

Project: **Corporation Yard Rezoning**

Application: **REZ 2010-01**

Project Data:

Applicant:	City of Biggs
Owner:	City of Biggs
APN #:	001-081-035
Application(s) Type:	Request for rezoning and adoption of a Notice of Exemption
Parcel Size:	0.40 acres
Existing Zoning:	Medium Density Residential (R-2)
Proposed Zoning:	Light Industrial (M-1)
Existing General Plan:	Light Industrial (LI)
Environmental Review:	Notice of Exemption

PROJECT DESCRIPTION

The City of Biggs Planning Department is requesting the rezoning of a 0.40-acre parcel owned by the City of Biggs located at 2984 Seventh Street.

The subject parcel is located on the northeast corner of the intersection of Seventh Street and Aleut Street, on the southwestern edge of the Biggs downtown area. A vacant warehouse building currently exists on-site. The site was formerly used as the City's municipal corporation yard. Access to the site is available via Seventh Street and Aleut Street, existing local streets. No new structures or development are contemplated as part of this action.

The parcel is currently zoned Medium Density Residential (R-2). The City proposes a change to Light Industrial (M-1) to conform to the existing General Plan Designation of Light Industrial (LI).

A Notice of Exemption pursuant to Section 15061 of the Public Resource Code has been prepared pursuant to the California Environmental Quality Act (CEQA) for the proposed project.

BACKGROUND / PROJECT SETTING

The project site is a 0.40-acre parcel located at 2984 Seventh Street, near the southwestern edge of the Biggs downtown area. The project site is identified as Assessor's Parcel Number 001-081-035.

Land uses surrounding the project site include commercial uses associated with downtown Biggs to the north, the railroad right-of-way and industrial uses to the west, and single-family residences to the south and east.

The project site is generally flat with few landscape features. A vacant warehouse building currently exists on-site and would remain on-site subsequent to the rezoning. The parcel was formerly used as the City's municipal corporation yard. Public access is provided off of Seventh Street. A public alley to the north of the site runs parallel to Aleut Street and provides access to utilities.

Zoning:

The City's Planning Department is requesting that the City rezone the subject parcel to the Light Industrial (M-1) zoning designation, in order to be consistent with the Light Industrial (LI) existing General Plan land use designation. The Light Industrial (LI) General Plan land use designation is intended to include industrial operations which have little environmental impact to surrounding residential or commercial land uses.

The Light Industrial (M-1) zoning district is intended to provide sites for light assembly and manufacturing, and agricultural and industrial processing. The M-1 district is intended to serve as a transition between more intense M-2 industrial uses and more sensitive commercial and residential uses.

Parcel Merger:

In 2008, at the request of City staff, the City Council approved a merger of four parcels which composed the old corporation yard which is the site of the current rezone action. The merger consolidated four parcels under the ownership of the City of Biggs into the parcel identified as APN 001-081-035.

Environmental Review:

The City of Biggs, acting as the Lead Agency for the project pursuant to the requirements of the California Environmental Quality Act (CEQA), has reviewed the proposed project and determined that the project is exempt from further environmental review pursuant to Public Resources Code Section 15061. The project is the rezoning of a parcel from the Medium Density Residential (R-2) zoning district to the Light Industrial (M-1) zoning district in order to be consistent with the intent of the Light Industrial (LI) General Plan land use designation as well as the existing land use (warehouse). No new construction would result from the project. Because it can be seen with certainty that there is no possibility that the proposed action may have a significant effect on the environment, a Notice of Exemption (NOE) has been prepared for the project. This NOE has been included as an attachment to this report for review by the City Council.

Fiscal Impact(s):

Because the proposed rezoning action is being requested by City staff, no fees were collected. Staff time for the processing of the project including preparation of this staff report and preparation of the Notice of Exemption is being covered by the City's on-call contract with the City Planner.

