



- 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: November 13, 2012
TO: Honorable Mayor and Members of the City Council
FROM: Scott Friend, AICP City Planner
SUBJECT: Fence Permits / Implementation of Fence Code Requirements

Report Summary:

The purpose of this report is to provide information to the City Council and the public in support of the discussion of the current approach to the implementation of the City's fence code and the requirement of the City for those installing a new or replacement fence to apply for and receive a fence permit from the City of Biggs Planning Department. This item has been placed on the agenda for discussion at the request of Mrs. Melodee Thomas, owner 457 Bannock Street.

Background - General:

In June of 2007, the City Council adopted a process requiring those persons wishing to construct or reconstruct a fence in the City of Biggs to submit an application for a Fence Permit to the City of Biggs Planning Department prior to undertaking the construction activity. The purpose of the Fence Permit process was to help to ensure that newly constructed fences were located as required by the City Code and met with the City's requirements for materials, setbacks and public safety objectives.

In September of 2012, the City Planner delivered a copy of the City's Fence Permit Application along with a copy of the City's Fence Code requirements to the occupant of the residence located at 444 B Street. Along with the delivery of the application, the City Planner requested that the occupant provide the information to the property owner and inform the owner that a fence permit was required for the newly constructed fence at the location. The property owner, Mrs. Melodee Thomas, contacted the Planning Department about this matter as requested. Following a discussion of the City's request, Mrs. Thomas suggested that she was unaware of the requirement or need for a fence permit and questioned staff on the suggestion that such a permit was required. Following a conversation during which no agreement could be arrived at between staff and Mrs. Thomas regarding the need for a fence permit, Mrs. Thomas requested that this item be placed on the next available City Council agenda for further discussion.

Discussion – General:

In late 2006, the City of Biggs Planning Commission engaged the City Council in a discussion on the location of fences within the City. Following various working meetings on issues including fences, the Planning Commission recommended to the City Council that the Council direct staff to explore the adoption of a Fence Permit requirement in the City of Biggs. Acting at the direction of the Planning

Commission, staff drafted a staff report to the City Council on this subject (Attachment E). Following a review of the information presented by Staff, the City Council directed the City Planner to prepare materials in support of the adoption of Fence Permit process. Staff presented the City Council with a draft of the Fence Permit application and fence permit support materials at their meeting of June 18, 2007. The information was refined by the City Council and subsequently adopted by the Council in August of 2007.

Since the time of its adoption in 2007, staff has reviewed and administratively approved approximately 24 fence permits for new or re-constructed fences in the City of Biggs. In most instances, the approvals of such have occurred either over-the-counter or within 48-hours of the submittal of the application materials.

The intent of the fence permit process is to ensure that new and re-constructed fences are built in conformance with City codes and ordinances and are located so as not to create hazardous conditions and are located outside of the public rights-of-way within the City. It is currently, and always has been, the intent of staff in issuing fence permits, to provide an expedited level of review for such applications and to work with the applicant to identify how fences can be constructed in conformance with City codes and regulations.

Fiscal Impact:

No impact.

Public Comment/Input:

None Received.

Staff Recommendation:

Staff recommends that the City Council receive comment from Mrs. Thomas on the matter, consider the input provided and give direction as appropriate for the matter being discussed.

Attachment:

- Attachment A* - Copy of Agenda Request from Mrs. Melodee Thomas
- Attachment B* - Copy of City of Biggs Fence Permit application
- Attachment C* - Copy of City of Biggs Fence Permit Information package
- Attachment D* - Copy of Staff Reports from April 2007 requesting consideration by the Council for the adoption of Fence Permit process and August 2007 requesting an amendment to the City's Fee Ordinance for Fence Permits.
- Attachment E* - Copy of Meeting Minutes from the June 18, 2007

CITY OF BIGGS

465 C STREET
P.O. BOX 307
BIGGS, CALIFORNIA 95917
TELEPHONE (530) 868-5493



Request to be included on the City Council Regular Meeting Agenda

Please type or print the following information

Date: 10-18-12

To: Clerk of the City Council

From: MELODIE THOMAS

Address: 457 BANNOCK

Organization: _____

Subject:

FENCE PERMIT

Melodie Thomas
Signature

Regular Meetings are normally on the third ~~Monday~~^{Tues.} of every month at 6:00 p.m. at City Hall.
All requests must be received by 5:00 p.m. ten days in advance.



