



Sonoma County Board of Zoning Adjustments STAFF REPORT

FILE: UPE18-0054
DATE: June 10, 2021
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STAFF: Sou Garner, Project Planner

SUMMARY

Property Owner: Sts. Peter and Paul Fund, LLC.

Applicant: Michael Swicegood, Swicegood Civil Engineering, Inc., as agent for Project Operator and Site Owner

Address: 3367 Stony Point Road, Santa Rosa, CA 95407

Supervisory District(s): 5

APN: 134-082-055

Description: Request for a Use Permit to allow for a 3-phase, 10.33-acre cemetery, with an above-ground columbarium, on a 21-acre parcel over the course of 86 years. Phase 1 includes demolition of an existing barn and garage; construction of 960-square foot refrigeration building and a 960-square foot equipment storage building; construction of an access road between planned monument area and Stony Point Road; and creation of a 2.46-acre cemetery burial area. Phase II includes construction of a memorial plaza and an additional 5.3 acres of cemetery burial area. Phase III includes an additional 2.31 acres of cemetery area. The applicant estimates that burial services, a central part of cemetery operations, will typically be attended by five to 25 people for a duration of less than an hour. Cemetery activities will also include an annual event after Easter. At full operation, as many as 150 people may visit the cemetery through the course of the day. The applicant estimates that there will be up to three larger grave site services annually with attendance that exceeds the defined five to 25 people.

CEQA Review: Mitigated Negative Declaration

General Plan Land Use: Rural Residential

Specific/Area Plan Land Use: South Santa Rosa Area Plan

Ordinance Reference: Chapter 26, Article 50, Section 26-50-020



Zoning: Agriculture and Residential District (AR), 5-acre density (B6 5), and Valley Oak Habitat Combining District (VOH)

RECOMMENDATION

Staff recommends the Board of Zoning Adjustments adopt the Mitigated Negative Declaration and approve the request for a Use Permit with conditions for a cemetery with above ground columbarium, associated refrigeration building, equipment storage building, and associated infrastructure.

EXECUTIVE SUMMARY

The proposed project is for a new cemetery, refrigeration building, equipment storage building, and columbarium on a 21-acre parcel zoned Agriculture and Residential District (AR), 5-acre density (B6 5), and Valley Oak Habitat (VOH) combining districts. The project site is located on Stony Point Road in Santa Rosa. The proposed uses are allowed with a Use Permit in the AR zoning district subject to County Code Section 26-16-020 (I), and subject to the development criteria contained in County Code Sections 26-16-030.

Staff is recommending approval of the Use Permit application because (1) the project is consistent with the goals of the General Plan, (2) the project is consistent with the Rural Residential (RR) land use designation in which the project is located and the Agriculture and Residential Zoning District, which allows development of a cemetery with the approval of a Use Permit, (2) the project is consistent with the South Santa Rosa Specific Plan and its broad goals and policies related to the Agriculture and Residential District, (3) the project is consistent with the Valley Oak Habitat Combining District, (4) noise from special events will not impact sensitive receptors, and no significant traffic impacts have been identified, (5) the project is not located in a high or very high wildfire risk zone, thus there is no impact from wildfire risks, (6) the project proposals minimal grading and meets all setback standards, and (7) the project is design and with incorporation of mitigation measures is consistent with special species habitat policies protecting the County's natural habitats and plant and animal communities.

The proposed project has been analyzed under the California Environmental Quality Act (CEQA) and CEQA Guidelines, California Code of Regulations. Staff has prepared a Mitigated Negative Declaration for this project which includes specific mitigation measures for Air Quality, Biological Resources, Cultural Resources, Geology and Soils, and Noise. These mitigations are included as conditions of approval for the project and would reduce potential environmental impacts to less than significant levels.

