
**BUTTE LOCAL AGENCY FORMATION COMMISSION (LAFCO)
EXECUTIVE OFFICER’S REPORT**

TO: Local Agency Formation Commission
FROM: Shannon Costa, Deputy Executive Officer
SUBJECT: *LAFCo File 23-13 – City of Biggs- W Rio Bonito Road Annexation No. 1*
DATE: April 25, 2023 for the May 4, 2023 LAFCo Meeting

Summary

The City of Biggs has initiated an annexation of 13 parcels totaling approximately 80 acres in size. The annexation territory is generally located south of W. Rio Bonito Road and north of B Street on the easterly edge of the City of Biggs. The proposed annexation is the first phase of a two-phase annexation plan that would increase the city’s available land for development. As a result of the annexation, the territory would be removed from CSA 164 (Butte County Animal Control) and from the Butte County Resource Conservation District, as these services are provided only to unincorporated parcels. The proposal conforms with Butte LAFCo policy and with the 2015 Final Municipal Service Review and Sphere of Influence Plan for the City of Biggs. The Executive Officer recommends approval of this proposal.

Application Submitted: January 13, 2023

Application Deemed Complete: February 13, 2023

100% Landowner Consent: No.

Notice and Hearing Required: Yes.

Proponent: City of Biggs, Resolution No. 2021-22 (**Exhibit C**), adopted December 14, 2021

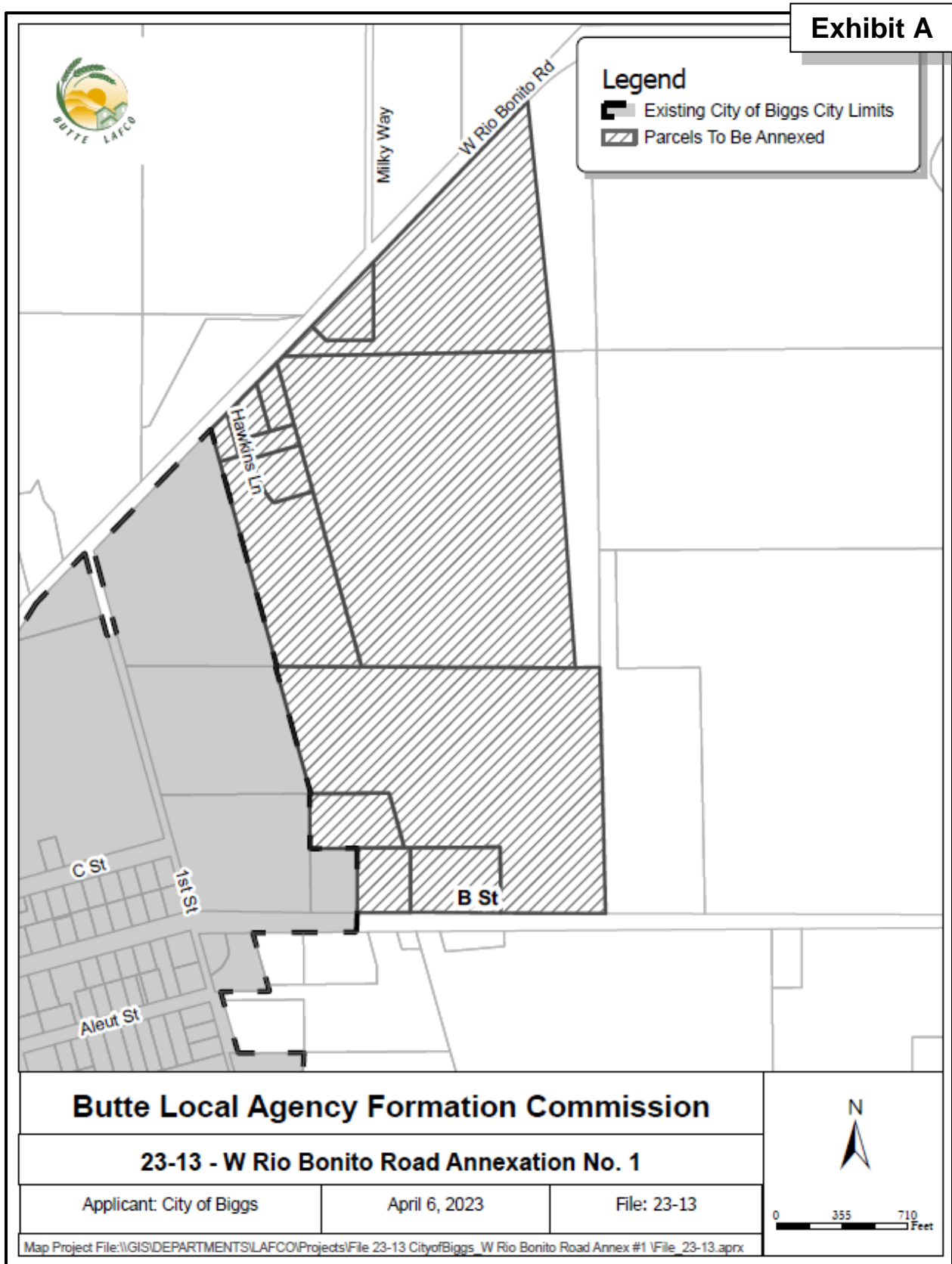
Landowners: Numerous.

Location: The annexation territory is generally located on the westerly edge of the City of Biggs, south of W. Rio Bonito Road and north of B Street. The territory is located in Supervisorial District 4.

