

Address: West Biggs Gridley Road & Bannock Street, **Biggs**

Application No. 2018-01

**Project Data:**

Applicant: SunWest Milling Inc.  
Application Type: Conditional Use Permit  
Assessor Parcel Number: 022-160-087, 022-160-088, and 022-160-089  
Building Size: Request to construct a 43,050-square foot storage facility on three contiguous parcels located off Biggs Gridley Road & Bannock Street.  
Zoning: M-2 (General Industrial)  
General Plan: Industrial  
Environmental Review: Exempt per CEQA Section 15183  
Planning Staff: Kelly Murphy

**Project Description / Location**

A request by SunWest Milling Inc. to allow for the construction of a new 43,050 square foot agricultural storage facility on three contiguous parcels located off of Biggs Gridley Road and Bannock Street in the M-2, General Industrial zoning district. As proposed, the facility would be predominately sited on APN 022-160-089, with some asphalt paving slightly extending onto two adjacent undeveloped parcels (APNs 022-160-088 and -087).

The proposed facility would be used for the seasonal storage of rice hulls, falling under the land use category "agricultural processing". Pursuant to BMC Section 14.140.030, agricultural processing uses are permitted in the M-2 (General Industrial) zoning district subject to use permit authorization. No new employees are proposed; the facility would be managed by existing onsite staff. Operating hours would be limited to weekdays between 7:00AM to 3:30PM.

**Review Criteria**

**Zoning Code Sections:**

**14.60 - Conditional Use Permits**

Conditional use permits shall be required for site development or conduct of certain land uses which generally have a distinct impact on the area in which they are located or are capable of creating special problems for adjacent properties unless given special attention. The City Council may designate specific conditions with the granting of a conditional use permit.

**14.100.080 Design standards – Site.**

The site should be designed so as to create a development which is pleasant in character, human in scale and facilitates on-site circulation. The design should demonstrate compatibility with the existing or desired development character of the surrounding area.

- (1) Existing trees and mature vegetation shall be retained to the maximum extent feasible.
- (2) Minimize the visual impact and presence of vehicles by generally siting parking areas to the rear or side of the property rather than along street frontages, and screening parking areas from view, both interior and exterior to the site.

(3) Screen exterior trash and storage areas, service yards, loading docks and utility services from view of all nearby streets and adjacent structures in a manner that is compatible with building and site design.

(4) All exterior lighting is to be functional, subtle and architecturally integrated with the site and building design. All exterior lighting is to be directed onto the site and away from adjacent properties.

#### **14.350 – Industrial Use Table**

The M-2 zoning district allows for a range of industrial uses and is intended to provide sites for manufacturing, agricultural and industrial processing. Agricultural processing, including the drying and milling of local agricultural products, are allowed in the General Industrial Zone District pursuant to the issuance of a Conditional Use Permit under Section 14.350.030 of the Biggs Zoning Code.

#### **14.370 – M-2 (General Industrial) Zoning District**

The M-2 (General Industrial) district provides areas for a variety of industrial uses, which serve the needs of residents in Biggs as well as the surrounding region. Development standards for the M-2 zone are set forth in Section 14.370.040 as follows:

Front yard setback:	None required.
Side yard setback:	None required.
Rear yard setback:	None required.
Building height:	45 feet (up to 60-feet with CUP)
Minimum lot size:	None required.
Minimum lot depth:	None required.
Lot coverage:	75% building coverage permitted (up to 90% with CUP)

#### **Analysis**

After review of the proposed project, planning staff has determined the project to be consistent with all applicable zoning code excerpts detailed above. The proposed facility complies with the lot coverage and building height standards of the M-2 zone. As previously mentioned, the project involves three contiguous parcels. The new facility would be predominately sited on APN 022-160-089; however, site improvements including grading and paving would slightly overlap onto two adjacent parcels (APNs 022-160-088 and -087), also owned by SunWest. A condition of approval has been included for the project, requiring that a shared access/parking agreement be recorded on the properties prior to beginning any construction activities on the site.

