

# Attachment 1

## **RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WHEATLAND APPROVING THE HEAVEN'S GATE PET MEMORIAL CENTER EXPANSION CEQA ADDENDUM, SITE PLAN AND DESIGN REVIEW, VARIANCE, AND CONDITIONAL USE PERMIT AMENDMENT FOR THE HEAVEN'S GATE PET MEMORIAL CENTER LOCATED AT 603 FOURTH STREET**

**WHEREAS**, on April 7 2015, the City approved a conditional use permit for the Heaven's Gate Pet Memorial Center located at 603 Fourth Street; and,

**WHEREAS**, on December 26, 2018, the applicant, Ryan Epperson, submitted an application to expand the existing Heaven's Gate Pet Memorial Center located at 603 Fourth Street; and,

**WHEREAS**, the City prepared a CEQA Addendum to the 2015 Heaven's Gate Pet Crematorium Negative Declaration, to evaluate the potential environmental impacts of the proposed expansion in conformance with Section 15164 of the CEQA Guidelines; and,

**WHEREAS**, the proposed project requires Site Plan and Design Review approval, in accordance with Title 18, Chapter 18.67 of the Wheatland Municipal Code; and

**WHEREAS**, the Planning Commission duly gave notice of public hearing as required by law; and,

**WHEREAS**, on April 2, 2019, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary, adopting the Heaven's Gate Pet Memorial Center CEQA Addendum.

**NOW, THEREFORE, BE IT RESOLVED AND DETERMINED**, as follows:

1. The foregoing recitals are true and correct.
2. The Planning Commission of the City of Wheatland hereby FINDS, on the basis of the whole record before it (including the CEQA Addendum) that:
  - a. The Planning Commission exercised overall control and direction over the CEQA review for the proposed project, including the preparation of the CEQA Addendum, and independently reviewed the Addendum; and
  - b. The Planning Commission has considered the Addendum and hereby adopts the Heaven's Gate Pet Memorial center CEQA Addendum, and finds on the basis of the whole record before it, that there is no substantial evidence that the proposed project will have a significant effect on the environment, and the Addendum reflects the Planning Commission's independent judgment and analysis; and

- c. The record of proceedings upon which the adoption of this resolution is based shall be maintained by the City Clerk, located at 111 C Street, Wheatland, CA.
  - d. The proposed project is consistent with the Wheatland General Plan.
  - e. The adoption of this CEQA Addendum is in the best interests of the public's convenience and general welfare.
3. The Planning Commission hereby **APPROVES AND ADOPTS** the heaven's Gate Pet Memorial Center CEQA Addendum.

**NOW THEREFORE BE IT RESOLVED**, that the Planning Commission does hereby make the following required findings for approval of the requested Site Plan and Design Review:

1. The proposed Heaven's Gate Pet Memorial Center Expansion Project would be compatible in design with the existing building and surrounding area.
2. The proposed Heaven's Gate Pet Memorial Center Expansion Project would comply with the zoning ordinance standards.

**NOW THEREFORE BE IT RESOLVED**, that the Planning Commission does hereby make the following required findings for approval of the requested Variance:

1. The granting of this Variance will not be detrimental to the public health and welfare, and will not deprive property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
2. This Variance does not grant any special privilege the limitations upon other properties in the vicinity and zone in which such property is situated.
3. On April 7 2015, the Wheatland Planning Commission approved a conditional use permit for the Heaven's Gate Pet Memorial Center to operate at this location.

**NOW THEREFORE BE IT RESOLVED**, that the Planning Commission does hereby make the following required findings for approval of the requested Conditional Use Permit Amendment:

1. The proposed location of the conditional use is in accord with the objectives of the Wheatland Zoning Ordinance and the purposes of the district in which the site is located.
2. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties of improvements in the vicinity.

3. The proposed Pet Memorial Center would be compatible in design with the surrounding area.
4. The proposed Pet Memorial Center would comply with the standards of the Zoning Ordinance.

**NOW THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Wheatland does hereby APPROVE a CEQA Addendum, Site Plan and Design Review, Variance, and a Conditional Use Permit Amendment for the expansion of the Heaven's gate Pet Memorial Center located at 603 Fourth Street (APN 015-305-012) subject to the following conditions:

**Conditions of Approval**

1. The applicant shall defend, indemnify, and hold harmless the City in any action brought by a third party to challenge the land use entitlement. In addition, if there is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.
2. No building permit shall be issued unless the plan conforms to the site plan as approved by the Planning Commission and the standards of the City.
3. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments, and any other payments that are due.
4. Any deviation from the proposed Site Plan, dated December 12, 2018, shall be brought back to City staff for review and approval.
5. The development and all proposed improvements shall comply with the City of Wheatland Municipal Code and City Standards unless a specific exception is granted thereto or as approved by the City Engineer.
6. The developer shall obtain an encroachment permit for all work to be done within the public right-of-way or easements, and peak commute-hour traffic shall not be impeded by construction related activity.
7. The use of construction equipment is restricted to weekdays between the hours of 8:00 AM and 5:00 PM. Requests for alternative days/times may be submitted in writing to the City Engineer for consideration.
8. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
9. Signs shall not be installed on this site without prior review and approval by the Wheatland Community Development Department.