- Proposal:
1. Annexation of 13 parcels and adjacent road right-of-way totaling approximately 80 acres to the City of Biggs;
 2. The detachment of the parcels from CSA 164 (Butte County Animal Control District) and from the Butte County Resource Conservation District.

Requested

Action: Adopt Resolution 20 2022/23 (**Exhibit B**) approving the annexation.

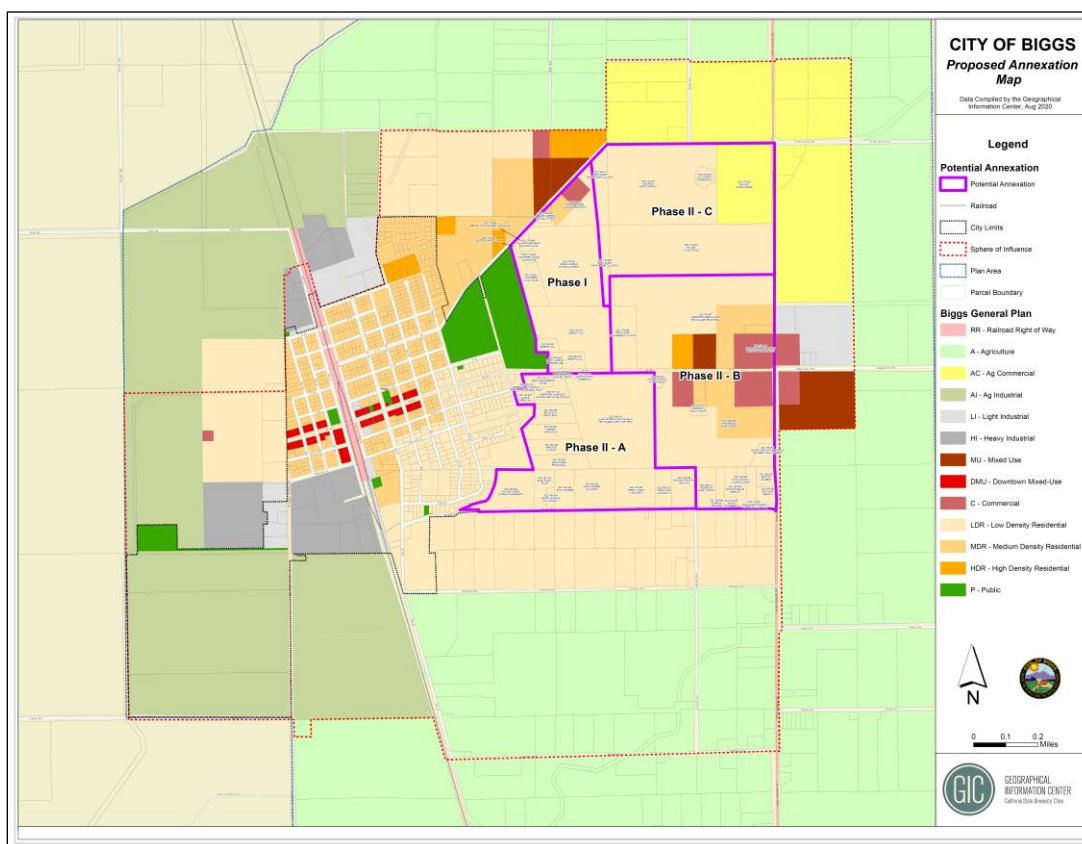


DISCUSSION AND ANALYSIS

Phased Annexation Plan

The City of Biggs proposes to increase much needed housing and economic opportunities within the City's sphere of influence by pre-zoning and eventually annexing approximately 520 acres adjacent to the eastern city limits. Current acreage within the Biggs city limits is approximately 414 acres. The Annexation Plan, when fully realized, would create a total of approximately 934 acres within the City of Biggs and potential development of approximately 2,380 new housing units.

The proposed annexation is Phase 1 of the 2-phased plan. Phase 1 involves City-initiated pre-zone and annexation applications. Phase 2 involves three sub-phases (A, B, and C) but does not involve current (City-initiated) applications to pre-zone or annex land. Instead, Phase 2 focuses on a Request for Proposals (RFP) issued by the City of Biggs seeking a consultant to develop a *Phased Annexation Area Plan* document. Once prepared, the *Phased Annexation Area Plan* will be adopted by the Biggs City Council and maintained by the City of Biggs Planning Department for use by the public and prospective developers as a resource guide. Chapters in the document would include preliminary engineering and infrastructure analysis, master environmental assessment, and development opportunities. The purpose of the plan is to provide a consistent, predictable outline for the development process.



Proposed Phase Annexation Plan

Annexation Proposal

The annexation was initiated by the City of Biggs in order to implement the first phase of a 2-phased annexation plan and is supported by findings in the 2015 Final Municipal Service Review (MSR) Update and Sphere of Influence Plan for the City of Biggs. The MSR found that the City of Biggs does not have adequate vacant land to support future growth of both residential and commercial uses but does have the capability to service existing and future residents through implementation of General Plan goals, policies, and actions.

Public services provided by the City of Biggs include fire protection and emergency medical services, law enforcement services, public schools, parks and recreation, water service (supply and infrastructure), wastewater services, and solid waste, and electricity. Generally, impacts in these areas are related to an increase in population from residential development. Levels of service are generally based on a service-to-population ratio, except for fire protection, which is usually based on a response time. In order to offset the financial and service impacts of new development, the City has implemented a Development Impact Fee (DIF) system that ensures infrastructure improvements necessary to service new development are paid for by new development.

