



## **CITY OF BIGGS** **Planning Staff Report**

**TO:** CITY OF BIGGS CITY COUNCIL

**FROM:** Scott Friend, AICP – City Planner

**MEETING DATE:** October 27, 2015; 6:30 p.m.  
Biggs City Hall, 3016 Sixth Street, Biggs, CA 95917

**SUBJECT:** Wastewater Treatment Plant Phase 2 - Land Application Project:  
Prezoning, SOI Amendment, Annexation, and Conditional Use Permit

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### **Project Data:**

**Applicant:** City of Biggs  
**Owner:** City of Biggs  
**APN #:** 022-140-009, 022-140-010 and 022-140-011  
**Application(s) Type:** Request for Prezoning, SOI Amendment, Annexation, and Conditional Use Permit  
**Parcel Size:** 160.57 acres  
**Existing Zoning:** AG-40 and AS, (Butte County)  
**Proposed Zoning:** P-Q, (City of Biggs)  
**Existing General Plan:** AI (City of Biggs)  
**Environmental Review:** Biggs WWTP Enhancement Project EIR

### **PROJECT DESCRIPTION**

The Wastewater Treatment Plant Phase II: Land Application Project action includes prezoning and Sphere of Influence (SOI) amendment requests (minor); a request for annexation; and, approval of a Conditional Use Permit (CUP) to facilitate the develop of a treated wastewater land disposal facility on approximately 160.57 acres south of the existing Biggs City Limits. The project site is located south of the City's Wastewater Treatment Plant in the unincorporated area of Butte County (see **Attachment A, Location Map**).

In support of the above described actions, an Addendum to the certified EIR for the wastewater land disposal project has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA).

Approval by the City of a request to prezone property, amend the City's SOI and annex the project site, along with the approval of a CUP will allow the City to use a land application disposal process for the City's treated wastewater on the site currently being advanced for the purpose.

The actions requested with this report would allow the City of Biggs to pursue annexation of the property selected for the project to the City of Biggs and all actions associated with this request are required by law as part of the annexation process.

### **DISCUSSION / ANALYSIS:**

### Cortese-Knox-Hertzberg Act:

The Cortese-Knox-Hertzberg Act (Act) of 2000 is the primary regulation of annexation and the reorganization of land. The Act sets forth the criteria and process that shall be followed when land is reorganized. The City of Biggs and the Butte County Local Area Formation Commission (LAFCO) are the primary agencies responsible for the annexation and reorganization of land within the Sphere of Influence of the City of Biggs. The Act sets forth the basic criteria that must be met prior to the annexation of land. Primary requirements that must be met prior to the annexation of land are as follows:

- **Prezoning** – the City must approve prezoning for the property that will also demonstrate the ability of the City to provide services.
- **Sphere of Influence Amendment** – the City must formally request an amendment to the City’s SOI to include the area of the subject parcels. Annexation cannot be completed without SOI amendment approval from Butte LAFCO.
- **Request Annexation** – the City must formally request annexation of the property. This demonstrates that the City is in favor of the annexation application.

### California Environmental Quality Act Determination

Prezoning, CUPs, and annexations are considered discretionary actions by the State of California, as such the proposed prezone, CUP, and annexation are subject to the California Environmental Quality Act (CEQA) and an environmental review of the proposed prezone, CUP and annexation is required.

On January 14, 2014, the Biggs City Council certified the Biggs WWTP Enhancement Project EIR (SCH# 2013042029) and a Notice of Determination (NOD) was filed by the City for the project. As such, the proposed project has complied with CEQA for the purposes of evaluating the probable physical impacts of the project relative to actions proposed on the site. However, while contemplated in the EIR, the actual annexation, SOI amendment and prezoning of the subject parcels was not explicitly notated in the EIR analysis to the level desired by the Butte LAFCO. As such, the Biggs WWTP Enhancement Project EIR Addendum has been completed to analyze the potential for environmental impacts resulting from annexation, SOI expansion, and prezoning of the subject parcels.

As further described in the analysis contained in the Biggs WWTP Enhancement Project EIR Addendum (See **Attachment B**), annexation, SOI amendment and prezoning the subject parcels would not result in a change to the previously identified and analyzed environmental impacts previously contained in the certified Biggs WWTP Enhancement Project EIR.

### Zoning:

Prezoning of property, or the establishment of City zoning on an unincorporated area proposed for annexation to the City, is required prior to making a request for annexation to the Butte LAFCO. Prezoning the subject parcels with the City of Biggs P-Q, Public / Quasi-Public zoning designation would be consistent with the proposed use of the parcels. The current Biggs General Plan land use designation for the subject parcels is AI, Agriculture Industrial. While the P-Q zoning district is not explicitly described in the Biggs General Plan General Plan and Zoning Consistency Table as a zoning district being consistent with AI land use designation, the proposed uses on these parcels, as a treated wastewater storage pond and treated wastewater land application area to be used for crop production, are consistent with the allowed uses in the AI land use designation. Additionally, Public uses of land have been determined to be consistent with all General Plan land use designations in the City as evidenced by the location of municipal service facilities in other land use designations located in the City (e.g. City Hall, fire station, municipal wells, etc.). As these

uses will be public facilities, zoning the parcels with the P-Q zoning district would be the most consistent zoning for the proposed use and still meet the general guidelines for the AI land use designation.

Section 65859 of the Government Code allows cities to place municipal zoning on property that it expects to annex in the future or property that has been requested to be annexed. The placement of a municipal zoning on a property serves two primary purposes. First, the City will have zoning on the site immediately upon the completion of an annexation action. Second, the rezoning provides notice to LAFCO and the general public as to the type of permitted uses that will be allowed on the site upon its annexation. Any rezoning action must be consistent with the City's General Plan and requires that the City hold a public hearing prior to the adoption of a rezoning action. A zoning designation cannot be changed for a period of two (2) years following annexation of the property. See **Attachment C2** for Ordinance No. 405 establishing City of Biggs zoning (pre-zoning) on 3 parcels (APNs 022-140-009, 022-140-010 and 022-140-011).

#### Resolution of a SOI Amendment Request and Intent of Annexation

As discussed previously, the proposed project includes a request to amend the LAFCO adopted SOI for the City and the annexation of three parcels totaling +/-160.57 acres. Pursuant to Butte LAFCO requirements and the Cortese-Knox-Hertzberg Act, a Resolution of a SOI Amendment Request and Intention to Annex Property is required to be adopted by the City in order to proceed with the annexation action. See **Attachment D2** for the Resolution of a SOI Amendment Request and Intention to Annex Property.

#### Conditional Use Permit:

Biggs Municipal Code Section 14.165.030(2) requires the approval of a Conditional Use Permit for all public facilities and infrastructure within the P-Q zoning district. As the WWTP Phase II Land Application Project is a public facility, approval of a CUP by the City Council is required to proceed with the project. See **Attachment E3** for the Resolution No. 2015-24, Approving Conditional Use Permit (CUP) #2015-01 to allow the use of the project site as a wastewater land application facility.

#### **STAFF RECOMMENDATION(S) / FINDINGS**

Staff recommends that the City Council open the Public Hearing, accept public testimony and make a determination as to the adequacy of the EIR Addendum. Following that, City Council consideration of the SOI amendment and annexation of the subject parcel, rezoning the property with a P-Q zoning district. Following the consideration of the above requests, the City Council can make a determination regarding approval of the CUP.