PROJECT OVERVIEW / PROCESS OVERVIEW

The City is being asked to rezone the project site and to adopt a Notice of Exemption supporting the requested action. While the actions are part of the same project request and can be considered during a single public hearing, the actions should be taken separately and in the following order to comply with State requirements:

1. Review the Notice of Exemption.

2. Open the Public Hearing to consider comments on the Notice of Exemption, and rezoning request.
3. Following public comment, close the public hearing and make a determination regarding the adequacy of the environmental documentation and whether to adopt the Notice of Exemption.
4. Following the review and discussion of the adequacy of the environmental documentation, take action to rezone the property with the Light Industrial (M-1) zoning district.

STAFF RECOMMENDATION(S) / FINDINGS

Staff recommends that the City Council open the Public Hearing, accept public testimony, and make a determination regarding the adequacy of the Notice of Exemption. Following that, the City Council should make determinations regarding the requested rezoning of the property with the Light Industrial (M-1) zoning district.

Specifically, staff recommends the following actions take place:

1. **Notice of Exemption:** Staff has reviewed the proposed project and has determined that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the Public Resources Code. ***Based upon this determination, staff recommends that the City Council adopt the Notice of Exemption prepared for the project pursuant to Section 15061 of the Public Resources Code.***
2. **Rezoning:** Staff has reviewed the request to rezone the subject property with the *Light Industrial (M-1)* zone district and has determined that this zone district is consistent with the City's General Plan and the *Light Industrial (LI)* land use designation given to the site and consistent with the existing uses of the site. ***Based on these findings, Staff recommends that the City Council approve Ordinance 2010-___, rezoning parcel 001-081-035 with the Light Industrial zoning district.***

ATTACHMENTS

- Attachment A – Rezoning Application # REZ 2010-01
- Attachment B – Legal Description and Merger Documentation
- Attachment C – General Plan and Zoning Maps
- Attachment D – Notice of Exemption
- Attachment E – Ordinance for Rezoning of the site

Application No. _____



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

Application for: Rezoning

Applicant		
Name: <u>City of Biggs</u>	Daytime Phone: <u>530-868-5447</u>	
Street Address: <u>3016 Sixth Street</u>		
City: <u>Biggs</u>	State: <u>CA</u>	Zip: <u>95917</u>
Property Owner <input checked="" type="checkbox"/> Check box if same as applicant		
Name: <u>- SAME AS ABOVE -</u>	Daytime Phone: _____	
Address: _____		
City: _____	State: _____	Zip: _____

I hereby certify that I am the owner of record of the property described below, or have authorization to act in behalf of the owner (attached), and that I approve of the action requested herein.

Signature of Owner or Agent _____ Date _____

Property Location	
Address of Subject Property: <u>2984 Seventh Street</u>	
Assessor's Parcel Number(s): <u>001-081-035</u>	Size (Acres or Sq. footage): <u>0.40 acres</u>
Present City Zoning: <u>Medium Density Res. (R-2)</u>	General Plan Designation: <u>Light Industrial (LI)</u>
Request	
Requested ^{Zoning District} General Plan Designation: <u>Light Industrial (LI)</u>	
Reason for Request: <u>Conformance with G.P. designation</u>	
Subsequent Development Plans, if any: _____	

I hereby certify that this application and all other documents submitted are true and correct to the best of my knowledge and belief. (Before signing, see note on back.)

Applicant's Signature [Signature] Date 7/21/10

For Office Use Only	
Submittal Information Application received by: _____ Date: _____	Planning Commission Action: Approved _____ Denied _____ Date _____ Vote _____
Fees: Application Fee \$ _____ Receipt No. _____ Environmental Review \$ _____ Total Fee \$ _____	City Council Action: Approved _____ Denied _____ Date _____ Vote _____ Resolution No. _____

See back and attachments for additional information.