Domestic water for the annexation territory would be provided by the City of Biggs via two groundwater wells, a 40,000-gallon elevated water tank, and a network of water mains. Wastewater is conveyed to the City's wastewater treatment plant and is discharged into ditches owned by Reclamation District (RD) 833 and conveyed to the Butte Sink area. RD 833 channels surround the city and serve the dual purposes of primarily providing and conveying agricultural irrigation water as well as by default, removing storm water runoff from the city. Increases in development in the region, coupled with the nearly flat terrain, result in the potential for flooding miles "downstream" from Biggs to the southwest.

City of Biggs General Plan goals and policies encourage early consultation with RD 833 to plan for and resolve potential flooding issues resulting from storm drain flows originating from the city. City storm water design standards require a "no net positive increase", and a hydrology study would be required to determine the size of detention ponds, outfall locations, and the overall impact that development would have on RD 833 facilities. Further, the District collects an annual assessment based on acreage in order to plan for and finance capital improvement projects. As such, it is recommended that the annexation territory remain within the jurisdictional boundary of RD 833 as they will continue to provide waste and storm water conveyance services. Additionally, Staff recommends the annexation be conditioned to require the City of Biggs to coordinate with RD833 and approve site specific drainage standards for City projects consistent with the requirements and needs of RD833 to fully mitigate non-agricultural stormwater management (see Condition of Approval #**).

Staff recommends that the annexation territory remain within the bounds of two County Services Areas (CSA's). CSA 31 (Schohr's Pool) consists of approximately 50,000 acres west of the Feather River, surrounding the community of Biggs. The CSA is a funding mechanism for the operation of Schohr's Swimming Pool, located on school grounds owned by Biggs Unified School District. CSA 37 (Gridley-Biggs Ambulance) includes the communities of Biggs, Gridley, and Richvale, and provides funding to augment the provisions of ambulance services within the boundaries of the district.

Typically, whenever any territory in a CSA is included within a city by annexation, the territory would be automatically excluded from the CSA unless the Commission finds that exclusion of the parcels from the CSAs would deprive the area of needed services. As such, Resolution 20 2023/24 includes a finding waiving the application of Streets and Highways Code Section 22613.

Following annexation:

- The subject territory will be detached from CSA No. 164 (Butte County Animal Control), as this service will be provided by the City of Biggs;
- The subject territory will be detached from the Butte County Resource Conservation District, as this service is confined to unincorporated parcels only;
- The subject territory will remain within County Service Area No. 31 (Schohr's Pool);
- The subject territory will remain within County Service Area No. 37 (Gridley-Biggs Ambulance), and;
- The subject territory will remain within Reclamation District 833.

Project Site

The annexation territory is located on the easterly edge of the City of Biggs. The parcels involved are developed with rural residential single-family homes and agricultural uses including orchards and row crops. The annexation territory is bound to the north by W. Rio Bonito Road and to the south by B Street. The westerly boundary is comprised of various parcels owned by Biggs Unified School District, which contain school facilities. Biggs Community Hall is located at the southwesterly edge of annexation territory. The easterly edge of the annexation territory is comprised of parcels with active agricultural uses.

The Butte County General Plan designates the parcels as VLDR (Very Low Density Residential) and RR (Rural Residential) and zoning is VLDR (Very Low Density Residential) and RR-5 (Rural Residential, 5-acre minimum lot size). Development potential under Butte County Land Use regulations would allow residential development of up to 1 unit per acre for VLDR and 1 unit per 5 acres for RR-5. Parcels to the east of the annexation territory are zoned for agricultural uses with either a 20- or 40-acre minimum lot size.

The City of Biggs has rezoned most of the annexation territory parcels as R-1 (Single-Family Residential) and assigned LDR (Low Density Residential) on the General Plan Land Use Diagram. Two parcels on the northerly boundary of the territory are rezoned R-2 (Medium Density Residential). A maximum density calculation provides that the annexation territory could support 441 single-family homes and 38 multi-family units.

Conversion of Ag Lands

The California Department of Conservation (DOC) manages the Farmland Mapping and Monitoring Program, which identifies and maps significant farmland. The DOC identifies the annexation territory as Prime Farmland (9.6 acres), Farmland of Statewide Importance (61.7 acres), Urban and Built-up land (7.4 acres), and Other Land (0.8 acres). Future development of the annexation territory would result in the conversion of Prime Farmland and Farmland of Statewide Importance. While no development is proposed at this time, future development of the annexation territory would be subject to City of Biggs General Plan Policies. The General Plan is intended to support further growth and development in and around the City of Biggs, but to also protect and maintain agricultural uses through the following actions, goals, and policies: require a 100-foot wide physical separation between new development and active, viable agricultural land (Action CR-2.2.2), the preservation and support of agricultural enterprises by supporting right-to-farm policies (Policy CR-2.6), discourage detachment from irrigation and agricultural drainage districts and the discontinuance of irrigation and farming until such time as non-agricultural use is eminent (Action CR-2.2.6), and require mitigation for the urban development requiring annexation occurring in areas previously used for commercial agricultural purposes (CR-2.2.7).