Specifically, staff recommends the following actions take place:

1. EIR Addendum: Staff has reviewed the Biggs WWTP Enhancement Project EIR Addendum and has determined that the document meets the requirements of the California Environmental Quality Act (CEQA). Additionally, Staff has determined that the proposed actions (SOI Amendment (minor), annexation of properties and rezoning of the subject parcels) would not substantially change the environmental determinations made in support of the proposed Biggs WWTP Enhancement Project in the certified project EIR. An EIR Addendum does not require approval or certification from the governing body only the issuance of a

Notice of Determination. *Based upon these findings, staff recommends that the City Council instruct staff to issue a Notice of Determination for the Biggs WWTP Enhancement Project EIR Addendum.*

2. Prezoning: Staff has prepared and analyzed the request to prezone the subject property with a P-Q zone district and has determined that the proposal is consistent with the City's Agriculture Industrial land use designation and consistent with the goals and polices of the City's General Plan. *Based on these determinations, staff recommends that the City Council approve the prezoning of the subject parcels to a P-Q zoning designation, as described above.*
3. SOI Amendment and Annexation: Staff has reviewed the SOI amendment and annexation requests and has determined that none of the three properties are located inside of the City Limits of Biggs or within the City's LAFCO adopted Sphere of Influence. The property is however located immediately adjacent to both the existing City Limits and the adopted SOI and within the both the City's Planning Area described in the General Plan. City Staff has engaged LAFCO staff in a discussion regarding the process to annex the property and LAFCO staff has conceptually agreed that the proposed action would meet the Commissions standards for a "minor" SOI amendment as the area proposed for annexation is to be used solely for a public utility / public service use. *Based on these findings, staff recommends that City Council request approval by the Butte LAFCO for an amendment to the City Sphere of Influence and pursue the annexation of parcels 022-140-009, 022-140-010 and 022-140-011 into the City of Biggs.*
4. Conditional Use Permit: Staff has reviewed the proposed Conditional Use Permit, a request to allow the use of the project site as the WWTP Phase II Land Application Property subject to Conditions of Approval (**Attachments E2**) and making the following findings pursuant to City of Biggs Municipal Code Chapter 14.35:
  - A. As conditioned and mitigated, this project is consistent with the General Plan goals, objectives and policies, with the General Plan land use map designation applicable to this project; and
  - B. The uses proposed on the site are allowed within and are consistent with the purposes of the P-Q zoning district with the approval of a use permit by the City Council; and
  - C. The proposed use and any facilities, as conditioned, will meet all applicable provisions of the Biggs Municipal Code; and
  - D. The site for the proposed use is adequate, as adjusted, in size, shape and location to accommodate the proposed use and all facilities needed for that use and reasonable expansion thereof, if any, and to make appropriate transitions to nearby properties and permitted uses thereon, without compromising site development standards; and
  - E. The proposed project as proposed is compatible with, and not detrimental to, existing and anticipated future uses on-site, on abutting property and in the nearby surrounding area; and

- F. The conditions provided in **Attachment E2** are deemed necessary to protect the public health, safety, and general welfare.

***Based on these findings, staff recommends that the City Council approve the CUP.***

**Recommended Project Consideration Process:**

Staff recommends the following process for the consideration of this project:

1. Accept report by staff;
2. Open the public hearing and take public testimony;
3. Close the public hearing and initiate consideration of the project; and
4. Proceed with consideration of the project actions (direction, motions and votes).

If the City Council determines that it intends to approve the proposed project as requested in applications PZ#2015-01; and, CUP#2015-01, the following motions are presented for consideration:

**Sample Motions:**

**1) Notice of Determination for Biggs WWTP Enhancement Project EIR Addendum**

**Sample Motion:**

*I move that the Biggs City Council instruct City Staff to complete and post as necessary a Notice of Determination for the Biggs WWTP Enhancement Project EIR Addendum.*

**2) PZ#2014-01, Prezoning of Butte County Assessor's Parcel Numbers 022-140-009, 022-140-010 and 022-140-011 with the City of Biggs P-Q, Public/Quasi-Public zoning district;**

**Sample Motion:**

*I move that the Biggs City Council adopt Ordinance No. 405 adopting the findings in this staff report, and approving pre-zoning request PZ#2015-01 establishing City of Biggs zoning on three parcels of land subject to the Findings listed on attachment C.*

**3) Resolution of a Sphere of Influence Amendment Request and Intention to Annex Property;**

**Sample Motion:**

*I move that the Biggs City Council adopt Resolution No. 2015-23 adopting findings and approving a request to the Butte LAFCO seeking an amendment to the City's adopted Sphere of Influence and a Resolution of Intention to Reorganize and Annex Property as described in the staff report and attachment D.*

**4) CUP#2015-01, a Conditional Use Permit for the development of a Wastewater Land Application Property as required by Biggs Municipal Code Section 14.165.030.**

Sample Motion:

*I move that the Biggs City Council approve Resolution 2015-24 approving a Use Permit (CUP#2015-01) to allow for the development of a "Wastewater Land Application Discharge Project" land use on APN's: 022-140-009, -010, and -011 as permitted by Municipal Code Section 14.165.030 as further described in this report and subject to the Findings and Conditions of Approval presented on attachment E1 and E2 of this report.*

**ATTACHMENTS**

Attachment A – Project Location Map

Attachment B – EIR Addendum

Attachment C1 – Findings of Approval for Prezone

Attachment C2 – Ordinance for Prezone

Attachment D1 – Findings of SOI Amendment and Approval for Annexation

Attachment D2 – Resolution for SOI Amendment and Annexation

Attachment E1 – Findings of Approval for CUP

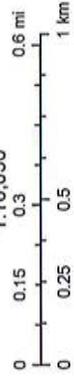
Attachment E2 – Conditions of Approval for CUP

Attachment E3 – Resolution for CUP

# Location Map



1:18,056



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand).

-  Site
-  Community
-  Butte County Boundary
-  Parcels
-  City Limits

Map  
Prepared 2015

**City of Biggs  
Rezoning, SOI Amendment, and Annexation of  
APN's 022-140-009, 022-140-010 and 022-140-011**

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**Addendum to the Certified City of Biggs WWTP Enhancement Project EIR**  
SCH# 2013042029

CITY OF BIGGS  
465 C STREET  
BIGGS, CA 95917

**October 27, 2015**

Attachment B

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ADDENDUM TO THE EIR  
FOR THE  
BIGGS WWTP ENHANCEMENT PROJECT  
SCH# 2013042029  
PREZONE, SOI AMENDMENT AND ANNEXATION OF APNs 022-140-009, 022-140-010 AND 022-140-011

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*Prepared for:*

CITY OF BIGGS  
465 C STREET  
BIGGS, CA 95917

*Prepared by:*

**Michael Baker**  
INTERNATIONAL

OCTOBER 27, 2015

**INTRODUCTION**

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## 1.0 INTRODUCTION

### 1.1 INTRODUCTION

This Addendum was prepared in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines (Article 11, Sections 15162 and 15164). The City of Biggs certified the Biggs WWTP Enhancement Project Environmental Impact Report (EIR) (SCH No. 2013042029) on January 14, 2014.

The Biggs WWTP Enhancement Project provided two options for sites to use as the land application area for treated wastewater, the West Option and the South Option which were both analyzed in the EIR as to their potential for environmental impact. Since the certification, it has been determined that the South Option would be the best location for the land application phase (Phase 2) of the Biggs WWTP Enhancement Project. The South Option is currently outside of Biggs city limits and the City proposes annexation of these parcels. Rezoning of the properties is required prior to annexation. While rezoning and annexation of the parcels was contemplated as a part of the WWTP Enhancement project, the actual SOI amendment, annexation and rezoning of the subject parcels was not specifically analyzed in the Biggs WWTP Enhancement Project EIR. As such, the proposed Sphere of Influence (SOI) amendment, annexation and rezoning of APNs 022-140-009, 022-140-010 and 022-140-011 (South Option parcels) is the subject of this EIR Addendum.