Exhibit "A"

Legal Description

All that certain real property situated in the City of Biggs, in the County of Butte, in the State of California, described as follows:

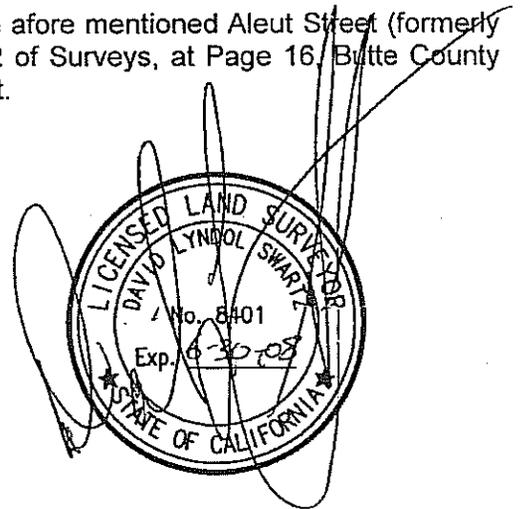
Being a portion of the of southeast quarter of Section 14, Township 18 North, Range 2 East, M.D.B.&M., also being a portion of Block 1, as shown on that certain map entitled "Map of the Town of Biggs Station, Butte County, California", filed in Book "B" of Maps, at Page 21, Butte County Recorder's Office, more particularly described as follows:

The **Point of Beginning** of this town parcel being the projection of the easterly boundary of Lot 3, Block 1, of said "Map of the Town of Biggs Station", as it intersects with the northerly Right-of-Way line of Aleut Street (formerly known as "A" Street), said point also being the projection of the westerly boundary of Lot 4, Block 1, of same said "Map of the Town of Biggs Station", as it intersects with the northerly Right-of-Way line of said Aleut Street; thence North 16°09'00" West, along the easterly boundary of said Lot 3, also being the westerly boundary of said Lot 4, a distance of 121.93 feet to a point on the southerly line of a 16 foot wide, Alley and Public Utility Right-of-Way, as described per Book 175 of Deeds, at page 429, Official Records of the County of Butte; thence South 70°29'00" West, along the southerly line of said Alley and Public Utility Right-of-Way, a distance of 137.50 feet to a point of intersection of the southerly line of said Alley and Public Utility Right-of-Way and the easterly Right-of-Way line of Seventh Street (formerly know as 1st Street) as shown on that certain Record of Survey Map, filed in Book 22 of Surveys, at Page 16, Butte County Recorder's Office; thence South 16°09'00" East, along the easterly Right-of-Way line of said Seventh Street, a distance of 121.93 feet to a point of intersection of the easterly Right-of-Way line of said Seventh Street and the northerly Right-of-Way line of said Aleut Street; thence North 70°29'00" East, along the northerly Right-of-Way line of said Aleut Street, , a distance of 137.50 feet to the **Point of Beginning**.

Containing: A total of 0.384 acres or 16,736 square feet, more or less.

The Basis of Bearings of this Legal Description is the centerline of the afore mentioned Aleut Street (formerly "A" Street), as shown on said Record of Survey, recorded in Book 22 of Surveys, at Page 16, Butte County Recorder's Office, said centerline having a bearing of North 70°29' East.

Prepared by:
David L. Swartz
Licensed Land Surveyor
License Expires: 06/30/08



Recorded Official Records County of Butte CANDACE J. GRUBBS County Clerk-Recorder REC FEE 0.00 UP Page 1 of 3 09:02AM 11-Sep-2008

When Recorded, Return Original To: City of Biggs Planning Department PO Box 307 1134 Biggs, CA 95917

and Return Copy To: City of Biggs 465 C Street Biggs, CA 95917

CERTIFICATE OF PARCEL MERGER NO. 2008-01

Table with 2 columns: Record Owners (printed or typed) and Assessors Parcel Numbers of Existing Parcels. Row 1: City of Biggs, 001-081-030, 001-081-014, 001-081-028, 001-081-029

Legal Description See Legal Description, Exhibit "A", attached hereto

Signature(s) of Record Owner(s) City Administrator [Signature] 8-18-08 City of Biggs, Mayor [Signature] 8-18-08

PLANNING DEPARTMENT USE ONLY I hereby certify this Certificate of Parcel Merger No. 2008-01 was approved by the Planning Department of the City of Biggs on August 18, 2008. By: [Signature] Title: Scott Friend, City Planner Date: 08/18/08

Attach Appropriate Notary Acknowledgement Form(s) for all signatures

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Butte

On 8-18-08

Date

before me,

Roben Dewsnup Notary Public

Here Insert Name and Title of the Officer

personally appeared

Scott Friend

Name(s) of Signer(s)

