

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development *AMO*

BOARD AGENDA # 6:50 p.m.

Urgent Routine

AGENDA DATE April 20, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider an Appeal of the Stanislaus County Planning Commission's Decision of Denial for Use Permit Application No. 2009-10, Catholic Cemetery Dakota Avenue, a Request to Develop a Cemetery in 4 Phases on a 25.33-Acre Parcel in the A-2-40 (General Agriculture) Zoning District

STAFF RECOMMENDATIONS:

After conducting a public hearing at its regular meeting of March 4, 2010, following a staff recommendation for denial, the Stanislaus County Planning Commission voted 5-2 (Poore and Ramos) to deny the proposed project. Should the Board of Supervisors wish to approve the Use Permit, the Board must take the following actions:

1. Adopt the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis.

(Continued on page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this project. In accordance with the adopted Department of Planning and Community Development Fee Schedule, costs associated with this project are covered by the appeal fee paid by the applicant and approval of this project will have no impact on the County's General Fund.

BOARD ACTION AS FOLLOWS:

No. 2010-220

On motion of Supervisor Monteith, Seconded by Supervisor O'Brien
and approved by the following vote,
Ayes: Supervisors: O'Brien, Chiesa, and Monteith
Noes: Supervisors: DeMartini, and Chairman Grover
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

- 1) Approved as recommended
- 2) Denied
- 3) Approved as amended
- 4) Other:

MOTION: APPROVED STAFF RECOMMENDATIONS NOS. 1 THROUGH 4; APPROVED THE APPEAL OF THE PLANNING COMMISSION'S DECISION OF DENIAL; AND, THEREBY APPROVED USE PERMIT APPLICATION #2009-10 - CATHOLIC CEMETERY DAKOTA AVENUE, SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL.

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

STAFF RECOMMENDATIONS: (Continued)

2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
 - A. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
 - B. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
 - C. The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas," as that term is used in the Agricultural Element of the General Plan.

OR

The character of the use that is requested is such that the land may be reasonably returned to agricultural use in the future.

- D. That the proposed alternative buffer is found to provide equal or greater protection to surrounding agricultural uses.
 - E. That the project will increase activity in and around the project area, and increase demands for roads and services, thereby requiring dedications and improvements.
4. Approve Use Permit Application 2009-10 – Catholic Cemetery Dakota Avenue, subject to the attached Conditions of Approval.

DISCUSSION:

This item is an appeal of the Planning Commission's decision to deny Use Permit Application No. 2009-10, Catholic Cemetery Dakota Avenue. The appeal has been filed on behalf of the applicant by the applicant's representative Trevor Smith with InSite Environmental, Inc. The appeal letter submitted, which can be found in Attachment "1" of this report, discusses that the Planning Commission failed to recognize key components about the project which include:

- 1) *The unique characteristics of the proposed use and the substantial efforts made to reduce impacts to agriculture adjacent to the site and within the site*
- 2) *The pending shortage of burial space that will impact the County of Stanislaus*
- 3) *The lack of opposition to the application (only one neighbor appeared to oppose the project as compared to 50+ supporters in attendance at the Planning Commission meeting as well as speakers that represent thousands more).*

Background and Project Description. The project is a request to develop a cemetery on a 25.33-acre property in four (4) phases. Each phase will take approximately 20 years to reach capacity, however the time frame for each phase may vary depending on need. The proposed cemetery will be surrounded by 150 feet of on-site almond orchard in four directions. The project also includes a 2,000 square foot maintenance facility, a 2,000 square foot office, a major architectural feature such as a fountain or statue, and eight (8) 1,560 square foot garden mausoleums. The applicant is anticipating five (5) funerals per week during the hours of 9 a.m. and 3 p.m. Monday through Friday. The cemetery will be open to public seven (7) days a week 8 a.m. to 4 p.m. The cemetery will have up to three (3) employees at the site during funeral service hours.

The 25.33 acre project site is located east side of Dakota Avenue, west of Highway 99, north of Beckwith Road, in the northwest Modesto area.

The Planning Commission held a public hearing on this project at its regular meeting of March 4, 2010, and denied the request based on the inability to make all of the necessary findings for approval. A full discussion and analysis of the proposed project is included in the attached Planning Commission Staff Report (see Attachment "2"). The item was originally scheduled to be heard by the Planning Commission January 21, 2010, but the hearing was continued to March 4th at the applicant's request.

Summary of Staff Analysis. Stanislaus County Zoning Ordinance, Section 21.20.030(C)(2)(D), allows cemeteries in the General Agricultural Zoning District as tier three uses requiring a use permit. Tier three uses are defined as uses which are not directly related to agriculture but may be necessary to serve the A-2 district or may be difficult to locate in an urban area. The following findings must be made in order to grant approval of a tier three use permit:

- 1) *The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; and*
- 2) *The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas" as that term is used in the Agricultural Element of the General Plan; OR the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future.*

As outlined in the Planning Commission staff report, staff does not believe the second tier three finding required for approval of this project can be made. The first part of the second finding requires that the project site not be located in one of the County's "most productive agricultural areas." The Stanislaus County Zoning Ordinance states:

In determining "most productive agricultural areas," factors to be considered include but are not limited to soil types and potential for agricultural production; the availability of irrigation water; ownership and parcelization patterns; uniqueness and flexibility of use; the existence of Williamson Act contracts; existing uses and their contributions to the agricultural sector of the economy. "Most productive agricultural areas" does not include any land within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities.

The entire project site is comprised of prime farmland as indicated by the California State Department of Conservation Farmland Mapping and Monitoring Program. The entire project site is currently planted in an almonds orchard, is surrounded by agricultural operations, and is outside of the City of Modesto Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI).

The second part of the second finding requires that the character of the use requested is such that the land may be reasonably be returned to agricultural use in the future. The cemetery will be a permanent use and the land cannot be returned to agriculture.

The applicant has indicated that the project site is within the City of Modesto Beckwith/Dakota Comprehensive Planning District (CPD) and is designated as Business Park (BP). The applicant has stated that since the project site is already recognized by the City of Modesto as a future growth area, it appears this would be a more logical location than going outside a recognized growth area and permanently eliminating a prime agricultural use. Staff received written comments from the City of Modesto stating the cemetery is not consistent with its BP designation and may interfere with the development of this area as a business park and with its eventual annexation to the City of Modesto.

Summary of Planning Commission Meeting. At the March 4, 2010 Planning Commission hearing, several people spoke in favor of the project. The applicant's representative, Trevor Smith, stated that many jurisdictions have not planned for cemeteries and that cemeteries have become a forgotten use due to their quiet nature and longevity. He explained that the proposed cemetery will serve five (5) parishes in the County. He also explained that space is running out at the existing cemetery on Scenic Drive and capacity will be reached or reserved in the next five (5) years. Mr. Smith stated the applicant began planning a number of years ago for a future cemetery and believes that this is the ideal location.

Mr. Smith explained that the applicant has worked with Public Works to meet all standards and specifications which include irrevocable offers of dedication, setback requirements to accommodate future road widening and future roads, and relocating the driveway to accommodate a future road along the southern property line.

Agricultural preservation was also discussed by Mr. Smith. The agricultural buffer and setbacks have been designed to preserve as much agriculture as possible. The remaining orchard will be leased to a farmer, much how the Catholic Cemetery in Escalon, California is operated. He discussed that the site was chosen because it is located in a City of Modesto Comprehensive Planning District (CPD) which would place the cemetery on land that will eventually be developed rather on agricultural land further away from the City where development generally does not occur.

Mr. Smith also discussed that although the City of Modesto has stated that the use is inconsistent with its "Business Park" designation, the City of Modesto does not provide a zone that allows cemeteries. Mr. Smith explained that a cemetery can easily co-exist with commercial. One example is the cemetery on Scenic Drive with commercial surrounding the site. Cemeteries can be viewed as a park setting or open space. People often utilize cemeteries for walks. If and when the area is ever urbanized, the 150' setback will provide flexibility in being able to mix accordingly with other commercial uses. Last, Mr. Smith stated that he disagrees with staff that the cemetery may set a precedent for future schools and churches and believes that it should not be a basis for denial.

Six (6) other members of the public comprised of representatives and members of the Catholic Church spoke in favor of the project. Many of the comments from the public were similar to those of Mr. Smith. The comments include the following:

- The experience has been frustrating because the use cannot go in an agricultural area because it is not agriculture, and it cannot go in or too close to the City because property owners do not want decreased property values.
- A cemetery provides a place where people can bury their loved ones after they have passed. It provides a place for people to visit and remember those loved ones.
- A cemetery enhances a community by providing a beautiful park like setting.
- The site is close to Highway 99 and provides a good location for the five parishes in Stanislaus County. It is important that people do not have to travel long distances to visit the cemetery.
- Approximately 20,000 people currently attend church services every Sunday with approximately 80,000 to 100,000 members, demonstrating the need for the cemetery. (It was not specified what area these numbers cover.)
- Stanislaus County has a large and growing Latino community, which is made up of many Catholics. The cemetery will be needed to support this population.
- The current and future generations of military servicemen and servicewomen will benefit from the proposed cemetery.

Two people spoke in opposition of the project. Dennis Wilson a representative for one of the neighboring property owners stated that the project is not consistent with the City of Modesto's Business Park designation. He also pointed out that the required findings cannot be made since the site is a "most productive agricultural area" and "the use cannot be reasonably returned to agriculture."

Mr. Wilson stated that Dakota Avenue is designated as a Class B Expressway, which only allows driveways at half mile intervals according to the City of Modesto's Circulation and Transportation Plan. The proposed driveway location would be at a quarter mile interval.

[Note: The Circulation Element of the Stanislaus County General Plan currently designates Dakota Avenue as a Class C Expressway. The applicant has met with Planning and Public Works staff to discuss access onto the property. The project is designed to allow for development of a future road along the southern boundary with the ultimate driveway to be located on the future road and not Dakota Avenue.]

Patrick Kelly, Division Manager for the Planning Division of the City of Modesto Department of Community and Economic Development, also spoke in opposition of the proposed project. Mr. Kelly stated that the project site has been in the City's General Plan since 1995 in the Beckwith/Dakota CPD. The site is viewed as a future economic base. He stated that the economic engines of a city are along its freeways and the site is located near Highway 99, within the CPD. He also explained that the City does not have a zoning designation that outright permits a cemetery; however, a cemetery can be established within a Planned Development.

Following the public hearing, the Planning Commissioners discussed the project indicating positions both against and in favor of the project. The Commissioners, who voted to deny the project, denied it based on being unable to make the required findings. The Commissioners mentioned that determining whether or not the use is compatible with a "Business Park" designation is subjective, and that the two uses may be able to co-exist. The Commissioners who voted in favor of the project expressed that the proposed use can co-exist with commercial uses. The cemetery on Scenic Drive in Modesto provides a prime example. One Commissioner expressed concern with the maintenance of the remaining almond trees but stated that the concern could be accepted. He also mentioned that aside from Mr. Wilson and Mr. Kelly, no one else spoke in opposition of the project. The Commissioners discussed that technically, the finding cannot be made, but explained that it may be irrelevant because the project site is planned to be a business park and will be eventually developed. They pointed out that there is another cemetery located across the street and noted that because there does not seem to be a designated zone for the use, the proposed site seems like a suitable place.

The Planning Commission voted 5-2 (Poore and Ramos) to deny the project with the majority of Commission members unable to make the required findings.

POLICY ISSUES:

This project has the potential to increase the pressure of allowing non-agricultural uses to develop in the A-2 (General Agriculture) zoning district outside of a LAFCO adopted Sphere Of Influence. The Board should determine if the necessary findings for approval can be made, and if approval of the requested appeal furthers the goals of a well-planned infrastructure system and a strong agricultural economy/heritage.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Kirk Ford, Planning and Community Development Director. Telephone: (209) 525-6330

ATTACHMENTS:

1. Appeal Letter, dated March 12, 2010, from Trevor Smith
2. Planning Commission Memo dated March 4, 2010 and attached Staff Report dated January 21, 2010
 - Exhibit A: Maps
 - Exhibit B: Conditions of Approval
 - Exhibit C: Initial Study
 - Exhibit D: Negative Declaration
 - Exhibit E: Traffic Impact Analysis dated May 6, 2009 by KD Anderson & Associates, Inc. - **AVAILABLE FROM CLERK**
 - Exhibit F: Buffer and Setback Alternative & Minutes as supported by the Agricultural Advisory Board
 - Exhibit G: Parking Plan
 - Exhibit H: Environmental Review Referrals
3. Planning Commission Minutes dated March 4, 2010
4. Petition in Support of Proposed Project received April 12, 2010



March 12, 2010

County of Stanislaus, Board of Supervisors
Attention: Christine Ferraro Tallman, County Clerk
1010 10th Street, Suite 6700
Modesto, CA 95354

Subject: Appeal of March 4th Planning Commission Decision Regarding Use Permit Application No. 2009-10 Catholic Cemetery Dakota Avenue to the Board of Supervisors

Dear Christine Ferraro Tallman:

On behalf of my client I'd like to formally appeal the March 4, 2010 Planning Commission Decision regarding Use Permit Application No. 2009-10 (Dakota Cemetery Project) to a future meeting of the Board of Supervisors.