The analysis provided in this Addendum (see Section 3.0 for the technical analysis) provides substantial evidence supporting the City's determination that the proposed SOI amendment, annexation and rezoning does not meet the criteria for preparing a subsequent or supplemental EIR under CEQA Guidelines Section 15162 and is consistent with the provisions of CEQA Guidelines Sections 15164 and 15183.5.

### 1.2 ORGANIZATION AND SCOPE

#### **Section 1.0 – Introduction**

Section 1.0 provides an introduction and overview describing the intended use of the EIR Addendum.

#### **Section 2.0 – Project Description**

This section provides a detailed description of the proposed project.

#### **Section 3.0 – Environmental Analysis**

Section 3.0 provides substantial evidence to support that none of the circumstances set forth in CEQA Guidelines Section 15162 would result from adoption of the proposed Housing Element. CEQA Guidelines Section 15162 and the Addendum's consistency with these guidelines are addressed.

**2.0 PROJECT DESCRIPTION**

**2.1 PROPOSED PREZONING, SOI AMENDMENT AND ANNEXATION**

As stated previously, the subject of this EIR Addendum is the rezoning, SOI amendment and annexation of three parcels, know as the South Option of the Biggs WWTP Enhancement Project located adjacent to the Biggs southern border.

The WWTP Enhancement Project is composed of two phases. Phase 1, which has been completed, is the planning of the overall project (Phase 1 and 2) and onsite upgrades to the existing Biggs WWTP in preparation to complete Phase 2. The Phase 1 improvements consisted of improvements to the existing influent pump station, the addition of a new mechanical intake screen, improvements to the rock filter, improvements to the chlorine delivery system and improvements to the electrical power and controls for the treatment plant.

Phase 2 involves the purchase of 140 to 160 acres of adjacent land to accommodate this upgrade to a land disposal facility, an effluent pump station to support transport of the treated wastewater to the adjacent land, modifications to the irrigation, tail water, aeration system and chemical systems, and minor modifications to the controls to support the new pump station. Phase 2 provided two options for sites to use as the land application area for treated wastewater, the West Option and the South Option which were both analyzed in the EIR as to their potential for environmental impact. As stated previously, the South Option was chosen as the best option for Phase 2 of the project.

The South Option consists of three parcels, APNs 022-140-009, 022-140-010 and 022-140-011. These parcels total 160 acres and are currently fully disturbed vacant land. The subject parcels are in the General Plan AI Agriculture Industrial land use designation. The proposed uses on these parcels, as a treated wastewater storage ponds and treated wastewater land application area to be used for crop production, is consistent with allowed uses in the AI land use designation. As these uses will be public facilities, designating the parcels as a P-Q zoning district would be the most consistent zoning for the proposed use and still meet the general guidelines for the AI land use designation.

**3.0 ENVIRONMENTAL ANALYSIS**

**3.1 BASIS FOR DECISION TO PREPARE ADDENDUM**

When an environmental impact report (EIR) has been certified for a project, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining whether a subsequent EIR, subsequent negative declaration, addendum, or no further documentation should be prepared in support of further agency action on the project. In determining whether an addendum is the appropriate document to analyze the modifications to the project and its approval, CEQA Guidelines Section 15164 (Addendum to an EIR or Negative Declaration) states, "The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Under the CEQA Guidelines, a subsequent EIR or negative declaration must be prepared if any of the following criteria are met. Text in italics is from the CEQA Guidelines, while underlined text provides the substantial evidence supporting the City's decision to prepare an addendum.

- (a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*
  - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*

The rezoning, SOI amendment and annexation of the proposed parcels do not result in any revisions to the Biggs WWTP Enhancement Project EIR. These processes are merely a requirement of the annexation process and would not result in any physical construction or development. No changes to the Biggs WWTP Enhancement Project are proposed. The actual construction on development of the annexation parcels was previously analyzed in the Biggs WWTP Enhancement Project EIR. The rezoning, SOI amendment and annexation would not increase nor decrease any environmental impacts or result in a different impact determination identified in the EIR.

- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

As stated in the project description, the South Option was chosen by the City as the best option to complete the project. The South option was fully analyzed in the Biggs WWTP Enhancement Project EIR for its impacts to the environment. The rezoning, SOI amendment and annexation of the land involved in the South Option would not result in major revisions to the WWTP Enhancement Project or the EIR.

- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the*

## ENVIRONMENTAL ANALYSIS

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*previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*

*(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*

As discussed in this Addendum, the proposed project does not increase the level of any environmental impact identified in the Biggs WWTP Enhancement Project EIR. The proposed project is the implementation the steps necessary for annexation of the subject parcels by the City. This annexation does not in one or more significant effects not discussed in a previous EIR or negative declaration.

*(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;*

The proposed project does not increase the severity of any of the environmental impacts identified in the Biggs WWTP Enhancement Project EIR because the rezoning, SOI amendment and annexation do not make changes to the proposed land uses not already considered in these environmental analyses.

*(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

No new mitigation measures are proposed as a result of the proposed project. The rezoning, SOI amendment and annexation of the proposed parcels do not result in any revisions to the Biggs WWTP Enhancement Project EIR. These processes are merely a requirement of the annexation process and would not result in any physical construction or development. No resulting mitigation measures were required with this analysis. Therefore, the proposed project would not result in mitigation measures or alternatives previously found not to be feasible that could now be feasible.

*(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

No new mitigation measures are proposed as a result of the proposed project. The rezoning, SOI amendment and annexation of the proposed parcels do not result in any revisions to the Biggs WWTP Enhancement Project EIR. These processes are merely a requirement of the annexation process and would not result in any physical construction or development. No resulting mitigation measures were required with this analysis. Therefore, the proposed project would not result in mitigation measures or alternatives previously found not to be feasible that could now be feasible.

*(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise, the lead agency shall determine whether to prepare a subsequent negative declaration, and addendum, or no further documentation.*

As summarized above and further discussed in this Addendum, the proposed project does not make changes to the proposed WWTP Enhancement Project that would require substantial revision to the Biggs WWTP Enhancement Project EIR, nor have circumstances changed significantly since adoption of the EIR in January 2014 that would require revision of the EIR.

### 3.2 DISCUSSION OF FINDINGS

As demonstrated in this Addendum, the rezoning, SOI amendment and annexation of the three parcels contemplated in the Biggs WWTP Enhancement Project does not meet the criteria for preparing a supplemental or subsequent EIR. First, the rezoning, SOI amendment and annexation of these parcels do not propose changes to the project analyzed in the Biggs WWTP Enhancement Project EIR. The rezoning, SOI amendment and annexation do not result in physical changes to the environment and therefore do not affect the impact analysis contained in the Biggs WWTP Enhancement Project EIR. Implementation of the rezoning, SOI amendment and annexation is not anticipated to result in an increase in severity of any previously identified significant impact from the Biggs WWTP Enhancement Project EIR (CEQA Guidelines Section 15162[a][1]) that would require major revisions to the Biggs WWTP Enhancement Project EIR.

In addition to the General Plan policies, all land development in the city is governed by engineering standards, the California Building Code, and state and federal permitting associated with wetlands, cultural resources, and water quality. These requirements apply to both nondiscretionary (by right) and discretionary development permits. Discretionary permits have the added protection of both conditions of approval and additional CEQA analysis. The Biggs WWTP Enhancement Project EIR analyzed the WWTP Enhancement Project partially based on the requirements listed above and the completion of the prezone, SOI amendment and annexation processes does not change the approval process for this project.