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

Fence Permit Application

Date: _____

Received By: _____

THIS FENCE PERMIT WILL BE ISSUED CONTINGENT UPON APPROVAL OF SPECIFICATIONS OUTLINED IN THIS APPLICATION WHICH MUST REFLECT A PROPOSED FENCE HEIGHT AND LOCATION CONSISTENT WITH ALL SECTIONS OF BIGGS MUNICIPAL CODE, INCLUDING *CHAPTER 14.60 DEVELOPMENT STANDARDS - GENERAL*. A COMPLETE APPLICATION IS REQUIRED FOR APPROVAL, AND CONSISTS OF 1) THIS APPLICATION FILLED OUT COMPLETELY; 2) FULL PAYMENT OF ASSOCIATED FEE; 3) ADEQUATE DRAWING (SITE OR FENCE PLAN). INSPECTION WILL FOLLOW FENCE CONSTRUCTION AND SERVES AS THE FINAL STEP OF THE PROCESS.

Date: _____ Applicant: _____

Address: _____

Site Address (If different from above): _____ APN: ____ -- ____ -- ____

Business/Daytime Phone: _____ Business Fax: _____ Mobile: _____

Owner: _____

Address: _____

Business/Daytime Phone: _____ Business Fax: _____ Mobile: _____

DESCRIPTION OF FENCE AND MATERIALS TO BE USED

TYPE OF FENCE: Wood Chain Link Other: _____

HEIGHT OF FENCE: _____

CLASS OF WORK

 New Addition Repair

NOTE: All perimeter fencing or walls shall provide aesthetic values for off-site public viewing. Exterior surfaces and street sides of all fences shall be the finished side. Subdivision Conditions of Approval are private in scope and may be more restrictive than City Ordinances. Subdivisions may require a fencing permit for each type/style of fence to be constructed. Please refer to attached graphic and Biggs Municipal Code language for guidance.

SIGNATURE REQUIRED AND INDICATES UNDERSTANDING OF AND AGREEMENT TO CONDITIONS OF PERMIT:

SIGNATURE OF OWNER_____
DATE_____
SIGNATURE OF APPLICANT_____
DATE

THIS PERMIT BECOMES VOID AFTER SIX (6) MONTHS FROM THE APPROVAL DATE OF THIS PERMIT IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED, OR WORK IS SUSPENDED OR ABANDONED. WORK SHALL BE CONSIDERED SUSPENDED IF AN APPROVED INSPECTION HAS NOT BEEN MADE WITHIN A SIX (6) MONTH PERIOD FROM THE APPROVAL DATE OF THIS PERMIT. ISSUANCE OF PERMIT SHALL NOT BE HELD TO PERMIT OR TO BE AN APPROVAL OF THE VIOLATION OF ANY PROVISION OF ANY CITY OF BIGGS ORDINANCE, RESOLUTION, OR STATE LAW.

This section City of Biggs Official Use Only

FEE PAID? (\$25.00) Y / N (circle one) DATE _____ TAKEN BY _____

**CITY OF BIGGS FENCE PERMIT
PROCEDURE AND SUPPORT INFORMATION**

A fully-complete application is required for approval, and consists of:

- **A completed Fence Permit Application**
- **Adequate drawing (site and/or fence plan)**
- **Payment of fee**

Figures 1 and 2 (on following pages) are examples of a site plan and elevation suitable for submittal.

Once an application is determined to be complete, it is distributed to Planning Staff to review setbacks, fence height, material (etc) for consistency with the Biggs Municipal Code; and Engineering Staff who will review for any conflict with right-of-way.

If the proposed fence is consistent with code, approval is made at the staff level. Both Planning and Engineering staff sign off on the application, thereby constituting an approved plan. Inspection will follow fence construction, and if built per the approved plan, will serve as the final step in the process.

The following are sections of the Biggs Municipal Code that direct use and location of fencing. Please read carefully and use for guidance as you prepare the site plan or fence plan to be submitted as part of your complete Fence Permit Application. Questions regarding interpretation can be directed to the City of Biggs Planning Department at (530) 868-5447 or planning@biggs-ca.gov.

