

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 1/6/2015	(3) CONTACT/PHONE Airlin M. Singewald, Senior Planner / (805) 781-5198	
(4) SUBJECT Consideration of a request to authorize processing of a General Plan Amendment application (LRP2008-00004) by the Santa Margarita Cemetery District to change the land use category on 3.63 acres from Agriculture (AG) to Public Facilities (PF) for the Santa Margarita Cemetery Expansion Project. The project site is located at 7500 West Pozo Road (Highway 58), approximately 0.5-mile east of the community of Santa Margarita, in the Salinas River sub-area of the North County planning area. District 5.			
(5) RECOMMENDED ACTION It is recommended that the Board review the attached proposal and determine whether your Board wishes to authorize it for processing.			
(6) FUNDING SOURCE(S) Application Fees	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT { } Consent { } Presentation { } Hearing (Time Est. ___) { x } Board Business (Time Est. <u>30 minutes</u>)			
(11) EXECUTED DOCUMENTS { } Resolutions { } Contracts { } Ordinances { x } N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: { } 4/5 Vote Required { x } N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY { x } N/A Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) District 5			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Airlin M. Singewald, Senior Planner / (805) 781-5198

VIA: Ellen Carroll, Planning Division Manager / Environmental Coordinator

DATE: 1/6/2015

SUBJECT: Consideration of a request to authorize processing of a General Plan Amendment application (LRP2008-00004) by the Santa Margarita Cemetery District to change the land use category on 3.63 acres from Agriculture (AG) to Public Facilities (PF) for the Santa Margarita Cemetery Expansion Project. The project site is located at 7500 West Pozo Road (Highway 58), approximately 0.5-mile east of the community of Santa Margarita, in the Salinas River sub-area of the North County planning area. District 5.

RECOMMENDATION

It is recommended that the Board review the attached proposal and determine whether your Board wishes to authorize it for processing.

DISCUSSION

Initial Staff Review

The Santa Margarita Cemetery District is requesting to change the land use category on 3.63 acres from Agriculture (AG) to Public Facilities (PF). The proposed land use category change would recognize the longstanding public use of the 2.95-acre Santa Margarita Cemetery and would facilitate a 0.68-acre expansion of the cemetery.