As requested, a check in the amount of \$607 payable to Stanislaus County Planning & Community Development, along with a copy of this letter, has been forwarded to the Planning Department, to the attention of Mr. Javier Camarena.

It is the Applicant's opinion that the Planning Commission failed to recognize several key components about the project:

- 1) The unique characteristics of the proposed use and the substantial efforts made to reduce impacts to agriculture adjacent to the site and within the site.
- 2) The pending shortage of burial space that will impact the County of Stanislaus.
- 3) The lack of opposition to the application (only **one neighbor** appeared to oppose the project as compared to 50+ supporters in attendance at the Planning Commission meeting as well as speakers that represent thousands more).

ATTACHMENT 1

Page 2 of 3
County Clerk of the Board of Supervisors
Use Permit Application No. 2009-10, Catholic Cemetery

Several key members of the applicant's organization have scheduling conflicts between now and April 4th. In addition, we have numerous supporters that work during the day that would like to attend the Board of Supervisors meeting when this project is heard. We respectfully request to be put on the Board of Supervisors agenda for the night meeting scheduled for April 20th.

Sincerely,

A handwritten signature in black ink, appearing to read "Trevor Smith", written in a cursive style.

Trevor Smith
Senior Project Manager
InSite Environmental, Inc.

pc: Javier Camarena, Assistant Planner
Albert Vigil, Catholic Cemeteries



March 4, 2010

MEMO TO: Stanislaus County Planning Commission
FROM: Department of Planning and Community Development
SUBJECT: **USE PERMIT APPLICATION NO. 2009-10 - CATHOLIC CEMETERY DAKOTA AVENUE**

On January 21, 2010, the Planning Commission approved a request to continue the subject project for 30 days. The continuance was requested by the applicant to allow additional time for the applicant and some neighboring property owners to meet. They have already met twice, and still plan to meet again during this period to resolve some issues for this project. No changes have been proposed and the project description remains the same. Attached to this memo is the Staff Report presented to the Planning Commission on January 21, 2010.



January 21, 2010

MEMO TO: Stanislaus County Planning Commission
FROM: Department of Planning and Community Development
SUBJECT: **USE PERMIT APPLICATION NO. 2009-10 - CATHOLIC CEMETERY DAKOTA AVENUE**

The attached letter dated January 20, 2010, written by the project's representative, requests to continue the subject project for 30 days. The applicant has been working with an adjacent property owner to resolve issues related to the project. The applicant is making this request in order to give both parties time to adequately discuss the issues.

Staff concurs with the request and respectfully requests the Commission to grant the continuance and schedule the public hearing for March 4, 2010.

RECOMMENDATION

Staff recommends the Planning Commission approve a continuance of Use Permit Application No. 2009-10 - Catholic Cemetery Dakota Avenue, to the Planning Commission meeting of March 4, 2010.

Attachments: Letter dated January 20, 2010 from Trevor Smith - InSite Environmental, Inc.
Letter dated January 20, 2010 from Thomas H. Terpstra - Law Office of Thomas H. Terpstra

THOMAS H. TERPSTRA

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209.599.5008
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January 20, 2010

Mr. Kirk Ford, Director
Stanislaus County Planning Department
1010 10th Street, 3rd Floor
Modesto, CA 95354

Re: Catholic Diocese of Stockton/Use Permit Application No. 2009-10

Dear Mr. Ford:

As you are aware, this office represents landowners in the vicinity of the above-referenced property. My clients have expressed concerns over a number of aspects of the proposed project. I was contacted by Mr. Tom Shephard, the attorney for the applicant, a short time ago. Mr. Shephard informed me that his client will request a continuance of tomorrow night's scheduled public hearing on this application, to allow time for my clients to meet with representatives of the Diocese.

My client supports the applicant's request for a continuance, and will engage in dialogue with the Diocese in the near future. Thank you for your time and consideration of our views.

Very truly yours,

Law Office of Thomas H. Terpstra



Thomas H. Terpstra
Attorney-at-Law
Cc Clients

STANISLAUS COUNTY PLANNING COMMISSION

January 21, 2010

STAFF REPORT

USE PERMIT APPLICATION NO. 2009-10
CATHOLIC CEMETERY DAKOTA AVENUE

REQUEST: TO DEVELOP A CEMETERY IN FOUR (4) PHASES ON A 25.33-ACRE PARCEL IN THE A-2-40 (GENERAL AGRICULTURE) ZONING DISTRICT. EACH PHASE WILL TAKE APPROXIMATELY 20 YEARS TO REACH CAPACITY AND WILL BE LOCATED WITHIN THE CENTRAL PORTION OF THE PROPERTY. THE PROJECT WILL INCLUDE A MAINTENANCE FACILITY, OFFICE, AN ARCHITECTURAL FEATURE, AND GARDEN MAUSOLEUMS.

APPLICATION INFORMATION

Applicant:	Albert Vigil - Director, Catholic Cemeteries, Diocese of Stockton
Property Owner:	Rodney D. Blickenstaff, et al.
Agent:	Trevor Smith, InSite Environmental
Location:	East side of Dakota Avenue, west of Highway 99, north of Beckwith Road, in the northwest Modesto area
Section, Township, Range:	11-3-8
Supervisory District:	Three (Supervisor Grover)
Assessor's Parcel:	076-032-011
Referrals:	See Exhibit H Environmental Review Referrals
Area of Parcel:	25.33 acres
Water Supply:	Water well
Sewage Disposal:	Septic
Existing Zoning:	A-2-40
General Plan Designation:	Agriculture
Sphere of Influence:	Not applicable
Community Plan Designation:	Not applicable
Williamson Act Contract No.:	Not applicable
Environmental Review:	Negative Declaration
Present Land Use:	Almond orchard
Surrounding Land Use:	Orchards, row crops, cemetery, school, and scattered single-family dwellings

PROJECT DESCRIPTION

This is a request to develop a cemetery on a 25.33-acre property in four (4) phases. Each phase will take approximately 20 years each to reach capacity, however the time frame for each phase may vary depending on need. The project has been reviewed as a whole including all four (4)

phases. The proposed cemetery will be located within the central portion of the property. Phase 1 is approximately 6.5 acres in size, Phases 2 and 3 are approximately three acres in size and Phase 4 will be approximately two acres in size. The proposed cemetery will be surrounded by 150 feet of on-site almond orchard in four directions. During Phase 1 or Phase 2, a maintenance facility (approximately 2,000 square feet) and an office (approximately 2,000 square feet) will be constructed, as well as a major architectural feature such as a water fountain or statue. Phases 2 and 3 will each contain four (4) garden mausoleums for a total of eight (8). Each mausoleum will be approximately 1,560 square feet in size. The applicant is anticipating approximately five (5) funerals per week on average and the average funeral service will last 30 to 60 minutes. The cemetery will be open seven (7) days a week from 8 a.m. to 4 p.m. to allow the public to have access to the grave sites. The cemetery will have up to three (3) employees at the site during funeral service hours which are Monday through Friday from 9 a.m. to 3 p.m., starting with Phase 1.

SITE DESCRIPTION

The site consists of approximately 25.33 acres and is currently planted in an almond orchard. The surrounding uses are an orchard to the north, row crops to the east, orchard to the south and orchard and scattered single-family homes to the west. Further south of the site, there are single-family homes near the Dakota Avenue and Beckwith Road intersection. Also located nearby is Highway 99, approximately 900 feet east of the project site. The Wood Colony Cemetery and Brethren Heritage school is approximately 700 feet northwest of the site. The site is located outside of the City of Modesto's Local Agency Formation Commission (LAFCO) adopted Sphere of Influence, which runs along the Union Pacific Railroad approximately 850 feet east of the project site.

DISCUSSION

The proposed cemetery is classified by Section 21.20.030 of the Stanislaus County Zoning Ordinance as a Tier Three use. Tier Three uses are defined as uses which are not directly related to agriculture, but may be necessary to serve the A-2 district or may be difficult to locate in an urban area. The following findings must be made by the Planning Commission in order to grant approval of a Tier Three use:

1. The use, as proposed, will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; **and**
2. The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas" as that term is used in the Agricultural Element of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future.

In addition, the following finding is required for approval of any Use Permit in the A-2 zoning district:

- The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

With respect to the first required finding, Stanislaus County adopted an updated Agricultural Element in December of 2007, which incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 zoning district. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts resulting from the interaction of agricultural and non-agricultural uses. Current buffer guidelines require a project to provide a 150-foot setback, solid fencing and a double row of landscaping around the perimeter of the proposed operation. For outdoor intensive uses, the setback guidelines include a 300-foot setback.

The Buffer and Setback Guidelines of the Agricultural Element allows the project applicant to propose an alternative buffer to be reviewed and supported by the Stanislaus County Agricultural Advisory Board. On September 14, 2009, the applicant proposed an alternative to the Buffer and Setback Guidelines to the Agricultural Advisory Board, which included a phased project that included full build out of the entire project site. The Board requested further information and tabled the item for the next meeting on October 5, 2009. In response to the Board's concerns, a revised buffer alternative proposal was presented on October 5, 2009, which includes a vegetative screen comprised of a double row of evergreen trees, a fence around the first two phases to expand with each phase and comprised of either wrought iron or chain link fencing, 150-foot setbacks on all sides, and maintaining the existing almond orchard within the 150-foot setback to prevent conflicts between the proposed use and adjacent agricultural uses (see Exhibit F - *Buffer and Setback Alternative and Minutes as supported by the Agricultural Advisory Board*). The 150-foot setback was not included on the original proposal upon full build out. The Ag Advisory Board supported the alternative. However, ultimately the alternative must be approved by the Planning Commission with the finding that it provides equal or greater protection that the required Buffer and Setback Guidelines.

The second required finding for a Tier Three use permit requires that the project site not be located on "most productive" agricultural land or that the character of the use is such that the land can be reasonably returned to agriculture in the future. The Stanislaus County Zoning Ordinance states:

In determining "most productive agricultural areas," factors to be considered include but are not limited to soil types and potential for agricultural production; the availability of irrigation water; ownership and parcelization patterns; uniqueness and flexibility of use; the existence of Williamson Act contracts; existing uses and their contributions to the agricultural sector of the economy. "Most productive agricultural areas" does not include any land within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities.

The entire project site is comprised of Prime Farmland as indicated by the California State Department of Conservation Farmland Mapping and Monitoring Program. The entire project site is currently planted in an almond orchard, surrounded by agricultural operations, and contains soils that are conducive to agricultural production. The site contains the following soil types:

- Hanford fine sandy loam, Index Rating of 100, 0 to 1 slopes, and Grade of 1
- Hanford sandy loam, Index Rating of 76, 0 to 1 slopes, and Grade of 2
- Dinuba fine sandy loam, Index Rating of 81, 0 to 1 slopes, Grade of 1.

The site is surrounded by parcels that are at least 20 acres in size and while the area does have its share of ranchettes to the south near the Dakota Avenue and Beckwith Road intersection, the surrounding parcelization is not unique in the A-2 zone. Although many of the surrounding parcels are not enrolled in Williamson Act Contracts, most are in agricultural production including all of the parcels immediately surrounding the project site. The site is currently irrigated through a sprinkler system using Modesto Irrigation District (MID) water. The project site is located outside of the City of Modesto's LAFCO adopted Sphere of Influence. The cemetery is proposed to be built in four phases, with each phase expecting to take approximately 20 years to reach capacity. The cemetery will be a permanent use and the land cannot be returned to agriculture.

The applicant has stated in their application that the project site and surrounding parcels are identified by the City of Modesto as being within the Beckwith/Dakota Comprehensive Planning District (CPD) and designated as Business Park (BP). The applicant has also stated that the cemetery will provide a needed service for Modesto residents as well as outlying areas. The applicant also states that since the site is already recognized by the City of Modesto as a future growth area, it appears this would be a more logical location than going outside a recognized growth area and permanently eliminating a prime agricultural use. The applicant has mentioned that a cemetery use in a non-residential area can be utilized as open space and passive park acreage. The applicant has also pointed out that an existing cemetery and school are located within the CPD, just north of the proposed parcel and believes that the project is compatible with those uses.