Second, the rezoning, SOI amendment and annexation are regulatory in nature. The rezoning of the subject parcels to the P-Q zoning district, the SOI amendment to include the subject parcel area and the annexation by the City of the parcels would not result changes in physical circumstances that would cause a new significant impact or substantially increase the severity of a previously identified significant impact, and there have been no other changes in the circumstances that meet this criterion (CEQA Guidelines Section 15162[a][2]). Therefore, there have been no changes in the environmental conditions in the city not contemplated and analyzed in the Biggs WWTP Enhancement Project EIR that would result in new or substantially more severe environmental impacts.

Third, as documented in this Addendum, there is no new information of substantial importance (which was not known or could not have been known at the time of Biggs WWTP Enhancement Project EIR certification by the City of Biggs in 2014) that identifies a new significant impact (condition "A" in CEQA Guidelines Section 15162[a][3]); there would not be a substantial increase in the severity of a previously identified significant impact (condition "B" in CEQA Guidelines Section 15162[a][3]); and there are no mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects of the Biggs WWTP Enhancement Project, or mitigation measures or alternatives that are considerably different from those analyzed in the Biggs WWTP Enhancement Project EIR which would substantially reduce one or more significant effects on the environment (conditions "C" and "D" in CEQA Guidelines Section 15162[a][3]). The proposed prezone, SOI amendment and annexation does not include any specific development designs or proposals not already discussed in the Biggs WWTP Enhancement Project EIR, nor does it grant any entitlements for development that would adversely affect the environment. None of the

"new information" conditions listed in CEQA Guidelines Section 15162[a][3] are present here to trigger the need for a subsequent or supplemental EIR.

### 3.3 PROPOSED PROJECT IMPACTS

#### Summary

**Table 3.0-1** lists the Biggs WWTP Enhancement Project's environmental impacts based on the analysis included in the Biggs WWTP Enhancement Project EIR. This table also includes the prezone, SOI amendment and annexation impact determination. As shown, implementation of the prezone, SOI amendment and annexation would not result in any new or increased physical impacts to the environment.

The rezoning, SOI amendment and annexation of the proposed parcels do not result in any revisions to the Biggs WWTP Enhancement Project EIR. These processes are merely a requirement of the annexation process and would not result in any physical construction or development.

Additionally, rezoning, SOI amendment and annexation of the subject parcels does not include any specific designs or proposals, nor does it grant any entitlements for development that has not been analyzed in the Biggs WWTP Enhancement Project EIR. No additional or increase in environmental impact would result with the implementation of the rezoning, SOI amendment and annexation of the three parcels.

3.0 ENVIRONMENTAL ANALYSIS

TABLE 3.0-1  
WWTP ENHANCEMENT PROJECT IMPACTS/PREZONE, SOI AMENDMENT AND ANNEXATION IMPACT DETERMINATION

WWTP Enhancement Project Impact	WWTP Enhancement Project EIR Determination	Prezone, SOI Amendment and Annexation Impact Determination
<b>Agricultural Resources</b>		
<b>Impact 3.1.1</b> Implementation of the proposed project would result in the conversion of important farmlands (Prime Farmland), as designated by the Farmland Mapping and Monitoring Program, to nonagricultural use.	Significant and Unavoidable	Does not change the impact
<b>Impact 3.1.2</b> Implementation of the proposed project would not be expected to result in indirect farmland conversion due to changes in the existing environment.	Less than Significant	Does not change the impact
<b>Impact 3.1.3</b> Implementation of the proposed project, in combination with other approved, proposed, and reasonably foreseeable projects, would result in the direct and indirect conversion of Prime Farmland to nonagricultural use in Butte County.	Cumulatively Considerable and Significant and Unavoidable	Does not change the impact
<b>Air Quality</b>		
<b>Impact 3.2.1</b> Construction activities such as clearing, excavation and grading operations, construction vehicle traffic, and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that would temporarily affect local air quality for adjacent land uses.	Less than Significant	Does not change the impact
<b>Impact 3.2.2</b> Project-generated operational emissions would not exceed applicable significance thresholds and would not contribute to regional nonattainment conditions.	Less than Significant	Does not change the impact
<b>Impact 3.2.3</b> Subsequent land use activities associated with implementation of the proposed project would not conflict with or obstruct implementation of the 2009 Air Quality Management Plan.	No Impact	Does not change the impact
<b>Impact 3.2.4</b> Implementation of the proposed project, in combination with cumulative development in the Sacramento Valley Air Basin, would not result in a cumulatively considerable net increase of ozone and coarse and fine particulate matter.	Less than Cumulatively Considerable	Does not change the impact
<b>Biological Resources</b>		
<b>Impact 3.3.1</b> Implementation of project-related activities could result in substantial adverse effects, either directly or through habitat modifications, to special-status plant species.	Less than Significant	Does not change the impact
<b>Impact 3.3.2</b> Implementation of project-related activities could result in substantial adverse	Less than Significant	Does not change the impact

### 3.0 ENVIRONMENTAL ANALYSIS

WWTP Enhancement Project Impact	WWTP Enhancement Project EIR Determination	Prezone, SOI Amendment and Annexation Impact Determination
effects, either directly or through habitat modifications, to giant garter snakes.		impact
<b>Impact 3.3.3</b> Implementation of project-related activities could result in the loss of populations or essential habitat for special-status avian species, including raptors.	Less than Significant	Does not change the impact
<b>Impact 3.3.4</b> Implementation of the proposed project-related activities would not result in the loss of riparian vegetation and/or sensitive natural communities.	No Impact	Does not change the impact
<b>Impact 3.3.5</b> Implementation of project-related activities could result in the disturbance, degradation, and/or removal of federally protected wetlands.	Less than Significant	Does not change the impact
<b>Impact 3.3.6</b> Implementation of project-related activities are not expected to result in impacts to the movement of native resident or migratory fish or wildlife species or established migratory corridors.	No Impact	Does not change the impact
<b>Impact 3.3.7</b> The proposed project would not conflict with Biggs Municipal Code Section 9.15.080 (Tree Preservation Regulations), which regulates the removal and preservation of trees on public rights-of-way within the city. Nor would it conflict with any of the policies described in the Butte County General Plan or the City of Biggs General Plan.	No Impact	Does not change the impact
<b>Impact 3.3.8</b> No habitat conservation plan (HCP), recovery plan, or natural community conservation plan has been adopted encompassing all or portions of the City of Biggs.	No Impact	Does not change the impact
<b>Impact 3.3.9</b> Implementation of project-related activities would not reduce the number or restrict the range of an endangered, rare, or threatened plant or animal species or biotic communities, thereby causing the species or community to drop below self-sustaining levels.	No Impact	Does not change the impact
<b>Impact 3.3.10</b> The proposed project, in combination with other reasonably foreseeable projects, could result in mortality and loss of habitat for special-status species and waters of the United States.	Less than Cumulatively Considerable	Does not change the impact
<b>Cultural and Paleontological Resources</b>		
<b>Impact 3.4.1</b> The project site is located in an area potentially containing existing resources that are historic. However, no potential historic resources would be affected by the proposed project.	No Impact	Does not change the impact
<b>Impact 3.4.2</b> Implementation of the project could result in the potential disturbance of undiscovered cultural resources.	Less than Significant	Does not change the impact

