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Agenda Date: 10/17/2012

Agenda Placement: 9B

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: Charlene Gallina for Hillary Gitelman - Director
Planning, Building and Environmental Services
REPORT BY: LINDA STCLAIRE, PLANNER III - 707.299.1348
SUBJECT: P12-00266 Use Permit Rudd Family Private Cemetery

RECOMMENDATION

RUDD FAMILY PRIVATE CEMETERY / EDGE HILL VINEYARD CO - USE PERMIT #P12-00266-UP

CEQA Status: The project is Categorically Exempt pursuant to Section 15304 of the California Environmental Quality Act (Class 4 - Minor public or private alterations to land) and Appendix B, Class 4 #13) of the Napa County's Local Procedures for Implementing the California Environmental Quality Act. A Class 4 exemption allows minor alterations to the conditions of land under which this small private cemetery with a maximum of 16 burial plots qualifies. This project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Request: Approval of a use permit to establish a small private cemetery to include the following: (1) 6,534 square feet (0.15-acre) earth interment area for a maximum of 16 burial plots; (2) native, drought resistant landscaping, (3) burial or grave markers; and (4) State of California Cemetery and Funeral Bureau required cemetery identification signs. No trees will be removed.

The cemetery site is located on a small knoll in the southern portion of a 23.4-acre parcel on the south side of Sulphur Springs Avenue, approximately 0.63 miles west of State Highway 29, within the Agricultural Watershed (AW) zoning district. (Assessor's Parcel Number: 027-020-070-000) 2585 Sulphur Springs Avenue, St. Helena, Ca.

Staff Recommendation: Find the project categorically exempt and approve the Use Permit with proposed conditions of approval.

Staff Contact: Linda St. Claire, 299-1348 or linda.stclaire@countyofnapa.org

EXECUTIVE SUMMARY**Proposed Actions:**

That the Planning Commission:

1. Find the project Categorical Exempt pursuant to Section 15304 of the California Environmental Quality Act (Class 4-Minor private alteration to the conditions of land); and Appendix B, Class 4 (#13) of the Napa County's Local Procedures for Implementing the California Environmental Quality Act.
2. Approve Use Permit P12-00266 UP based on findings 1-5 of Exhibit A and subject to the attached conditions of approval (Exhibit B).

Discussion:

The proposal before the Commission is to establish a small, private family cemetery 6,534 square feet (0.15-acre) in size, with a maximum of 16 burial plots on a 23.4 acre parcel where an operating winery/distillery and vineyard is located. The site is located on a knoll at the southern portion of the parcel. The winery has been producing since 2001, but is recognized as a historic site, listed on the National Register of Historic Places, and historically operated as a winery, distillery, residence and farm.

Access to the site is via Sulphur Springs Avenue on the winery parcel. The access is a gravel surface, and is approximately 18 feet in width and suitable for vehicles. There are no changes anticipated nor necessary to these existing access conditions to accommodate the cemetery.

The cemetery as proposed comes under the authority of the California Department of Consumers Affairs, Cemetery and Funeral Bureau. The Bureau requires that the proposed cemetery location be compatible or allowed by the local land use authority and requires a copy of the Napa County application for the use permit. The applicant has applied to the Bureau for a Certificate of Authority to have a cemetery. A copy of that application is attached.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

The project is Categorical Exempt pursuant to Section 15304 of the California Environmental Quality Act (Class 4 - Minor public or private alteration to the condition of land) and Appendix B, Class 4 #13 of the Napa County's Local Procedures for Implementing the California Environmental Quality Act. The Class 4 exemption allows for the minor alternations to the condition of land under which this small private cemetery with a maximum of 16 burial plots qualify. This project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

A Mitigated Negative Declaration was prepared and adopted in 2001 for the winery/distillery on the 23.4- acre parcel on which the cemetery site (0.15-acre) is proposed. There were no special status species or any other resources of significance identified where the cemetery site is to be located. The cemetery site was not anticipated at the time the Mitigated Negative Declaration was prepared/adopted. However, the proposed cemetery site is

within the area that was subject to previous environmental review and the proposal will not change any conclusions in the previous analysis. The previously adopted Mitigated Negative Declaration relating to the project is on file and available for public review in the Napa County Planning Division. Current environmental review of the Napa County GIS spotted owl layer showed potential spotted owl habitat on a large number of parcels in the area of the project. A Spotted Owl assessment was conducted by Environmental Science Associates and concluded that no nesting sites are within three miles of the project, and the area in question does not provide suitable nesting habitat for spotted owls. The Assessment is attached for background information.

