

March 2, 2010

Mr. Demian Hardman
Contra Costa County Department of Conservation and Development
651 Pine Street
Martinez, California

Mr. Hardman:

Our names are Bill and Holly Newman, and we live at 7300 Camino Tassajara. We are part of a group of neighbors with strong concerns regarding the proposed Creekside Memorial Cemetery. As you know, this proposed cemetery would be located on a 220 +/- acre site on the west side of Camino Tassajara about one half mile south of Highland Road in unincorporated Contra Costa County, and the applicant is currently working to obtain the special use permit required for its construction. We have been closely following these efforts over the past five to seven years, and we have submitted a number of responses to the County documenting the serious flaws we have found with the applicant's proposal.

As a result of our investigations and analyses, we believe that the proposed cemetery is not an appropriate land use for this property and therefore that it should not be granted a special use permit. Our reasons are:

1. In the 'near term' (next 20 years or so), a cemetery of this size is not needed. The applicant recently submitted a paper titled "Creekside Memorial Park - Request for Justification and Need for Project" (9/30/2009), which we found to be inconclusive as far as determining near term need, and so we did our own investigation by talking to most of the cemeteries within 15 to 17 miles of the proposed cemetery. We also reviewed information from the Cremation Association of North America (CANA). We learned the following:
 - Burial trends in California are shifting more and more towards cremation rather than 'full body entombment', and further, as of 2006, 60% of cremated remains in California are not buried at all but stored in the home or scattered. According to CANA, California cremations in 2005 were at 52% of total burials, and predicted to rise to 59% by 2010 (in comparison, Washington and Oregon were at 64% in 2005). This means that much less land is needed for cemeteries, and also that existing cemeteries will have sufficient space to meet the expected need for a longer time. Most of the cemeteries in this area felt they had ample space for cremations for the foreseeable future, because cremated remains can be interred at a density many times greater than a full body burial.
 - Regarding the available space in local cemeteries, we found that the only limitation is for full-body burials, since as noted above, they all have ample space for cremated remains. Of the 18 cemeteries on the list submitted by the applicant cited above, we found that four of the non-denominational cemeteries had over 50 years of full body burials left, and that the Catholic diocese (which has the most demand for full-

body burials) manages four cemeteries in the area, each of which has 50 to 100 years capacity left.

- We expanded the list to include the 24 cemeteries within a 17 mile radius of the site, and we found that for full-body burials, ten cemeteries have more than 50 years capacity, one has at least 20 years capacity, one has less than one year capacity, five appear to be closed, and we are still working to contact the remaining seven. (We are preparing a separate response with these results).
 - We also learned that it can take many years for a new cemetery to become a viable business, since most people want to be buried in the same cemetery as other family members, rather than in a brand-new location.
 - Given all these facts, there does not seem to be a need for a new, large cemetery in the area for at least the next 20 years.
2. In the 'longer term' (i.e. beyond 20 years or so), any decisions as to the size and location of a proposed cemetery need to reflect both the anticipated population growth in the area as well as projected burial trends. In addition, for a given land use at a given site, consideration needs to be made as to whether that proposed use is the most beneficial use of the site, or whether the proposed site would provide more benefit if used for other purposes. In other words, do we really want to restrict the possible future options for the Tassajara Valley by putting a large, highly visible cemetery right in the middle of it?
3. This site is not a good choice for a cemetery due to the physical shape of the location, lack of water and challenging soil properties:
- Physical shape: The most prominent feature of the property is a large ridge (800 feet high) running east-west, perpendicular to Camino Tassajara. This ridge occupies roughly 150 acres or about 70% of the site, and is visible for several miles up and down Tassajara Valley. The remainder of the site consists of some flat land at the front (east) next to the road and a smaller flat area on the south side. This physical layout is not a good choice for a cemetery because:
 - a. Extensive grading of the site (more than 500,000 cubic yards) is needed to achieve the 50+ acre cemetery proposed (approximately 30 acres of cemetery landscape and 22 acres of buildings, roads, parking lots etc.) The applicant proposes to remove the top 30 feet or so of the ridge in order to construct a 13 acre 'Upper Garden' area on the top of the ridge and also to elevate the flat areas in the lower parts of the site.
 - b. Many slopes on the site are in excess of 25% and the soil in the area is extremely expansive. The applicant's own geological report states that the proposed road up the side of the ridge to reach the 'Upper Gardens' is likely

to be unstable for this reason (ref ENGEO "Preliminary Geotechnical Feasibility Assessment", 12/15/2005)