These actions, goals, and policies demonstrate the City's desire and commitment to continue agricultural activities. The General Plan Environmental Impact Report (EIR) recognizes that through implantation of the General Plan, the loss of agricultural land to urban uses would be significant and unavoidable. The annexation territory was included in the General Plan Planning Area and impacts to agriculture because of urban development was considered at that time. The proposed annexation would not result in a greater impact on agriculture than those impacts already identified in the General Plan EIR considered and accepted by the City.

Individual Factors for Consideration

California Government Code §56668 provides a list of factors to be considered in the review of a proposal. The Commission's review shall include, but is not limited to, consideration of these factors:

(a) Population; land use; topography; proximity to other populated areas; the likelihood of significant growth in the area.

The annexation territory is located on the easterly edge of the City of Biggs. The parcels involved are developed with rural residential single-family homes and agricultural uses including orchards and row crops. The annexation territory is bound to the north by W. Rio Bonito Road and to the south by B Street. The westerly boundary is comprised of various parcels owned by Biggs Unified School District, which contain school facilities. Biggs Community Hall is located at the southwesterly edge of annexation territory. The easterly edge of the annexation territory is active agricultural uses.

The City of Biggs has rezoned most of the annexation territory parcels as R-1 (Single-Family Residential) and assigned LDR (Low Density Residential) on the General Plan Land Use Diagram. Two parcels on the northerly boundary of the territory are rezoned R-2 (Medium Density Residential). A maximum density calculation provides that the annexation territory could support 441 single-family homes and 38 multi-family units.

The City of Biggs, utilizing grant funding, proposes to increase housing opportunities with the City's sphere of influence by annexing and pre-zoning approximately 520 acres adjacent to the eastern city limits. Current acreage within the Biggs city limits is approximately 414 acres. The proposed annexation would create a total of approximately 934 acres within the City of Biggs and potential development of approximately 2,380 new housing units.

(b) The need for organized community services; probable effect of the proposed annexation on the cost and adequacy of services and controls in the area and adjacent areas.

The annexation was initiated by the City of Biggs in order to implement the first phase of a 2-phased annexation plan and is supported by findings in the 2015 Final Municipal Service Review (MSR) Update and Sphere of Influence Plan for the City of Biggs. The MSR found that the City of Biggs does not have adequate vacant land to support project growth of both residential and commercial uses but does have the capability to service existing and future residents through implementation of General Plan goals, policies, and actions.

(c) The effect of the proposed action and of alternative actions.

The area would be removed from the County's unincorporated area and be within the City of Biggs's incorporated service area. The proposal would facilitate the first phase of a 2-phased annexation plan that would increase the developable area of the City to approximately 930 acres. Future growth for the City is limited due to its built-out nature and small size. For the City to meet its housing goals, it will need to expand its jurisdictional territory into the Sphere of Influence.

(d) The conformity of the proposal with the adopted commission policies on providing planned, orderly, efficient patterns of urban development.

The annexation of the subject territory to the City of Biggs is consistent with the planned, orderly, and efficient patterns of urban development within the adopted Spheres of Influences of the affected agencies. The annexation proposal is consistent with Butte LAFCo policies that encourage proposals that result in urban development to include annexation to a city whenever possible (2.3.1) and are consistent with sphere and municipal service reviews (4.1.1).

(e) The effect of the proposal on agricultural lands.

Future development of the annexation territory would result in the conversion of Prime Farmland and Farmland of Statewide Importance. While no development is proposed at this time, future development of the annexation territory would be subject to City of Biggs General Plan. The Biggs General Plan is intended to support further growth and development in and around the City of Biggs, but to also protect and maintain agricultural uses through the following actions, goals, and policies: require a 100-foot wide physical separation between new development and active, viable agricultural land (Action CR-2.2.2, the preservation and support of agricultural enterprises by supporting right-to-farm policies (Policy CR-2.6), discourage detachment from irrigation and agricultural drainage districts and the discontinuance of irrigation and farming until such time as non-agricultural use is eminent (Action CR-2.2.6), and require mitigation for the urban development requiring annexation occurring in areas previously used for commercial agricultural purposes (CR-2.2.7).

These actions, goals, and policies demonstrate the City's desire and commitment to continue agricultural activities. However, the General Plan Environmental Impact Report (EIR) recognizes that through implantation of the General Plan, the loss of agricultural land to urban uses would be significant and unavoidable. The annexation territory was included in the General Plan Planning Area and impacts to agriculture because of urban development was considered at that time. The proposed annexation would not result in a greater impact to agriculture than those impacts already identified in the General Plan EIR considered and accepted by the City.

(f) Boundaries of the territory.

The subject territory is parcel specific, with definite and certain boundaries. There are no conflicts with lines of assessment or ownership.

(g) Consistency with city or county general and specific plans.

The City of Biggs has rezoned most of the annexation territory parcels as R-1 (Single-Family Residential) and assigned LDR (Low Density Residential) on the General Plan Land Use Diagram. Two parcels on the northerly boundary of the territory are rezoned R-2 (Medium Density Residential). A maximum density calculation provides that the annexation territory could support 441 single-family homes and 38 multi-family units.

The proposal is consistent with the City of Biggs General Plan that identifies that in order for the City to grow and create housing development opportunities, it will need to expand its jurisdictional boundaries into the Sphere of Influence (Policy LU 5.3 Annexation).

(h) The sphere of influence of any local agency which may be applicable to the proposal being reviewed.