14.60.080 Fences and landscaping - General height limitations.

- (1) On all lots except double frontage lots, fences and similar obstructions 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, nor eight feet in height in any side or rear yard setback.
- (2) On double frontage lots, fences and similar obstructions 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) 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.
- (4) No fence, wall or other improvement within the sight distance zone, as defined in Chapter 14.10 BMC, shall exceed three feet in height. [Ord. 320 § 1, 1999]

14.60.090 Fences - Multiple-family development.

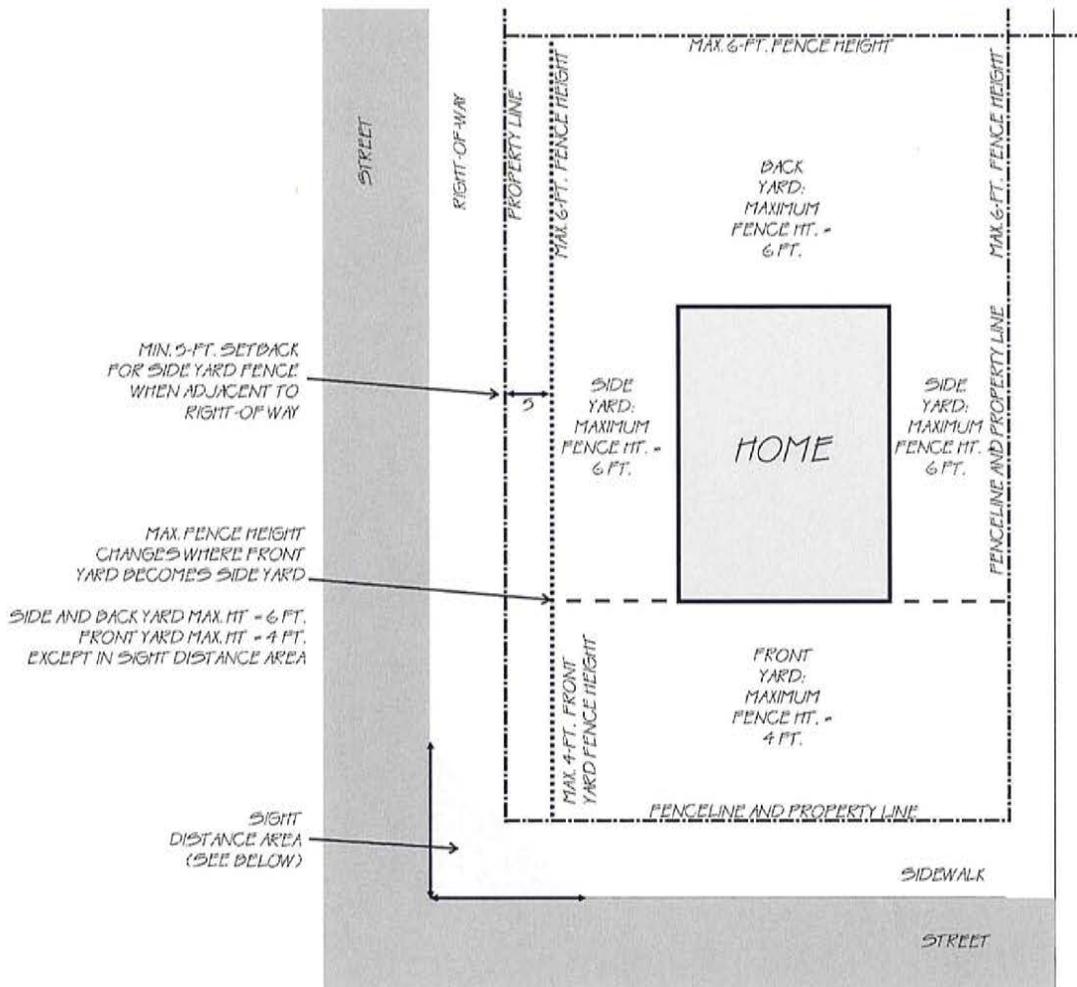
Development of more than two residential units on a parcel shall include the installation of fencing, of the maximum allowable height, along side and rear property lines, except, at the discretion of the planning commission, fencing may not be required in a street-fronting side yard. Additionally, internal fencing should be installed to create private yards of not less than 180 square feet for each ground level dwelling unit. For the development of a single project on more than one parcel, fencing of the maximum allowable height shall be required on the project perimeter rear and side property lines and internally as described above, except, at the discretion of the planning commission, fencing may not be required in a street-fronting side yard. [Ord. 320 § 1, 1999]

14.60.100 Fences - Barbed wire/electrified fence.

- (1) Fences constructed in whole or in part of barbed wire are prohibited in all residential zones. Fences constructed in whole or in part of electrified wire are prohibited in all zones.
- (2) Fences constructed in whole or in part of barbed wire are permitted in industrial zones by right and in other nonresidential zones upon issuance of a use permit as set forth in this title.