- c. The configuration of the property tends to accentuate the presence of the cemetery due to the 'Upper Garden' area on the ridge. In contrast, most existing cemeteries in the area are built either on flat land or on the land between ridges, rather than on the ridge itself.
 - d. In addition, the current proposal claims that the dedication of about 120 acres as undeveloped open space (mostly the sides of the ridge that are too steep to use) should mitigate the environmental "takes". However, the current plan's open spaces are not contiguous, but are smaller areas separated by access roads and fenced cemetery burial areas, reducing the benefit to local wildlife.
 - e. In addition, the proposed cemetery will severely reduce the width of the wildlife migration corridor between Camino Tassajara and the back side of the Windemere development. The proposed cemetery is located at a narrow spot in the valley and the property runs east-west, directly across the north-south wildlife corridor.
- Lack of water: The applicant has consistently overstated the sustainable water available at the site and understated the water required. We also have submitted analyses showing that the well tests presented by the applicant are seriously flawed. The applicant's most recent proposal (of 6/12/2009), with 9.5 acres in turf, 21 acres of unspecified 'xeriscaped' cemetery landscape and another 45 acres of 'oak woodland and riparian corridor' planted with nearly 5,100 trees and shrubs, has an unsustainable water demand. This high water demand will affect not only the neighbors (who obtain all their water from wells) but potentially the entire watershed in the region. One document provided by the applicant (Aqua Systems Engineering, "Comments on the ENGEO Initial Groundwater Assessment", 7/15/2007) noted that the cemetery demand could "dehydrate" Tassajara Creek.
 - Challenging soil properties: The soil in the area is extremely expansive and will require special considerations for burial of caskets. To date, the applicant has not addressed this issue at all.
4. The project may not be economically viable for many years. While the large 'Tuscan-style' buildings, lush landscaping and sweeping views may be attractive, their cost and the inappropriate nature of the site described above will result in substantially increased costs both for development and for ongoing operations. Coupling that with the low burial rates expected for at least the first years (perhaps up to 20 years) of operation leads us to a conclusion that the project may not be viable, and may in fact become a burden to the County. Eventually, when 'full build-out' of three burials per day, 365 days/year, is achieved, it may be a very lucrative enterprise, but that timing is very uncertain. It seems prudent for the County

to require that the business model proposed by the applicant is viable for all years, not just at full build-out.

- One common way of managing these risks is to break up the cemetery development into phases, and to expand the facility only as needed. While the applicant's proposal does show that the buildings will initially be smaller with wings added as needed, it appears that all grading and landscaping must be done at the start, increasing the initial development costs and permanently altering the ridgeline and destroying habitat to create potential burial areas that might not be needed for many years, if ever. The fact that this site does not allow for staged grading and landscaping is another reason why it is a poor choice for a cemetery.
- Also, although the applicant claims that all their water needs will be met with on-site wells, our analysis has shown that on-site wells will be able to supply less than 20% of their requirements on a sustainable basis (ref. our memo of 8/10/2009 to John Osborne). As a result, the balance of their water needs would have to be met with additional water sources, which could represent a major component of their yearly operating costs.

To conclude, we believe that it is vital to have the applicant's submissions reviewed by someone other than their own consultants. Land use decisions affect all members of the community, so it is very important to make sure that the facts, assumptions, calculations and conclusions used to make such decisions are accurate. While we are not experts, we are very capable of performing research and validating analyses in a systematic way to ensure that all aspects are fairly considered.

To that end, we have been closely following the submissions made by the applicant to the County and preparing responses as needed, and we will continue to do so.

Regards,

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