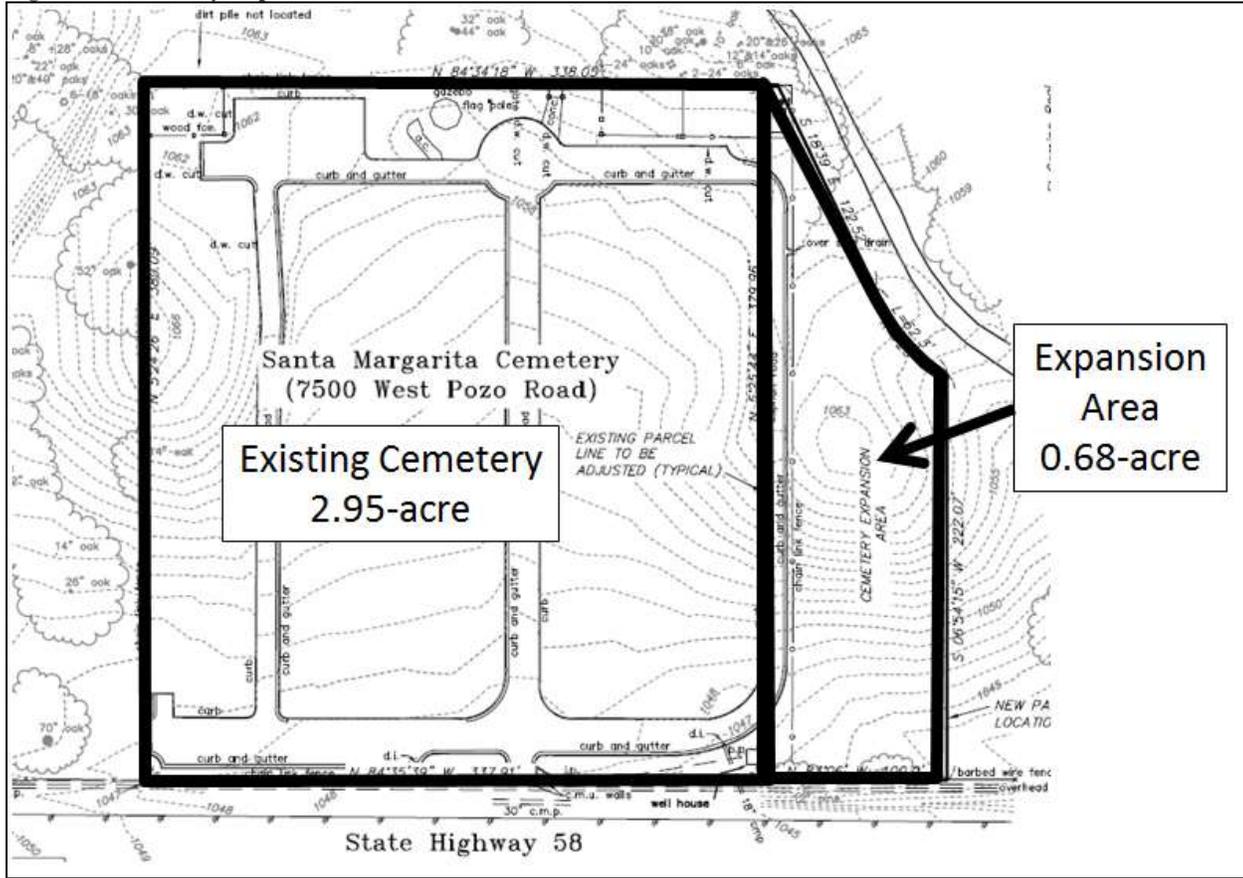
The Santa Margarita Cemetery District was formed in 1909. In 1915, Santa Margarita Ranch owner Frank Reis gifted the District three acres for the creation of the Santa Margarita Cemetery. Since that time, it has served the communities of Santa Margarita, Garden Farms, La Panza, and surrounding rural areas. The cemetery includes 1,740 plots, of which only 20 remain available for new burials. The current Santa Margarita Ranch ownership (Major Domo, LLC) has donated an additional 0.68-acre of adjacent land to the east for the cemetery expansion. The District estimates that this expansion area would allow for an additional 1,000 burials at a rate of 20 new burials each year for the next 50 years. Physical development associated with the proposed expansion would include some grading for future burial spaces and the extension of interior roads to accommodate services and visitors to the cemetery.

The Santa Margarita Expansion Project will require three entitlements:

- **General Plan Amendment.** This is the subject of this staff report. The project requires a general plan amendment to change the land use category of the 2.95-acre cemetery and 0.68-acre expansion area from Agriculture (AG) to Public Facilities (PF). This is necessary because, based on Article 2 of the Land Use Ordinance, cemeteries are not allowed in the Agriculture land use category. Cemeteries are allowed (with conditional use permit approval) only in the following land use categories: Public Facilities, Rural Residential, and Residential Suburban. As a public cemetery, the Public Facilities category is the most appropriate designation for the Santa Margarita Cemetery. If authorized by your Board, this general plan amendment will be scheduled for a hearing before the Planning Commission and will ultimately return to your Board for final approval.

- **Lot Line Adjustment.** The expansion project will require a lot line adjustment to add the 0.68-acre of donated land to the existing Santa Margarita Cemetery parcel.
- **Conditional Use Permit.** The project will also require a conditional use permit, in accordance with Article 2 of the Land Use Ordinance, to permit the existing cemetery and authorize the proposed expansion.

Figure 1: Cemetery Expansion



Project Site and Surrounding Uses

The project site is located at 7500 West Pozo Road (Highway 58), approximately 0.5-mile east of the community of Santa Margarita, in the Salinas River sub-area of the North County planning area. The 2.95-acre parcel is designated Agriculture but has been used as a cemetery since 1915. The site contains 1,740 burial plots, interior access roads, and a gazebo building. It is vegetated with several oaks trees. The 0.68-acre expansion area is undeveloped and is vegetated with non-native grasses. An existing dirt agricultural road forms the northern boundary of the expansion area. The project site is surrounded by the Santa Margarita Ranch, which is over 7,000 acres in size. The adjacent lands are undeveloped and used mostly for cattle grazing.