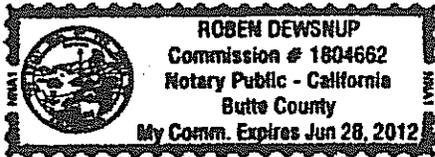
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Roben Dewsnup

Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Certificate of Parcel Merger

Document Date: May 16, 2008

Number of Pages: 3

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

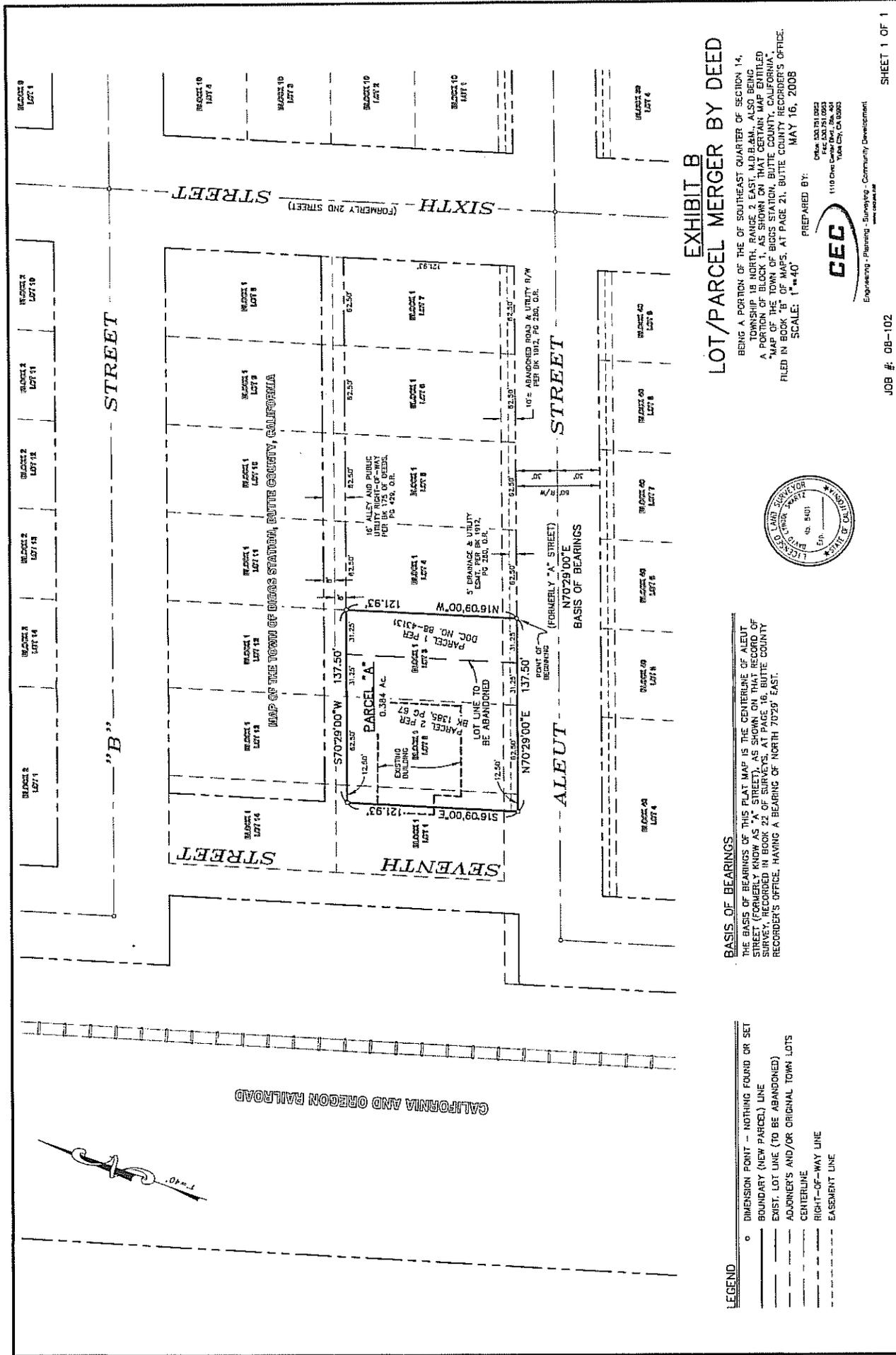


EXHIBIT B LOT/PARCEL MERGER BY DEED

BEING A PORTION OF THE OF SOUTHEAST QUARTER OF SECTION 14,
TOWNSHIP 18 NORTH, RANGE 2 EAST, M.D.B.M., ALSO BEING
A PORTION OF BLOCK 1, AS SHOWN ON THAT CERTAIN MAP ENTITLED
"MAP OF THE TOWN OF BIGGS STATION, BUTTE COUNTY, CALIFORNIA"
FILED IN BOOK "B" OF MAPS, AT PAGE 21, BUTTE COUNTY RECORDER'S OFFICE,
MAY 16, 2008
SCALE: 1"=40'

BASIS OF BEARINGS
THE BASIS OF BEARINGS OF THIS PLAT MAP IS THE CENTERLINE OF ALEUT STREET (FORMERLY KNOWN AS "A" STREET), AS SHOWN ON THAT RECORD OF SURVEY, RECORDED IN BOOK 22 OF SURVEYS, AT PAGE 16, BUTTE COUNTY RECORDER'S OFFICE, HAVING A BEARING OF NORTH 70°29' EAST.

- LEGEND**
- DIMENSION POINT - NOTHING FOUND OR SET
 - BOUNDARY (NEW PARCEL) LINE
 - EXIST. LOT LINE (TO BE ABANDONED)
 - ADJOINER'S AND/OR ORIGINAL TOWN LOTS
 - CENTERLINE
 - RIGHT-OF-WAY LINE
 - EASEMENT LINE

PREPARED BY:

DATE: 05/15/08
BY: JACOB J. OBERG
110 One Center Drive, Ste. 401
Yuba City, CA 95992