PROJECT SITE AND CONTEXT

Background

The project application was initially received by Permit Sonoma on July 23, 2018. On August 29, 2018, the project was deemed complete for processing. On July 29, 2019, the project applicant submitted additional materials which included updated site plans, landscaping plans and clarification on the project description.

Area Context and Surrounding Land Uses

The project site is located west of Stony Point Road and north of Todd Road, approximately 3.3 miles south of central Santa Rosa and 4.3 miles east of Sebastopol. The rectangle-shaped parcel is generally flat, and the site contains vegetation which is primarily grazed grassland. The subject site currently has a single point of access

from Stony Point Road, primarily used by the occupants of the single-family residence on site. The site contains wetlands which consist of seasonally wet depressions and swales. There is minimal street frontage landscaping along Stony Point Road, located to the east. The majority of the parcel is undeveloped; however, on the eastern portion of the site, onsite structures include a 900-square foot single family residence in the southeastern corner, an approximately 3,200-square foot former milking barn, workshop and shed. A well and concrete cistern are located west of the dwelling; however, the well is no longer in use as a domestic water supply. The workshop space was constructed to supplement the milking barn on the northern portion of the parcel. Existing on-site uses of the parcel include range land for cattle and a single-family residence.

Nearby and surrounding land uses include a church and single-family residences to the south, an animal pharmacy to the north, multiple single-family homes to the west and rural open space to the east. There is an elementary school located to the east across Stony Point Road.

Direction	Land Uses
North	An animal pharmacy on a 7-acre, largely undeveloped parcel zoned Agriculture and Residential District (AR)
South	The Sts. Peter and Paul Russian Orthodox Church and multiple single-family residence on approximately 12-acres total over three parcels zoned Agriculture and Residential District (AR)
East	Partially developed 15.62 acre property with a single-family residence across Stony Point Road zoned Rural Residential District (RR)
West	Multiple single-family residences on 8-acres total over two parcels zoned Agriculture and Residential (AR)

Wildfire Risk

The proposed project is not located in or near a state responsibility area. The project is on a parcel designated non-wildland/non-urban, and the majority of the land use would be underground with three new smaller structures on the site. Therefore, no wildfire risks are anticipated from the project.

Water/Wastewater/Utilities

Water for the project will be provided by the well on the neighboring church property. The existing on-site well is not suitable for domestic uses and will only be used for landscape irrigation.

Electricity and natural gas are currently provided to the existing residence.

Wastewater will be disposed of in an existing septic tank and leach field that serves the onsite residence and is located to the southwest of the residence.

Agricultural Conditions/Land Encumbrances/Contracts

The parcel is not under a Williamson Act Contract. There is no Prime/Unique/Important statewide farmland on site. The majority of the parcel is zoned Farmland of Local Importance while the southeast corner of the parcel is zoned Other Land. Most of the project site contains grazed grassland. The project site currently supports cattle grazing on the undeveloped area of the parcel.

The project site is generally flat. The existing storm drainage system is located along the northern and western limits of the site. A Preliminary Wetland Delineation report submitted by WRA Environmental Consultants dated



May 2014, identifies a total of 3.33 acres of wetlands consisting of seasonally wet depressions, swales, and vernal pools. The report also indicated that the wetlands connect to Laguna de Santa Rosa and the Russian River, navigable waters.

The biological assessment and a protocol rare plant survey both prepared by WRA Environmental Consultants, dated October 17, 2013, and July 28, 2015, respectively, was submitted and confirmed two special-status plant species were found on site including Sebastopol Meadowfoam (*Limananthes vinculans*) and Lobb's Buttercup (*Ranunculus lobbii*).

The project site is located within a designated California Tiger Salamander Critical Habitat area and in the Santa Rosa Plain Conservation Study Area.

The large-scale General Plan map for the project area shows that the parcel does not contain a riparian corridor. The closest riparian corridor is located approximately 823 feet to the east, across Stony Point Road. This riparian corridor is associated with the Colgan Creek Flood Control Channel.