Although the project is outside of the City of Modesto's Sphere of Influence, the project was still referred to the Modesto for comments because of its close proximity to the Sphere of Influence and because the project site is within a City CPD. Planning staff received comments from the City stating that the entire Beckwith/Dakota CPD is designated Business Park (BP) by the Modesto Urban Area General Plan. The City has stated that the proposed cemetery use is not consistent with its BP designation and may interfere with the development of this area as a business park and with its eventual annexation to the City of Modesto.

Goal Five, Policy Twenty-Four of the Stanislaus County General Plan requires the County not approve projects within the Sphere of Influence of a city if the project is not consistent with the City's standards. In this case the project is not within the Sphere of Influence, however, if it were, the project would not be consistent with the City's standards. This is important to note because the applicant has indicated that the project is within an area that may one day be urbanized by the City of Modesto, although that may be true, the use is not consistent with the City's standards or plan.

The Wood Colony Cemetery is located approximately 700 feet north of the site was established prior to the A-2 zoning ordinance being put in place. The Brethren Heritage School adjacent to the Wood Colony Cemetery was approved in June of 1998 as part of a use permit establishing the school and expanding the cemetery, however, the site has a history of a school dating back to the late 1970's. Unlike the Wood Colony Cemetery, the proposed project does not have any type of history other than agricultural use. Approval of this project has the potential to open up the area for premature urban development such as a school, church, or more cemeteries.

A use permit for a cemetery requiring a Williamson Act contract cancellation was proposed for a location approximately 1.5 miles northwest of the project site and near the town of Salida on Toomes Road. The project, UP 2002-53 and WAC 2002-01 - Catholic Church Cemetery, was denied by the Planning Commission based on traffic issues, not being unable to make the required Williamson Act Cancellation findings, the potential for urbanization such as adding a church or school at a later time, and public opposition.

Traffic

The applicant submitted a Traffic Impact Analysis that was prepared by KD Anderson and Associates with the use permit application. The project was referred to Stanislaus County Public Works, the City of Modesto, Stanislaus Council of Government (StanCOG) and CalTrans, along with the Traffic Impact Analysis, for review (see Exhibit E - *Traffic Impact Analysis dated May 6, 2009 by KD Anderson and Associates, Inc.*). The analysis states that the project will not result in traffic conditions in excess of Stanislaus County's minimum Level of Service (LOS) standards, nor will the project development result in the need for safety improvements to accommodate project access. The report also states that future cumulative traffic volumes will result in area intersections operating at LOS in excess of Stanislaus County and City of Modesto minimum standards, to which the report states that the project should contribute to its fair share to the cost of cumulative mitigation. StanCOG has indicated that it supports the Traffic Impact Analysis and its findings. The City of Modesto is requesting that the project conform to County standards with respect to road dedication and improvements. CalTrans did not respond.

Stanislaus County Public Works has incorporated the Traffic Impact Analysis recommendations into its conditions of approval with modifications. The Traffic Impact Analysis recommends that the applicant enter into a deferred improvement agreement for ultimate improvements along the project frontage. However, in place of a deferred improvement agreement, Public Works is requiring that the applicant make improvements along the entire road frontage of the parcel including but not limited to a 12-foot wide paved vehicle lane and a 4-foot wide paved asphalt shoulder.

The Traffic Impact Analysis also recommends that the project contribute its fair share for adopted City of Modesto Capital Facility Fees (CFF) traffic fees and adopted Stanislaus County Public Facility Fees (PFF) roadway fees. The City of Modesto has not requested that the project pay city CFF if approved. The conditions of approval which have been prepared for this project require payment of County PFF at the time of issuance of any building permit.

Along with its standard conditions of approval Public Works will be requiring an irrevocable offer of dedication for 67.5 feet east of the Dakota Avenue centerline along the west property line's street frontage. The applicant will also be required to provide an irrevocable offer of dedication for 30 feet north of and along the southern property line for a future road. The applicant has met with Planning and Public Works staff to discuss access onto the property. The applicant will be required to place the driveway along the southern property line in order to be utilized as part of the future road. The driveway shall be constructed to Public works standards and specifications. Any access through the northern portion of the property will be for emergency access only. Public Works is also requiring that the project pay its fair share of the cost of a traffic signal at Beckwith Road and Dakota Avenue (see Exhibit B - *Conditions of Approval*), this is in addition to the PFF fees required with all building permits.

The applicant has submitted a parking plan for Phase 1. The traffic study states that a local funeral director estimates that a typical funeral has about 20 to 50 vehicles. The parking plan shows approximately 74 parking spaces within the cemetery site. The applicant is proposing to remove half of an acre of orchard, on what would be Phase 4, and plant turf grass on it to utilize as overflow parking. This would provide 92 extra spaces if ever needed. The applicant has proposed the overflow parking in order to address any parking concerns. This area will not be used for cemetery use until the project reaches Phase 4. It should be noted that with each phase, more parking will be made available, due to utilization of shoulder parking on the roads within the project site (see Exhibit G - *Parking Plan*).

Based on the discussion above, it is staffs belief that the required findings necessary to approve this project cannot be established. The project site is not located on land that is not "most productive" and the use is such that it cannot be reasonably returned to agriculture in the future. Although the project is within a City of Modesto CPD, the project is not consistent with the City's Business Park (BP) designation of the project site. The project is not located within the City of Modesto's Sphere of Influence and may set a precedence for further development in the area. Based on this, staff believes that in this case, the Planning Commission cannot establish the necessary findings for approval.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA) the proposed project was circulated to various agencies. Responses received from agencies have been incorporated into this project as Conditions of Approval (Exhibit B). Based on the Initial Study prepared for this project, adoption of a Negative Declaration is being proposed. The Initial Study and comments to the Initial Study have not presented any substantial information to identify a potential significant impact needing to be mitigated.

RECOMMENDATION

Based on the preceding discussion, staff recommends the Planning Commission take the following actions:

1. Deny Use Permit Application No. 2009-10 - Catholic Cemetery Dakota Avenue, due to the inability to establish the findings necessary to approve the project.

If the Commission disagrees with staff's recommendation and believes, based on all the information on record that there is enough evidence to allow the findings to be made and wants to approve the project, the following action is appropriate:

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgement and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.

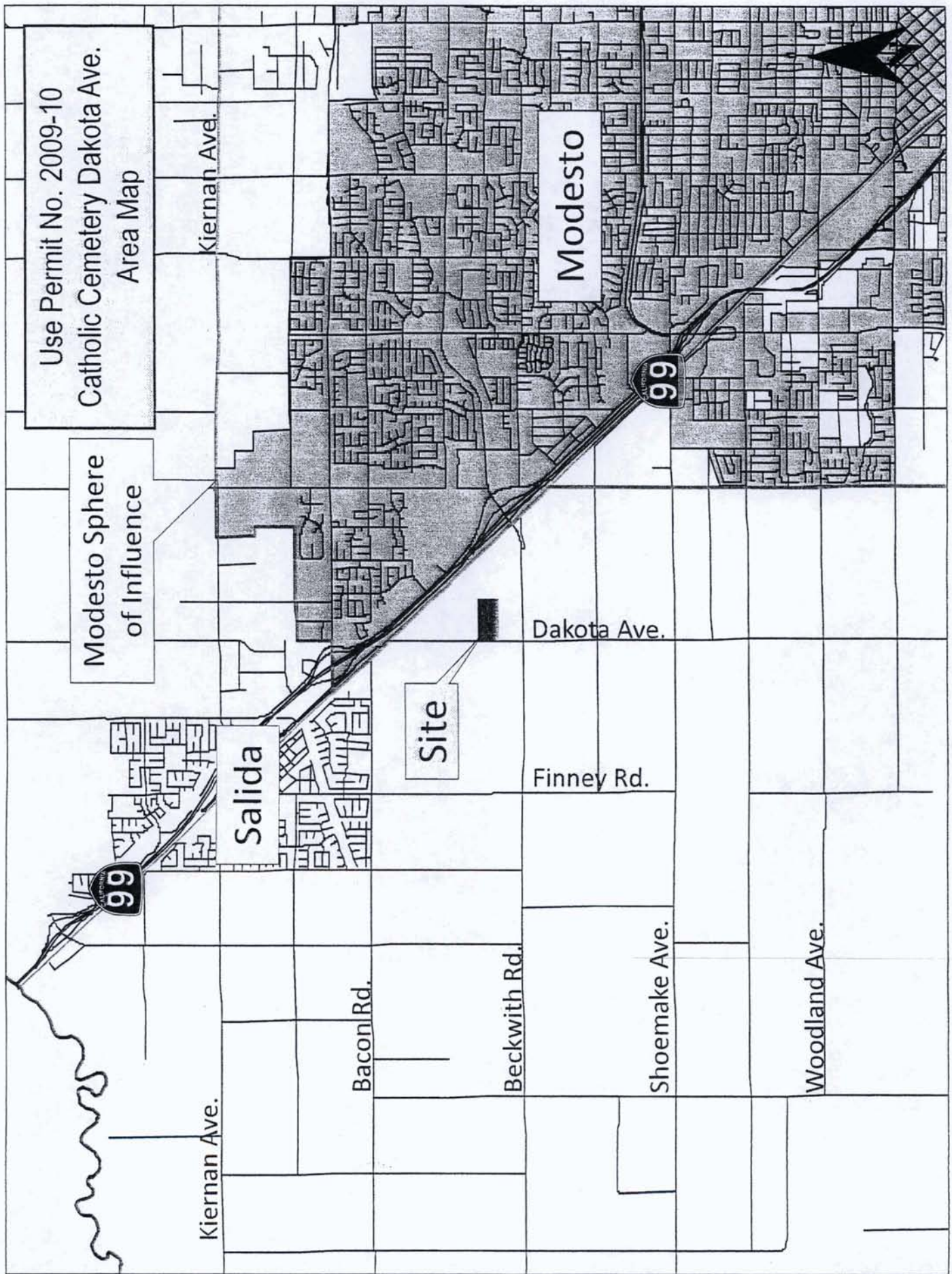
3. Find that:
- A. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County; and
 - B. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; and
 - C. The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas" as that term is used in the Agricultural Element of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future; and
 - D. That the proposed alternative buffer is found to provide equal or greater protection to surrounding agricultural uses; and
 - E. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
4. Approve Use Permit Application No. 2009-10 - Catholic Cemetery Dakota Avenue, subject to the attached Conditions of Approval.

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project. Therefore, the applicant will further be required to pay **\$2,067.25** for the Department of Fish and Game, and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Report written by: Javier Camarena, Assistant Planner, December 17, 2009
Reviewed by: Bill Carlson, Senior Planner

Attachments:

- Exhibit A - Maps
- Exhibit B - Conditions of Approval
- Exhibit C - Initial Study
- Exhibit D - Negative Declaration
- Exhibit E - Traffic Impact Analysis dated May 6, 2009 by KD Anderson & Associates, Inc.
- Exhibit F - Buffer and Setback Alternative & Minutes as supported by the Agricultural Advisory Board
- Exhibit G - Parking Plan
- Exhibit H - Environmental Review Referrals



Use Permit No. 2009-10
 Catholic Cemetery Dakota Ave.
 Area Map

Modesto Sphere
 of Influence

Salida

Modesto

Site

Kiernan Ave.

Bacon Rd.

Beckwith Rd.

Shoemake Ave.

Woodland Ave.

Dakota Ave.

Finney Rd.