BACKGROUND AND DISCUSSION

Owner/applicant: Rudd Private Family Cemetery/Leslie Rudd

Representative: Guy Byrne (Vice-President) 707.287.1026

Zoning: Agriculture Watershed-AW

GP designation: Agriculture Watershed and Open Space – AWOS

Filed: August 10, 2012 **Determined Complete:** September 19, 2012

Parcel Size: 23.4 acres

Proposed Size: Sixteen cemetery plots on 6,534 square feet (0.15 acre).

Parking: Two unpaved parking spaces are planned for the top of the knoll and family/visitors will be able to utilize the existing road to reach the top.

Signage: Burial/grave markers allowed and the State of California Cemetery and Funeral Bureau required identification signs.

Proposed Visitation: Varies, anticipated levels will be limited to family and friends.

Number of employees: One contract Cemetery manager, required when internment services commence.

Adjacent Zoning/Land Use/acreage:

North: City of St. Helena, Robinwood Vineyards/11 acres

South: AW/location of famed "White Barn"/40 acres

East: AW/vineyard/residence/28 acres

West: AW/vineyards/three residences/48 acres

Property History: in 1867 General E.D. Keys purchased 1500 acres (of which this site is a part of) where he constructed a winery in 1867, and called it "Edge Hill" due to its proximity to the land. In 1882 William Scheffler purchased the property and built a distillery. The property changed hands many times from the late 1890s through prohibition, when the winery was converted to a residence. Louis and Elizabeth Martini made

the winery their home for a time in 1975. In 1999 Leslie Rudd purchased the property and restored the structures. In 2001, the Napa County Planning Commission approved the winery/distillery use permit. Also during 2001, the site was awarded historic status and added to the National Register of Historic Places.

Code Compliance History: There are no current code compliance issues on the parcel.

Discussion Points:

The proposed small private (16 plot) cemetery will be located in a producing 23.4 acre commercial winery/distillery and vineyard. The site is located at the top of a small knoll, with surrounding trees and associated natural vegetation. The 16 plot locations have been sited to take advantage of the open areas within the mature trees.

Earth internment is proposed. No structures are proposed other than a low rock wall at the entrance and limited natural landscaping. No trees are anticipated to be removed at this time. Should removal be necessary, there will be a replacement in-kind on a one for one ratio on site in the cemetery area. Ongoing maintenance of the family plot is allowed in accordance with Napa County Engineering Services Division's conditions concerning any pre or post construction for earth disturbance. Pre-internment site preparation for a burial is allowed as needed. Visitation will occur with burial services and on occasion after internment by family and friends. This small, family cemetery is not open to the public. It is far enough away from the small winery that visitors will not know it is there and no signage is allowed.

Napa County has approved one other small family cemetery, the Krupp Family Cemetery (P10-00154), in 2010, which established a private cemetery for ten burial plots. We have no immediate knowledge of the potential for more family cemetery requests. They are allowed on AW zoned land within Napa County, subject to the use permit process.

The State of California Cemetery and Funeral Bureau (the Bureau) maintains a rigorous and not inexpensive process for applicants to establish a private cemetery. The cemetery, as proposed, comes under the authority of the Bureau. They require that the proposed cemetery location be compatible or allowed by the local land use authority and require the applicant to submit a copy of the use permit application with the cemetery application. The applicant has applied to the Bureau for a Certificate of Authority to establish a private, family cemetery and a copy of that application was provided with the use permit application. A cemetery manager must be designated by the applicant and included in the Bureau's application process. The applicant has hired a private cemetery manager (see the Bureau Application). The Bureau also requires the applicant to record a cemetery map with the County Recorder's office (also attached). Once the use permit application process is complete and all of the requirements of the Bureau have been fulfilled, a field representative from the Bureau conducts an inspection of the cemetery. Final approval is given by them, and a Certificate of Authority license is issued.

Consistency with Standards:

1. Zoning: The project is consistent with the AW zoning district which allows a private cemetery with a use permit approval (County Code Section 18.120.010 (B)).
2. Building/Fire: As proposed, there are no structures necessitating compliance with Building and/or FIRE codes.
3. Environmental Health/Public Works: As proposed, there are no activities under the Environmental Health

Division's or the Public Works Department's discretion.

4. Engineering Services Division: As proposed, the Engineering Services Division has commented with conditions for earthmoving, burial plot site preparation, and parking.

SUPPORTING DOCUMENTS

- A . Proposed Findings
- B . Proposed Conditions of Approval
- C . Comments
- D . Environmental Documents
- E . Application
- F . Graphics
- G . Supplemental Application Material
- H . Site Photo

Napa County Planning Commission: Approve

Reviewed By: John McDowell