The following issues require that a determination be made by the City Council:

#### **Land Use**

The proposed project site is zoned General Industrial (M-2) zoning district and located in an area surrounded by industrial uses. The project would meet all required development standards and would not result in any significant impacts to the existing environment. Additionally, the Conditional Use Permit will be conditioned to ensure that the project is consistent with the applicable standards as set forth in the Biggs Zoning Code.

#### ***Conditional Use Permit:***

As described in detail above, the proposed project would involve the temporary storage of rice hulls on the subject site. Pursuant to BMC Section 14.350.030, Industrial Use Table, the proposed use fall under the category of "agricultural processing" and requires the issuance of a Conditional

Use Permit by the Planning Commission. Chapter 14.35, Conditional Use Permits, establishes four findings that must be made prior to approving a Use Permit. The four required findings are as follows:

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 any use designations of the general plan and any applicable specific plan.
5. The project will not have a significant or un-mitigable impact on the physical environment.

As established in Section 14.60.050, the Planning Commission may impose conditions of approval on a use permit that it finds necessary to carry out the purpose of this title.

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 use would not jeopardize or be detrimental to the health, safety or general welfare of person residing or working in the neighborhood. The new facility would not generate significant noise and there are no scenic vista points or designated scenic roadways in the area that would be affected. The facility would be managed by existing onsite staff and would not increase traffic as no new employees are proposed. The project does not propose exterior lighting; thus, it will not generate any harmful light/glare. Subject to the issuance of a Conditional Use Permit by the City Council, 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.
2. *The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use:* The proposed use would not jeopardize or be detrimental to the health, safety or general welfare of person residing or working in the neighborhood as such activity will be located on an existing parcel in the General Industrial (M-2) zoning district. The proposal would not generate noise and there are no scenic vista points or designated scenic roadways in the area that would be affected. Subject to the issuance of a Conditional Use Permit by the City Council, 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 would not be detrimental or injurious to property and improvements in the neighborhood of the project area.
3. *The proposed use will not be detrimental or injurious to the general welfare of the city:* The proposal would not jeopardize or be detrimental to the health, safety or general welfare of person residing or working in the City as such activity will be located in the General Industrial (M-2) zoning district and conditions of use and approval have been added to address any issues associated with parking, dust, noise, lighting and utility connections. The proposed project would not result in the use of hazardous substances

or create a hazardous condition on the site. As such, the project 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:* Municipal Code Section 14.140.030, Conditional Uses, establishes that agricultural processing uses, including drying and milling of local agricultural products, may be permitted in the M-2 zoning district subject to the issuance of a Conditional Use Permit. In accordance with the procedures set forth in Municipal Code Chapter 14.35, Conditional Use Permits, the Council may grant approval of such permit. The proposal would not alter the uses permitted on the site. With the issuance of a Conditional Use Permit, the project would be consistent with the City's codes and standards.
5. *The project will not have a significant or un-mitigable impact on the physical environment.* The proposed project is consistent with the development standards of the M-2 zoning district. Implementation of the project would not result in an increase in development beyond that which was analyzed in the Environmental Impact Report (EIR) prepared and certified for the Biggs General Plan (State Clearinghouse #2012072025). Pursuant to CEQA Section 15183, "CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review."

#### Parking and Circulation

Pursuant to the parking table listed under BMC Section 14.130.040, the parking requirement for industrial and warehousing uses shall be 1.25 spaces per employee. The proposal does not require new employees and would not result in increased traffic or visitation to the site. No new parking is required. Thus, planning staff believes that there is sufficient parking available and that the proposed use would not negatively impact existing traffic / circulation.

#### Landscape Areas

The project site would not front any public roads or require new parking areas. As such, the project is not subject to parking lot landscape standards or planters separating right-of-way from the public sidewalk.

#### Utilities

Based upon the information provided by the applicant, no new electricity, water or sewer service connections have been proposed and, as a result, no new utility connections are being required. Should any new utility connections become necessary, such connections shall be approved by the City Engineer prior to installation.

#### Environmental Review

Pursuant to CEQA Section 15183, "CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review." This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies. The proposed project is consistent with the development standards of the M-2 zoning district. Implementation of the project would not result in an increase in development beyond that which

was analyzed in the Environmental Impact Report (EIR) prepared and certified for the Biggs General Plan (State Clearinghouse #2012072025). No further environmental documentation is required.