Use Permit No. 2009-10
Catholic Cemetery Dakota Ave.
General Plan & Zoning

Modesto



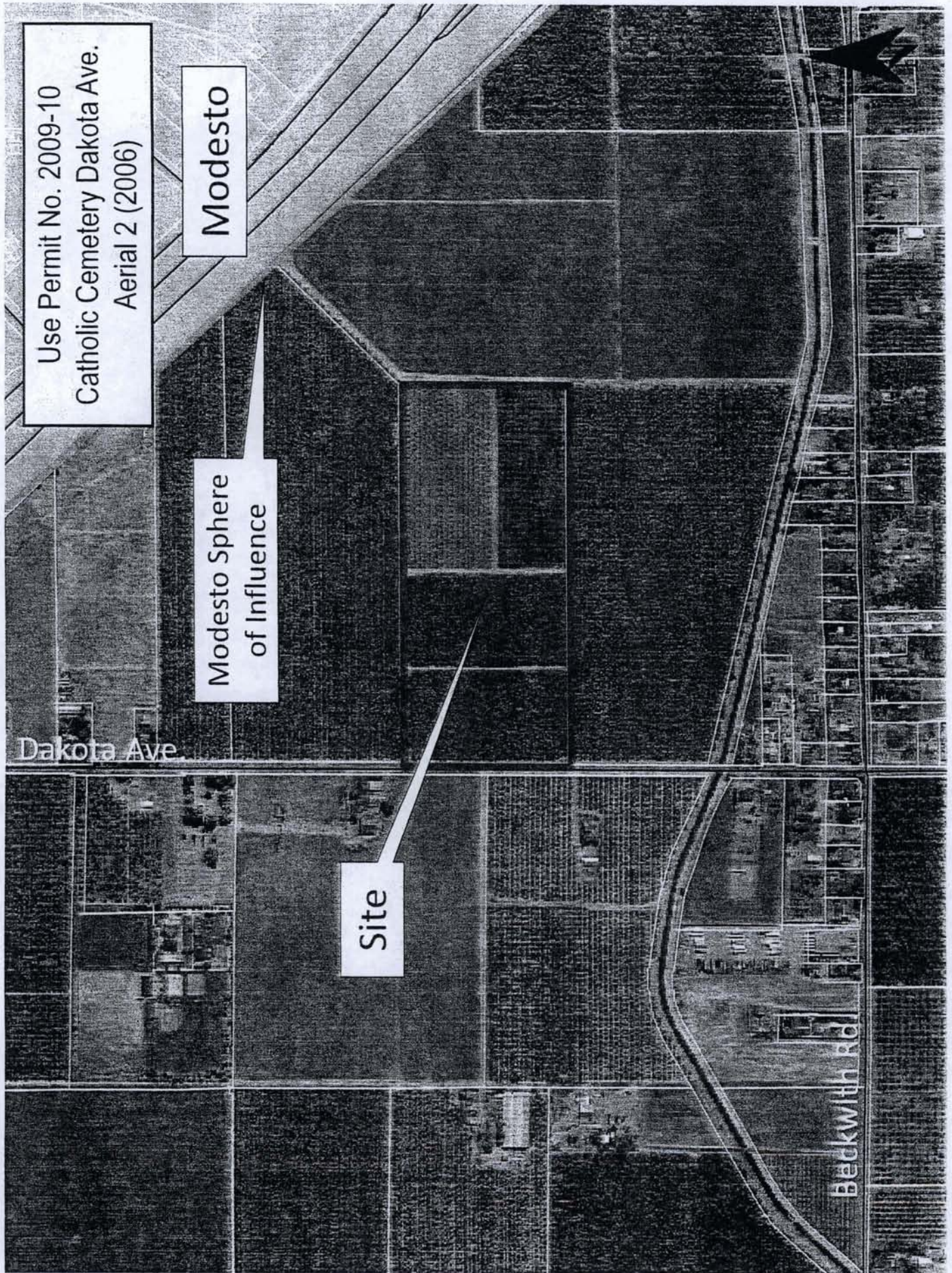
Modesto Sphere
of Influence

Agriculture
A-2-40

Dakota Ave.

Site

Beckwith Rd.



Use Permit No. 2009-10
Catholic Cemetery Dakota Ave.
Aerial 2 (2006)