3.0 ENVIRONMENTAL ANALYSIS

WWTP Enhancement Project Impact	WWTP Enhancement Project EIR Determination	Prezone, SOI Amendment and Annexation Impact Determination
<b>Impact 3.4.3</b> Implementation of the proposed project could directly or indirectly destroy a unique paleontological resource or site.	Less than Significant	Does not change the impact
<b>Impact 3.4.4</b> Implementation of the project, along with any foreseeable development in the project vicinity, could contribute to cumulative impacts to cultural resources, historic rural landscapes, and previously undiscovered human remains.	Less than Significant	Does not change the impact
<b>Impact 3.4.5</b> Implementation of the project, along with any foreseeable development in the project vicinity, could result in cumulative impacts to undiscovered paleontological resources in areas surrounding the project site, both in Biggs and in Butte County.	Less than Cumulatively Considerable	Does not change the impact
<b>Climate Change and Greenhouse Gases</b>		
<b>Impact 3.5.1</b> Implementation of the proposed project would result in a net increase in greenhouse gas emissions, yet would not result in a significant impact on the environment.	Less than Cumulatively Considerable	Does not change the impact
<b>Impact 3.5.2</b> Implementation of the proposed project would result in a net increase in greenhouse gas emissions and could conflict with the goals of AB 32.	Less than Cumulatively Considerable	Does not change the impact
<b>Hydrology and Water Quality</b>		
<b>Impact 3.6.1</b> Construction activities associated with the proposed project could result in erosion and water quality degradation of downstream surface water resources. Compliance with the requirements of the SWRCB's General Construction Permit would minimize the potential for such degradation.	Less than Significant	Does not change the impact
<b>Impact 3.6.2</b> Operation of the WWTP and associated discharges would improve surface water quality in Lateral K consistent with the Central Valley Regional Water Quality Control Board's Permit No. CA0078930.	No Impact	Does not change the impact
<b>Impact 3.6.3</b> Operation of the proposed effluent land disposal system would not result in groundwater and surface water quality impacts.	No Impact	Does not change the impact
<b>Impact 3.6.4</b> Operation of the proposed WWTP improvements would not contribute to cumulative water quality impacts.	No Impact	Does not change the impact
<b>Hazardous Materials/Human Health</b>		
<b>Impact 3.7.1</b> The increased use of hazardous materials associated with the proposed project has the potential to result in an increased risk of accidental release of hazardous materials.	Less than Significant	Does not change the impact

### 3.0 ENVIRONMENTAL ANALYSIS

WWTP Enhancement Project Impact	WWTP Enhancement Project EIR Determination	Prezone, SOI Amendment and Annexation Impact Determination
<p><b>Impact 3.7.2</b> Implementation of the proposed project could result in the increased exposure of disease associated with mosquito vectors.</p>	<p>Less than Significant</p>	<p>Does not change the impact</p>
<p><b>Impact 3.7.3</b> The proposed project and projects in the surrounding area would not result in the addition of hazardous materials over planning thresholds.</p>	<p>Less than Cumulatively Considerable</p>	<p>Does not change the impact</p>

**CITY OF BIGGS**  
**CITY COUNCIL FINDINGS OF APPROVAL FOR:**  
**PREZONING OF ASSESSOR PARCEL NUMBERS 022-140-009, 022-140-010 AND 022-**  
**140-011 TO THE P-Q (PUBLIC OR QUASI-PUBLIC) ZONING DISTRICT**

**Findings for adoption of the Prezoning action:**

1. The proposal will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use;
2. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use;
3. The proposed use will not be detrimental or injurious to the general welfare of the City of Biggs; and
4. The proposed use will be consistent with the policies, standards and intent of any use designations of the general plan, any applicable specific plan and the applicable section of Title 14 of the Biggs Municipal Code ("P-Q Public or Quasi-Public").
5. The prezoning of the project site will not have a significant or unmitigable impact on the physical environment.

**Staff Analysis of Consistency with Required Findings:**

1. The proposal will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use: *Prezoning the subject parcels with the City of Biggs P-Q Public or Quasi-Public zoning designation would be consistent with the proposed uses for the parcels. The current Biggs General Plan land use designation for the subject parcels is AI Agriculture Industrial. While the P-Q zoning district is not described in the Biggs General Plan as a zoning district consistent with AI land use designation, the proposed uses on these parcels, as treated wastewater storage ponds and treated wastewater land application area to be used for crop production, is consistent with allowed uses in the AI land use designation. As these uses will be public facilities, designating the parcels as a P-Q zoning district would be the most consistent zoning for the proposed use and still meet the general guidelines for the AI land use designation. As such, the Prezoning would not be detrimental to the health, safety and general welfare of the persons residing or working in the neighborhood of the proposed use.*
2. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use: *Prezoning the subject parcels with the City of Biggs P-Q Public or Quasi-Public zoning designation would be consistent with the proposed uses for the parcels. The current Biggs General Plan land use designation for the subject parcels is AI Agriculture Industrial. While the P-Q zoning district is not described in the Biggs General Plan as a zoning district consistent with AI land use designation, the proposed uses on these parcels, as treated wastewater storage ponds and treated wastewater land application area to be used for crop production, is consistent with allowed uses in the AI land use designation. As these uses will be*

*public facilities, designating the parcels as a P-Q zoning district would be the most consistent zoning for the proposed use and still meet the general guidelines for the AI land use designation. As such, the Prezoning would not be detrimental or injurious to property and improvements in the neighborhood of the proposed use.*

3. The proposed use will not be detrimental or injurious to the general welfare of the city: *Prezoning the subject parcels with the City of Biggs P-Q Public or Quasi-Public zoning designation would be consistent with the proposed uses for the parcels. The current Biggs General Plan land use designation for the subject parcels is AI Agriculture Industrial. While the P-Q zoning district is not described in the Biggs General Plan as a zoning district consistent with AI land use designation, the proposed uses on these parcels, as treated wastewater storage ponds and treated wastewater land application area to be used for crop production, is consistent with allowed uses in the AI land use designation. As these uses will be public facilities, designating the parcels as a P-Q zoning district would be the most consistent zoning for the proposed use and still meet the general guidelines for the AI land use designation. In addition, the proposed use would be beneficial to the City residents by enhancing the City's wastewater treatment facilities. As such, the Prezoning would not be detrimental or injurious to the general welfare of the city.*
4. The proposed use will be consistent with the policies, standards and land use designations of the general plan and any applicable specific plan: *The City of Biggs Municipal Code allows the development of a public facilities on the parcel with the approval of a Conditional Use Permit. The proposal would not alter the uses permitted on the site and would potentially contribute positively to the ability of the City to provide wastewater services to the City's residents. With the issuance of a Conditional Use Permit, the project would be consistent with the City's codes and standards. With adoption of the proposed Prezoning to the P-Q land use designation, the project site would be consistent with the City's codes and standards.*
5. The project will not have a significant or immitigable impact on the physical environment. *The proposed Prezoning of the project site was reviewed for potential environmental impacts in the Biggs WWTP Enhancement Project Environmental Impact Report. The EIR determined that prezoning, in and of itself, would not result in a significant impact on the physical environment.*

**ORDINANCE NO. 405**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIGGS  
AMENDING TITLE 14 ZONING OF THE MUNICIPAL CODE  
AND THE CITY'S ADOPTED ZONE DISTRICT MAP TO PLACE CITY OF BIGGS  
P-Q PUBLIC OR QUASI-PUBLIC ZONING ON ASSESSOR PARCEL NUMBERS  
022-140-009, 010 & 011 WITH THE IN ANTICIPATION OF THE ANNEXATION OF  
THE SUBJECT PROPERTITES TO THE CITY OF BIGGS**

