



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Planning Commission

*Promoting the wise use of land
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MEETING DATE June 11, 2015	CONTACT/PHONE Airlin M. Singewald (805) 781-5198 asingewald@co.slo.ca.us	APPLICANT Santa Margarita Cemetery District	FILE NO. DRC2014-00077
EFFECTIVE DATE June 25, 2015			
SUBJECT A request by the Santa Margarita Cemetery District for a Conditional Use Permit to permit an existing 2.95-acre cemetery and allow for a 0.68-acre expansion to the existing cemetery. 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.			
RECOMMENDED ACTION Approve Conditional Use Permit DRC2014-00077 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 1 and Class 3 categorical exemptions were issued on May 5, 2015 (ED14-235).			
LAND USE CATEGORY Public Facilities	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 070-091-015 and a portion of 070-091-037	SUPERVISOR DISTRICT(S) 5
PLANNING AREA STANDARDS: FEMA Flood Hazard Area, Salinas River Planning Area, Atascadero Planning Impact Area, Santa Margarita Ranch – Rural Does the project meet applicable Planning Area Standards: Yes – see discussion			
LAND USE ORDINANCE STANDARDS: Cemeteries and Columbariums Does the project conform to the Land Use Ordinance Standards: Yes – see discussion			
EXISTING USES: Cemetery, grazing, agricultural uses			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture & Rural Lands / grazing & quarry <i>South:</i> Agriculture, Residential Suburban, Public Facilities / grazing, residential, elementary school		<i>East:</i> Agriculture, Residential Rural, Rural Lands / grazing & quarry <i>West:</i> Agriculture, Residential Suburban, Commercial Retail / grazing, residential, tank facility, commercial	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Agricultural Commissioner, Environmental Health, Cal Fire, Cal Trans, Santa Margarita Area Advisory Council, and City of Atascadero	
TOPOGRAPHY: Gently sloping to moderately sloping	VEGETATION: Non-native grasses, oak trees
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic Fire Protection: Cal Fire	ACCEPTANCE DATE: February 23, 2015

PROPOSED PROJECT

The proposed project is a request by the Santa Margarita Cemetery District for a Conditional Use Permit (CUP) to permit an existing 2.95-acre cemetery and allow for a 0.68-acre expansion to the existing 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 Santa Margarita Cemetery District estimates that the expansion will allow for 1,000 new burials over a 50 year period. 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.

This CUP is the final step in a three part approval process for the cemetery expansion project. The other approvals included:

- **Lot Line Adjustment.** On March 20, 2015, the Planning Department Hearing Officer approved a lot line adjustment (SUB2014-00040 / COAL14-0112) to add the 0.68-acre of donated land to the existing Santa Margarita Cemetery parcel.
- **General Plan Amendment.** On May 5, 2015, the Board of Supervisors approved a general plan amendment changing the land use category on the cemetery and expansion area from Agriculture to Public Facilities. This land use category change was 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. Your Commission reviewed this General Plan Amendment and recommended approval on March 26, 2015.

LAND USE ORDINANCE STANDARDS

Land Use Ordinance Section 22.30.150 (Cemeteries and Columbariums) establishes the following standards for cemetery projects:

- A. Minimum site area.** One acre for cemeteries; no minimum for a columbarium.
- B. Location.** On a collector or arterial.
The 3.63-acre project site meets the one-acre minimum for a cemetery and is located on Highway 58, an arterial roadway.
- C. Site design standards.**

1. **Setbacks.** All structures and burial plots shall be located no closer than 30 feet to any property line.

The existing cemetery meets the 30-foot required setback with the following exceptions: a well house building is located within 10 feet of the front setback (Highway 58) and a gazebo building and shed are located within approximately 10 feet of the rear property line. Also, burial plots are located 15-20 from the western property boundary. As conditioned, new burials in the expansion area will be setback 30 feet from all property boundaries.

Staff is proposing a setback modification for the existing cemetery development, pursuant to Land Use Ordinance Section 22.30.020(D) (Exceptions to special use standards). This section allows the Planning Commission to waive or modify special use standards to recognize specific conditions of the site and/or vicinity which make the standard unnecessary. The special condition in this case is the fact that the site has been developed with a cemetery for the past 100 years. Also, the adjacent Santa Margarita Ranch is a large agricultural parcel used for cattle grazing.