- (3) For purposes of this section, barbed wire shall include all other similar materials which incorporate sharp or cutting edges in the fencing material. [Ord. 320 § 1, 1999]

14.10.880 Sight distance area.



"Sight distance area" refers to the area adjacent to road intersections through which visibility must be maintained for safe operation of motor vehicles. Vertically, the sight distance area is located between three feet and 10 feet above the centerline of adjacent roads. The boundary of the sight distance area is a generally triangular zone formed by the right-of-way lines of intersecting streets and a line drawn between points on the right-of-way lines located 30 feet from the intersection of the right-of-way lines. [Ord. 320 § 1, 1999]

Exceptions:

14.90.020 Authority.

The city planner shall, subject to the provisions of BMC 14.05.030, review requests for exceptions and either (1) approve, conditionally approve or deny request for exception, or (2) forward the request for exception to the planning commission for consideration. The city planner or the planning commission shall review and decide the following types of exceptions to site development standards which may be allowed:

- (1) Fences. In any residential district the maximum height of any side or rear yard fence may be increased by a maximum of two feet, where conditions require additional height to maintain adequate privacy and to allow reasonable enjoyment of private yard areas. Fences greater than six feet in height shall not be allowed where residential structures, either within the subject parcel or on an adjacent property, are located less than 10 feet from the subject fence.

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Figure 1.