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 City Council of the City of Biggs is adopting the prezoning of parcel numbers 022-140-009, 022-140-010 & 022-140-011; and

**WHEREAS**, the Biggs General Plan land use designation for these parcels is AI Agriculture Industrial; and

**WHEREAS**, the proposed uses on these parcels as a treated wastewater storage pond and treated wastewater land application area to be used for crop production is consistent with allowed uses in the AI land use designation; and

**WHEREAS**, these parcels are currently zoned with a combination of AG-40 and AS within Butte County; and

**WHEREAS**, these parcels will be prezoned with the City of Biggs P-Q Public/ Quasi Public zoning designation; and

**Attachment C2**

Ord No. 405 (WWTP Phase II Land Application Project Prezone)

Page 1 of 3

**WHEREAS**, the P-Q zoning district allows the use of wastewater treatment facilities with the approval of a Conditional Use Permit; and

**WHEREAS**, a Conditional Use Permit for the proposed uses was approved by the City Council on October 27, 2015; and

**WHEREAS**, the Environmental Impact Report did not identify any significant impacts associated with the zoning ordinance amendment; and

**WHEREAS**, the City of Biggs reviewed and approved a Resolution certifying the Environmental Impact Report prepared for the Biggs Wastewater Treatment Plant Enhancement Project on January 14, 2014; and

**WHEREAS**, the City completed the Biggs WWTP Enhancement Project Environmental Impact Report Addendum to analyze the potential for environmental impacts resulting from annexation and rezoning of the subject properties; and

**WHEREAS**, the Biggs WWTP Enhancement Project Environmental Impact Report Addendum determined that no additional or increase of environmental impacts would result from annexation or rezoning of the subject properties; and

**WHEREAS**, the City Council reviewed the proposed rezoning at their special meeting of October 27, 2015.

Section 3: Action

The City Council hereby amends Title 14 of the City of Biggs Municipal Code by rezoning properties described as assessors parcel numbers 022-140-009, 022-140-010 & 022-140-011, as assigned by the Butte County Assessors Office, to the P-Q, Public or Quasi-Public 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 special meeting held on the 27th day of October, 2015, and was passed and adopted by the City Council of the City of Biggs at a regular meeting thereof duly held on the 10th day of November, 2015, by the following vote, to wit:

AYES: COUNCILMEMBER \_\_\_\_\_

NOES: COUNCILMEMBER \_\_\_\_\_

ABSENT: COUNCILMEMBER \_\_\_\_\_

ABSTAIN: COUNCILMEMBER \_\_\_\_\_

ATTEST: \_\_\_\_\_

APPROVED: \_\_\_\_\_

Roben Dewsnap  
CITY CLERK

Roger L. Frith  
MAYOR

**CITY OF BIGGS  
CITY COUNCIL FINDINGS OF APPROVAL FOR:  
Resolution of Intention to Annex Property  
FOR ASSESSOR'S PARCEL NUMBERS:  
022-140-009, 022-140-010 and 022-140-011**

**Findings for Resolution for a Sphere of Influence Amendment Request and a Notice of Intention to Annex property:**

1. The proposal will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use;
2. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use;
3. The proposed use will not be detrimental or injurious to the general welfare of the City of Biggs; and
4. The proposed use will be consistent with the policies, standards and intent of any use designations of the general plan, any applicable specific plan and the applicable section of Title 14 of the Biggs Municipal Code ("P-Q Public or Quasi-Public").
5. The project will not have a significant or unmitigable impact on the physical environment.

**Staff Analysis of Consistency with Required Findings:**

1. The proposal will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use: *The project has existing uses and proposed new uses. Annexation of these existing and new uses and properties would not be detrimental to the health, safety and general welfare of the persons residing or working in the neighborhood of the proposed use. Proposed uses of the site would remain consistent with the intent of the General Plan designation and zone district. As such, the project will not be detrimental to the health, safety or general welfare of the project area.*
2. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use: *The project has existing uses and proposed new uses. Annexation of uses or properties would not be detrimental to the health, safety and general welfare of the persons residing or working in the neighborhood of the proposed use. Proposed new uses would be consistent with the intent of the General Plan designation and zone district. As such, the project will not be detrimental to the health, safety or general welfare of the project area.*
3. The proposed use will not be detrimental or injurious to the general welfare of the city: *The project has existing uses and proposed new uses. Proposed new uses would be consistent with the intent of the General Plan designation and zone district. Annexation of uses or properties would not be detrimental or injurious to the general welfare of the city.*

4. The proposed use will be consistent with the policies, standards and land use designations of the general plan and any applicable specific plan: *Rezoning the subject parcels with the City of Biggs P-Q Public or Quasi-Public zoning designation would be consistent with the proposed uses for the parcels. The current Biggs General Plan land use designation for the subject parcels is AI Agriculture Industrial. While the P-Q zoning district is not described in the Biggs General Plan as a zoning district consistent with AI land use designation, the proposed uses on these parcels, as a treated wastewater storage pond and treated wastewater land application area to be used for crop production, is consistent with allowed uses in the AI land use designation. As these uses will be public facilities, designating the parcels as a P-Q zoning district would be the most consistent zoning for the proposed use and still meet the general guidelines for the AI land use designation. Annexation of the properties would be consistent with the City's codes and standards.*
  
5. The project will not have a significant or unmitigable impact on the physical environment. *The proposed annexation was reviewed for potential environmental impacts in the Biggs WWTP Enhancement Project Environmental Impact Report and the Biggs WWTP Enhancement Project Environmental Impact Report Addendum. The EIR determined that annexation of the properties, in and of itself, would not result in a significant impact on the physical environment.*

**RESOLUTION NO. 2015-23**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS  
FOR THE ADOPTION OF A RESOLUTION OF A SOI AMENDMENT REQUEST  
AND INTENTION TO REORGANIZE AND ANNEX PROPERTY FOR 160.57 ACRES  
AND AFFECTING BUTTE COUNTY ASSESSOR PARCEL NUMBERS:  
022-140-009, 022-140-010 and 022-140-011**

**WHEREAS**, in January 2014, the City Council adopted the General Plan, and

**WHEREAS**, the Biggs General Plan is a comprehensive document that provides policies and guidelines for the future expansion and development of the community; and

**WHEREAS**, the area proposed for annexation has existing City of Biggs General Plan land use designations and therefore was considered for future annexation in the General Plan; and

**WHEREAS**, the City Council finds that the Biggs WWTP Enhancement Project Environmental Impact Report (SCH#2014102084) was complete and adequate pursuant to the California Environmental Quality Act, and that the City Council has considered and reviewed all information contained in it and the City Council certified the Environmental impact Report on January 14, 2014; and

**WHEREAS**, the City completed the Biggs WWTP Enhancement Project Environmental Impact Report Addendum to analyze the potential for environmental impacts resulting from a SOI amendment, annexation and rezoning of the subject properties; and

**WHEREAS**, the Biggs WWTP Enhancement Project Environmental Impact Report Addendum determined that no additional or increase of environmental impacts would result from a SOI amendment, annexation or rezoning of the subject properties; and

**WHEREAS**, the City Council held a duly noticed public hearing on October 27, 2015, to review the WWTP Phase 2 Land Application Project and to consider the environmental review for said project at which all interested persons had the opportunity to appear and comment; and

**WHEREAS**, based on comments received from the public, other public agencies, and further staff review of the WWTP Phase 2 Land Application Project, the City Council has considered the area proposed for the rezoning, SOI amendment and annexation; and

**NOW THEREFORE BE IT RESOLVED**, that based on the record before the Biggs City Council, the staff reports, public testimony, the WWTP Phase 2 Land Application Project, the Final EIR, the EIR Addendum and considering the record as a whole, the Biggs City Council adopts the Resolution of Intention to Reorganize and Annex Property for the annexation of 160.57 acres into the City of Biggs affecting Butte County Assessors Parcel Numbers 022-140-009 022-140-010 and 022-140-011.

