
- (4) The accessory building or structure may be connected to the main building with a breezeway.

- (5) Accessory buildings or structures shall be located no closer than six feet to any other building.
- (6) Swimming pools may be constructed no closer than five feet to any side or rear property line and no closer than 10 feet to any residential structure.
- (7) Shade structures may be constructed no closer than five feet to any side or rear property line. See BMC 14.60.040.

D. Medical Marijuana Cultivation Location, Development, and Operation Information

In order to best effect the provisions of this section, city staff shall, to the fullest extent possible, jointly utilize Medical Marijuana cultivation location, development and operation information.

Section 4. Sections 6.05.235 and 6.05.240 of the Biggs Municipal Code are added as follows:

6.05.235 "Marijuana" shall have the same meaning as that set forth in California Health and Safety Code Section 11018.

6.05.240 "Medical Marijuana" means medical marijuana that has been recommended by a licensed physician in strict accordance with California Health and Safety Code Sections 11362.5 through Section 11362.83, inclusive, commonly referred to as the Compassionate Use Act and the Medical Marijuana Program.

Section 5. Amend section 6.25.020 of the Biggs Municipal Code as follows:

6.25.020 Unlawful property nuisance – Private property.

It shall be unlawful for any person owning, leasing, renting, occupying or having charge or possession of private property in the city to maintain or to allow to be maintained such property in such manner that any of the following conditions which are visible from a public street or right-of-way and/or are found to exist thereon, except as may be allowed by this code

- (1)(e) Outdoor cultivation of mMarijuana plants., the cultivation of which is visible from a public street or right-of-way or neighboring property, or the odor of which is detectable from a public street, right of way or neighboring property.
- (9) Medical Marijuana plants, products and/or the cultivation of Medical Marijuana, either visible to the public or neighboring property, or to permit the odor of which is detected by any member of the public, or to

~~cultivate, process or store Medical Marijuana not in compliance with all of the provisions of section 6.25.035. Cultivation of Marijuana. The cultivation and/or storage of marijuana within the city of Biggs is hereby declared to be unlawful and a public nuisance; provided, however, that a qualified patient or primary caregiver may cultivate and/or store marijuana but only if such storage and/or cultivation is confined and limited to and within a fully enclosed and secured structure.~~

Section 6. Amend section 6.25.055 of the Biggs Municipal Code as follows:

6.25.055 Nuisance abatement – Visible/unsecured odiferous Medical Marijuana Marijuana under cultivation.

(1) Medical Marijuana Cultivation/Storage Nuisance Circumstances.

Notwithstanding any provision in this chapter, the abatement measures set forth in subsection (2) of this section shall be utilized in the following nuisance circumstances: ~~Medical Marijuana marijuana~~ plants, or the cultivation of ~~Medical Marijuana marijuana~~ plants, visible from the street or neighboring property; the odor of ~~Medical Marijuana marijuana~~ detected from the street or neighboring property; or the presence, cultivation, processing and/or storage of ~~Medical Marijuana marijuana~~, not in compliance with all of the provisions of section 6.25.035. ~~except within a fully enclosed and secured structure.~~

Section 7. Add section 6.25.080(9) to the Biggs Municipal Code as follows:

6.25.080 Nuisance abatement lien (Gov. Code Section 38773.1).

(9) In any action, administrative proceeding or special proceeding to abate a nuisance in which the city elects, at the initiation of the action or proceeding, to seek recovery of its attorneys' fees, the prevailing party in the action or proceeding shall recover its attorneys' fees incurred in the action or proceeding. In no action, administrative proceeding or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the action or proceeding. "Prevailing party" shall not include a party who complies with a notice of violation issued by the city or an order in any action, administrative proceeding or special proceeding. Attorney fees shall include fees for the services of the city attorney or his or her assistant and deputies, calculated based on the effective hourly rate of such attorney.

Section 8. Amend section 6.25.085 of the Biggs Municipal Code as follows:

6.25.085 Nuisance abatement fines.

- (4) Issuance of Fines for Visible/~~Unsecured~~Odiferous and/or Non-Regulatory Compliant Medical Marijuana Cultivation.

Section 9. Severability.

If any section, subsection, phrase or clause of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 10. Effect

This Ordinance shall take effect thirty (30) days after passage and approval by the City Council.

Section 11. City Clerk

The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

I HEREBY CERTIFY that the above and foregoing Ordinance was introduced on the 19th day of March, 2012, and was passed and adopted by the City Council of the City of Biggs at a regular meeting thereof duly held on the 16th day of April, 2012, by the following vote, to wit:

AYES: COUNCILMEMBER: _____

NOES: COUNCILMEMBER: _____

ABSENT: COUNCILMEMBER: _____

ABSTAIN: COUNCILMEMBER: _____

ATTEST:

APPROVED:

Roben Dewsnup
CITY CLERK

Roger L. Frith
MAYOR



City of Biggs

Agenda Item Staff Report for the Regular City Council Meeting: April 16, 2012 6:00PM

DATE: April 4, 2012
TO: Honorable Mayor and Members of the City Council
FROM: Pete Carr, City Administrator
SUBJECT: Repainting City Sweeper Truck (Action)

Council is asked to approve a painting contract for the recently purchased used City sweeper truck.

Background:

The City recently approved purchase of a used sweeper in replacement for an older model currently in use by Public Works. In the staff report to Council requesting the purchase, it was mentioned that a price estimate of \$1200 had been obtained for painting over the current decoration (flames) on the cab that would be inappropriate for a city vehicle; that was a "rough estimate" by a vendor based upon a photograph exhibit only, prior to vehicle purchase. Upon inspection of the vehicle after acquisition, the paint vendor modified the price estimate to a \$1730 price bid.

It is acknowledged that the lowest bidder, Natomis Auto Body, employs a close family member of the City's public works superintendent in a management capacity at its Yuba City shop. Staff obtained two other price quotes of \$2218 and \$4391. Additional quotes were sought but other regional paint shops could not accommodate the vehicle due to its size.

The Public Works Committee considered the work to be done and the bids, and supports proceeding with the first vendor's revised quote of \$1730.

Recommendation:

Authorize staff to accept the lowest bid and proceed with the work accordingly.

Fiscal Impact of Recommendation:

\$1730 to Fund 11, Facilities and Equipment Reserve



City of Biggs

Agenda Item Staff Report for the Regular City Council Meeting: April 16, 2012 6:00PM

DATE: April 4, 2012
TO: Honorable Mayor and Members of the City Council
FROM: Pete Carr, City Administrator
SUBJECT: Lift Station Electric Project (Action)

Council is asked to approve a project, price and vendor to add an emergency power connection to a storm drain lift station.

Background:

The City in January set as a priority project the completion of emergency power accessibility for the Seventh Street (at E St) storm drain lift station. The project will enable this lift station to be accessed by mobile emergency power sources as a back-up in case of prolonged power outage during a high water storm event.

The original price quote of \$4300 by our commonly used vendor for this type of work was deemed by the Public Works Committee to be too high. Public Works sought additional quotes and identified one vendor, Feather River Electric Motors, who bid \$2493. Staff and the committee recommend proceeding with the project with this vendor.

Recommendation:

Authorize staff to accept the lower bid and proceed with the work accordingly.

Fiscal Impact of Recommendation:

\$2493 to Fund 11, Facilities and Equipment Reserve.