Modesto

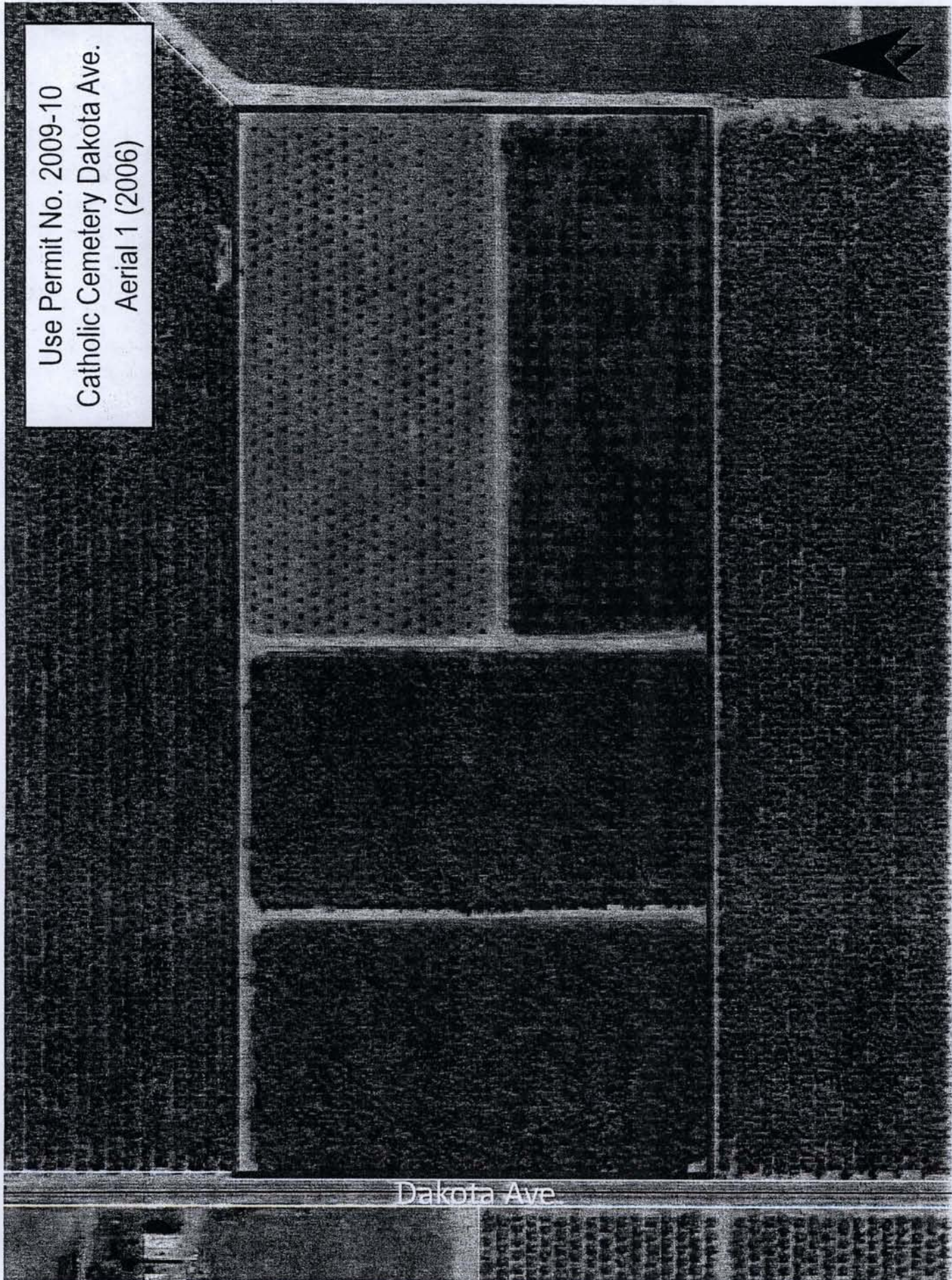
Modesto Sphere
of Influence

Site

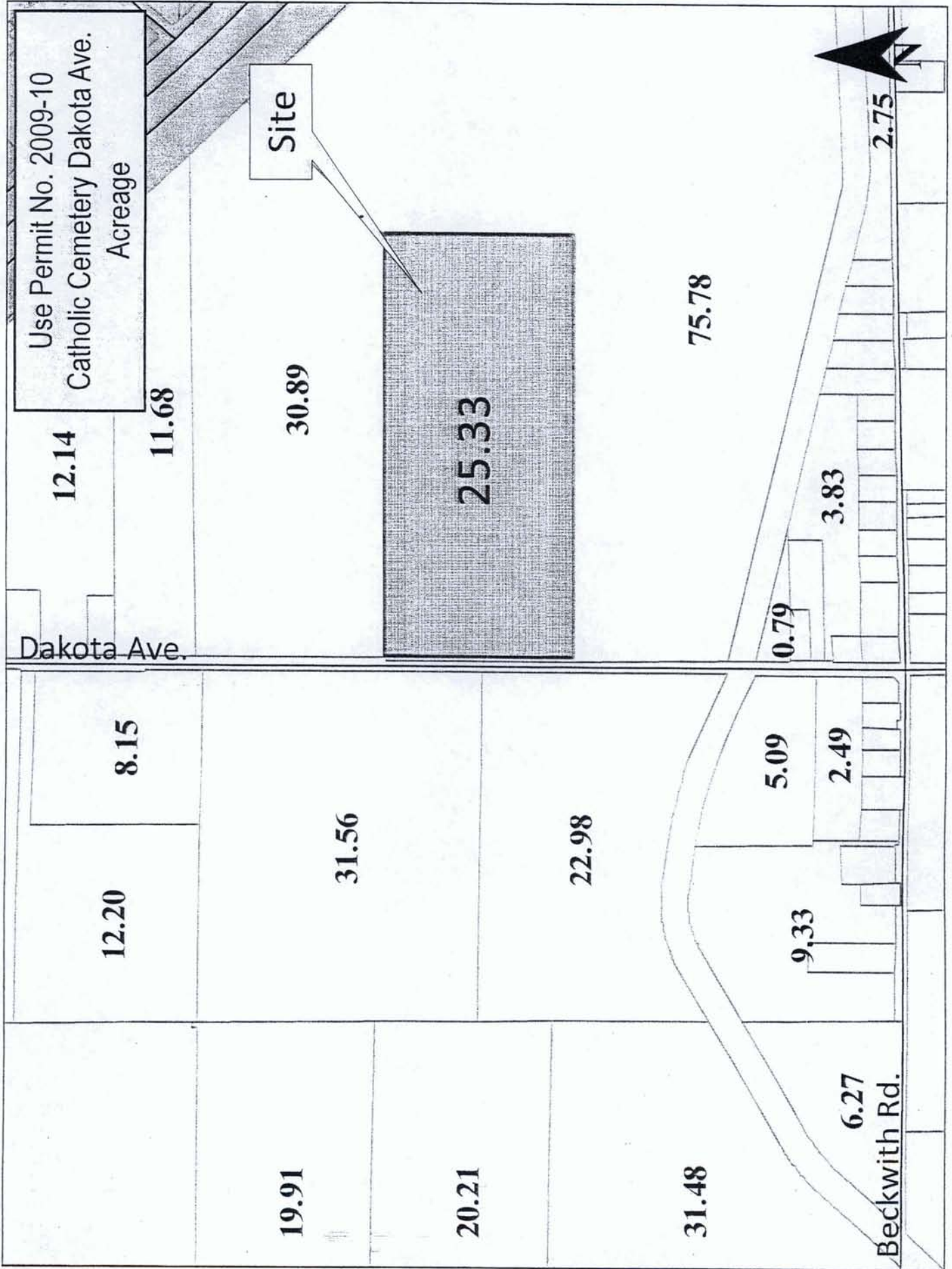
Dakota Ave

Beckwith Rd

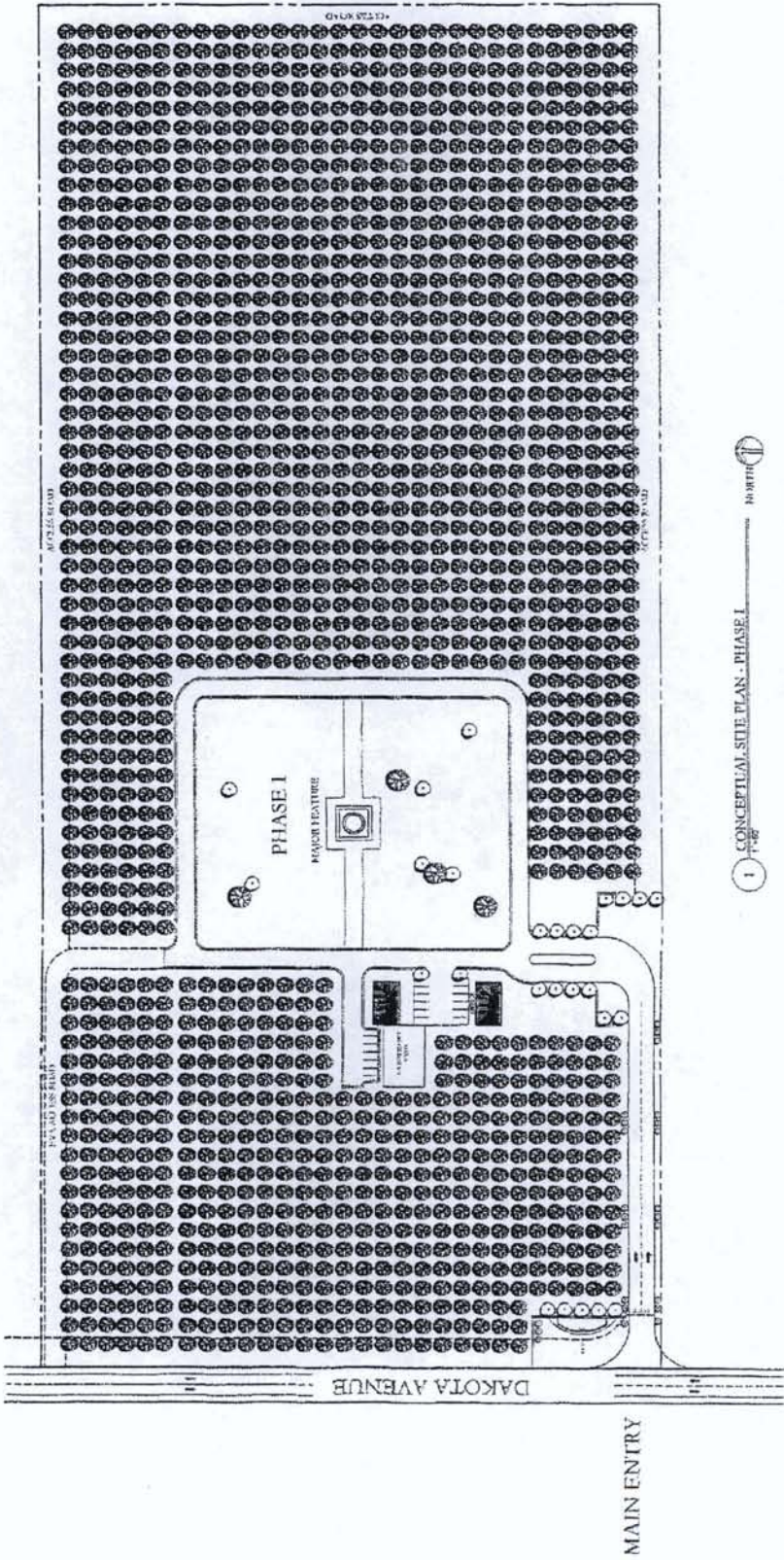
Use Permit No. 2009-10
Catholic Cemetery Dakota Ave.
Aerial 1 (2006)



Dakota Ave



Use Permit No. 2009-10
Catholic Cemetery Dakota Ave.
Site Plan Phase 1



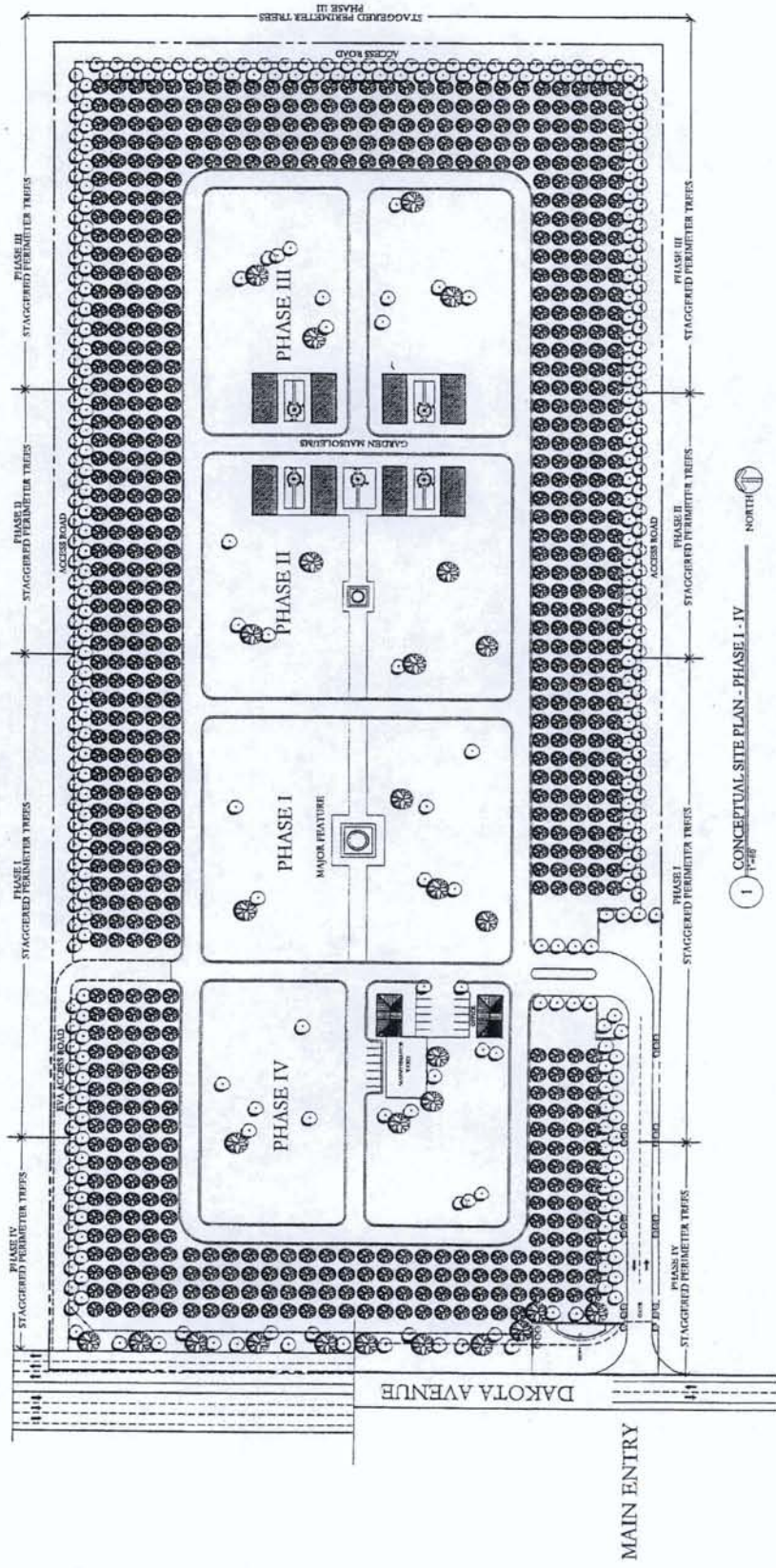
1 CONCEPTUAL SITE PLAN - PHASE I

TO BECKWITH ROAD

Use Permit No. 2009-10
 Catholic Cemetary Dakota Ave.
 Revised Site Plan

CHRIS KELLY ARCHITECTS
 ARCHITECTURE • PLANNING • CONSULTING
 1415 9th Ave NW
 55101 DUBLIN, ILLINOIS 60018

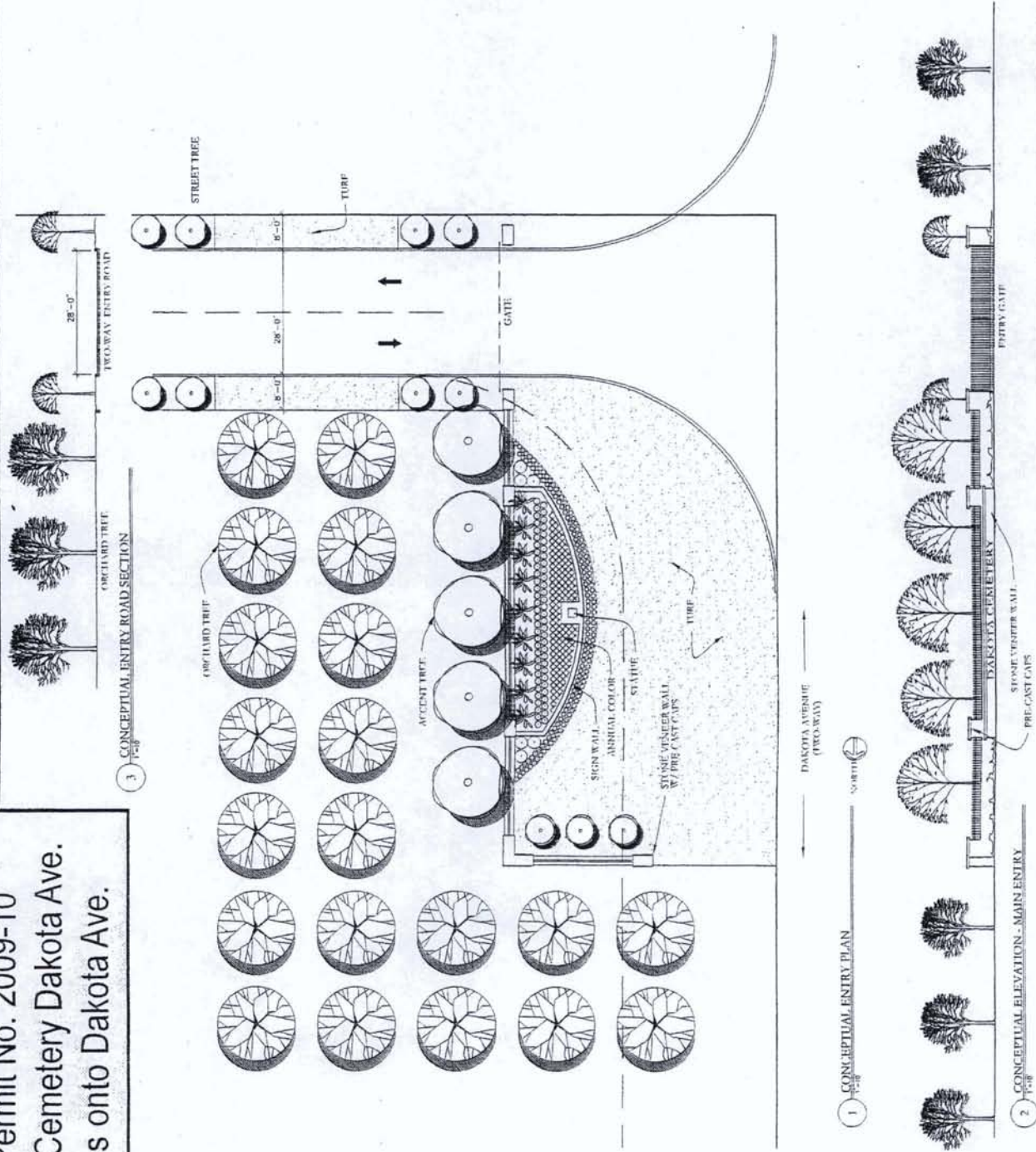
CONCEPTUAL SITE PLAN - PHASE I-IV
 PROJECT: [REDACTED]
 DATE: [REDACTED]
 DRAWN BY: [REDACTED]
 CHECKED BY: [REDACTED]



1 CONCEPTUAL SITE PLAN - PHASE I - IV

NOTE:
 STAGGERED PERIMETER TREES TO BE PLANTED
 DURING PHASE CONSTRUCTION/GRADING.

Use Permit No. 2009-10
 Catholic Cemetery Dakota Ave.
 Access onto Dakota Ave.



DRAFT

NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

CONDITIONS OF APPROVAL

USE PERMIT APPLICATION NO. 2009-10 CATHOLIC CEMETERY DAKOTA AVENUE

Department of Planning and Community Development

1. This use shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. A Certificate of Occupancy shall be obtained from the Building Permits Division prior to occupancy, if required. (UBC Section 307)
3. All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect.
4. Archaeological monitoring shall occur during any excavation on the subject parcel. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented.
5. A plan for any proposed signs indicating the location, height, area of the sign, and message must be approved by the Planning Director prior to installation.
6. A landscape plan, in accordance with Chapter 21.102 - Landscape and Irrigation Standards of the County Zoning Ordinance, shall be approved by the Planning Department prior to the issuance of any building permit or operation of the facility. Fences and landscaping adjacent to roadways shall be in compliance with County policies regarding setbacks, and visibility and obstructions along roadways. Landscape plan shall include approved agricultural buffers.
7. The developer shall pay all applicable Public Facilities Impact Fees and Fire Protection Development/Impact Fees as adopted by Resolution of the Board of Supervisors at the time of issuance of any building permits. For the Public Facilities Impact Fees, the fees shall be based on the Guidelines Concerning the Fee Payment Provisions established by County Ordinance C.S. 824 as approved by the County Board of Supervisors, and shall be payable at the time determined by the Department of Public Works

8. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2010), the applicant is required to pay a Department of Fish and Game filing fee at the time of recording a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,067.25** made payable to **Stanislaus County**, for the payment of Fish and Game, and Clerk Recorder filing fees.