### **Recommendation**

1. Staff recommends approval of Conditional Use Permit request CUP 2018-01 to allow for the construction of a new facility for the storage of agricultural products (rice hulls) on property owned by Sun West Milling (APNs 022-160-087, 022-160-088, and 022-160-089), subject to the required findings of approval and conditions of approval attached to this Staff Report.

### **Attachments**

Attachment A – CUP Application  
Attachment B – Site Plan  
Attachment C – Findings of Approval  
Attachment D – Conditions of Approval  
Attachment E – Notice of Exemption  
Attachment F – Resolution No. 2018-10



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

# Application for: Conditional Use Permit

**Applicant**

Applicant: SUNWEST Milling, INC Daytime Phone: (530) 868-5421

Street Address: 507 BANNOCK ST

City: BIGGS State: Ca Zip: 95917

Property Owner  Check box if same as applicant

Name: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip \_\_\_\_\_

**Property Location**

Address of Subject Property: 507 BANNOCK ST

Assessor's Parcel Number(s): APN 022-160-189-140  
APN 022-160-088 Size (Acres or Sq. footage): 43,050 sq ft

Present City Zoning: M-2 General Plan Designation: Heavy Industrial

**Request**

Build a 123' x 350' Concrete/Steel Building for Rice Hull Storage.

Answer all that apply:

Day and Hours of Operation: 7:00 a 3:30 p m No. of Employees: 0 Storage  
NO employees

Number of Off-street Parking Spaces Proposed: 0

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 3-21-18

**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.

### **Requirements For A Complete Conditional Use Permit Application**

The following items are **required** for a complete application:

- Completed Application Form
- Completed Environmental Questionnaire Form
- 8 1/2" X 11" Site Plan of Proposed Development (indicate dimensions and all information pertinent to the proposed project, including existing and proposed structures, parking and other relevant features)
- Application and Environmental Fees

Additional information may be required to determine if significant adverse environmental impacts could result from the proposal.

### **Time Limits**

The total time for processing a use permit application is usually 30 to 60 days. However, pursuant to California Government Code Sections 65943 and 65950, the City has 30 days from the date of submittal to determine if an application is complete; and six months from the date of complete application to take final action.

If an Environmental Impact Report is required, the time limit is 90 days after certification of the E.I.R.

