



## PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING NOVEMBER 17, 2004  
Agenda Item #11

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**Project #** 04-037

**Request:** To amend the criteria of development for Rezoning #01-12. The amendment proposes to modify No. 10 and No. 11 that were placed on the rezone by the Sutter Yuba Mosquito and Vector Control District and add No. 12 from the Planning Division;

**Location:** 7200 Butte Avenue, Sutter (Assessor's Parcel No. 14-031-015)

**Planner:** Leanne Mueller, Associate Planner

**Zoning Code Designation:** P (Public) District

**General Plan Designation:** Estates Residential

**Applicant/Owner:** Sutter Cemetery District

### Staff Recommendation

Staff recommends approval of the request to amend Nos. 10 and 11 and add No. 12 for Rezoning #01-12 with the findings and amended Criteria of Development contained in the Staff Report.

### Project Description

To amend the Criteria of Development for Rezoning #01-12. The amendment proposes to modify Nos. 10 and 11 that were placed on the rezone by the Sutter Yuba Mosquito and Vector Control District and add No. 12 from the Planning Division. In particular, the conditions will be modified to permit water to be present in the storm water retention pond year round with adequate mosquito control measures. The mosquito control measure consists of the use of mosquitofish (*Gambusia affinis*) to control mosquito populations in the pond. Number 12 is being added by the Planning Division to permit minor changes to the conditions to be approved administratively upon written request from the applicant.

## Setting

The 1.62-acre parcel currently contains a 4,100 square foot office building and garage for the Sutter Cemetery District. The property is located on the corner of Everitt Road and Butte Avenue in the rural community of Sutter.

	<b>Land Use</b>	<b>Zoning Designation</b>	<b>General Plan Designation</b>
Site	Office building	P (Public District)	RE (Residential Estate)
North	Vacant Field	AG-PD	Agriculture-Rural Community
South	Cemetery	P (Public District)	RE (Residential Estate)
East	Residence	ER (Estates Residential)	RE (Residential Estate)
West	Cemetery and shop	P (Public District)	RE (Residential Estate)

## Previous Actions

The Sutter Cemetery District applied for Rezoning #01-12 to change the zoning designation of the property from RE (Residential Estates) District to P (Public), subject to the Criteria of Development. The rezone was approved by the Board of Supervisors on February 5, 2002. A new administrative office and garage for the Sutter Cemetery District were subsequently built on the 1.62-acre parcel.

## Analysis

The project proposed to amend the Criteria of Development for RZ #01-12. In particular, Nos. 10 and 11 are proposed to be modified because the Sutter Cemetery District can no longer comply with the criteria. Number 10 requires that water remain in the basin for a period of four days or less in the spring and summer, and ten days or less in the fall and winter. Number 11 requires the vegetation growth in the basin to be less than two inches in height. The property is landscaped and as a result of watering the property in the spring and summer and rain in the fall and winter the drainage basin typically has water in it throughout the year. It is impractical to drain or mow the basin on a regular basis to comply with the conditions. Number 12 was added by the Planning Division to permit minor changes to be made administratively, upon receipt of a written request from the applicant provided that the request is consistent with the application. This condition will allow the Sutter Cemetery District to request future changes to the criteria of development that are considered minor.

The Sutter Yuba Mosquito and Vector Control District has provided modified criteria to replace Nos. 10 and 11 and the Planning Division has added No. 12. The new criteria are listed as follows:

10. Water shall remain in the retention basin continuously throughout the year to facilitate the use of mosquitofish for the control of mosquito larvae.
11. Vegetation in the retention basin shall be maintained so that mosquitofish have access throughout the pond.

12. Minor Changes may be approved administratively by the Director of Community Services, or designee, upon receipt of a written request by the applicant. Prior to such approval, verification shall be made by each Department, Division, and/or agency that the modification is consistent with the application and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application for amendment.

The modified criteria will permit water to remain in the drainage basin throughout the year with mosquitofish to control the mosquito larvae and the vegetation must be maintained to a level that will allow the mosquitofish to have access throughout the pond.

### **Environmental Analysis**

An Initial Study was prepared for this project in accordance with the California Environmental Quality Act and the Guidelines. The study determined 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 the Commission adopt the attached Negative Declaration.

### **Recommended Findings**

Based upon information contained in this staff report and/or testimony received at the public hearing, staff recommends the following findings:

#### **CEQA**

In accordance with the California Environmental Quality Act and the Guidelines, an Initial Study was prepared to analyze the potential impacts of the proposed project for the subject property. The study determined 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.

#### **General Plan**

The modification to the Criteria of Development is consistent with the General Plan Policies for Public Facilities and Service.

#### **Rezone**

Approval of the amendment to the Criteria of Development, subject to the recommended criteria, will not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

## **Recommended Action**

Should the Planning Commission agree with staff's recommendation, the following motions would be appropriate:

1. "I move that the Planning Commission adopt the proposed negative declaration prepared in accordance with the California Environmental Quality Act and the Guidelines."
2. "I move that the Planning Commission approve amendment #04-037, to amend the criteria of development for Rezoning #01-12. The amendment proposes to modify Nos. 10 and 11 that were placed on the rezone by the Sutter Yuba Mosquito and Vector Control District and add No. 12 from the Planning Division based on the recommended findings and conditions contained in this staff report."

## **Attachments**

- A. Study Sketch
- B. Initial Study
- C. Letter from Sutter-Yuba Mosquito & Vector Control District, dated October 12, 2004

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**Criteria of Development**  
**Project #04-037 - Sutter Cemetery District**

*7200 Butte Avenue*

An amendment to modify the criteria of development for Rezoning #01-12. The rezone proposes to amend Criteria Nos. 10 and 11 that were placed on the rezone by the Sutter Yuba Mosquito and Vector Control District and inclusion of No. 12 to permit minor administrative amendments.

**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. Water shall remain in the detention basin continuously throughout the year to facilitate the use of mosquitofish for the control of mosquito larvae.~~ (SYMVCD)
11. ~~Any vegetative growth in the detention basin shall be maintained at a height of less than two inches. Vegetation in the retention basin shall be maintained so that mosquitofish have access throughout the pond.~~ (SYMVCD)
12. *Minor Changes may be approved administratively by the Director of Community Services, or designee, upon receipt of a written request by the applicant. Prior to such approval, verification shall be made by each Department, Division, and /or agency that the modification is consistent with the application and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application for amendment. (P)*