Pursuant to Section 711.4 (e)(3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.

9. The applicant is required to defend, indemnify, or hold harmless the County, its officers and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
10. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary.
11. Pursuant to Section 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate stream-bed alteration agreements, permits or authorizations, if necessary.
12. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.
13. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
14. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.

15. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
16. Prior to operation, the agricultural buffer as supported by the Agricultural Advisory Board shall be implemented.
17. The driveway shall meet, and the owner shall maintain, vision clearance standards as required by Section 21.08.060 of the Stanislaus County Zoning Ordinance.

Department of Environmental Resources

18. Water supply for the project is defined by State regulations as a public water system. The water system owner must submit plans for the water system construction or addition; and obtain approval from this department, prior to construction. Prior to final approval of the project, the owner must apply for and obtain a water supply permit from this department. The water supply permit application must include a technical report, prepared by a qualified professional engineer, that demonstrates compliance with State regulations and include the technical, managerial and financial capabilities of the owner to operate a public water system. Contact DER for the required submittal information.

At such time that the water well's water is consumed, or washing hands by 25 or more persons, 60 days or more out of the year, or there are 5 or more service connections, the owner must obtain a public water supply permit from DER. The water supply permit issuance is contingent upon the water system meeting construction standards, and providing water, which is of acceptable quantity and quality.

19. The on-site wastewater disposal system (OSWDS) design shall be by individual primary and secondary wastewater treatment units, operated under conditions and guidelines established by Measure X.

The engineered OSWDS design shall be designed for the maximum occupancy of a building and total fixture units proposed within the building. The leach field shall be designed and sized using data collected from soil profile and percolation tests performed at the location.

The OSWDS designed system shall provide 100% expansion area.

OSWDS shall be installed as per engineer design. All setbacks required by DER are to be met at the time of installation of the system.

20. The applicant shall determine, to the satisfaction of DER, that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I study, and Phase II study, if necessary) prior to the issuance of a grading permit. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of DER.

Stanislaus County Department of Public Works

21. A grading and drainage plan for the property shall be approved by the Department of Public Works prior to the issuance of any building or grading permit. This plan shall verify runoff is being kept on-site. After the plan is determined to be acceptable to the Department of Public Works, the plans shall be implemented prior to the final and/or occupancy of any permit associated with the site or prior to operation, whichever comes first.
22. An encroachment permit must be obtained for any work in the County right-of-way.
23. Any driveway locations and widths shall be approved by this department.
24. No parking, loading or unloading of vehicles shall be permitted within the right-of-way of Dakota Avenue.
25. The County General Plan shows that Dakota Avenue is planned to be a 6-lane expressway. Prior to an encroachment, grading, or building permit being issued, or prior to operation, whichever comes first, an irrevocable offer of dedication for 67.5 feet east of the centerline along the west frontage of the parcel on Dakota Avenue shall be in place.
26. Prior to an encroachment permit and/or building permit being issued, or prior to operation, whichever comes first, an irrevocable offer of dedication for 30 feet north of the existing property line along the entire south property line shall be in place. The chords for the intersection of Dakota and this driveway shall be placed as per Stanislaus County Standards and Specifications, starting at the ultimate right-of-way for Dakota Avenue. Additional right-of-way at the intersection of the new road and Dakota Avenue shall be included, using Stanislaus County Public Works Standards and Specifications for the layout of a right turn lane.
27. The driveway for the proposed project shall be located on the south property line within the area of the 30-foot irrevocable offer of dedication. A right-turn lane shall be constructed at the intersection of the driveway and Dakota Avenue as per Stanislaus County Public Works Standards and Specifications for length and width.
28. The applicant shall make road frontage improvements along the entire parcel frontage on Dakota Avenue. These improvements shall include but not limited to a 12' wide paved vehicle lane and a 4' wide paved shoulder with the entire section of roadway receiving a 1-inch overlay. Improvement plans are to be submitted to this department for approval. The structural section and cross slopes shall meet Stanislaus County Public Works Standards and Specifications. The plans shall be approved prior to the issuance of any building or grading permit, whichever comes first. The work shall be installed and approved prior to occupancy of any building permit or prior to operation whichever comes first.
 - A. An engineer's estimate shall be provided so that the amount of the financial guarantee can be determined. This will be based on the County approved street improvement plans. This shall be submitted prior the issuance of a building, encroachment, or grading permit and once the improvement plans have been approved by the County.

- B. A financial guarantee in a form acceptable to the Department of Public Works shall be deposited for the street improvement installation along the frontage Dakota Avenue with the Department prior to the issuance of the first building, encroachment, or grading permit.
29. Prior to the approval of the off-site improvement plans, the developer shall file a Notice of Intention (NOI) with the California Regional Water Quality Control Board. A waste discharge identification number must be obtained and provided to the Department of Public Works prior to the issuance of the first building, encroachment, or grading permit or prior to operation, whichever comes first.
30. The project shall contribute its fair share of the cost of a traffic signal at Beckwith Road and Dakota Avenue. The cost is based on the incremental amount of traffic this project will add to the intersection. The amount of traffic, with the project, increases 2.2% during the peak afternoon hour (source: KD Anderson & Associates Traffic Impact Analysis dated May 6, 2009). The fair share amount shall be calculated from an engineer's estimate that meets the approval of the Director of Public Works. This amount shall be deposited with the Department of Public Works prior to the issuance of either a building, grading, or encroachment permit, or prior to operation, whichever comes first, with the funds being marked for the Dakota Avenue and Beckwith Road traffic signal.

Stanislaus Council of Governments (StanCOG)

31. The project shall contribute its fair share to the cost of regional circulation system improvements by paying adopted Stanislaus County PFF roadway fees.

Salida Fire Protection District

32. This project will be subject to fire service impact mitigation fees as adopted by the District Board of Directors and currently in place at the time of issuance of construction permits.
33. This project shall meet the district's requirements of on-site water for fire protection prior to construction of combustible materials. Fire hydrant(s) and static source locations, connections, and access shall be approved by the district.
34. Prior to, and during, combustible construction, the district shall approve provisions for serviceable fire vehicle access and fire protection water supplies.
35. A District specified Rapid Entry System (Knox) shall be installed and serviceable prior to final inspection allowing fire department access into gated areas, limited access points, and or buildings.
36. Buildings 5,000 square feet and greater shall be required to have fire sprinklers meeting the standards listed within the adopted California Fire Code and related amendments. It should be noted that potentially there are going to be additional fire sprinkler requirements in future fire code adoptions. At the time of construction, the most current adopted fire code will be required and must be adhered to.

37. The project shall meet fire apparatus access standards. Two ingress/egress accesses to each parcel meeting the requirements listed within the California Fire Code.
38. Prior to the issuance of a building permit, the owner of the property will be required to form or annex into a community facilities district for operational services with the Salida Fire Protection District. Due to the fact this process may take 60-120 days to complete, it is recommended that advanced consideration be given to initiate this requirement early in the project.
39. All buildings constructed shall meet the Salida Fire Protection District's requirements for on-site water for fire protection and/or fire hydrants and hydrant locations, blue reflective street hydrant markers, fire sprinkler and fire alarm systems, key-box rapid entry systems and adherence to all applicable codes and ordinances, etc.

Building Permits Division

40. Building permits are required by 2007 California Code of Regulations - Title 24.

Modesto Irrigation District (MID)

41. There is an existing improvement district irrigation pipeline that runs on or near the east and north property lines of the applicant's property. The pipeline serves land downstream of the applicant's property and must be protected by a 10-foot irrigation easement and may need to be replaced and or relocated depending on proposed improvements.
42. Improvement plans must be submitted to the Irrigation Engineering Department for review and approval.
43. In conjunction with related site/road improvement requirements, existing overhead electric facilities within or adjacent to the proposed development shall be protected, relocated or removed as required by the District's Electric Engineering Department. Appropriate easements for electric facilities shall be granted as required.
44. Relocation or installation of electric facilities shall conform to the District's Electric Service Rules.
45. Costs for relocation and/or undergrounding the District's facilities at the request of others will be borne by the requesting party. Estimates for relocating or undergrounding existing facilities will be supplied upon request.
46. MID requires a 15-foot PUE along all properties that are adjacent to road right-of-way and have overhead primary lines adjacent to them. The easement is required in order to protect the existing overhead electric facilities and maintain minimum safety clearances.

47. A 15-foot MID easement is required adjacent to the existing 12kv overhead lines along the easterly property line. The easement is required in order to protect the existing overhead electric facilities and maintain minimum safety clearances.
48. The customer should contact the District's Electric Engineering Design Department to coordinate electric service requirements for the proposed project. Additional easements may be required with the development of this property.

San Joaquin Valley Air Pollution Control District

49. The proposed project may be subject to district rules and regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

Modesto City Schools

50. The appropriate school impact fees will apply on all new construction.

*Please note: If Conditions of Approval/Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right hand corner of the Conditions of Approval/Development Standards, new wording is in **bold**, and deleted wording will have a ~~line through it~~.*



Stanislaus County

Planning and Community Development

1010 10th Street, Suite 3400
Modesto, California 95354

Phone: (209) 525-6330
Fax: (209) 525-5911

CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, October 26, 1998

1. **Project title:** Use Permit Application No. 2009-10 - Catholic Cemetery Dakota Avenue
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Javier Camarena, Assistant Planner
(209) 525-6330
4. **Project location:** East side of Dakota Avenue, west of Highway 99, north of Beckwith Road, in the northwest Modesto area. (APN: 076-032-011)
5. **Project sponsor's name and address:** Trevor Smith (InSite Environmental) for Catholic Cemeteries, Diocese of Stockton
6653 Embarcadero Drive, Suite Q
Stockton, CA 95219
6. **General plan designation:** Agriculture
7. **Zoning:** A-2-40 (General Agriculture 40-acre minimum)
8. **Description of project:**

This is a request to develop a cemetery on a 25.33-acre property in four (4) phases. Each phase will take approximately 20 years each to occupy and will be located within the central portion of the property. During Phase 1, a maintenance facility and office will be constructed as well as a major architectural feature, such as a water fountain or statue. Phases 2 and 3 will each contain Garden Mausoleums. (See attached project description for further details.)
9. **Surrounding land uses and setting:** Agricultural uses, single-family homes, MID lateral, Highway 99, Union Pacific Railroad, cemetery and school.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Public Works Department
Department of Environmental Resources
Stanislaus Fire Prevention Bureau

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

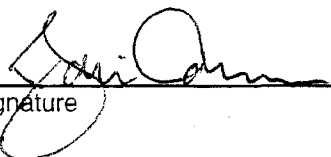
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- Aesthetics
- Agriculture Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology /Soils
- Hazards & Hazardous Materials
- Hydrology / Water Quality
- Land Use / Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities / Service Systems
- Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



 Signature

October 8, 2009

 Date

Javier Camarena, Assistant Planner

 Printed name

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

- a) **Earlier Analysis Used.** Identify and state where they are available for review.
 - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) **Mitigation Measures.** For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
 - 7) **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
 - 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
 - 9) The explanation of each issue should identify:
 - a) the significant criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

ISSUES

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
<p>Discussion: The site itself is not considered to be a scenic resource or a unique scenic vista. Community standards generally do not dictate the need or desire for architectural review of agricultural or residential subdivisions. Any development resulting from this project will be consistent with existing area developments. Standard conditions of approval will be added to this project to address glare from any proposed on-site lighting.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
II. AGRICULTURE RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?			X	
<p>Discussion: The site consists of approximately 25.33 acres and is not enrolled under a Williamson Act Contract. The site is currently planted in an almond orchard and is surrounded by an orchard to the north, row crops to the east, orchard to the south and orchard to the west. Also located nearby is Highway 99, about 900 feet east of the project site, and the Wood Colony Cemetery approximately 700 feet north of the site. The site is located outside of the City of Modesto's LAFCO adopted Sphere of Influence, which runs along the Union Pacific Railroad, which is approximately 850 feet east of the project site.</p>				

The entire project site is comprised of Prime Farmland by the California State Department of Conservation Farmland Mapping and Monitoring Program. There are three (3) types of soil on the subject parcel:

- Hanford fine sandy loam, Index Rating of 100, 0 to 1 slopes, and Grade of 1**
- Hanford sandy loam, Index Rating of 76, 0 to 1 slopes, and Grade of 2**
- Dinuba fine sandy loam, Index Rating of 81, 0 to 1 slopes, and Grade of 1**

The proposed project is considered an allowable use in the A-2 (General Agriculture) zoning district with a Tier Three Use Permit. Tier Three uses are not directly related to agriculture but may be necessary to serve the A-2 District or may be difficult to locate in an urban area. A Tier Three Use Permit is allowed if the Planning Commission is able to make the following findings:

1. *The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity;*
2. *The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas" as that term is used in the Agricultural Element of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future.*

In determining "most productive agricultural areas," factors to be considered include but are not limited to soil types and potential for agricultural production; the availability of irrigation water; ownership and parcelization patterns; uniqueness and flexibility of use; the existence of Williamson Act contracts; existing uses and their contributions to the agricultural sector of the economy. "Most productive agricultural areas" does not include any land within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities.