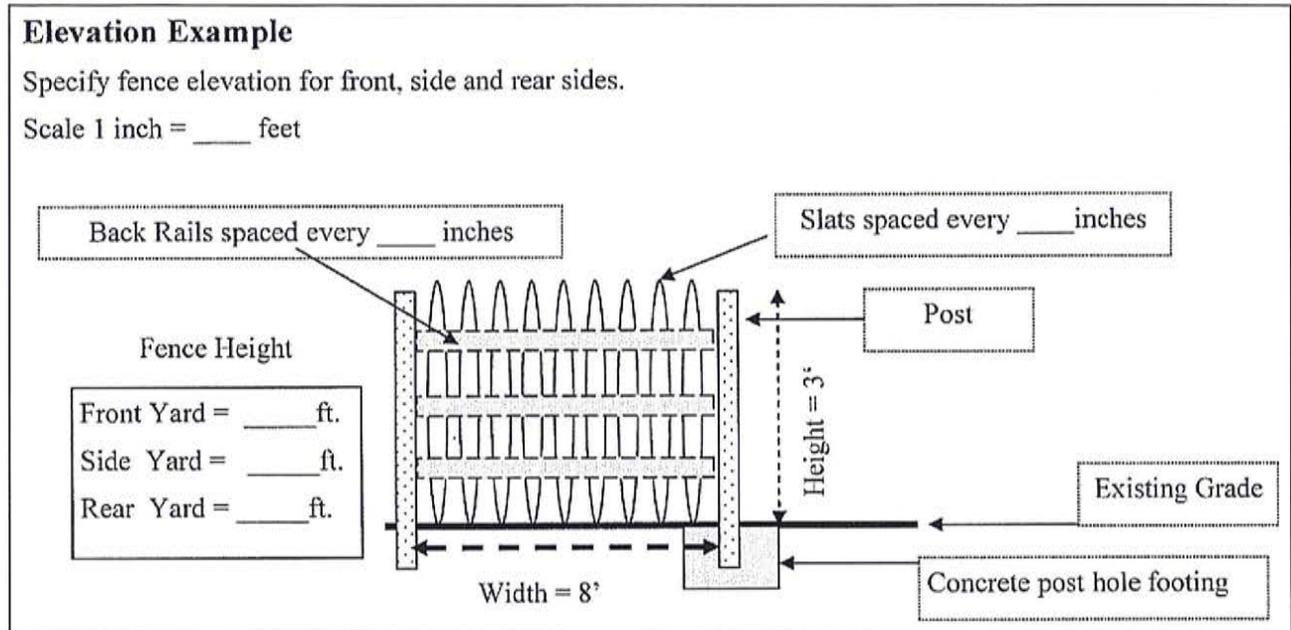
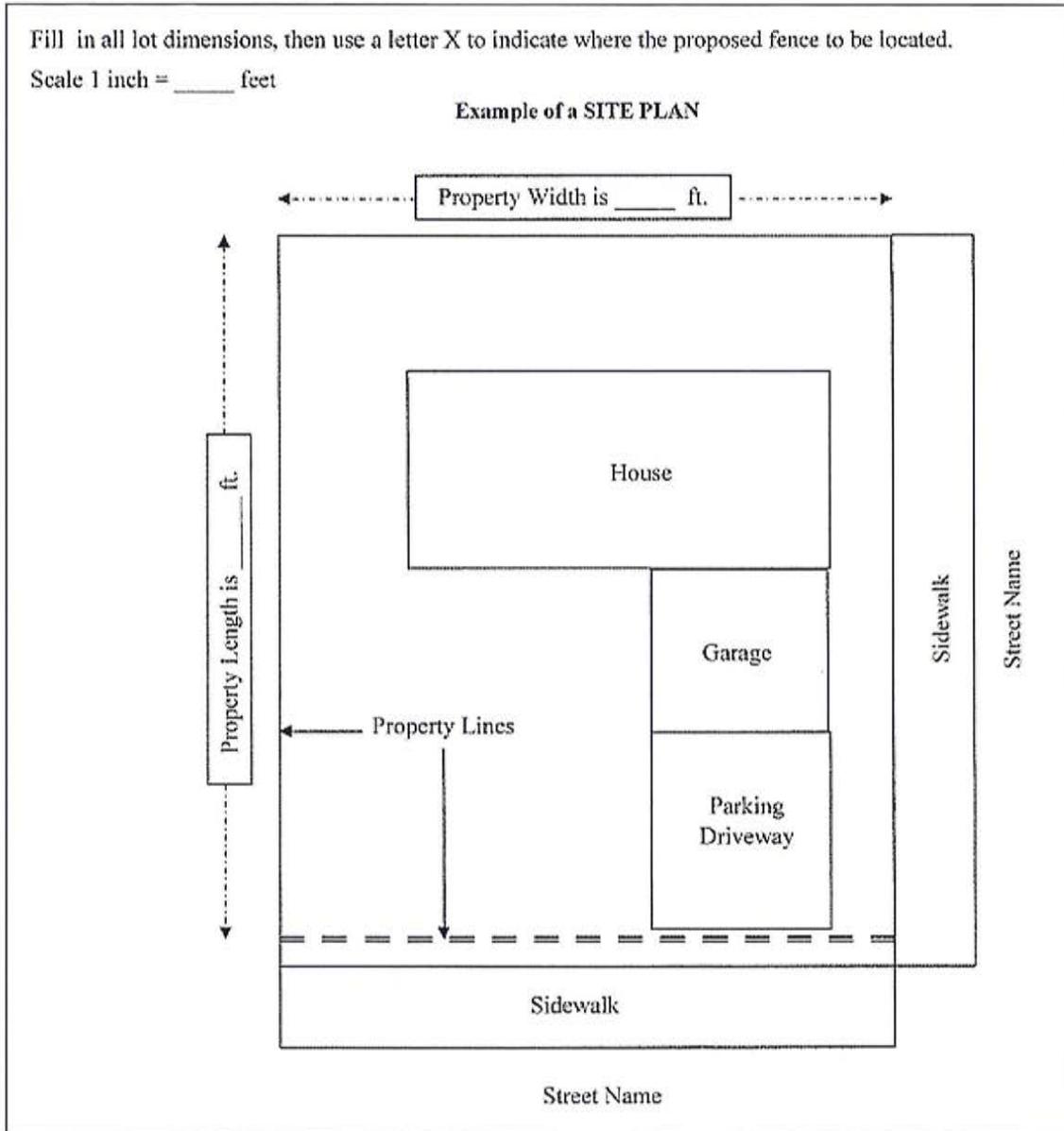


Figure 2.