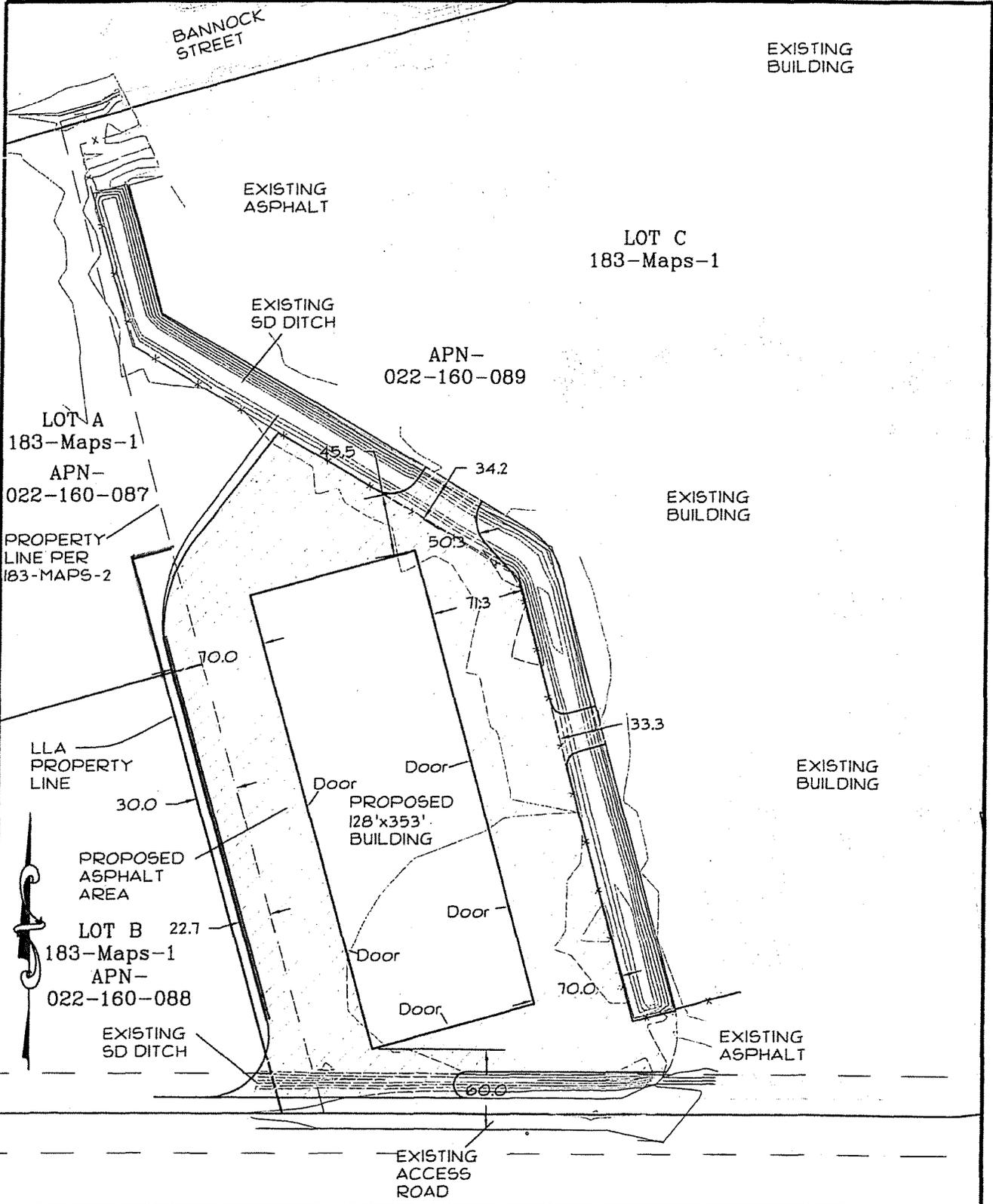
Any required public hearing must be held at least 60 days prior to the expiration of the time limit.

### **Notice of Pending Amendments**

Pursuant to California Government Code Section 65945, an applicant can make a written request to receive notice of any pending amendments to: the General Plan, Specific Plans, the land use regulations, ordinances affecting building permits, or to regulations pertaining to development permits, if the amendment is reasonably related to the applicant's project.

### **Note**

By signing the front of this application form, the applicant is indicating that the project site is not included on any state or local list of hazardous waste sites compiled pursuant to California Government Code Section 65962.5, effective July 1, 1987.



DRAWN BY: JCM  
 DATE: 3-22-18  
 SCALE: 1" = 100'  
 APPROVED BY: RE

PROJECT: **SITE PLAN  
 PROPOSED  
 DEVELOPMENT  
 FOR  
 SUNWEST MILLING**

**Robertson Erickson**  
 Civil Engineers and Surveyors  
 888 Manzanita Court, Suite 101  
 Chico, CA 95926  
 530-894-3500 894-8955 fax

**CITY OF BIGGS**  
**CITY COUNCIL FINDINGS OF APPROVAL FOR:**  
**CONDITIONAL USE PERMIT #2018-01**  
**FOR: Sun West Milling**  
Assessor's Parcel Number: 022-160-087, 022-160-088, and 022-160-089  
(West Biggs Gridley Road & Bannock Street)

**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 of Biggs;
4. The proposed use will be consistent with the policies, standards and intent of any use designations of the general plan;
5. The project will not have a significant or un-mitigable 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 proposed use would not jeopardize or be detrimental to the health, safety or general welfare of person residing or working in the neighborhood. The proposal would not generate significant noise and there are no scenic vista points or designated scenic roadways in the area that would be affected. Subject to the issuance of a Conditional Use Permit by the City Council, 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.*
2. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use: *The proposed use would not jeopardize or be detrimental to the health, safety or general welfare of person residing or working in the neighborhood as such activity will be located on an existing parcel in the General Industrial (M-2) zoning district. The proposal would not generate noise and there are no scenic vista points or designated scenic roadways in the area that would be affected. Subject to the issuance of a Conditional Use Permit by the City Council, 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 would not be detrimental or injurious to property and improvements in the neighborhood of the project area.*