Other Environmental Conditions

On the FEMA flood zone maps the site is zoned X (Area of Minimal Flood Hazard). Directly east, across Stony Point Road is classified as 0.2 PCT annual chance flood hazard. The subject site is located in a Flood Prone Urban Area, as designated by Permit Sonoma. The site is not designated as a Floodway (F1) or Floodplain (F2) by the County of Sonoma.

The subject site is in an area that has a high groundwater table and located in the Santa Rosa Plain Priority Groundwater Basin, which is a residential, commercial and agricultural drinking water source. Previous groundwater testing observed that groundwater is at 1-2 feet below ground surface during wet weather.

PROJECT DESCRIPTION

The proposed project involves a request for a Use Permit to allow development of a cemetery covering 10.33-acres, or 4,125 concrete caskets, to be built in three phases. The proposed cemetery would include a burial ground covering 10.07-acres, 960-square foot refrigeration building, 960-square foot equipment storage building, 320-square foot columbarium, access roads, and memorial plaza on a 21-acre parcel that abuts Stony Point Road.

The project includes four to six gravesite services per month and up to four larger gatherings per year. The burial services, a central part of cemetery operations, would be attended by five to 25 people and last less than one hour. It is anticipated that following Easter as many as 150 people may visit the gravesites through the course of the day, when the Cemetery is at full operations, which would be coordinated and managed by the adjoining church, located to the south. The applicant estimates that there will be up to three larger grave site services annually with attendance that exceeds the defined five to 25 people. Restrooms are located on the adjoining church site, which would be connected to the subject site with a proposed pedestrian pathway. Portable restroom facilities would be available during larger events.

- **Phase 1:** Phase I includes demolition of the existing 3,200-square foot barn, garage and shed. A 960-square-foot refrigeration building would be located to the south of the existing milk barn; the structure would provide for the cold storage for up to eight bodies when weather conditions do not allow for immediate internment. A backup generator is proposed to serve the refrigeration building in the event of a power outage. A 960-square foot equipment storage building and parking area would be built in the

same building footprint of the barn. A 320 square feet above ground columbarium would be constructed to the west of the proposed equipment storage building. The first segment of an internal gravel 20-foot-wide access road from Stony Point Road to a future memorial plaza, approximately 475 feet long, would be constructed. Construction of this road would include culverting of a seasonal wetland over two areas between Stony Point Road and the proposed memorial plaza, as shown in Attachment D-Phase I Site Plan. The application also proposes to construct an ADA-path of travel to the ADA compliant restroom, located on the adjacent church property and a proposed fire truck turn-around located adjacent to the main entrance off Stony Point Road. The plaza and monument area are proposed at the center of the 21-acre subject parcel, at the most eastern extent of Phase I of the cemetery burial ground.

The main access road from Stony Point Road to the future memorial plaza and monument would be constructed. As part of Phase I, 2.46 acres of cemetery burial area will become available for use.

- **Phase II:** Phase II (Attachment D – Phase II Site Plan) includes the construction of the plaza and monument area and an increase in the total burial area to 7.76-acres. This phase would include construction of a monument for the memorial plaza. Specific design details, such as size, height, and construction materials are not known at this time. This phase also includes the construction of the second segment of the access road, approximately 14-20 feet wide and 1,100 feet long, that would connect Phase I to additional burial grounds to the east and provide a second entrance from St. Olga Court. Construction would also include the fill of 0.48 acres of wetland to accommodate new burial grounds and the access road. After Phase II construction, a total of 5.3 acres of burial area would be available. The applicant anticipates construction of Phase II to begin 3-5 years after the initiation of Phase I operations.
- **Phase III:** Phase III (Attachment D-Phase III Site Plan) consists of the final 2.31 acres of burial area becoming available for use. The final segment onsite access road, approximately 265 feet long and 20-feet wide, would be constructed. This would extend the second segment of the Phase II road to the third burial area and require culverting of a seasonal wetland. The applicant estimates the expansion of the cemetery in Phase III to occur at least 65 years following Phase II.