The proposed annexation is consistent with the Sphere of Influence for the City of Biggs, as was updated by the Commission on December 3, 2015. The territory is within County Service Area No. 164 (Butte County Animal Control) and the territory will be detached from this district as this service will be provided by the City of Biggs. The territory is within the Butte County

Resource Conservation District, and the territory will be detached from this district as the services this district provides is confined to unincorporated parcels only.

The territory is located within the boundaries of County Service Area No. 31 (Schohr's Pool), County Service Area No. 37 (Gridley-Biggs Ambulance), Reclamation District 833, and the Butte County Mosquito and Vector Control District. The territory will remain within all of these districts and the proposed annexation will not have any significant impact to these districts.

(i) The comments of any affected local agency.

On January 19, 2023, LAFCo staff circulated the proposal for review and comment from local public agencies. The following table lists the agencies that responded to LAFCo's request for comments and their response.

| <u>Agency</u> | <u>Comment</u> |
|---|--|
| Butte Co. Auditor/Property Tax Division | Tax Split is County 58% and City 42% |
| Butte Co. Elections | 14 Registered Voters. The City of Biggs precinct boundary will be adjusted to include the affected parcels. |
| Reclamation District 833 | <p>We request that development provide detention due to the increased runoff flow-rate such that water surface elevations within the District facilities aren't increased up to a 100 year event. The water-surface at the point of discharge into District facilities shall be taken into consideration when evaluating the drainage analysis. In addition, the volume of water from the post developed site shall not be increased to cause the period of downstream flooding to be extended with a maximum period of a 10-day event. Drainage from the watersheds shall follow historical drainage patterns.</p> <p>Staff response: No development is proposed at this time. Future development would be required to consult with RD 833 for drainage and detention sizing per City of Biggs General Plan polices. A condition is recommended requiring the City to develop drainage plans in coordination with, approval by, RD833.</p> |

The following agencies were also sent a request for comments, but who did not respond or did not provide substantive comments:

Butte Co. Assessor's Office; Butte Co. Agricultural Commissioner's Office; Butte Co. Elections Office; Butte County Animal Control; Biggs Unified School District; Butte Water District; Gridley-Biggs Cemetery; Butte County Mosquito and Vector Control District; Butte County office of Education; Butte Co. Environmental Health Division; Butte Co. Fire Department/CalFire; Butte Co. Sheriff's Office; Butte Co. Resource Conservation District, and; Butte-Glenn Community College District.

(j) The ability of the receiving entity to provide the services.

Public services include fire protection and emergency medical services, law enforcement services, public schools, parks and recreation, water service (supply and infrastructure), wastewater services, and solid waste, and electricity. Generally, impacts in these areas are related to an increase in population from residential development. Levels of service are generally based on a service-to-population ratio, except for fire protection, which is usually based on a response time. Future development of the annexation area would result in a need to maintain current levels of service; this includes that new development would implement General Plan policies and actions, such as the payment of development impact fees to assist funding fire protection facilities, new law enforcement facilities, parks, wastewater treatment facilities, etc. The proposal would not provide for residential development beyond what is considered in the Gridley 2030 General Plan.

(k) Availability of adequate water supplies.

Future development within the annexation territory would receive water from the City's municipal water supply. The sole source of water supply for Biggs is groundwater extracted from the Sacramento Valley Groundwater Basin, more specifically the Butte Subbasin. The Butte Subbasin has not been identified by DWR as a critically overdrafted basin. Estimated water demand for future development in the annexation territory is approximately 121-acre feet (AF) and the groundwater storage capacity is 5.9 million AF for the Butte Subbasin. This demand would represent 0.002 percent increase in groundwater demand on the Butte Subbasin.

(l) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs.

The proposal is the first phase of a 2-phased annexation plan that would ultimately increase the City's jurisdictional service area by 520 acres. Expanding the City's service area into the Sphere of Influence is supported by the City of Biggs General Plan land use policies. The annexation would increase development opportunities, which will accommodate the Regional Housing Needs Allocation for low- and very-low income households.

(m) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

Notice of the public hearing for the proposed annexation was mailed to landowners and registered voters within the affected territory and within 300 feet of the territory. As of the date of this staff report, no comments have been received.

(n) Any information relating to existing land use designations.

The Butte County General Plan designates the parcels as VLDR (Very Low Density Residential) and RR (Rural Residential) and zoning is VLDR (Very Low Density Residential) and RR-5 (Rural Residential, 5-acre minimum lot size). Development potential under Butte County Land Use regulations would allow residential development of up to 1 unit per acre for VLDR and 1 unit per 5 acres for RR-5. Parcels to the east of the annexation territory are zoned for agricultural uses with either a 20- or 40-acre minimum lot size.

The City of Biggs has rezoned most of the annexation territory parcels as R-1 (Single-Family Residential) and assigned LDR (Low Density Residential) on the General Plan Land Use Diagram. Two parcels on the northerly boundary of the territory are rezoned R-2 (Medium Density Residential). A maximum density calculation provides that the annexation territory could support 441 single-family homes and 38 multi-family units.

(o) The extent to which the proposal will promote environmental justice.

The proposed reorganization is not expected to promote or discourage the fair treatment of minority or economically disadvantaged groups. The territory is not within a disadvantaged unincorporated community (DUC).

Based upon the above responses, the proposal appears to be consistent with the listed factors.