3. *The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.*

The proposed project site is surrounded by agricultural operations and will be required to meet all buffer and setback guidelines as outlined in Appendix "A" of the Agricultural Element of the Stanislaus County General Plan. In December 2007, Stanislaus County adopted an updated Agricultural Element which incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 Zoning District. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts such as spray drift and trespassing resulting from the interaction of agricultural and non-agricultural uses. Prior to project approval, the applicant may present an alternative to the buffer requirements to the Agricultural Advisory Board for support. Alternatives may be approved provided that the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. Current buffer guidelines require the project to provide a 150-foot setback, solid fencing and a double row of landscaping around the perimeter of the proposed operation. For outdoor intensive uses, the setback guidelines include a 300-foot setback. On October 5, 2009 the applicant proposed an alternative to the Buffer and Setback Guidelines to the Agricultural Advisory Board. The alternative includes a vegetative screen comprised of a double row of evergreen trees, 150-foot setbacks on all sides, and maintaining the existing almond orchard within the 150-foot setback to prevent conflicts between the proposed use and adjacent agricultural uses.

Mitigation: None.

References: Application Information, County Policies, Stanislaus County General Plan and Support Documentation¹, Stanislaus County Agricultural Element¹, Stanislaus County Zoning Ordinance, California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 1996, United States Department of Agriculture Soil Survey 1957- Eastern Stanislaus Area, California.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	
<p>Discussion: The project site is within the San Joaquin Valley Air Basin, which has been classified as "severe non-attainment" for ozone and respirable particulate matter (PM-10) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the District maintains permit authority over stationary sources of pollutants.</p> <p>The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin. This project has been referred to the district, but no comments have been received.</p>				
<p>Mitigation: None.</p>				
<p>References: San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis, Stanislaus County General Plan and Support Documentation¹.</p>				
IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Discussion: It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. The entire site is currently in agricultural production, planted in an almond orchard. There are no known sensitive or protected species or natural communities located on the site. However, the California Natural Diversity Database has record of Valley Elderberry Longhorn Beetle (*desmocerus californicus dimorphus*) existing half of a mile to the east of the project site in and around the City of Modesto. The project site is located west of the City of Modesto. The project was referred to Fish and Game, but no comments were received.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹, California Department of Fish and Game California Natural Diversity Database.

V. CULTURAL RESOURCES -- Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	

Discussion: It does not appear this project will result in significant impacts to any archaeological or cultural resources. The applicant has submitted a letter from Central California Information Center (CCIC) which indicates that the project area has a low sensitivity for the possible discovery of prehistoric resources, due to the distance from a natural water source, as well as a low sensitivity for historic archaeological resources. Conditions of approval will be placed on the project that if any resources are found, construction activities will be halted at that time, and the appropriate agencies contacted and that an archaeological survey be completed prior to construction.

Mitigation: None.

References: Letter dated June 19, 2009, from the Central California Information Center, Stanislaus County General Plan and Support Documentation¹.

VI. GEOLOGY AND SOILS – Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 1804.2 of the California Building Code (2007), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
<p>Discussion: As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5. However, as per the 2007 California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications which considers the potential for erosion and run-off prior to permit approval. Likewise, any addition of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources through the building permit process, which also takes soil type into consideration within the specific design requirements.</p>				
<p>Mitigation: None.</p>				
<p>References: Referral response dated June 15, 2009, from the Stanislaus County Building Permits Division, Stanislaus County General Plan and Support Documentation¹.</p>				

VII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Discussion: Pesticide exposure is a risk in agricultural areas. Sources of exposure include contaminated groundwater which is consumed and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. The County Department of Environmental Resources (DER) is responsible for overseeing hazardous materials and has not indicated any particular concerns in this area. A condition of approval will be added to this project to address any presence of underground storage tanks, buried chemicals, buried refuse, contaminated soil, or medical waste. The applicant shall be required to contact DER to discuss the storage of any hazardous materials and generation of any hazardous waste at this property. Permits may be required and shall be determined by DER.

Mitigation: None.

References: Referral response dated June 16, 2009, from the Department of Environmental Resources, Stanislaus County General Plan and Support Documentation¹.

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?				X
<p>Discussion: Run-off is not considered an issue because of several factors which limit the potential impact. These factors include a relatively flat terrain of the subject site, and relatively low rainfall intensities. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site is not within any FEMA designated flood zones.</p> <p>Grading and drainage requirements will be assessed as part of the building permits for the proposed project. A grading and drainage plan shall be submitted with the building permit applications and shall be approved by the Department of Public Works prior to issuance of any building permit(s) or encroachment permit. The proposed site plan does not indicate the presence of an existing well or septic systems. Wells and drinking water quality are regulated by the Department of Environmental Resources. Comments from the Department of Environmental Resources regarding the well and septic systems shall be incorporated into the Conditions of Approval.</p>				

Mitigation: None.				
References: Referral response dated July 2, 2009, from the Department of Environmental Resources, referral response dated August 24, 2009, from the Department of Public Works, Stanislaus County General Plan and Support Documentation ¹ .				
IX. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
Discussion: The project will not divide an established community nor will it conflict with any conservation plans. The project site is designated Agriculture and zoned General Agriculture 40-acre minimum (A-2-40). A cemetery is allowed with an approved Tier Three Use Permit. Tier Three uses are defined as not directly related to agriculture but may be difficult to locate in an urban area and may be allowed with approval of a Use Permit. As mentioned previously, a Tier Three Use Permit is allowed if the Planning Commission is able to make the required findings, which include, that the project will not conflict with surrounding agricultural uses, that the site can be reasonably returned to agriculture or it is located on land that is the County's least productive, and that the project will not be detrimental to the surrounding area or the county. The project site is within the City of Modesto's Urban Area General Plan, designated as Business Park, however, the site is not within the Sphere of Influence of the City.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation ¹ .				
X. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site.				
Mitigation: None.				
References: State Division of Mining & Geology - Special Report 173 (1993), Stanislaus County General Plan and Support Documentation ¹ .				

XI. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
<p>Discussion: There is no indication that approval of this project will result in a significant permanent increase in ambient noise levels. However, a temporary noise increase will be associated with funeral services. The general public will be able to enter the cemetery seven (7) days a week from 8 a.m. to 4 p.m. Funeral services will occur Monday through Friday from 9 a.m. to 3 p.m. The applicant expects approximately 15 vehicles per service and about 5 services per week. Scattered single-family dwellings exist in the immediate area with the closest dwellings right across the street from the project site on Dakota Avenue. However, the project is proposed to be constructed in Phases, with Phase 1 establishing the Cemetery in the center of the property surrounded by the existing orchard. Subsequent phases will expand the cemetery outward from the Phase 1 area while continuing to maintain as much of the orchard as possible. Although it is anticipated that the noise generated from on-site activities will be less than significant, adjacent properties will be shielded from noise generated by the proposed use by maintaining a portion of the orchard around the perimeter of the property.</p>				
<p>Mitigation: None.</p>				
<p>References: Application Information, 2006 Stanislaus County Aerial photos, Geographical Information Systems, Stanislaus County General Plan and Support Documentation¹.</p>				
XII. POPULATION AND HOUSING – Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
Discussion: The proposed use of the site will not create significant service extensions or new infrastructure which could be considered as growth inducing. No housing or persons will be displaced by this project.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation ¹ .				
XIII. PUBLIC SERVICES:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X
Discussion: The County has adopted Public Facilities Fees, as well as Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance. Conditions of approval will be added to this project to ensure the proposed development complies with all applicable fire department standards with respect to access and water for fire protection. All buildings 5,000 square feet and greater shall be provided with an automatic fire sprinkler system to comply with the fire code. On-site water storage for fire protection and fire apparatus access roads will be further evaluated as part of the building permit process.				
Mitigation: None.				
References: Referral response dated June 15, 2009, from the Stanislaus Fire Prevention Bureau, County policies, Stanislaus County General Plan and Support Documentation ¹ .				
XIV. RECREATION:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				
				X

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
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Discussion: This project is not anticipated to increase significant demands for recreational facilities, as such impacts typically are associated with residential development. The project was referred to the Stanislaus County Department of Parks and Recreation. The Department did not have any comments in relation to the project.

Mitigation: None.

References: Referral response dated June 29, 2009, from the Department of Parks and Recreation. Stanislaus County General Plan and Support Documentation¹.



XV. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Discussion: The subject project was referred to Stanislaus County Public Works, Stanislaus Council of Governments (StanCOG) and Cal Trans for review. The applicant has submitted a Traffic Impact Analysis that was prepared by KD Anderson and Associates for the project. The analysis states that the project will not result in traffic conditions in excess of Stanislaus County's minimum Level of Service (LOS) standards, nor will the project development result in the need for safety improvements to accommodate project access. Conditions of approval will be included in the project requiring design standards for access onto Dakota Avenue, a fair share contribution for a future nearby traffic signal, right-of-way reservations and dedications, future frontage improvements, and fair share contributions toward the cost of regional circulation system improvements. StanCOG has indicated that it supports the Traffic Impact Analysis and its findings. Cal Trans did not respond.

Mitigation: None.

References: Referral response dated August 24, 2009, from the Stanislaus County Public Works Department, referral response dated June 23, 2009, from StanCOG, Traffic Impact Analysis for the Stockton Diocese Catholic Cemetery prepared by KD Anderson & Associates, dated May 6, 2009, Stanislaus County General Plan and Support Documentation¹.



XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	
<p>Discussion: Limitations on providing services have not been identified. Impacts to the existing utility and service systems are anticipated to be minimal as a result of this project. Less than significant impacts associated with public utilities, irrigation easement(s) and stormwater retention will be reflected in the project's conditions of approval.</p>				
<p>Mitigation: None.</p>				
<p>References: Referral response dated August 24, 2009, from the Stanislaus County Public Works Department, Stanislaus County General Plan and Support Documentation¹.</p>				
XVII. MANDATORY FINDINGS OF SIGNIFICANCE:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X

<p>b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</p>				X
<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>			X	
<p>Discussion: Review of this project has not indicated any feature(s) which might significantly impact the environmental quality of the site and/or adjacent areas. As such, all identified project-significant impacts have been mitigated to a level of less than significant.</p>				

I:\Staff\p\UP\2009\UP 2009-10 - Catholic Cemetery Dakota Ave\Initial Study 10-8-09.wpd

¹Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and revised elements of the General Plan and Support Documentation: **Agricultural Element** adopted on December 18, 2007. **Housing Element** adopted on December 12, 2003, and certified by the California Department of Housing and Community Development Department on March 26, 2004. **Circulation Element** and **Noise Element** adopted on April 18, 2006.

NEGATIVE DECLARATION

NAME OF PROJECT: Use Permit Application No. 2009-10 - Catholic Cemetery
Dakota Avenue

LOCATION OF PROJECT: East side of Dakota Avenue, west of Highway 99, north of
Beckwith Road, in the northwest Modesto area. (APN: 076-
032-011)

PROJECT DEVELOPERS: Catholic Cemeteries - Diocese of Stockton
Albert Vigil (Director)
P.O. Box 1137
Stockton, CA 95201

DESCRIPTION OF PROJECT: This is a request to develop a cemetery on a 25.33-acre property in four (4) phases. Each phase will take approximately 20 years each to occupy and will be located within the central portion of the property. During Phase 1, a maintenance facility and office will be constructed as well as a major architectural feature, such as a water fountain or statue. Phases 2 and 3 will each contain Garden Mausoleums. (See attached project description for further details.)

Based upon the Initial Study, dated **October 8, 2009**, the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.
4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, California.