To serve parking needs, the project proposes development of a parking lot with 27 spaces, eight for larger vehicles and one permanent ADA-complaint parking space located near the storage building. Overflow parking would be provided by the Church that abuts the subject site and guests would move between uses via the proposed direct pedestrian access route.

The cemetery is proposing hours of operation of 9:00 a.m. to 5:00 p.m., seven days per week. The proposed project is conditioned to have all weekday graveside services scheduled to conclude prior to 4:00 PM and visitation shall be permitted until 5:00 PM on weekdays (Department of Transportation and Public Works Condition of Approval #99). Administrative operations, including scheduling, would be conducted by the adjacent church's staff. Maintenance operations which include groundskeeping and burial operations would be handled by contracted staff.

Cemetery and burial operations would include the burial of un-embalmed bodies consistent with the Russian Orthodox faith in waterproof burial vaults that are sealed to 5,000 pounds per square inch, which is considered both moisture-tight and air-tight. Staff requested additional information and study into the potential project impacts related to groundwater quality. The response, prepared by EBA Engineering, dated September 3, 2020, found that the decomposition of human cadavers during the putrefaction phase can cause viruses, microorganisms, bacteria, and organic/inorganic chemical decomposition products and that these agents could impair water quality if released from the casket. However, based on research EBA conducted with a Coroner

from the City of Santa Rosa (Sheriff’s Department), it is expected that the bodies would decay faster than the concrete casket they are buried in. Because the Orthodox faith do not embalm the bodies, the decomposition would not be unnaturally inhibited, and the contents of caskets would have less potential pollutants. EBA further concluded that potential water quality impairments would not be expected to leach into adjacent groundwater due to the burial vault specifications that state the vaults are sealed to 5,000 pounds per square inch. The burial vaults in the ground is estimated to result in a total net decrease in groundwater storage of approximately 1.25 inches across the entire subject site.

The project is proposing onsite special events for regular gravesite services that would be limited to less than two hours with no food or beverages served. These events are expected to occur four to six times per month with approximately 25 attendees. As such, no onsite restroom facilities are proposed. An ADA-compliant restroom on the abutting church property will be used for the proposed project. In the event that special events exceed 2 hours, permanent public restrooms will be provided on site with permits from the Permit Sonoma Well & Septic and Building divisions. Otherwise, portable restroom facilities would be made available during large gatherings.

Access

The main access point will remain Stony Point Road, and the driveway entrance would be improved to commercial entrance standards. This entrance would provide access to the existing residence, proposed cemetery, and proposed equipment storage and refrigeration buildings. Traffic exiting the site from the main access point onto Stony Point Road will only be allowed to make a right-turn. A secondary access will be a new gravel access located at St. Olga Court which will be constructed during Phase II.

Attachment G, Circulation Plans, shows the vehicle access and circulation on the proposed onsite access roads. As shown, all routes will be two-way and pedestrian routes are located next to the access roads. A four-foot wide ADA accessible path is also proposed from the parking spaces to the existing ADA restroom located on the church site.

Project History

The table below summarizes key project milestones and events.

Date	Project Event/Milestone
07/23/2018	Application submitted
08/16/2018	Project referred to prominent agencies
12/30/2019	Application complete for further processing
04/30/2021 – 05/31/2021	CEQA (public comment period)
06/28/2021	Notice

ANALYSIS

1) General Plan Consistency

The subject site’s General Plan designation is Rural Residential, which allows the site to primarily be used for single family homes or allow for secondary uses such as places of religious worship and “other uses incidental to and compatible with the primary use”. The proposed project would be consistent with the Sonoma County General Plan and Rural Residential land use designation because:



