

December 26, 2001

To: Sutter County Planning Commission

Re: Agenda Item #8: Public hearing on Rezoning #01-12 to change the zoning classification of the subject 1.72 acres from RE (Residential Estates) District to P (Public) District; located at the northeast corner of Everitt Road and Butte Avenue, Sutter; A. P. #14-031-015; applicant/property owner - Sutter Cemetery District. (Location: District 3 - Commissioner Barringer.)

### **Current Proposal**

#### A. Project Description

The Cemetery District wishes to rezone a 1.72 acre parcel in order to construct a new administrative office and garage facility in Sutter, adjacent to their current facilities. This property was recently purchased by the District due to its proximity to the cemetery.

#### B. Environmental Summary

An Initial Study was prepared for this project in accordance with the California Environmental Quality Act and the Guidelines. The study revealed that the project, as proposed, would not have a significant impact on the environment. Therefore, if the Planning Commission wishes to approve the project, staff recommends that the Commission adopt the attached Negative Declaration.

### **Background**

#### A. Property Description

The property is located at the northeast corner of Everitt Road and Butte Avenue. The property is currently undeveloped and has been graded (see Exhibit A).

#### B. Surrounding Land Use, Zoning District and General Plan Designation:

	<b>Use</b>	<b>Zoning</b>	<b>General Plan</b>
<b>Subject Property</b>	Undeveloped	RE	ER
North	Agricultural	AG-PD	AG-RC
East	Orchard and residence	RE	ER
South	Cemetery	P	ER
West	Cemetery and shop	P	ER

C. Previous Commission Actions/Policies

This is the first action for this parcel.

**Comments**

A. Public Works (PW):

See attached Exhibit "C"

B. Sutter-Yuba Mosquito & Vector Control District (SYMVCD):

See attached Exhibit "D"

C. Environmental Health (EH):

Existing well on Assessor's Parcel #14-031-015 to be destroyed as per Sutter County Code.

D. Sheriff/Coroner (S):

We have reviewed the application and find there is no anticipated impact on our services.

E. Building Inspection (B):

Building Inspection has no comment at this time.

F. Planning Division (P):

The Cemetery District has recently purchased this parcel which is located across Everitt Road from their existing shop and storage building, and north of the cemetery. Property to the north is also owned by the district and is held for future expansion of the cemetery. The District proposes to construct a new 4,100 square foot office and garage on this 1.72 acre parcel. The project site is currently zoned RE, with a General Plan Designation of ER. This proposal is to allow a rezone of the

parcel for public use purposes. If approved, the Cemetery District will construct the new office space.

While the plot plan submitted for the rezone request indicates the proposed improvements, the office and associated facilities are not the subject of this application, only the rezoning. The comments received from other departments and agencies relate to the construction of the improvements. Their request is included as criteria for development.

A Public zoning designation is consistent with all General Plan Designations, when providing public facilities such as parks, governmental, educational, public utility or other community facilities. A cemetery is considered a public facility, therefore the Public zone is appropriate. Staff believes that the proposed use is consistent with the Public zone and is therefore recommending approval of the proposal.

### **Recommended Findings**

Based on the information contained in the staff report and/or testimony received at the public hearing, the Planning Commission finds:

- A. In accordance with the California Environmental Quality Act and the Guidelines, an Initial Study was prepared to analyze the potential impacts of the proposed rezone for the subject property. The study revealed that the project, as proposed, would not create a significant impact on the environment. No written comments have been provided which present evidence that the project will have a significant impact on the environment. Therefore, the proposed Negative Declaration attached to this staff report is appropriate.
- B. The Planning Commission has independently reviewed, analyzed and considered the Initial Study and the proposed Negative Declaration prior to making its decision on the project and finds that both documents reflect the independent judgement of the County of Sutter.
- C. The proposed use of the subject property complies with the applicable requirements of the Sutter County General Plan and Zoning Ordinance.
- D. Approval of the rezone, subject to the recommended conditions, will not be detrimental to the public's health, safety, or general welfare or be detrimental to public or private improvements in the area.

### **Recommended Action**

- A. Make the findings as recommended by staff.
- B. Upon review of all comments, recommend that the Board of Supervisors adopt the Negative Declaration.
- C. Recommend the Board of Supervisors approve Rezoning #01-12, changing the zoning designation from RE to P, subject to the following Criteria of Development.

Criteria of Development

1. The applicant shall file a Notice of Determination, including payment of associated fees, in the office of the County Clerk, within five (5) days after the date that the project approval becomes final. (P)
2. The existing well on this parcel shall be destroyed as per Sutter County Code. (EH)
3. No grading or alteration of the existing terrain that would direct additional waters to the County road shall be done without the approval of the department of Public Works. (PW)
4. Encroachment permits are to be obtained from the Public Works Department for any new driveway or road connections to be made to existing County roads. Construct new driveway(s) to current County standards. (PW)
5. Building pads shall be at elevations in conformance with Section 1300-022(F) of the Sutter County Ordinance Code, as defined by Resolution No. 92-124. (PW)
6. If sufficient rights-of-way do not already exist, additional rights-of-way and/or public utility easements shall be deeded to Sutter County to provide the specified one-half widths of the following indicated roads: (PW)

Butte Avenue	30.0' R/W + 10.0' PUE
Everitt Road	20.0' R/W + 10.0' PUE
7. Prior to issuance of a building permit, a drainage and grading plan must be approved by the Public Works Department. (PW)
8. Prior to final building inspection, the property owner shall provide full street improvements along the entire Sutter Cemetery District property frontage along Everitt Road and Butte Avenue consisting of rolled curb and gutter, street paving, and the installation of drain inlets to dispose of storm water runoff to the detention basin. (PW)
9. The property owner shall overlay the eastern and western halves of Everitt Road along the property frontage as well as the northern and southern halves of Butte Avenue. In addition, the northern half of Butte Avenue shall be widened from the corner of Everitt Road along the entire frontage of the Sutter Cemetery District property. (PW)
10. No water shall remain in the detention basin for a period longer than four days in the spring and summer, or ten days in the fall and winter. (SYMVCD)
11. Any vegetative growth in the detention basin shall be maintained at a height of less than two inches. (SYMVCD)

Sincerely,

THOMAS A. LAST  
PLANNING DIVISION CHIEF

Lisa Purvis Wilson  
Senior Planner

Attachments: Exhibit A - Study Sketch  
Exhibit B - Site plan  
Exhibit C - Proposed Negative Declaration and Initial Study  
Exhibit D - Public Works comments  
Exhibit E - Sutter-Yuba Mosquito & Vector Control District comments

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