JOB #: 08-102

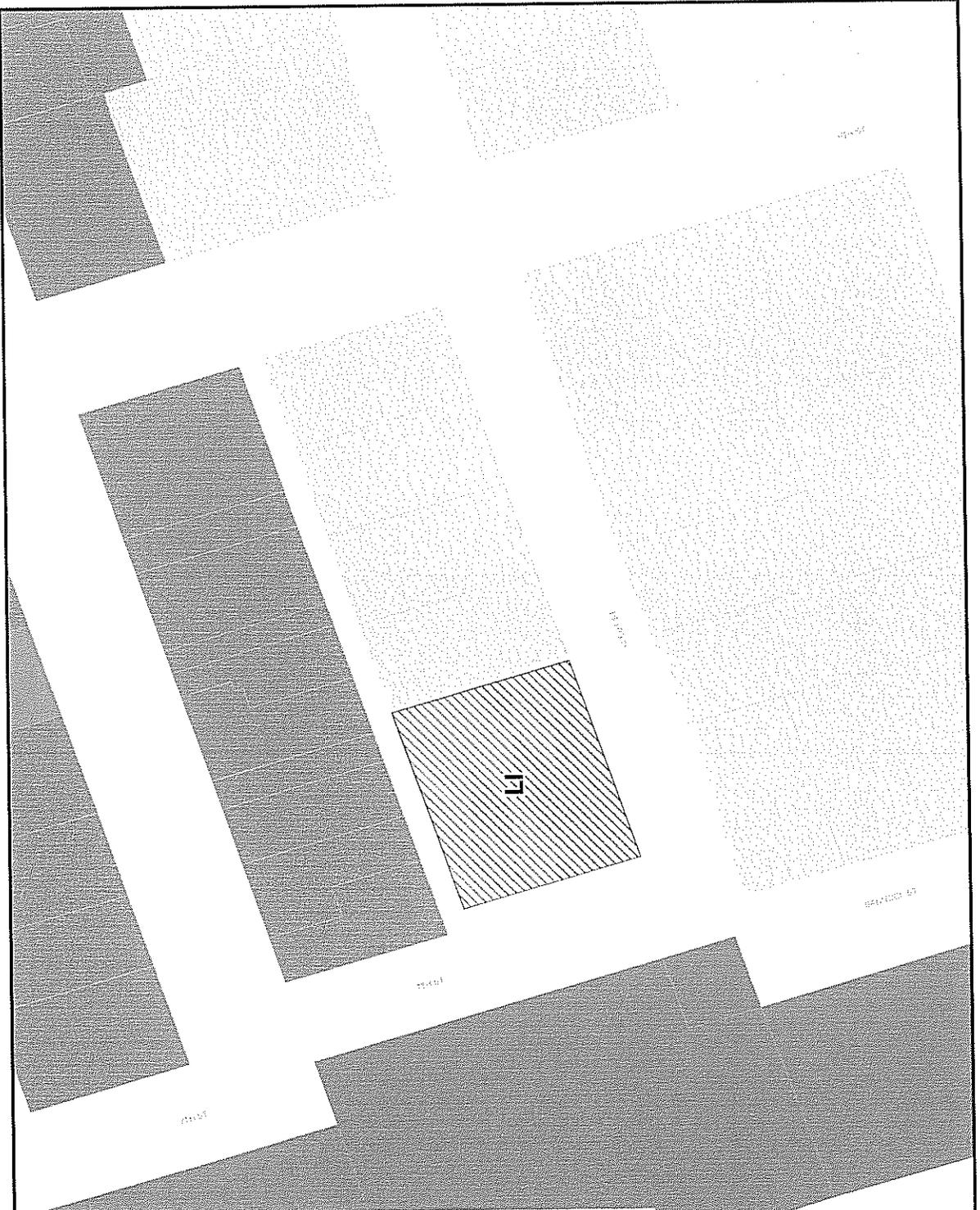
SHEET 1 OF 1

CITY OF BIGGS General Plan Map

-  City Limits
-  Sphere of Influence
-  C Commercial
-  LI Light Industrial
-  HI Heavy Industrial
-  P Public
-  LDR Low Density Residential
-  MDR Medium Density Residential
-  HDR High Density Residential