- Although the proposed cemetery is not an incidental use to the existing single-family residence, the proposed use is compatible because it is a low intensity development that would not infringe on the existing use. Additionally, the cemetery will directly support the congregation and services of the church that adjoins the subject site.
- Environmental constraints on land (General Plan Objective LU-7.1). The proposed project would include the burial of un-embalmed bodies consistent with the Russian Orthodox faith in waterproof burial vaults that are sealed to 5,000 pounds per square inch. The analysis provided by the applicant stated that the decomposition rate of a body that is not embalmed combined with the manufacturer’s warranty guarantee would minimize the risk of pollutants contaminating the groundwater. The same analysis indicated that with the placement of the burial vaults into the ground, the total net decrease in groundwater storage would be approximately 1.25 inches across the entire subject site, which is a less than significant impact, as determined by the CEQA analysis.
- Preservation of biotic resource areas and scenic features (General Plan Goal LU-10, Objective LU-10.1, Goal-OSRC, Objective OSRC01.2, Objective OSRC-1.4, Policy OSRC-1f). The project would be consistent with regulations pertaining to avoiding significant impacts to biotic resources and would be consistent with regulations designed to maintain the scenic qualities of the area. (See Sections 1 and 4 of Attachment J-Initial Study/MND).
- Nighttime lights and preservation of nighttime skies and visual character (General Plan Goal OSRC-4, Objective OSRC-4.1, Objective OSRC-4.2, Policy OSRC-4a, Policy OSRC-4c): The project would be conditioned to use dark sky compliant lighting, and would comply with County requirements pertaining to placement, shielding, and light levels to prevent spill over, glare and unnecessary nighttime light pollution.
- Wastewater (General Plan Policy LU-8): The project would comply with regional waste discharge requirements and County regulations to minimize storm water, surface water and groundwater pollution including utilization of BMPs.

2) South Santa Rosa Area Plan Consistency

The project site is located in the South Santa Rosa Specific Planning area and is designated as Rural Residential. The South Santa Rosa Area Plan Land Use goal(s) and policies center on preserving community identities, concentrating development in urban service areas, ensuring commercial and industrial lands uses are compatible with existing and future land uses, and requiring utilities for new development. The South Santa Rosa Specific Plan generally relies on the Sonoma County General Plan, Municipal Code, and Chapter 26 – Zoning Regulations to implement the goals and policies of the specific plan. As presented in the General Plan Consistency and Zoning Consistency section of this report, the proposed use is also considered consistent with the South Santa Rosa Specific Plan.

3) Zoning Consistency

The project parcel’s zoning is Agriculture and Residential District (AR), 5-acre Density (B6 5), and Valley Oak Habitat Combining District (VOH).

1) Base Zoning: Agriculture and Residential District (AR)

The purpose of the Agriculture and Residential (AR) zoning district is to provide lands for raising crops and farm animals in areas designated primarily for rural residential use pursuant to Objective LU-6.5 and Policy LU-6d of



the General Plan, which both speak to the County’s commitment to providing for different crop and animal production in the AR and RR zones.

Section 26-16-020(l) allows cemeteries, mausoleums, columbariums and crematoriums with a Use Permit, except on land subject to a Williamson Act contract.

All development shall comply with the development criteria as defined in Section 26-16-030. The below are the standards that are applicable to the proposed project:

- (a) Maximum Building Height: Maximum building height is thirty-five feet (35’).
- (b) Maximum Lot Coverage: 85,000 SF or five percent (5%), whichever is greater
- (c) Yard Requirements: Yard requirements shall be the same as in Limited Commercial (LC):
 - a. Front yard: 30’ and at least 55’ from the centerline of any public road.
 - b. Side yard: 10’
 - c. Rear Yard: 20’
- (d) Parking Requirements: Parking shall be in accordance with Article 90, Local Area Development Guidelines.

As shown on the storage building elevations (Attachment E), both proposed buildings are 25 feet tall.