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P.O. Box 1134
Biggs, CA 95917

PHONE: (530) 868-5447
FAX: (530) 868-5239

TO: Honorable Mayor and Members of the City Council

DATE: April 16, 2007

FROM: Scott Friend, City Planner

SUBJECT: Item from Planning Commission: Consideration of Fence Permits

REQUEST

Staff is forwarding to the Council for its consideration an item discussed at the April 2, 2007 Planning Commission meeting. The Commission discussed and then voted to forward to Council the issue and question of whether an official city-approved Fence Permit would serve to benefit the City.

DISCUSSION

This issue is peripherally related to ongoing discussions at the Commission and Council level regarding pedestrian access, sidewalks, and City right-of-way and is a follow-up item to the grouping of issues forwarded to the City Council by the Planning Commission in March. At its April meeting, the Commission considered whether a new mechanism to control the location of new fencing in the City would protect the City's right-of-way and associated pedestrian access. After discussion, the Commission voted 2-1 in favor of recommending that the City Council consider directing staff to prepare the necessary materials in support of the adoption of a new City requirement for a Fence Permit. The Commission's suggestion materials included the recommendation to create a new fence review and approval process (including application and fee) for the review and approval of individual requests to install fences on private property within the City. More specifically, the Commission voted to support the following:

- 1) That a Fence Permit should be considered for adoption by the Council, and;
- 2) If adopted, there should be an associated fee to recover administrative costs.

To support their discussion, Staff provided the Planning Commission with the following information from an informal survey of local government agencies:

Fence Permits and Related Fees

A number of agencies in the surrounding area were contacted to provide the Commission with comparison and context for their discussion. The findings are as follows:

City of Gridley: DOES require a fence permit, and charges an administrative fee of \$20 through Planning to process. Permit application is attached.

City of Oroville: DOES require approval of residential fencing but does not have a formal application or process – the approval happens basically “over the counter” with an adequate plot map. Processing fee is \$20.

City of Yuba City: DOES require a permit, but does not use a separate Fence Permit. City requires a Building Permit with costs starting at \$29 fee (website FAQs), possibly going higher based on size of project, materials used, and resulting inspection required of Building Department.

City of Live Oak: DOES NOT have or require a Fence Permit, and none is required for fencing below 6’. Any higher fencing would trigger Use Permit or possibly Variance application.

City of Orland: The Planning Department DOES require that a Fence Permit Application (please see attached) be submitted, but plans are not required for fences under 6 feet.

Also attached for the reference and consideration of the Council are Fence Permit Applications from the City of Clearlake and the City of Greenfield, and Fence Design Guidelines from the City of Greenfield.

PLANNING COMMISSION REVIEW

The above described items were discussed at the April 2, 2007 Planning Commission meeting with action taken as noted.

BUDGETARY IMPACT

Unknown. Budget impacts would vary by item and whether any further actions are taken.

ENVIRONMENTAL REVIEW

None required.

RECOMMENDATION

Staff recommends that the Council review and consider the appropriate course of action for the items as presented by the Commission. It is anticipated that the City Council will provide direction to staff as appropriate.

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PHONE: (530) 868-5447
FAX: (530) 868-5239

TO: Honorable Mayor and Members of the City Council
DATE: August 20, 2007
FROM: Scott Friend, City Planner
SUBJECT: Adoption of new Fence Permit and associated fee

REQUEST

Staff is requesting approval of a Resolution amending the City of Biggs Fee Ordinance, adding a \$25.00 fee for review of Fence Permit applications.

DISCUSSION

At the direction of both the City Council and the Planning Commission, Staff developed a City of Biggs Fence Permit and review process. The Permit and review process were presented to Council at its June 18, 2007 meeting where they were approved. Staff is now presenting a Resolution to amend the Fee Ordinance to reflect adoption of the associated Fence Permit Fee, which would effectively begin implementation of the Fence Permit and review process.

ENVIRONMENTAL REVIEW

None required at this time.

PUBLIC COMMENT

None.

RECOMMENDATION

Staff recommends approval of the attached Resolution amending the fee schedule of the Department of Public Works and the Biggs Planning Commission, and repealing Resolution No. 96-9, pursuant to Section 13.05.040 of the Biggs Municipal Code, to add the Fence Permit Fee:

ATTACHMENTS

1. RESOLUTION TO AMEND THE FEE SCHEDULE

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MINUTES OF THE CITY OF BIGGS
REGULAR COUNCIL MEETING

August 20, 2007

Motion/Second to direct staff to draw up whatever necessary documents for the trial run.
(Frith/Crawford, MCU)

5. PUBLIC HEARINGS

A. Zoning Ordinance Text Amendment #TZ2007-01. Scott stated the amendment would modify the Biggs Municipal Code Section 14.60.120(1) which would change the standard width of sidewalk in the City of Biggs from 4 feet to 5 feet for new development areas and require the use of vertical curbs along arterial streets.