Project Data

Planning Area:	North County, Salinas River Sub Area
Community:	Santa Margarita
Assessor Parcel Numbers:	070-091-015 (cemetery), 070-091-037 (Major Domo, LLC)
Area:	3.63 acres
Topography:	Nearly level to gently sloping
Water Supply:	Well
Sewage Disposal:	N/A
Vegetation:	Non-native grasses, oaks
Existing Use and Improvements:	Santa Margarita Cemetery

Land Use Category / Surrounding Land Uses

North: Santa Margarita Ranch, cattle grazing, undeveloped
South: Santa Margarita Ranch, cattle grazing, undeveloped
East: Santa Margarita Ranch, cattle grazing, undeveloped
West: Santa Margarita Ranch, cattle grazing, undeveloped

General Plan Information

Land Use Element Category: Agriculture
Combining Designation: None
Planning Area Standards: North County, Salinas River Sub-area
Community: Santa Margarita

Authority

Unlike the processing of land use permits, the first step when considering requested changes to the General Plan or Land Use Ordinance is for your Board to determine whether to initiate new legislation to change the rules. If your Board authorizes this request for processing, the item will be scheduled for public hearings before the Planning Commission and your Board after the environmental review process and staff report is completed.

The Land Use Element sets forth the authority by which the General Plan can be amended. Pursuant to the Land Use Element, the Board in making their decision should consider the following factors:

- a. **Necessity.** Relationship to other existing Land Use Element policies, including the guidelines for land use category amendments, to determine if those policies make the proposed amendment unnecessary or inappropriate.
- b. **Timing.** Whether the proposed change is unnecessary or premature in relation to the inventory of similarly designated land, the amount and nature of similar requests, and the timing of projected growth.
- c. **Vicinity.** Relationship of the site to the surrounding area to determine if the area of the proposed change should be expanded or reduced in order to consider surrounding physical conditions. These may include resource availability, environmental constraints, and carrying capacity for the area in the evaluation.
- d. **Cumulative effects of the request.** Individual property owner requests for changes are evaluated in view of existing build-out, current population and resource capacity conditions, and other important information developed as part of the update process.

The proposed amendment is necessary for the expansion of the Santa Margarita Cemetery, which is nearing its burial capacity. Based on staff's preliminary review, the proposed land use category change is consistent with the Land Use Element's purpose and character statements for the Public Facilities land use category. If the proposed change is authorized by your Board, staff will further evaluate the request for consistency with these criteria.

Major Questions

The proposed General Plan amendment raises the following major questions:

1. Is the request consistent with applicable Land Use Element policies relating to the purpose and character statements for the Public Facilities land use category?
2. Does the request represent a logical location for the Public Facilities land use category?
3. Is the request consistent with the Agriculture Element of the County General Plan?

Guidelines for Land Use Category Amendments

In determining whether to approve a proposed land use category amendment, the Planning Commission and Board of Supervisors may consider, but shall not be limited to, the criteria listed in Exhibit C. These criteria include consistency with existing goals and policies in the General Plan, consistency with the applicable purpose and character statements, compatibility with the character of the general area, convenient access to a road system in the area that is adequate to accommodate the traffic generated, and in an area with demonstrated availability of needed public services and facilities, protection of prime agricultural soils, and if the change is needed to provide a sufficient supply of land for the population of the community or area.

Purpose and Character Statements

Each land use category is defined in the Framework for Planning, a component of the General Plan, using purpose and character statements. These statements are to be used as criteria for evaluating whether a General Plan amendment is appropriate for a specific site. The statements identify suitable features or conditions for the location, extent and timing of designating a land use category.

The purpose statements for the Public Facilities land use category include the following:

- a) To identify lands and structures committed to public facilities and public agency uses that benefit the public. For proposed public facilities, where site selection has not occurred, site selection criteria are included in the chapter entitled "Combining Designations and Proposed Public Facilities," with development guidelines for establishing the uses.
- b) To provide areas for development of public facilities to meet public needs.
- c) To identify adequately sized facility locations that satisfy both community and regional needs relating to the population levels being served.
- d) To identify facility sites based on the character of the area being served and also compatible with and supportive of the comprehensive plans of agencies within the facility service area.