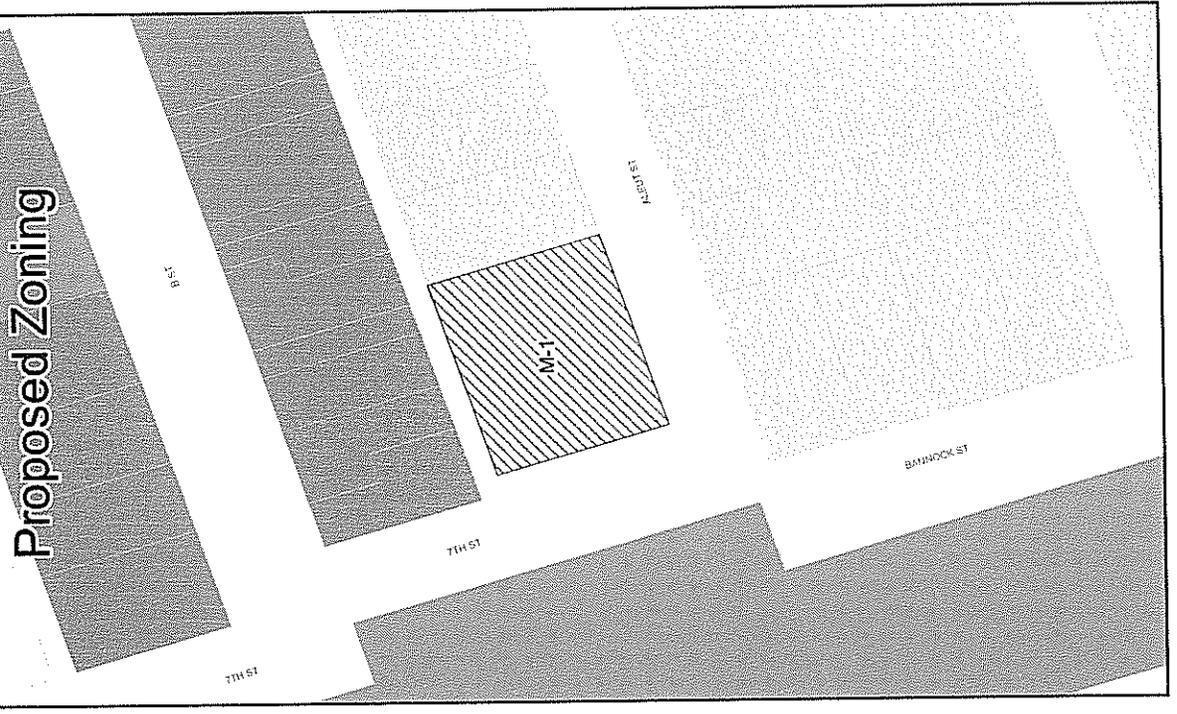
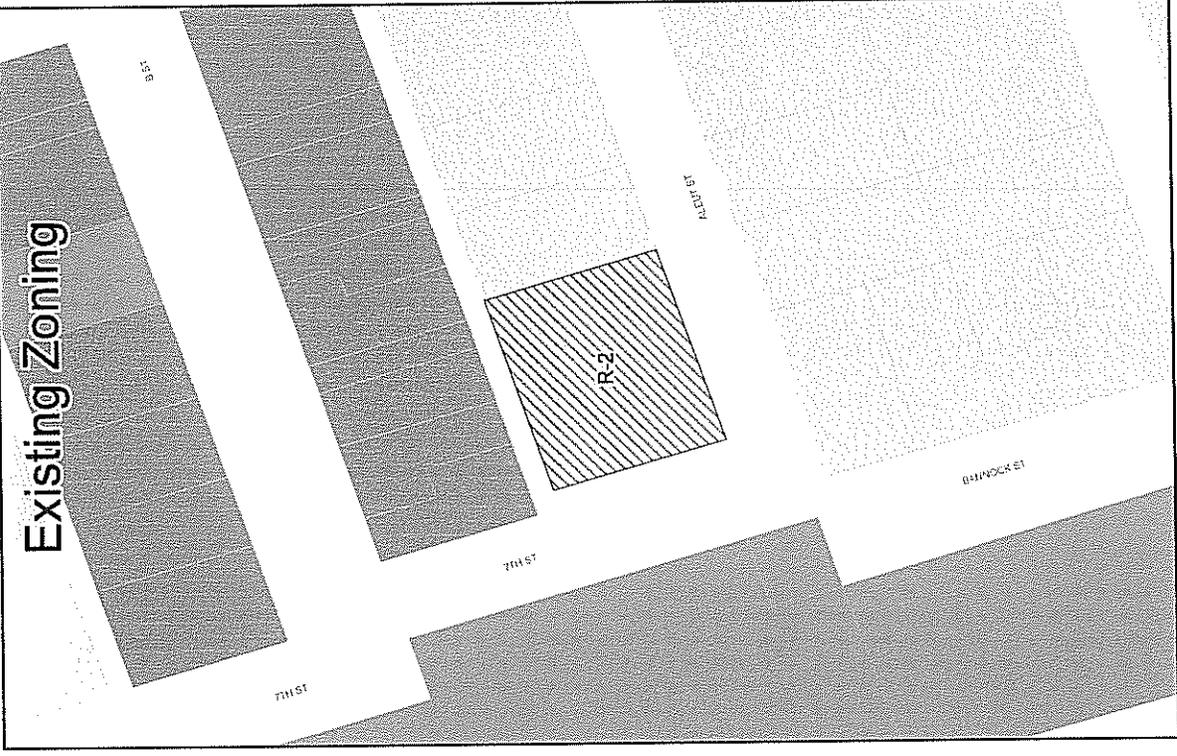
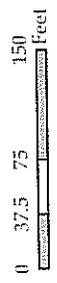


PMC



ATTACHMENT B Zoning Map

-  City Limits
-  Sphere of Influence
-  C-D Downtown Commercial
-  C-G General Commercial
-  C-O Office Commercial
-  M-1 Light Industrial
-  M-2 General Industrial
-  P-Q Public/Quasi-public
-  R-1 Single Family Residential
-  R-2 Medium Density Residential
-  R-3 High Density Residential



