

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

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

CITY OF BIGGS
465 C STREET
BIGGS, CA 95917

October 13, 2015

Attachment B

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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INTRODUCTION

1.0 Introduction

1.1 Introduction..... 1.0-1

1.2 Organization and Scope 1.0-1

PROJECT DESCRIPTION

2.0 Project Description

2.1 Proposed Rezoning, SOI Amendment and Annexation 2.0-1

ENVIRONMENTAL ANALYSIS

3.0 Environmental Analysis

3.1 Basis for Decision to Prepare Addendum 3.0-1

3.2 Discussion of Findings 3.0-3

3.3 Proposed Project Impacts 3.0-4

LIST OF TABLES

Table 3.0-1 Biggs WWTP Enhancement Project Impacts/Prezone, SOI Amendment and Annexation Impact Determination 3.0-5

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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. Prezoning of the properties is required prior to annexation. While prezoning and annexation of the parcels was contemplated as a part of the WWTP Enhancement project, the actual SOI amendment, annexation and prezoning 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 prezoning 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 prezone 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, known 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

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.

**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
<i>Agricultural Resources</i>		
Impact 3.1.1 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
Impact 3.1.2 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
Impact 3.1.3 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
<i>Air Quality</i>		
Impact 3.2.1 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
Impact 3.2.2 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
Impact 3.2.3 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
Impact 3.2.4 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
<i>Biological Resources</i>		
Impact 3.3.1 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

3.0 ENVIRONMENTAL ANALYSIS

WWTP Enhancement Project Impact	WWTP Enhancement Project EIR Determination	Prezone, SOI Amendment and Annexation Impact Determination
Impact 3.3.2 Implementation of project-related activities could result in substantial adverse effects, either directly or through habitat modifications, to giant garter snakes.	Less than Significant	Does not change the impact
Impact 3.3.3 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
Impact 3.3.4 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
Impact 3.3.5 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
Impact 3.3.6 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
Impact 3.3.7 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
Impact 3.3.8 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
Impact 3.3.9 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
Impact 3.3.10 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
<i>Cultural and Paleontological Resources</i>		
Impact 3.4.1 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
Impact 3.4.2 Implementation of the project could result in the potential disturbance of	Less than Significant	Does not change the

WWTP Enhancement Project Impact	WWTP Enhancement Project EIR Determination	Prezone, SOI Amendment and Annexation Impact Determination
undiscovered cultural resources.		impact
Impact 3.4.3 Implementation of the proposed project could directly or indirectly destroy a unique paleontological resource or site.	Less than Significant	Does not change the impact
Impact 3.4.4 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
Impact 3.4.5 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
<i>Climate Change and Greenhouse Gases</i>		
Impact 3.5.1 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
Impact 3.5.2 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
<i>Hydrology and Water Quality</i>		
Impact 3.6.1 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
Impact 3.6.2 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
Impact 3.6.3 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
Impact 3.6.4 Operation of the proposed WWTP improvements would not contribute to cumulative water quality impacts.	No Impact	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
<i>Hazardous Materials/Human Health</i>		
Impact 3.7.1 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
Impact 3.7.2 Implementation of the proposed project could result in the increased exposure of disease associated with mosquito vectors.	Less than Significant	Does not change the impact
Impact 3.7.3 The proposed project and projects in the surrounding area would not result in the addition of hazardous materials over planning thresholds.	Less than Cumulatively Considerable	Does not change the impact