\*\*\*\*\*

**I HEREBY CERTIFY** that the foregoing **RESOLUTION** was duly introduced, passed and adopted at a special meeting of the City Council of the City of Biggs, held on the 27<sup>th</sup> day of October, 2015 by the following vote:

AYES: COUNCIL MEMBERS \_\_\_\_\_  
NOES: COUNCIL MEMBERS \_\_\_\_\_  
ABSTAIN: COUNCIL MEMBERS \_\_\_\_\_  
ABSENT: COUNCIL MEMBERS \_\_\_\_\_

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
Roben Dewsnup, CITY CLERK Roger Frith, MAYOR

**EXHIBIT A**

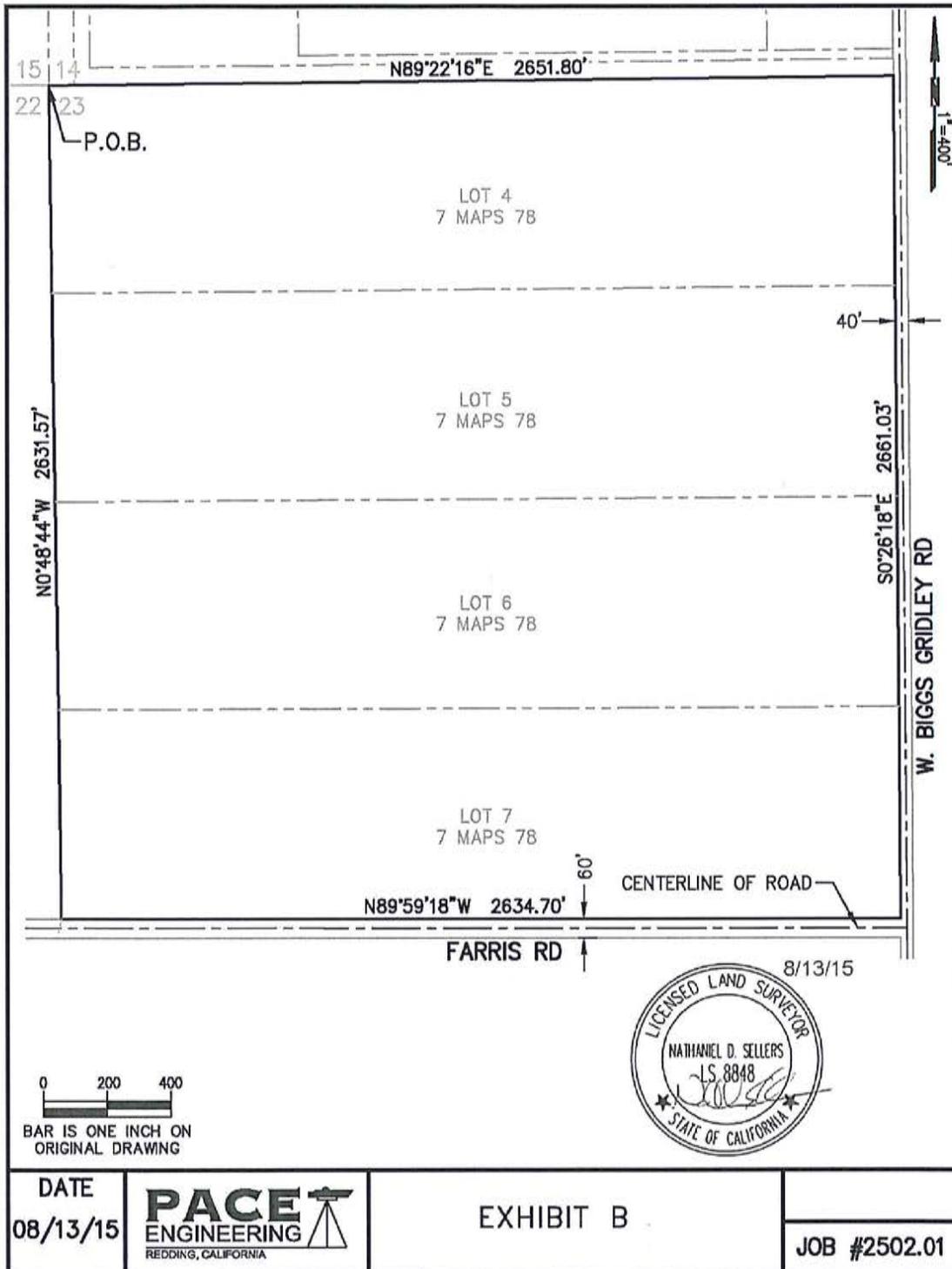
ALL THAT REAL PROPERTY BEING LOTS 4 THROUGH 7 AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF THE W. T. BOULWARE ESTATE", FILED FOR RECORD ON APRIL 22, 1912, IN BOOK 7 OF MAPS, AT PAGE 78, BUTTE COUNTY RECORDS, SITUATE IN SECTION 23, TOWNSHIP 18 NORTH, RANGE 2 EAST, MOUNT DIABLO MERIDIAN, IN THE COUNTY OF BUTTE, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF LOT 4 AS SHOWN ON SAID MAP; THENCE ALONG THE NORTH LINE OF SAID LOT, N.89°22'16"E., 2651.80 FEET TO THE NORTHEAST CORNER THEREOF; THENCE ALONG THE EAST LINE LOTS 4 THROUGH 7, S.0°26'18"E., 2661.03 FEET TO THE SOUTHEAST CORNER OF SAID LOT 7; THENCE ALONG THE SOUTH LINE OF SAID LOT N.89°59'18"W., 2634.70 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE ALONG THE WEST LINE OF SAID LOTS 4 THROUGH 7, N.0°48'44"W., 2631.57 FEET TO THE POINT OF BEGINNING.

CONTAINING SOME 160.57 ACRES MORE OR LESS.

THE BEARINGS USED IN THE FOREGOING DESCRIPTION ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 2. THE DISTANCES USED IN THE FOREGOING DESCRIPTION ARE GROUND DISTANCES.





**Attachment D2**

Resolution No. 2015-23 (WWTP Phase II Land Application Project IOA)

**CITY OF BIGGS  
CITY COUNCIL FINDINGS OF APPROVAL FOR:  
CONDITIONAL USE PERMIT #2015-01  
FOR: WWTP Phase II Land Application Project**

**Findings for adoption of the Conditional Use Permit:**

1. The proposal will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use;
2. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use;
3. The proposed use will not be detrimental or injurious to the general welfare of the city; and
4. The proposed use will be consistent with the policies, standards and land use designations of the general plan and any applicable specific plan(s). The proposal will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use.
5. All impacts on the physical environment resulting from development of the proposed project can be reduced to a less than significant level with the exception of one impact. The project's significant and unavoidable impact is the loss of approximately 66 acres of prime farmland for those areas to be used as WWTP storage ponds.