The total building coverage of the two storage buildings, and the columbarium would be 2,240 square feet, or 0.2% of the project site.

The subject site is oriented adjacent to Stony Point Road and much of the proposed development will occur in the southeastern corner of the lot. The proposed 960 square foot storage and refrigeration building is setback 47 feet from the front (eastern) property line and approximately 100 feet from the centerline of Stony Point Road and is 108 feet from the side (southern) property line. The proposed 960 square feet that will replace the existing barn is setback 50 feet from the front property line. There are no buildings proposed in the remainder of the site.

Article 86, Parking Regulations is the required parking standard for the subject site. Pursuant to Article 86 of the Sonoma County Zoning Code, columbariums are required to provide 1 space for every 4 seats in the sanctuary and does not specify parking requirements for a cemetery land use. Since the proposed project is not constructing a sanctuary and, instead, would be using the adjacent church for indoor ceremonies, the parking requirement does not directly apply. The applicant is proposing a total of 27 spaces, which would accommodate the anticipated four to six monthly graveside services with an estimated 25 visitors. Eight will be for larger vehicles and one permanent ADA compliant parking space is proposed adjacent to the storage building. The estimated 67 spaces of overflow parking provided by the Church abutting the subject site would accommodate the four annual larger events.

II) B-Combining Districts 5-acre density (B6 5)

The residential density of the subject site is five acres per dwelling unit.

The proposed project does not change the size of the parcel and does not include the development of any residential structures. One residence is developed on the site which is within the site density limitations.

III) Valley Oak Habitat Combining District (VOH)

The purpose of the Valley Oak Habitat Combining District is to protect and enhance valley oaks and valley oak woodlands and to implement the provisions of Section 5.1 of the General Plan Resource Conservation Element.

There are two Valley Oak trees located on the undeveloped portions of the site, both of which would be retained.

4) Water Quality

The proposed cemetery is considered a special kind of landfill, per Permit Sonoma County health specialist response, and a five-foot minimum separation to high groundwater is required. In February 19, 2015, a severe drought year, wet weather testing results recorded between 46.5 inches to 58 inches (4.83 ft) from the surface to groundwater.

In response, the applicant provided information on the manufactured warranty of the concrete sealed vaults that guarantees longevity of approximately 70 years as compared to the average longevity of 15-40 years for a septic tank (Attachment H). EBA Engineering provided a detailed response, dated September 3, 2020 (Attachment I), which responded to a request from staff for empirical data to support the decomposition rates of an unembalmed body and qualitative analysis to assess the potential impacts the concrete caskets could have on runoff.

Hydrology and Groundwater Quality

The EBA letter acknowledges that decomposition of human cadavers during the putrefaction phase can cause viruses, microorganisms, bacteria, and organic/inorganic chemical decomposition products and that these agents could impair water quality if released from the casket. However, based on research EBA conducted with a Coroner from the City of Santa Rosa and a literature review, it is expected that the bodies would decay faster than the concrete vaults that would contain the caskets. Generally, human bodies decompose to entire skeletonization within 15-25 years. The Russian Orthodoxy practices do not practice embalming bodies. Therefore, decomposition would not be unnaturally inhibited, and the contents of caskets would have less potential pollutants. EBA concludes that potential water quality impairments would not be expected to leach into adjacent groundwater due to the burial vault specifications which state that the vaults are sealed to 5,000 pounds per square inch. This specification is considered both moisture-tight and air-tight.