Applicable Butte LAFCo Policies

Section 2.0 (LAFCo General Policies and Standards) and Section 4.0 (Annexation and Detachments) of Butte LAFCo Policies and Procedures provides the Commission with general standards for annexation proposals. The relevant policies for consideration and guidance for this proposal include:

- Consistency of the proposal with the General Plan of the applicable planning jurisdiction (2.10.1).
- The creation of logical boundaries (2.11.2)
- Consistency of a proposal with the Sphere of Influence and Municipal Service Review of the affected jurisdiction(s) (4.1.1)
- Contiguity of a proposed annexation area to the jurisdictional boundaries of the annexing city (4.1.3)
- Determination of the most efficient service provider (4.2)

The proposal is substantially consistent with the above policies in that it:

- Is contiguous to City of Biggs jurisdictional boundaries.
- Will result in orderly, effective, and logical jurisdictional boundaries.
- Is consistent with determinations made in the Final Municipal Service Review and Sphere of Influence Update for the City of Biggs, adopted by the Commission in 2015.

Plan for Service

The following table shows the services that are currently provided to the territory and the changes in service providers as a result of annexation to the City of Biggs.

| <u>Service</u> | <u>Presently Provided By</u> | <u>Proposed Provider</u> |
|----------------------------|---------------------------------------|---------------------------------|
| Fire Protection | County of Butte | City of Biggs |
| Police Protection | County of Butte | Gridley-Biggs Police Department |
| Code Enforcement | County of Butte | City of Biggs |
| Sewer Service | None | City of Biggs |
| Domestic Water Service | None | City of Biggs |
| Agricultural Water Service | None | No Change |
| Animal Control | County of Butte (CSA 164) | City of Biggs |
| Solid Waste | Private Collector | No change |
| Road/Street Maintenance | County of Butte | City of Biggs |
| Power Infrastructure | PG&E/none | City of Biggs |
| Street Lighting | None | City of Biggs |
| Planning & Zoning | Butte County | City of Biggs |
| Schools | Biggs Unified School District | No change |
| Resource Conservation | Butte Co. Resource Conservation Dist. | None |
| Mosquito Abatement | Butte Co. Mosquito Abatement Dist. | No change |
| Recreation | CSA 31 (Schohr’s Pool). | No change |
| Storm Water Drainage | Reclamation District No. 833 | No change |

The territory will be detached from the following districts:

- County Service Area No. 164 (Butte County Animal Control), as this service will be provided by the City of Biggs; and
- The Butte County Resource Conservation District, as this service is restricted to unincorporated parcels only.

ADDITIONAL INFORMATION

Property Tax Agreement

In accordance with provisions of Revenue and Taxation Code §99, the exchange of property tax revenues between the County of Butte and the City of Biggs will be in accordance with the master tax sharing agreement between the County of Butte and Its Cities (as amended January 31, 1980), which was approved by the Butte County Board of Supervisors on January 22, 1980. The master tax sharing agreement calls for the City of Biggs to receive 42% of the property taxes generated within City boundaries, and the County to receive 58%. However, as this will be municipally owned property, no property taxes will be levied or collected and therefore, the County will cease to receive property taxes.

Environmental Analysis

The City of Biggs is the lead agency for the proposal under the California Environmental Quality Act (CEQA). The City prepared and adopted a Mitigated Negative Declaration (Annexation Plan Phase 1) that analyzed the environmental impacts of the development of annexed property. The City's Mitigated Negative Declaration found that the proposed annexation would have a less than significant environmental impact with the incorporation of mitigation measures that address impacts to air quality, biological resources, noise, aesthetics, greenhouse gas emissions, and tribal cultural resources. The Mitigated Negative Declaration prepared by the City of Biggs is attached to this report as **Exhibit D**.

As responsible agency, LAFCo is required to rely on the City's environmental documentation in acting on the proposal but must prepare and issue its own findings. Staff has reviewed the aforementioned Mitigated Negative Declaration and believes that the City has made an adequate determination in that the proposed annexation will not directly result in any substantial impact to the environment.

CONCLUSION

The proposed annexation represents a positive step forward for the City of Biggs to plan for future growth in a logical and orderly way. The proposed annexation is not anticipated to have adverse impacts on the City of Biggs' or any other agency's ability to provide services. The proposal Conforms to Butte LAFCo policy, and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. Based upon the findings and determinations in this report, staff recommends approval of this proposal.

ALTERNATIVES FOR COMMISSION ACTION

The Executive Officer recommends that after reviewing this report and any testimony or materials that are presented, the Commission hold a public hearing, and:

- OPTION 1 – Adopt Resolution 20 2022/23 making determinations approving the proposed *City of Biggs – W Rio Bonito Road Annexation No. 1*, subject to the recommended conditions therein, and including:

- A. Condition of Approval #A, stating that prior to the approval of any discretionary entitlements by the City of Biggs within the annexation territory, any stormwater drainage plans shall be approved in coordination with Reclamation District No. 833.
- B. Adoption of the Mitigated Negative Declaration/Mitigation Monitoring Program prepared and adopted by the City of Biggs for the proposed annexation of the subject territory finding that the project would not have significant effects on the environment.
- C. Finding that mailed notice has been given to landowners and registered voters within the effect territory disclosing that unless written opposition to the proposal is received before the conclusion of the commission proceedings on the proposal, the commission intends to waive protest proceedings.
- D. Waiving the conducting authority proceedings and direct staff to complete the proceedings.

OPTION 2 - DENY the proposal.

OPTION 3 - CONTINUE this proposal to a future meeting for additional information.