3. The proposed use will not be detrimental or injurious to the general welfare of the city: *The proposal would not jeopardize or be detrimental to the health, safety or general welfare of person residing or working in the City as such activity will be located in the General Industrial (M-2) zoning district and conditions of use and approval have been added to address any issues associated with parking, dust, noise, lighting and utility connections. The proposed project would not result in the use of hazardous substances or create a hazardous condition on the site. As such, the project 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: *Municipal Code Section 14.140.030, Conditional Uses, establishes that agricultural processing uses, including drying and milling of local agricultural products, may be permitted in the M-2 zoning district subject to the issuance of a Conditional Use Permit. In accordance with the procedures set forth in Municipal Code Chapter 14.35, Conditional Use Permits, the Council may grant approval of such permit. The proposal would not alter the uses permitted on the site. With the issuance of a Conditional Use Permit, the project would be consistent with the City's codes and standards.*
5. The project will not have a significant or un-mitigable impact on the physical environment. *The proposed project is consistent with the development standards of the M-2 zoning district. Implementation of the project would not result in an increase in development beyond that which was analyzed in the Environmental Impact Report (EIR) prepared and certified for the Biggs General Plan (State Clearinghouse #2012072025). Pursuant to CEQA Section 15183, "CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review."*

**CONDITIONS OF APPROVAL**  
**CONDITIONAL USE PERMIT #2018-01, Sun West Milling**

Assessor's Parcel Numbers: 022-160-087, 022-160-088, and 022-160-089

Project location: West Biggs Gridley Road & Bannock Street

Zoning: M-2, General Industrial

General Plan Land Use Designation: I, Industrial

**Conditional Use Permit # 2018-01, Sun West Milling:** A request by SunWest Milling Inc. to allow for the construction of a new 43,050 square foot agricultural storage facility on a partially developed industrial lot located off of West Biggs Gridley Road and Bannock Street. The facility would be predominately sited on APN 022-160-089, with some asphalt paving slightly extending onto two adjacent undeveloped parcels (APNs 022-160-088 and -087). The proposed facility would be used for the seasonal storage of rice hulls, falling under the land use category "agricultural processing". Pursuant to BMC Section 14.140.030, agricultural processing uses are permitted in the M-2 (General Industrial) zoning district subject to use permit authorization. No new employees are proposed; the facility would be managed by existing onsite staff. Operating hours would be limited to weekdays between 7:00AM to 3:30PM. In accordance with State CEQA Guidelines, as developed under Public Resources Code 21084, City staff has determined the project to be exempt under CEQA Guidelines Section 15183, Existing Facilities and Section 15304, Minor Alterations to Land, as it is a temporary accessory use to an existing facility and will not result in any permanent physical alterations to the land.

**General Conditions of Approval:**

1. The applicant shall file a Declaration of Acceptance of the following conditions by submitting a signed copy of the conditions to the Planning Department within ten (10) days of City Council approval.
2. 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.
3. The applicant shall submit a check or money order in the amount of **\$100.00 made payable to the City of Biggs** for the preparation of the Notice of Exemption from CEQA within five (5) days of the date of approval.
4. The applicant shall submit a check or money order in the amount of **\$50.00 made payable to the Butte County Recorder's Office** for the fee to record the Notice of Exemption from CEQA within five (5) days of the date of approval.
5. Neither the applicant, or any agent nor representative of the applicant shall intentionally omit or misrepresent any material fact in connection with the application. Any alleged material misrepresentation shall constitute grounds for the City of Biggs to commence a revocation hearing and constitute grounds to revoke the permit.

6. Minor changes 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 conditionally approved. Changes deemed to be major or significant in nature shall require a formal application for amendment by public hearing before the City Council.
7. The applicant shall pay all appropriate fees for any required utilities modification and connections.
8. No changes shall be made to any approved plan(s), which would alter the character of the site plan or the use of the property, without prior approval of the City Planner or City Administrator.
9. If changes are requested to the plan or the 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.