Water Displacement

EBA Engineering assessed potential groundwater displacement from the interment of 4,125 concrete caskets due to burial activities. EBA cites burial vault dimensions, burial depths, as well as soil composition (72.5% clay that is generally fully saturated with water) and properties to estimate a total net decrease in groundwater storage of 2.4 acre-feet over the 21-acre project site. This net decrease would equate to approximately 1.25 inches (0.11 feet) over the project site. During rainy season conditions, when it is assumed that the groundwater table is located at ground surface, the change in overall groundwater storage is not expected to impact the ability for surface water to runoff or infiltrate the ground. EBA concludes that because soils would already be fully saturated water will be absorbed and retained within the ground. There is an initial decrease in the amount of water in the system. After the concrete caskets are placed and buried, there will no longer be pore space for water to be absorbed. This is expected to decrease overall groundwater storage on site by 1.25 inches. This decrease in overall groundwater storage is not expected to result in substantial erosion, runoff, flooding, or impede flood flows due the project's existing soil properties in addition to the anticipated burial timeline (which is incremental over 80-100 years), and location (outside of FEMA designated flood zones).

More detail can be found in the IS/MND Hydrology and Water Quality section (Attachment J, pages 71-80)

5) Neighborhood Impacts

As conditioned, the project would be similar to the existing and future low density residential land uses of the surrounding vicinity. The vehicle and pedestrian circulation and proposed pedestrian walkway to the existing church would ensure that the cemetery would not have a significant impact to the existing traffic patterns because it supports the existing church use and congregation. The proposed direct pedestrian route is provided to connect both uses and encourage walking between the two uses.

The proposed project design uses muted colors for the proposed structures and the burial ceremonies are occurring setback an adequate distance from the property lines. Site development and improvements, except for the monument area, are concentrated in the southeastern corner of the lot, approximately 250 feet from the front property line. The remainder of the site will remain open and naturally landscaped.

There would be no amplified sound and the CEQA analysis determined that with the implementation of mitigation measures, that include holding large grave-site services away from shared property lines, limiting equipment for grave preparations to meet the County's noise level criteria and requiring that neighboring residences be given 24-hour notice for services with 3-gun salutes, the impacts to noise would be less than significant.

The applicant has designed the project in a manner that minimizes the environmental constraints, such as the wetlands disturbance and groundwater impacts, on the site and to the surrounding properties. This in addition to the required mitigation measures from the CEQA Analysis which finds that environmental impacts are mitigated to less than significant levels.

6) Environmental Analysis

Pursuant to the California Environmental Quality Act, an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared and released for a 30-day review on April 30, 2021. The IS/MND concluded that potential environmental impacts can be mitigated to a less than significant level by incorporating mitigation measures that are included in the conditions of approval with agreement from the applicant. The following subsections of the Initial Study require mitigation to reduce environmental impacts to a less than significant level:

- **Air Quality.** The project would not have significant impact on air quality with mitigation proposed. Mitigation requires implementation of dust control measures and applying the Bay Area Air Quality Management District (BAAQMD) Best Management Practices (BMPs) during construction.
- **Biological Resources.** The applicant submitted a biological resource assessment and a protocol rare plant survey both prepared by WRA Environmental Consultants, dated October 17, 2013, and July 28, 2015, respectively. Mitigation measures would require the applicant to conduct updated surveys of biological resources prior to the start of each construction phase; purchase vernal pool conservation credits for Sebastopol meadowfoam; avoid or transplant Lobb's buttercup; provide Worker Education Awareness Training (WEAT); install fencing for sensitive habitat protection; mitigate for the loss of California Tiger Salamander Habitat; consult with USFW and CDFW prior to ground disturbance in western portion of property; consult with USFWS to determine a maintenance plan to minimize any potential ongoing impacts to CTS and other protected natural resources; avoid Indirect Impacts to Federal and State Jurisdictional Habitats by using best management practices; perform pre-construction nesting bird surveys; receive certification and

permitting prior to any grading or construction that may impact jurisdictional area(s) waters of the U.S., including Section 404 wetlands ; and install wildlife exclusion fencing prior to construction.