1. Staff comments: Councilor Crawford stated there was a component left out of this ordinance which stated in the code about putting a landscape strip at least four feet as measured from the back of curb. The other component Councilor Crawford originally proposed for discussion was public safety. His main concern was the high traffic area. Schools should always have vertical curbs. He was not sure the proposed language totally adhered to what was approved by the Planning Commission. Councilor Crawford presented copies of the minutes from the planning meeting.

Scott stated the component of the landscape strip would not be omitted. He stated the first sentence of the provision which spoke of the curb type and the sidewalk width was the item being proposed for amendment.

Councilor Crawford stated he would like to revisit the language of the proposal.

Vice Mayor Frith suggested Council suspend this issue to a future meeting and advised Scott and Councilor Crawford to discuss the details of the amendment.

B. Adoption of a New Fence Permit and Associated Fee.

1. Staff Comment. Scott stated the resolution would amend the existing fee schedule for the City of Biggs and add a \$25 fence permit fee.
2. Open the hearing to the public.
 - a. Proponents. None
 - b. Opposition. A resident asked if the fee was the application fee or the permit fee. Scott stated it was the fee for everything.
 - c. Rebuttals-None
3. Close hearing to public
4. Council discussion. Councilor Arnold asked if the permit was for front yard fences and Scott stated it included front and side yard fences and included new and old fences.

Resolution 2007-16 Resolution Of The City Council Of The City Of Biggs Amending The Fee Schedule "Exhibit A" Of The Department Of Public Works And The Biggs Planning Commission, And Hereby Repealing Resolution No. 96-9. (Busch/Terry, MCU)

6. CONSENT CALENDAR

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

7. DEPARTMENT REPORTS

A. *Public Safety:*

Police and Fire Departments: Mayor Busch had nothing to report

B. *Planning Department:*

2. Fire Department:

a. none

B. *Planning Department:*

1. Consider Fence Permit process, form and content. Scott stated there was no required Public Hearing for the administrative process, however, there was a Public Hearing required for an adoption of an amendment to fee ordinance. He was asking for form and content input on the materials that had been proposed. An ordinance would be forwarded at the next meeting which would amend the City of Biggs fee ordinance to establish the administrative permit cost to implement this program. He discussed the items that would be included in the fence permit application packet. The intent of this application process was to address in advance right-of-way concerns and issues.

Councilor Arnold questioned what was meant by Class of Work on the fence application permit. Scott stated this would include replacing a fence with a new height and this would not include a simple repair.

Councilor Richins asked if the \$25 fee would cover all of Scott's expenses and Scott believed it would.

Councilor Terry asked why fences should not be higher than 6 feet. Scott stated 6 feet was the standard height for a fence that most city's use. It gets back to a visual impediment and 6 feet is a reasonable height. Councilor Terry asked what was meant by an adequate drawing. Scott stated the goal was not to be obstructive or difficult, but to make sure everyone knows what is going on.

Carol Arnold asked how the public would know they needed to get a permit. Scott stated an article in the newsletter could notify citizens of the new requirement. Councilor Richins stated with regards to code enforcement, were there penalties attached to those that didn't follow the code. Scott stated they did have the authority to penalize individuals if they chose to. Vice Mayor Frith suggested adding the word relocation under Class of Work. Scott stated he would bring the ordinance to the next meeting.

2. Department Activity Report – May/June 2007. Mayor Busch stated he often receives complaints about junk in the city. Scott stated Code Enforcement Officer Erin Dougherty was now going out two and a half days a week to identify problems and make sure old problems had been taken care of.

Vice Mayor Frith questioned how North Biggs Estates was coming along. Scott stated it would be going to the Planning Commission next month. He stated he had met with the applicants and clarified the intent of what the action was going to be. The action now would be a proposed amendment to the tentative map which would be to eliminate the hammer head cul-de-sac and to enlarge the drainage basins, because they were not hydraulically large enough. He stated there was a slight two lot shift of 120 feet of the potential crossing to the north across lateral k. The item will go before the Planning Commission for their recommendation to the council at