**Application Specific Conditions of Approval:**

10. Building height shall not exceed the maximum building height in the M-2 zoning district (60 feet).

**Hours of Operation:**

11. The Use Permit permits the storage of rice hulls on APN 022-160-078 for a time period not to exceed 6 months in a 12 month period (April to November). Permitted hours of operation are from 7:00AM to 9:00AM and 5:00PM to 8:00PM, Monday through Friday. This use shall not be expanded or modified beyond the approvals detailed in this report.
12. Nighttime loading or unloading of bulk materials between the hours of 10PM and 6AM is prohibited.

**Permitting and Approvals:**

13. Project shall comply with all California building, plumbing, mechanical and electrical codes as determined by the Butte County Building Department.
14. Must comply with Butte County AQMD Rule 205 addressing outdoor storage of bulk materials fugitive dust)
15. No new electrical service connections have been authorized by this use permit.
16. No construction activities shall occur until a shared parking/access agreement has been recorded on the properties known as APNs 022-160-087, 022-160-088, and 022-160-089.

**Parking:**

17. Applicant will ensure that adequate off-street parking is available.

**Illumination:**

18. All exterior lighting shall be screened or shielded in a downward direction to eliminate offsite glare impacts. No exterior, non-shielded flood lights shall be permitted. All exterior lighting

shall be implemented in conformance with Municipal Code Section 14.55.080, which requires that all lighting fixtures be appropriate in scale, intensity, and height to the use they are serving.

Noise:

19. No exterior amplified speaker system(s), amplified music system(s) or audible noise in excess of what may be considered normal for the use shall be permitted.

Signage:

20. All signage must comply with the standards and regulations established in Chapter 14.85 of the Biggs Municipal Code.

## NOTICE OF EXEMPTION

To:  Office of Planning and Research  
P.O. Box 3044, 1400 Tenth Street, Room 22  
Sacramento, CA 95812-3044

From: City of Biggs  
Planning Department  
P.O. Box 1134  
Biggs, CA 95917

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

**Project Title:** Conditional Use Permit #2018-01

**Project Location - Specific:** City of Biggs – West Biggs Gridley Road

**Assessor's Parcel Number(s):** 022-160-087, 022-160-088, and 022-160-089

**Project Location – City:** Biggs

**Project Location – County:** Butte

**Project Description:** The applicant, Sun West Milling, is requesting approval of a Conditional Use Permit to allow for the construction of a new storage facility for the seasonal storage of rice hulls on three contiguous parcels. The proposed use is classified in the BMC industrial land use table under "agricultural processing".

The subject parcel is designated Industrial (I) by the City of Biggs General Plan and located in the M-2 (General Industrial) zoning district. No change of land use designation or zoning is requested.

**Lead Agency:** City of Biggs

**Lead Agency Contact Person and Phone Number:** Kelly Murphy, City Planner  
(530) 894-3469 x 13214

**Applicant:** Sun West Milling

- Exemption Status:**
- Ministerial [Section 21080(b); 15268];
  - Declared Emergency [Section 21080(b)(3); 15269(a)];
  - Emergency Project [Section 21080(b)(4); 15269(b)(c)];
  - General Rule [Section 15061(b)(3)];
  - Categorical Exemption
  - Statutory Exemption - CEQA Section 15183

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

Pursuant to CEQA Section 15183, "CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review." This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies. The

proposed project is consistent with the development standards of the M-2 zoning district. Implementation of the project would not result in an increase in development beyond that which was analyzed in the Environmental Impact Report (EIR) prepared and certified for the Biggs General Plan (State Clearinghouse #2012072025). No further environmental documentation is required.