**Staff Analysis of Consistency with Required Findings:**

1. The proposal will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use: *The proposed new use would include operations typical of the P-Q, Public or Quasi-Public zoning district and the proposed use would be limited by Conditions of Approval. An Environmental Impact Report was completed for the project and all impacts were mitigated to the extent feasible. As conditioned, potential impacts associated with the approved use would be addressed through use and operation conditions. The proposed use would be beneficial to the City residents by enhancing the City's wastewater treatment facilities. Subject to the issuance of a Conditional Use Permit and subject to the Conditions of Approval for the project, uses of the site would remain consistent with the intent of the General Plan designation and zone district. As such, the project will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of the project neighborhood.*
2. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use: *The proposed new use would include operations typical of the P-Q, Public or Quasi-Public zoning district and the proposed use would be limited by Conditions of Approval. An Environmental Impact Report was completed for the project and all impacts were mitigated to the extent feasible. As conditioned, potential impacts associated with the approved use would be addressed through use and operation conditions. The proposed use would be*

*beneficial to the City residents by enhancing the City's wastewater treatment facilities. Subject to the issuance of a Conditional Use Permit and subject to the Conditions of Approval for the project, uses of the site would remain consistent with the intent of the General Plan designation and zone district. As such, the project will not be detrimental to the health, safety or general welfare of the project area.*

3. The proposed use will not be detrimental or injurious to the general welfare of the city: *The proposed new use would include operations typical of the P-Q, Public or Quasi-Public zoning district and the proposed use would be limited by Conditions of Approval. An Environmental Impact Report was completed for the project and all impacts were mitigated to the extent feasible. As conditioned, potential impacts associated with the approved use would be addressed through use and operation conditions. The proposed use would be beneficial to the City and the City's residents by enhancing the City's wastewater treatment facilities. Subject to the issuance of a Conditional Use Permit and subject to the Conditions of Approval for the project, uses of the site would remain consistent with the intent of the General Plan designation and zone district. As such, the project will not be detrimental to the health, safety or general welfare of the city.*
4. The proposed use will be consistent with the policies, standards and land use designations of the general plan and any applicable specific plan: *The City of Biggs Municipal Code allows the development of a public facilities on the parcel with the approval of a Conditional Use Permit. The proposal would not alter the uses permitted on the site and would potentially contribute positively to the ability of the City to provide wastewater services to the City's residents. With the issuance of a Conditional Use Permit, the project would be consistent with the City's codes and standards.*
5. The project will have a significant and unavoidable impact on the physical environment. *The proposed signs were reviewed for potential environmental impacts in the Biggs Wastewater Treatment Plant Enhancement Project Environmental Impact Report. The EIR determined that implementation of the WWTP Enhancement Project would result in a significant and unavoidable impacts on the physical environment related to the loss of agricultural land. Although, mitigation measures were implemented to protect agricultural land, no feasible mitigation measures were possible to reduce these impacts to a less than significant level.*

**CONDITIONS OF APPROVAL**  
**CONDITIONAL USE PERMIT #2015-01,**  
**Biggs WWTP Phase 2 Land Application Project**  
**Public Facilities Land Use.**

*Assessor's Parcel Numbers:* 022-140-009, 022-140-010, and 022-140-011

*Project location:* South of the City's Wastewater Treatment Plant adjacent to Biggs City Limits in an unincorporated area of Butte County;

*Zoning:* "P-Q" (Public or Quasi-Public);

*General Plan Land Use Designation:* "Agriculture Industrial".

**Conditional Use Permit # 2015-01, City of Biggs (Applicant); City of Biggs (Landowner):** A request by the City of Biggs to construct the WWTP Phase 2 Land Application Project is considered to be a "public facility" by the Biggs Municipal Code. Included in the Land Application Property Project are two storage ponds and a wastewater land application area.

The proposed action seeks authorization from the City Council to allow for the development of a WWTP land application area in the P-Q zoning district as required by Municipal Code Section 14.165.030.

**General Conditions of Approval:**

1. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of permit constitutes cause for the revocation of said permit. Unless otherwise provided for in a special condition to this Use Permit, all conditions must be completed prior to or concurrently with the establishment of the granted use.
2. Minor changes to the approved project may be approved by the City Planner upon receipt of a substantiated written request by the applicant, or their respective designee. Prior to such approval, verification shall be made by each Department that the modification is consistent with the application, fees paid, and environmental determination as approved. Changes deemed to be major or significant in nature shall require a formal application for amendment by public hearing before the City Council.
3. The Use Permit is only for the development of the Biggs WWTP Enhancement project. The approved project shall not be expanded or modified beyond the approvals and plans detailed and approved with this action.
4. If significant changes are requested to the project plans or Conditions of Approval, a Conditional Use Permit Amendment shall be required, with all applicable fees, and approved by the City Council prior to implementing the changes.

**CUP#2015-01: WWTP Phase 2 Land Application Project**

**City of Biggs City Council Meeting – October 27, 2015**

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Statement of Acknowledgement:

I have reviewed the Conditions of Approval associated with the approval of CUP#2015-01 and acknowledge and consent to the Conditions as presented.

Signed,

\_\_\_\_\_  
Roger Frith - Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Roben Dewsnup - City Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
Gregory Einhorn – City Attorney

\_\_\_\_\_  
Date

**RESOLUTION NO. 2015-24**

**APPROVAL OF A CONDITIONAL USE PERMIT FOR THE  
WWTP PHASE II LAND APPLICATION PROJECT  
At: APN: 022-140-090, 022-140-010, AND 022-140-011  
APPLICATION: CONDITIONAL USE PERMIT #2015-01**

**WHEREAS**, the proposed WWTP Phase II Land Application Project site has been rezoned with the Public or Quasi-Public (P-Q) zone district, and

**WHEREAS**, the Biggs Municipal Code Section 14.165.030 requires the approval of a Use Permit for the development of public facilities in the P-Q zoning district, and

**WHEREAS**, the City Council held a duly noticed public hearing to accept public comments and to review and consider the application on October 27, 2015; and

**WHEREAS**, following the conclusion of the public hearing and after deliberation on the matter and consideration, the City Council determined that upon the adoption of Conditions of Approval, Findings could be made determining that the request is consistent with the Biggs General Plan and the requirements of Biggs Zoning Code; and

**WHEREAS**, the City Council has determined the project is subject to the California Environmental Quality Act (CEQA) and an Environmental Impact Report was completed for the project and certified by the City Council on January 14, 2014; and

**WHEREAS**, the City completed the Biggs WWTP Enhancement Project Environmental Impact Report Addendum to analyze the potential for environmental impacts resulting from annexation and rezoning of the subject properties; and

**WHEREAS**, the Biggs WWTP Enhancement Project Environmental Impact Report Addendum determined that no additional or increase of environmental impacts would result from annexation or rezoning of the subject properties; and

**WHEREAS**, the City Council, in a staff report dated October 27, 2015, has made the following findings with respect to the requested Conditional Use Permit:

1. The proposal will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use.

2. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use.
3. The proposed use will not be detrimental or injurious to the general welfare of the city.
4. The proposed use will be consistent with the policies, standards and any use designations of the general plan, any applicable specific plan and the P-Q, Public or Quasi-Public zoning district.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Biggs does hereby approve Conditional Use Permit #2015-01, subject to the Findings and Conditions of Approval identified Attachments E1 and E2 of the Staff Report.

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**I HEREBY CERTIFY** that the foregoing **RESOLUTION** was duly introduced, passed and adopted at a special meeting of the City Council of the City of Biggs, held on the 27<sup>th</sup> day of October, 2015 by the following vote:

AYES: COUNCIL MEMBERS \_\_\_\_\_  
 NOES: COUNCIL MEMBERS \_\_\_\_\_  
 ABSTAIN: COUNCIL MEMBERS \_\_\_\_\_  
 ABSENT: COUNCIL MEMBERS \_\_\_\_\_

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
 Roben Dewsnup, CITY CLERK Roger Frith, MAYOR