The character statements for the Public Facilities land use category include the following:

- a) Areas with existing public or quasi-public facilities and uses, or publicly-owned lands intended for development with public facilities.
- b) Areas that satisfy the specialized site location requirements of public agencies, where facilities will be visible and accessible to their users.
- c) Areas without known natural or man-made hazards.

The project site is consistent with the purpose and character statements for the Public Facilities land use category. The purpose of the proposed land use category change is to recognize the longstanding public use of the site as a community cemetery and to provide an area for the cemetery expansion. The area proposed for the Public Facilities designation is adequately sized for the intended public use because, according to the Cemetery District, the proposed expansion would allow for an additional 1,000 burials at a rate of 20 new burials each year for the next 50 years. The site contains no known natural or man-made hazards.

Agriculture Element Policy 24: Conversion of Agricultural Land

This policy discourages the conversion of agricultural lands to non-agricultural uses and states that new public facilities should be avoided outside urban and village reserve lines unless they serve a rural function of there is no feasible alternative location within the urban and village reserve lines.

The proposed land use category change would recognize and expand the existing Santa Margarita Cemetery, which is located about 0.5-mile east of the Santa Margarita urban reserve line. The existing cemetery is quickly nearing its capacity and the proposed 0.75-acre expansion was made possible by a land donation from the neighboring Santa Margarita Ranch ownership (Major Domo, LLC). The Cemetery District has a small budget with no available funds for purchasing land within the Santa Margarita village reserve line for the cemetery expansion. Locating the expansion area in the village

reserve line would also segment an important community landmark which has historically been located outside the urban reserve line since 1915. Finally, designating the existing cemetery and expansion area as Public Facilities is consistent with the Land Use Element of the County General Plan, which states that the purpose of the Public Facilities land use category is to identify lands and structures committed to public facilities and public agency use that benefit the public.

The project was referred to the County Department of Agriculture for a determination of consistency with the Agriculture Element of the County General Plan. In a response, dated December 1, 2014, the Department of Agriculture indicated that it does not oppose the authorization of the general plan amendment for the Santa Margarita Cemetery Expansion project.

Authorization Options

Your Board should consider the following options as part of your discussions when considering whether to authorize this project for processing:

1. Authorize this General Plan Amendment application for processing to change the land use category on the 3.63-acre site from the Agriculture to Public Facilities land use category. This would recognize the longstanding public use of the site as a community cemetery and allow for the expansion of the cemetery.
2. Do not authorize the processing of this application.

OTHER AGENCY INVOLVEMENT/IMPACT

If the project is authorized for processing, the application will be referred to all applicable agencies and community advisory bodies. The application was sent as a tentative referral (notification that the application was requested, but has not yet been authorized for processing) to County Public Works Department, Environmental Health Department, Air Pollution Control Board, County Parks, Cal Fire, Cal Trans, Native American Heritage Commission and the Santa Margarita Area Advisory Council. Responding agency referral responses are found in Attachment 4.

FINANCIAL CONSIDERATIONS

The applicant has paid a deposit and has agreed to process the amendments under a Real Time Billing Agreement, which will allow for the recovery of the actual cost of processing.

RESULTS

Authorization of the General Plan Amendment application will allow continued processing of this request. If authorized, additional referrals will be distributed to outside agencies and the Templeton Area Advisory Group. The application will then be processed for compliance with the California Environmental Quality Act (CEQA) and reviewed by the Planning Commission before returning to your Board for final action. This authorization hearing is consistent with the county wide goal of promoting well-governed communities.

Not authorizing the application will stop the further processing of the General Plan Amendment. Any unused portion of fees collected will be refunded.

ATTACHMENTS

1. Exhibit A: Vicinity Map, Existing and Proposed Land Use Categories, Lot Line Adjustment Map
2. Exhibit B: Guidelines for Land Use Category Amendments
3. Exhibit C: Purpose and Character Statements for the Public Facilities land use category
4. Exhibit D: Referral Responses