- **Cultural Resources/Geology and Soil Resources.** A Cultural Resources Study was prepared by Tom Origer & Associates dated September 25, 2015 as part of the application package. Permit Sonoma staff referred the project application to Native American Tribes within Sonoma County to request consultation under AB-52. The Lytton Rancheria responded with a request for tribal consultation. The tribe drafted a series of mitigation measures to protect potential cultural resources that may be uncovered onsite, including working with a professional paleontologist and archaeologist to provide Archaeological and Paleontological Sensitivity Training for construction personnel, spot checking during grading and earth-moving activities in sensitive areas, ceasing activities in the event that paleontological or archaeological resources are discovered and the reporting and submittal of the results of the monitoring activities to the County, the tribe and other agencies providing oversight.
- **Noise.** A Noise Assessment was conducted by Illingworth and Rodkin dated February 28, 2019. The study concluded that the proposed project and special events would not have a significant impact on the noise environment and would comply with County noise standards. Mitigation measures include requiring mechanical equipment and event-related noise to comply with county noise limits, limiting construction noise between 8:00 am and 5:00 pm, and locating construction staging areas away from sensitive land uses.

Mitigation measures for these impacts are detailed in the Mitigated Negative Declaration and have been incorporated into the conditions of approval (See Attachment J for more detail).

NEIGHBORHOOD/PUBLIC COMMENTS

As of the date that this staff report was drafted, Permit Sonoma had received two public comment letters on the project from various individuals and agencies.

RECOMMENDATIONS

Staff Recommendation

Staff recommends the Board of Zoning Adjustments adopt the Mitigated Negative Declaration and approve UPE18-0054 Use Permit to adopt the Mitigated Negative Declaration and allow a cemetery with above ground columbarium, associated refrigeration building, equipment storage building, above-ground columbarium, and associated infrastructure.

Staff supports the applicant's request based on the scope of the proposal because:

- The project is consistent with all applicable General Plan policies in that the proposed use is compatible with the surrounding area and no amendments are proposed to change the rural residential designation. The proposed use is proposed to support an existing allowed use and the low intensity use is similar to the existing and future low density residential land uses of the surrounding area. Development is primarily concentrated in the southeast corner, leaving the remainder of the site open and landscaped. and the parcel is supported with on-site water and sewer systems that will not adversely impact the surrounding uses.
- The proposed project complies with the South Santa Rosa Area Plan policies and standards because the use is allowed, as determined by the Sonoma County Zoning Code, and meets all the additional parking, setback and height standards.



- The proposed cemetery and columbarium is consistent with the Sonoma County Zoning Code per Section 26-16-020 (I).
- The design, location, size, and operating characteristics of the use are considered similar to the existing and future residential and neighborhood commercial land uses within the vicinity. The use would not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The following facts support this finding: (1) the project is consistent with the goals of the General Plan, including the Rural Residential (RR) land use designation in which the project is located, (2) the project is consistent with the South Santa Rosa Specific Plan and its broad goals and policies related to the Agriculture and Residential District, (3) the project is consistent with the Valley Oak Habitat Combining District, (4) noise from special events will not impact sensitive receptors, and no significant traffic impacts have been identified, (5) the project is not located in a high or very high wildfire risk zone, thus wildfire risks can be reduced to an acceptable level, (6) the project proposals minimal grading and meets all setback standards, and (7) the project is design and with incorporation of mitigation measures is consistent with special species habitat policies protecting the County's natural habitats and plant and animal communities.

ATTACHMENTS

- ATT 1: Draft Conditions of Approval
- ATT 2: Project Proposal Statement
- ATT 3: Existing Site Photos
- ATT 4: Site Plans (Phase I, II, and III)
- ATT 5: Architectural Plans
- ATT 6: Landscape Plan
- ATT 7: Circulation Plan
- ATT 8: Burial Vault Details and Warranty
- ATT 9: Groundwater Quality and Displacement Analysis
- ATT 10: Monuments Example
- ATT 11: Public Comments
- ATT 12: Draft Resolution

On file and available by request:

CEQA Initial Study and Mitigated Negative Declaration