PROPOSED MOTION:

I recommend that the Commission adopt resolution 20 2022/23 making determinations approving the proposed annexation identified as City of Biggs – W Rio Bonito Annexation No. 1 subject to condition therein, finding that the project would not have a significant effect on the environment and waiving protest provisions pursuant to Government Code Section 56663.

Respectfully submitted,

Shannon Costa

Shannon Costa
Deputy Executive Officer

Attachments:

- Exhibit A: Annexation Area Map - Page 2
- Exhibit B: Draft LAFCo Resolution No. 20 2022/23
- Exhibit C: City of Biggs – Resolution 2021-22
- Exhibit D: City of Biggs Initial Study/Mitigated Negative Declaration

Distribution:

Bob Summerville, Planner bsummerville@ecorpconsulting.com

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF BUTTE MAKING DETERMINATIONS AND
ORDERING THE REORGANIZATION OF TERRITORY DESIGNATED AS
23-13 - CITY OF BIGGS – W RIO BONITO ROAD ANNEXATION NO. 1**

RESOLVED, by the Local Agency Formation Commission of the County of Butte, State of California, that

WHEREAS, a proposal for the annexation of the subject territory to the City of Biggs in the County of Butte was heretofore filed by the City of Biggs on January 13, 2023 and accepted for filing on February 13, 2023 by the Executive Officer of this Local Agency Formation Commission pursuant to Title 5, Division 3, commencing with Section 56000 of the Government Code; and

WHEREAS, the Executive Officer, pursuant to Government Code §56658, set May 4, 2023, as the hearing date on this proposal and gave the required notice of public hearing; and

WHEREAS, the Executive Officer, pursuant to Government Code §56665, has reviewed this proposal and prepared a report, including recommendations thereon, and has furnished a copy of this report to each person entitled to a copy; and

WHEREAS, this Commission called for and held a hearing on May 4, 2023 and at the hearing this Commission heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this proposal and the report of the Executive Officer.

NOW, THEREFORE, the Local Agency Formation Commission of the County of Butte **DOES HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

Section 1. Environmental Action:

- A. The City of Biggs, as lead agency, prepared an Initial Study/Mitigated Negative Declaration for the annexation proposal and the proposed residential subdivision (Annexation Plan Phase 1), which addressed issues related to the effect of urban development and the impacts to public services. The Initial Study/Mitigated Negative Declaration did not identify any significant impacts associated with the project that would not support the requested annexation.
- B. As a “Responsible Agency” under CEQA Guidelines, prior to approving the proposed annexation, the Commission is required to consider the information in the Initial Study/Mitigate Negative Declaration for the project on which the Lead Agency based its Notice of Determination.
- C. The Commission finds that the Lead Agency’s Initial Study/Mitigated Negative Declaration was prepared in accordance with the requirements of CEQA Guidelines and is consistent with State law and that the City’s environmental document prepared for this annexation is determined to be legally adequate pursuant to CEQA Guidelines Section 15063(2).

Section 2. General Findings and Determinations:

- A. The Commission has considered the factors determined by the Commission to be relevant to this island annexation proposal, including, but not limited to, Butte LAFCo Policies and Procedures, City of Biggs Sphere of Influence and Municipal Service Review, the City of Biggs 2030 General Plan and 2030 General Plan EIR, the City of Biggs Zoning Ordinance, the Butte County General Plan 2030 and Zoning Ordinance, and other factors specified in Government Code §56375.3 and as described in the staff report dated April 25, 2023 for the meeting of May 4, 2023.
- B. Pursuant to California Government Code §56663 (Waiver of Protest Proceedings) the Commission waives protest proceedings for the annexation as no written objections to the proposed annexation were received from any registered voter within the territory prior to the close of the public hearing on the annexation.
- C. The annexation area shall consist of 13 parcels approximately 79.45 acres in size and the adjacent public rights-of-way, as submitted by the City of Biggs, and depicted in LAFCo Exhibit "A."
- D. The subject annexation area is found to be uninhabited and is assigned the following short form designation: 23-13 – City of Biggs – W Rio Bonito Avenue Annexation No. 1.
- E. The Commission waives the application of Government Code Section 22613, finding that the exclusion of the parcels in the annexation territory from CSA No. 34 (Gridley Swimming Pool) and CSA No. 37 (Gridley Biggs Ambulance) would deprive the area of needed services to insure the health and safety of the residents in the area and would not affect the ability of the City of Biggs to provide any service.
- F. The purpose of the annexation of the parcels is to increase available land for development, to support orderly jurisdictional boundaries, and for the provision of efficient and effective municipal services, such as sewer service, police, and fire protection services for existing and future development on the parcels within the territory.
- G. Future development of the annexation territory would result in the conversion of Prime Farmland and Farmland of Statewide Importance. While no development is proposed at this time, future development of the annexation territory would be subject to City of Biggs General Plan Policies. The General Plan is intended to support further growth and development in and around the City of Biggs, but to also protect and maintain agricultural uses through the following actions, goals, and policies: require a 100-foot wide physical separation between new development and active, viable agricultural land (Action CR-2.2.2), the preservation and support of agricultural enterprises by supporting right-to-farm policies (Policy CR-2.6), discourage detachment from irrigation and agricultural drainage districts and the discontinuance of irrigation and farming until such time as non-agricultural use is eminent (Action CR-2.2.6), and require mitigation for the urban development requiring annexation occurring in areas previously used for commercial agricultural purposes (CR-2.2.7). These actions, goals, and policies demonstrate the City's desire and commitment to continue agricultural activities.
- H. The exchange of property tax revenues between the County of Butte and the City of Biggs will be performed in accordance with the Master Tax Exchange Agreement approved by the City of Biggs and the Butte County Board of Supervisors on November 4, 1987.

