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Recommended Findings

**PLANNING COMMISSION HEARING – APRIL 16, 2025
RECOMMENDED FINDINGS**

**LAMOREAUX FAMILY CEMETERY
USE PERMIT P24-00327-UP
2200 W OAK KNOLL AVE, NAPA
APN: 034-190-018-000**

ENVIRONMENTAL:

The Planning Commission (Commission) has received and reviewed the proposed Categorical Exemption pursuant to the provisions of the California Environmental Quality Act (CEQA) and of Napa County’s Local Procedures for Implementing CEQA, and finds that:

1. Because of the limited scope of the project in terms of minor private alterations in the condition of the land which do not involve the removal of healthy, mature, scenic trees, the project is categorically exempt from the California Environmental Quality Act (“CEQA”) under Section 15304 (Class 4 Minor Alterations to Land).
2. The site of this proposed project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5 and is not within the boundaries of any airport land use plan.
3. The Secretary of the Commission is the custodian of the records of the proceedings on which this decision is based. The Records are located at the Napa County Planning, Building & Environmental Services Department, 1195 Third Street, Second Floor, Napa, California.

USE PERMIT:

The Planning Commission has reviewed the Use Permit request in accordance with the requirements of Napa County Code (NCC) Section 18.124.070 and makes the following findings:

4. The Planning Commission has the power to issue a use permit under the zoning regulations in effect as applied to the property.

Analysis: The project is consistent with zoning district regulations. Cemeteries (as listed in Napa County Code Section 18.120.010(B)(12)) are permitted in all zoning districts with an approved use permit. The project complies with the requirements of the remainder of the Napa County Zoning Ordinance (Title 18, Napa County Code) as applicable.

5. The procedural requirements for a Use Permit set for the in Chapter 18.124 of the Napa County Code have been met.

Analysis: Under NCC § 18.124.010, the use permit may be granted by the planning commission and a companion action is not required by the board of supervisors. The appropriate applications, fees, and public hearing requirements have been met. The hearing notice and intent to find the project categorically exempt from CEQA was posted and published in the Napa Valley Register on April 3, 2025, and copies of the notice were forwarded to property owners within 1,000 feet of all project parcels.

6. The grant of the Use Permit, as conditioned, will not adversely affect the public health, safety or welfare

of the County of Napa.

Analysis: Various County divisions and departments were provided an opportunity to review and comment on the project. Conditions of Approval were only received by the Engineering Division, as the various Napa County divisions and departments have no specific jurisdiction with exception to access regarding the proposed private cemetery. Cemeteries are primarily regulated by the State of California Department of Consumer Affairs Cemetery and Funeral Bureau (the Cemetery and Funeral Bureau) and requires a Certificate of Authority. A cemetery is defined by the State of California under Health and Safety Code Section 7003 provides:

§ 7003. "Cemetery"

"Cemetery" means either of the following:

- (a) Any of the following that is used or intended to be used and dedicated for cemetery purposes:
 - 1) A burial park, for earth interments. ("Burial Park" means a tract a land for the burial of human remains in the ground, used or intended to be used, and dedicated, for cemetery purposes, HSC 7009.)
 - 2) A mausoleum, for crypt or vault interments.
 - 3) A crematory and columbarium, for cinerary interments. ("Crematory and columbarium" means a building or structure containing both a crematory and columbarium. HSC 7008, "Columbarium" includes any building or structure, used or intended to be used, for the interment of created human remains. HSC 9506; 7007)
- (b) A place where six or more human bodies are buried.

A Certification of Authority, which includes a cemetery manager, application has been submitted by the application to the Cemetery and Funeral Bureau. The application includes a cemetery manager (Jim Bushey, PPI Engineering), and therefore, the private cemetery as conditioned will assure the ongoing protection of public health and safety.

7. The proposed Use Permit complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan.

Analysis: The subject parcel is located on land zoned as Agricultural Preserve and Agricultural Watershed. The proposed use complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan. Applicable Napa County Zoning Ordinances sections include NCC Sections 18.16 (AP Zoning District), 18.20 (AW Zoning District), 18.120 (Exceptions to Use Limitations), and 18.124 (Use Permits).

In terms of General Plan policies and standards, the project is a small private family cemetery and will occupy approximately 2,400 square feet (0.05 acres) and will not affect the existing vineyards or open space. The cemetery is comprised of 10 individual plots with no structures that require building permits, and landscaping over the interred family members will remain the natural meadow grasses that ebb and flow with the winter rains, spring emergence, and summer and fall heat. Interment will be green burial or standard burial and marked by simple head stones. The cemetery site is in a natural setting surrounded by mature trees and native landscaping, adjacent to the Oak Knoll Ranch Preserve, which includes one of the largest stands of valley oak trees on the Napa Valley Floor. As the proposed project maintains the character of the preserve and will allow natural, native grass species to continue

to inhabit the area, the project supports General Plan Policy AG/LU-4 concerning the reservation of open space, as well as Policy CON-1 in terms of the preservation of native vegetation. Land disturbance will only take place upon the death of a family member and is anticipated to be years apart from each other – therefore, minimal land disturbance is expected at any given time. This use will not have any effect on the preservation or use of agriculturally designated land for current and future agricultural purposes and as such supports General Plan Goals AG/LU-1 regarding agricultural preservation.

8. The proposed Use Permit would not require a new water system or improvements causing significant adverse effects, either individually or cumulatively, on an affect groundwater basin in Napa County, unless that use would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under Section 13.15.070 or 13.15.080 of the County Code.

Analysis: While the parcel is not in a designated Groundwater Deficient Area, the parcel does fall completely within the Napa County Groundwater Sustainability Agency’s Napa Valley groundwater basin. Despite this, the project does not propose any new development or landscaping that would require irrigation or additional water use, and there will be no net increase in water use. As such, the proposed Use Permit would not require any new water system or improvements nor would it cause any significant adverse effect, individually or cumulatively, on an affect groundwater basin in Napa County.