2. **Site coverage.** No more than five percent of a cemetery site may be occupied by buildings.

The existing cemetery meets this standard because the only buildings on the 2.95-acre site include a gazebo, well pump house, and shed. No new buildings are proposed in the expansion area.

3. **Landscaping.** A 10-foot landscaping strip containing screening plant materials shall be provided adjacent to all interior lot lines.

Staff is proposing a waiver of this standard because the site has been used as a cemetery since 1915, is already buffered by mature oak trees, and is surrounded by a large agricultural parcel, with no nearby residences.

4. **Interment facilities.** All facilities for ground burial shall be designed and constructed in compliance with any requirements established by the Regional Water Quality Control Board.

The project is conditioned to comply with this requirement. Based on well level readings, the depth to groundwater is approximately 110 feet at the project site.

PLANNING AREA STANDARDS

The following planning area standards apply to the property:

- A. Salinas River Sub-area Standards (22.94.080). Section 22.94.080 contains the Salinas River Sub-area Standards. Project conformity with these standards is discussed briefly below:

1. *Open Space Preservation (22.94.080 C)*. This standard applies to land that contains important biological, visual, historic, and/or prime agricultural resources either onsite or on adjacent properties. The intent of this standard is to encourage new development to preserve such resources in permanent open space. The project site is already developed with a cemetery, and the proposed expansion area does not contain sensitive resources.
2. *Section E, Prime Agricultural Areas – Prime Soils Retention (22.94.080 E)*. This standard indicates that new development on lands the Soil Conservation Service designates as prime, Class I or II soil if irrigated, shall be designed to minimize the loss of prime agricultural soils for potential agricultural use by selective placement of buildings and new parcels. According to the Natural Resource Conservation Service Web Soil Survey, soils on the project site have a non-irrigated capability class of IV or higher.
3. *Section F, Other Land of Agricultural Value – Soils Retention (22.94.080 F)*. This standard indicates that new development on land that has existing agricultural production or that is classified by the Soil Conservation Service¹ as Class III or IV soils shall be designed to minimize the loss of soils for potential agricultural use by selective placement of buildings and new parcels. As noted above, according to the Natural Resource Conservation Service Web Soil Survey, soils on the project site have a non-irrigated capability class of IV or higher. The proposed project would permit an existing 2.95-acre cemetery and authorize a 0.68-acre expansion to the existing cemetery. The project does not propose to construct new buildings or create new parcels.
4. *Section G, Transit-Oriented Standards (22.94.080 G)*. Minor Use Permit, Conditional Use Permit, and subdivision applications shall provide a design and site development that is consistent with the standards for implementing the County Circulation Element and the Regional Transportation Plan. The proposed cemetery expansion project is not anticipated to significantly increase demands on the County's circulation system.

AGENCY REVIEW:

- Public Works: No concerns (Frank Honeycutt; February 26, 2015)
- Agricultural Commissioner: No concerns (Lynda Auchinachie; February 6, 2015)
- Environmental Health: Confirm there are no water wells within 100 feet (Leslie Terry; February 3, 2015)
- Cal Fire: Size/scope of proposal does not present fire/life safety concerns (Clint Bullard; February 2, 2015)

COMMUNITY ADVISORY GROUP COMMENTS:

The Santa Margarita Area Advisory Council reviewed the cemetery expansion project, including this CUP, and recommended approval on February 4, 2015.

LEGAL LOT STATUS:

The ranch parcel where the expansion is proposed (APN 070-091-037) was legally created by the recordation of a certificate of compliance for Lot Line Adjustment COAL 00-0264, Parcel #2 (Document #2001-076581) at a time when that was a legal method of creating parcels.

The cemetery parcel (APN 070-091-015) is a portion of the Rancho Santa Margarita, designated as a portion of Section 21, Township 29 South, Range 13 East, and was legally created by deed at a time when that was a legal method of creating parcels.

After recordation of Lot Line Adjustment COAL14-0112, the legal description will be lots 1 and 2 of COAL14-0112.

Staff report prepared by Airlin M. Singewald and reviewed by Bill Robeson.