- I. The proposal is consistent with the City of Biggs Sphere of Influence.
- J. The parcels identified in this annexation will be detached from the following districts:
 - 1. County Service Area 164 (Butte County Animal Control District); and
 - 2. Butte County Resource Conservation District.

Section 3. Conditions requested by LAFCo:

- A. Prior to the approval of any discretionary entitlements by the City of Biggs within the annexation territory, any stormwater drainage plans shall be approved in coordination with Reclamation District No. 833.
- B. All LAFCo, County of Butte, and State of California fees must be paid in full prior to filing the Certificate of Completion.
- C. The legal description and map, if amended by action of the Commission, will be revised at the expense of the applicant, prior to filing the Certificate of Completion.
- D. The map and legal description shall comply with the State Board of Equalization requirements and if rejected by the State Board of Equalization, shall be revised at the expense of the applicant.

Section 4. The boundaries, as set forth in the proposal, are hereby approved as submitted and are as depicted in Exhibit "A" attached hereto and by this reference incorporated herein.

Section 5. The Executive Officer is hereby authorized and directed to mail certified copies of this Resolution as provided in Section 56882 of the Government Code.

PASSED AND ADOPTED by this Local Agency Formation Commission of the County of Butte, on the 4th day of May 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINS:

Clerk of the Commission

BILL CONNELLY, Chair
Butte Local Agency Formation Commission

RESOLUTION NO. 2021-22

**A RESOLUTION OF ANNEXATION
APPLICATION NO. 2021-01 (CITY OF BIGGS)
REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO
TAKE PROCEEDINGS FOR THE ANNEXATION OF TERRITORY TO THE CITY**

WHEREAS, the City of Biggs has initiated Annexation No. 2021-01 to annex property to the City, referred to as Phase I of the Phased Annexation Plan, and desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for the annexation; and

WHEREAS, the boundaries of the territory to be annexed are described and depicted in Exhibits "I" and "II," attached hereto and by this reference incorporated herein; and

WHEREAS, this proposal is consistent with the Sphere of Influence of the City of Biggs; and

WHEREAS, the City of Biggs has rezoned the area R-1 (Single-Family Residential), R-2 (Medium Density Residential), and C-G (General Commercial) and said rezoning is consistent with the City's General Plan land use designations for the site; and

WHEREAS, the City Council certifies that pursuant to Section 99 (b) of the Tax and Revenue Code, the City of Biggs has entered into an Agreement with Butte County regarding the negotiated exchange of property tax revenues relating to jurisdictional changes; and

WHEREAS, this Council finds that with the tax exchange in accordance with the Master Tax Exchange Agreement with the County, the change of organization will be substantially revenue neutral to all affected agencies; and

WHEREAS, the territory proposed to be annexed is uninhabited territory within the meaning of Section 56046 of the Government Code in that there are not 12 or more registered voters residing within it; and

WHEREAS, the City Council of the City of Biggs has adopted an Initial Study/Negative Declaration for the rezoning and annexation pursuant to the California Environmental Quality Act; and

WHEREAS, The City Council finds that the annexation and proposed use of the Property is consistent with the City's General Plan; and

WHEREAS, The City Clerk is directed to submit a copy of this Resolution to the Executive Officer of LAFCo.

WHEREAS, adoption of the Resolution to initiate annexation proceedings was considered by this Council at a public hearing held on December 14, 2021, notice of which was provided through publication pursuant to Government Code Sections 56153 and 56154, as required by Section 56755.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The City Council has adopted an Initial Study/Negative Declaration for the rezoning and annexation pursuant to the California Environmental Quality Act; and

2. This Resolution of Application is hereby adopted by the City Council of the City of Biggs, and the Local Agency Formation Commission of Butte County is hereby requested to take proceedings for the annexation of territory as described and depicted in Exhibits "I" and "II," according to the terms and conditions stated above, and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 2000 (rev 1994).

3. By reason of the foregoing, the City Council of the City of Biggs requests LAFCo to commence proceedings on annexation of Property to the incorporated territory of City within the time and in the manner required by law.

4. The reason for the annexation is as follows: To facilitate future residential development within the City of Biggs consistent with the purpose of an SB2 Planning Grant Award.

BE IT FURTHER RESOLVED, the Local Agency Formation Commission is requested to make this change of organization subject to the following terms and conditions:

1. The regular county assessment roll will be utilized.
2. The property to be annexed will be taxed for the existing general bonded indebtedness of the City.

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby approve Annexation No. 2021-01 to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 2000.

I HEREBY CERTIFY that the foregoing **RESOLUTION** was duly introduced, passed and adopted at a regular meeting of the City Council of the City of Biggs, held on the 14th day of December 2021, by the following vote:

AYES: COUNCILMEMBER Sheppard, Bassett and Squires


NOES: COUNCILMEMBER _____

ABSENT: COUNCILMEMBER Nuchols

ABSTAIN: COUNCILMEMBER _____

ATTEST:

APPROVED:



Roben Benish
CITY CLERK



James T. Sheppard
MAYOR