City of Biggs  
Planning Department

By \_\_\_\_\_  
Kelly Murphy, City Planner  
Date: June 7, 2018

**RESOLUTION NO. 2018-10**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS  
APPROVAL OF AN APPLICATION FOR A CONDITIONAL USE PERMIT  
FOR SUNWEST MILLING (APN: 022-160-087, 022-160-088, and 022-160-089)  
APPLICATION: Conditional Use Permit #2018-01**

**WHEREAS**, SunWest Milling Inc. (applicant) has requested a Conditional Use Permit to construct a new agricultural storage facility on three contiguous parcels located in the M-2 (General Industrial) zoning district for the seasonal storage of rice hulls; and

**WHEREAS**, the City Council held a duly noticed public hearing to accept public comments and to review and consider the application on June 12, 2018; and

**WHEREAS**, the City Council has determined that, subject to approval of the Conditional Use Permit, the request is consistent with the Biggs General Plan and the standards of Biggs Zoning Code; and

**WHEREAS**, the City Council has determined the project is Exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Section 15183; and

**WHEREAS**, the City Council 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 and any applicable specific plan.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council does hereby approve the requested Conditional Use Permit for SunWest Milling subject to the following conditions:

**General Conditions of Approval:**

1. The applicant shall file a Declaration of Acceptance of the following conditions by submitting a signed copy of the conditions to the Planning Department within ten (10) days of City Council approval.
2. 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.

3. The applicant shall submit a check or money order in the amount of **\$100.00 made payable to the City of Biggs** for the preparation of the Notice of Exemption from CEQA within five (5) days of the date of approval.
4. The applicant shall submit a check or money order in the amount of **\$50.00 made payable to the Butte County Recorder's Office** for the fee to record the Notice of Exemption from CEQA within five (5) days of the date of approval.
5. Neither the applicant, or any agent nor representative of the applicant shall intentionally omit or misrepresent any material fact in connection with the application. Any alleged material misrepresentation shall constitute grounds for the City of Biggs to commence a revocation hearing and constitute grounds to revoke the permit.
6. Minor changes 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 conditionally approved. Changes deemed to be major or significant in nature shall require a formal application for amendment by public hearing before the City Council.
7. The applicant shall pay all appropriate fees for any required utilities modification and connections.
8. No changes shall be made to any approved plan(s), which would alter the character of the site plan or the use of the property, without prior approval of the City Planner or City Administrator.
9. If changes are requested to the plan or the 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.

**Application Specific Conditions of Approval:**

10. Building height shall not exceed the maximum building height in the M-2 zoning district (60 feet).

**Hours of Operation:**

11. The Use Permit permits the storage of rice hulls on APNs 022-160-087, 022-160-088, and 022-160-089. Permitted hours of operation are from 7:00AM to 3:30 PM, Monday through Friday. This use shall not be expanded or modified beyond the approvals detailed in this report.
12. Nighttime loading or unloading of bulk materials between the hours of 10PM and 6AM is prohibited.

**Permitting and Approvals:**

13. Project shall comply with all California building, plumbing, mechanical and electrical codes as determined by the Butte County Building Department.
14. Must comply with Butte County AQMD Rule 205 addressing outdoor storage of bulk materials fugitive dust)
15. No new electrical service or water service connections have been authorized by this use permit.

16. No construction activities shall occur until a shared parking/access agreement has been recorded on Assessor Parcel Numbers 022-160-087, 022-160-088, and 022-160-089.

Parking:

17. Applicant will ensure that adequate off-street parking is available.

Illumination:

18. If applicable, all exterior lighting shall be screened or shielded in a downward direction to eliminate offsite glare impacts. No exterior, non-shielded flood lights shall be permitted. All exterior lighting shall be implemented in conformance with Municipal Code Section 14.55.080, which requires that all lighting fixtures be appropriate in scale, intensity, and height to the use they are serving.

Noise:

19. No exterior amplified speaker system(s), amplified music system(s) or audible noise in excess of what may be considered normal for the use shall be permitted.

Signage:

20. All signage must comply with the standards and regulations established in Chapter 14.85 of the Biggs Municipal Code.

**I HEREBY CERTIFY** that the foregoing **RESOLUTION** was duly passed and adopted by the Council of the City of Biggs at a regular meeting thereof, held on the 12<sup>th</sup> Day of June 2018, by the following vote:

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

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

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

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

ATTEST:

APPROVED:

\_\_\_\_\_  
Roben Benish  
CITY CLERK

\_\_\_\_\_  
Angela M. Thompson  
MAYOR