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: Corporation Yard Rezone

Project Location: City of Biggs – 2984 Seventh Street

Assessor’s Parcel Number(s): 001-081-035

Project Description: The City of Biggs Planning Department is requesting the rezoning of a 0.40-acre parcel owned by the City of Biggs located at 2984 Seventh Street. The subject parcel is located on the northeast corner of the intersection of Seventh Street and Aleut Street, on the southwestern edge of the Biggs downtown area. A vacant warehouse building currently exists on-site. The site was formerly used as the City’s municipal corporation yard. Access to the site is available via Seventh Street and Aleut Street, existing local streets. No new structures or development are contemplated as part of this action. The parcel is currently zoned Medium Density Residential (R-2). The City proposes a change to Light Industrial (M-1) to conform to the existing General Plan designation of Light Industrial (LI).

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 15319];
 Statutory Exemption;
 Declared Emergency (Sec. 21080(b)(3); 15269(a))
 Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
 Other:

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 15061(b)(3) (General Rule). The project is the rezone of a developed parcel to be consistent with its existing General Plan land use designation. No new construction would result from the project. Because it can be seen with certainty that there is no possibility that the proposed action may have a significant effect on the environment, the activity is not subject to CEQA. (Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code).

City Planner
City of Biggs

By: _____

Scott Friend

Date: August 16, 2010

ORDINANCE NO. 388

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIGGS
AMENDING TITLE 14 ZONING OF THE MUNICIPAL CODE TO REZONE
ASSESSOR PARCEL NUMBER 001-081-035 TO THE LIGHT INDUSTRIAL (M-1)
ZONE DISTRICT**

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

Section 1: Purpose and Authority

The purpose of this Ordinance is to amend the Zoning Map, incorporated as part of Title 14 of the City of Biggs Municipal Code, to provide for changes to the regulation of land uses. The City of Biggs Zoning Map is hereby amended and adopted pursuant to Section 65850 of the Government Code.

Section 2: Findings

WHEREAS, the City of Biggs Zoning Ordinance was adopted by the Biggs City Council in 1999; and

WHEREAS, the General Plan of the City of Biggs land use designation for the subject parcel (APN 001-081-035) is Light Industrial (LI); and

WHEREAS, the subject parcel is currently zoned Medium Density Residential (R-2) by the City of Biggs; and

WHEREAS, the subject parcel is proposed to be rezoned to Light Industrial (M-1) by the City of Biggs to achieve conformity with the existing approved land use designation on the site; and

WHEREAS, the subject parcel meets the minimum lot size and setback requirements for the Light Industrial (M-1) Zone District; and

WHEREAS, the rezoning to the Light Industrial (M-1) Zone District would not result in an inconsistency between the zoning and general plan; and

WHEREAS, a Notice of Exemption was prepared for the subject parcel pursuant to the California Environmental Quality Act, Section 15061; and

WHEREAS, the City Council reviewed the proposed rezoning at its regular meeting of August 16, 2010; and

WHEREAS, the City of Biggs reviewed and approved a Resolution adopting the Notice of Exemption prepared for the Rezoning.

Section 3: Action

The City Council hereby amends Title 14 of the City of Biggs Municipal Code by rezoning the subject parcel described as Assessor's Parcel Number (APN) 001-081-035, as assigned by the Butte County Assessor's Office, to the Light Industrial (M-1) Zone District.

Section 4: No Mandatory Duty of Care.

This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Severability.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 6: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the Ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk.

I HEREBY CERTIFY that the above and foregoing Ordinance was duly and regularly introduced and read at a regular meeting held on the 16th day of August, 2010, and was passed and adopted by the City Council of the City of Biggs at a regular meeting thereof duly held on the 20th day of September, 2010, by the following vote, to wit:

AYES: COUNCILMEMBER: _____

NOES: COUNCILMEMBER: _____

ABSENT: COUNCILMEMBER: _____

ABSTAIN: COUNCILMEMBER: _____

ATTEST:

APPROVED:

Roben Dewsnup
CITY CLERK

Roger L. Frith
MAYOR