Initial Study prepared by: Javier Camarena, Assistant Planner

Submit comments to: Stanislaus County
Planning and Community Development Department
1010 10th Street, Suite 3400
Modesto, California 95354

EXHIBIT E

Pages 40 – 163

TRAFFIC IMPACT ANALYSIS

Prepared by KD Anderson & Associates, Inc.

AVAILABLE FROM THE CLERK



**AGRICULTURAL COMMISSIONER'S OFFICE AND
SEALER OF WEIGHTS & MEASURES**

Gary Caseri
Agricultural Commissioner/Sealer

3800 Cornucopia Way, Suite B
Modesto, California 95358
Phone: 209.525.4730 Fax: 209.525.4790

Agricultural Advisory Board

MINUTES

October 5, 2009
Stanislaus County Ag Center
Conference Room H/I
10:00 a.m.

Committee Members Present:

Richard Gibson	John Herlihy	Norman Kline
Ray Prock, Jr.	Ed Perry	Rowe Barney
Wayne Zipser	Tom Orvis	

Committee Members Absent:

John Azevedo	Tom Maring	Alan Cover
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Ex-Officio:

Supervisor Jim DeMartini – Absent
Supervisor Vito Chiesa (Alternate) - Absent
Gary Caseri, Ag Commissioner – Present

Others Present:

David Blickenstaff, Land Owner	Angela Freitas, Stanislaus County Planning
Sherman R. Boone, Citizen	Denny Hoeh, Ag Commissioner's Office
Al Brizard, Stanislaus Farm Bureau	Vance Kennedy, Farmer
Javier Camarena, Stanislaus County Planning	Raul Mendez, Stan Co. Chief Executive Office
Cynthia Darmstandler, Ag Comm Office	Trever Smith, Insite
Dave Dillon, Stockton Diocese	Al Vigil, Diocese of Stockton
Mich Etchebarne, Citizen	

I. PLEDGE OF ALLEGIANCE TO THE FLAG

II. PUBLIC COMMENT PERIOD
There was no public comment.

III. APPROVAL OF MINUTES FROM SEPTEMBER 14, 2009 MEETINGS
The minutes from the September 14, 2009 meeting were approved.

IV. ALTERNATIVE AGRICULTURAL BUFFERS
Use Permit Application No. 2009-10 Catholic Cemetery – Dakota Avenue
John Herlihy opened by stating that he spoke with a representative from the German Baptist cemetery in the same area as the proposed Catholic cemetery and he stated that there have been no issues in their history there. He said there have been

approximately burials this year and that the average is about 20 per year. John stated that he doesn't believe that this cemetery is comparable to the proposed Catholic cemetery.

Angela Freitas, of County Planning, said that there are no set guidelines for the term "people intensive", but they anticipate that this project could be people intensive at times with large funerals, thus having the potential to be people intensive. She explained that Planning asks that projects be looked at from the standpoint of a worse case scenario.

Proposed changes from the last time that this item was brought before the Ag Advisory Board are as follows:

- o There will be no Phase 5 in this proposal.
- o Vegetative screening is proposed around the entire site.
- o There will be restrictions to the lease agreement, restricting the lessee/farmer working within the orchard as to pesticide spray and harvesting activities.

According to the applicant, there were a number of reasons why the cemetery couldn't be situated in another location. When asked how the farmers in the area have responded, the applicant stated that he knows of at least one farmer in the area who has no objections. The applicant also stated that they will do the planting now for the vegetative screen if necessary and add temporary fencing.

John Herlihy said that the farmers have a right to farm in this area. He also reminded the Board that it is not up to them whether this is appropriate in an ag zone, rather the Ag Advisory Board is looking only at buffers.

It was M/S/P to approve the alternative buffers that have been proposed.
(4 - Yes, 2 - No, 1 - Abstain)

**V. CEO RESPONSE TO THE AGRICULTURAL ADVISORY BOARD:
BIRD FRIGHTENING DEVICES WITHIN COMMERCIAL AGRICULTURE**

Raul Mendez of the Chief Executive Office reported that the feasibility of an ordinance for bird frightening devices in an ag area was studied by the Ag Commissioner, Planning, County Counsel and the Chief Executive Office. It was concluded that there is already a process in place when there is a grievance or a dispute. In the case of bird frightening devices, the primary respondent would be the Ag Commissioner and in a dispute, the Ag Commissioner would work with the Planning department to mediate the dispute. A letter was distributed outlining the recommendation from the CEO to John Herlihy, Chairman of the Ag Advisory Board.

This conclusion was based on current practices and procedures, the number of bird cannon complaints that have been filed in the past years and a desire not to increase regulations. Another consideration was that an ordinance of this type could negatively impact the Right to Farm Ordinance. Raul explained that the County leaders asked if this ordinance were enacted, what would restrict another citizen from requesting an ordinance to address an ag issue?

Mich Etchebarne thanked the group for their time in considering this matter and said he was disappointed but not surprised by the response. He stated that the question was never about the standards, it was about enforcement. He further commented that he will go through the grievance process next year.

It was M/S/P to accept and endorse the letter and recommendation from the CEO regarding bird frightening devices within commercial agriculture.
(Vote was unanimous in favor.)

VI. NEXT MEETING

A. Meeting Date/Time:

The next scheduled meeting is **Monday, November 2, 2009 at 10:00 a.m.**
at the Stanislaus County Ag Center, Conference Room H/I

B. Agenda Items

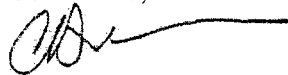
- ✓ Alternative Buffers
- ✓ Groundwater Management
- ✓ By-Laws

Please contact John Herlihy, Gary Caseri or Cynthia Darmstandler with items you wish placed on the agenda.

VII. ADJOURNMENT

Chairman John Herlihy adjourned
the meeting.

Minutes Respectfully
Submitted,



Cynthia Darmstandler
Confidential Assistant IV
Stanislaus County

Dakota Cemetery

Additional Conditions To Protect and Minimize Conflicts Between Applicant and Adjacent Agricultural Users

A cemetery is an approved use within the A-2 zoning district. The proposed Dakota Cemetery is being proposed by one organization for one purpose, burials. It is anticipated that the Dakota Cemetery on average would have 5 funerals per week. The average funeral will last 30 to 60 minutes. The members of any particular service will be concentrated around that particular event and not spread out over the entire site. In addition, to the funerals the cemetery will be open 8am to 4pm to allow the public access to the gravesites. There are no technical studies available to quantify how many visitors per day or week can be expected, but based on observation at other cemeteries being operated by the applicant, the number of visitors per day is extremely low as compared to that of a typical recreational park and the majority of visits to cemeteries last less than 30 minutes.

The applicant proposes the following design modifications and conditions on the proposed project in order to protect the long-term health of local agriculture surrounding the site:

- A) The applicant will only develop Phases 1 - 4 and recognize a 150-foot buffer.
- B) A condition will be placed on the applicant to resubmit for a Conditional Use Permit for additional expansion identified as Phase 5.
- C) The applicant will install two rows of evergreen trees (staggered) along the southern and northern boundaries of the overall parcel as part of the initial construction under Phase 1. The planted trees shall cover the same width of Phase 1 and shall extend 50 additional feet west and east of the Phase 1's northern and southern limits.
- D) The applicant will install two rows of evergreen trees (staggered) along the southern and northern boundaries of the overall parcel as part of the initial construction under Phase 2. The planted trees shall cover the same width of Phase 2 and shall extend 50 additional feet east of the Phase 2 eastern limit.
- E) Prior to grading activities associated with Phase 3, the applicant will install two rows of evergreen trees along the northern, southern and eastern boundaries of the overall parcel.

- F) Prior to grading activities associated with Phase 4, the applicant will install two rows of evergreen trees along the northern, southern, and western boundaries.
- G) The applicant will install temporary fencing around each phase as it is developed.
- H) The area known as Phase 5, between the outer limits of the parcel and the boundaries of Phases 1 through 4 shall remain in agricultural production.
- I) The lease agreement with the farmer that will work the orchard or crop within the property boundary will contain language regarding the use of chemicals, "The lessee shall not use California Restricted Materials."
- J) The lease agreement with the farmer that will work the orchard or crop within the property boundary will contain language regarding the spraying of chemicals, "The lessee shall not spray chemicals during the hours of 8am to 4pm, Monday through Sunday."
- K) The lease agreement with the farmer that will work the orchard or crop within the property boundary will contain language regarding the harvesting of crops that require the use of mechanical devices, "The lessee shall delay harvesting activities until funeral services are completed."
- L) The applicant will provide written notification regarding agricultural operations occurring within the 150-foot buffer and on adjoining properties to individuals that purchase a burial plot at the proposed Dakota Cemetery. The written information shall disclose the type of operation and potential adverse impacts that could occur from such operation. These impacts could include, but are not limited to noise increases from mechanical harvesting equipment and exposure to dust.



September 14, 2009

MEMO TO: Ag Advisory Board

FROM: Javier Camarena, Assistant Planner
Department of Planning and Community Development

SUBJECT: **USE PERMIT APPLICATION NO. 2009-10 - CATHOLIC CEMETERY
DAKOTA AVENUE**

The Stanislaus County Department of Planning and Community Development has received an application to develop a 25.33-acre cemetery to be built in approximately five (5) phases. Phases 1 and 2 will consist of the largest phases and will total approximately 8 acres. Phase 1 will take about 20 years to reach capacity. Phase 1 will contain a major feature in the center, such as a water fountain or art sculpture. Phase 2 will contain a Garden Mausoleum in the center of the phase along with standard burial plots. The remaining areas in each of the additional phases will be used for standard burial plots. During development of Phase 1 and/or 2, a maintenance facility and office building will be constructed adjacent to Phase 1. In the interim time period, landscape maintenance will be contracted to an off-site provider. The applicant has proposed an alternative to the Agricultural buffer standards which requests a reduced setback and alternative vegetative screen. The applicant's proposal and the County's Buffer and Setback Guidelines are outlined below:

Stanislaus County Buffer & Setback Guidelines Requirements

- All new non-agricultural uses shall incorporate a minimum 150-foot buffer (300-foot wide buffer for people-intensive outdoor activities) from all property lines.
- The buffer shall incorporate a solid wall and a vegetative screen consisting of two staggered rows of trees and shrubs along any portion of a buffer where the project site and the adjoining agricultural operation share a common parcel line.

Applicant's Proposal

Setbacks

Phase 1 - 4

- North: A 150' wide setback between the northern property line and the edge of the grave sites.
- East: Over 150' wide setback between the eastern property line and the edge of the grave sites.
- South: A 150' wide setback between the southern property line and the edge of the grave sites.
- West: Over 150' wide setback between the western property line and the proposed office.

Phase 5

- Cemetery will begin phase 5 within the 150' setback and will expand out to the property lines.

Vegetative Screen

Phase 1-4

- Almond trees to be left within the 150' setbacks.
- The applicant intends to continue farming the undeveloped portion of the site until reaching phase 5.

Phase 5

- The border of the property will have a single row of accent trees.

Fencing

- A temporary type of fencing system at the time operations begin at the site.
- Fencing will possibly include a wrought iron or chain link fence to prevent trespassing.
- The fence will be around the first two phases and will be widened or moved to accommodate the remaining phases as the time comes.

Areas of Concern

- Setbacks: Although the setbacks will be over 150' wide, staff believes that this is a people-intensive outdoor use, which would require a buffer of 300'. However, the applicant disagrees that the use is "people intensive."
- Setbacks: The final phase will expand out to the property lines.
- Vegetative Screen: Two staggered rows of trees and shrubs characterized by evergreen foliage are required because of their "filtering" characteristics to avoid spray drift conflicts.

Specific Items to Consider

- Phases 1 is expected to take approximately 20 years to reach capacity.
- Phases 1 through 4 will maintain a 150' setback. The applicant is proposing to re-evaluate conditions surrounding the subject parcel once the cemetery reaches phase 5. The applicant will evaluate the condition of surrounding properties to determine which areas of the subject property will be converted from agricultural to cemetery use. Any non-agricultural adjoining uses will be identified and the expansion will be placed next to that area.
- Although the project is not within the City of Modesto Sphere of Influence, the City identifies the project site as "Business Park" in its General Plan. A cemetery does not fall under the City of Modesto's "Business Park" designation. However, the site is not located within the City's SOI, and is not likely to develop any time soon.
- In September of 2008 the Agricultural Advisory Board supported a buffer alternative applicable to all non-agricultural uses in the A-2 zoning district allowing for non-solid fencing to be utilized, provided that the fencing is 6-feet in height and designed to prevent trespassing.

Attachments:

Maps

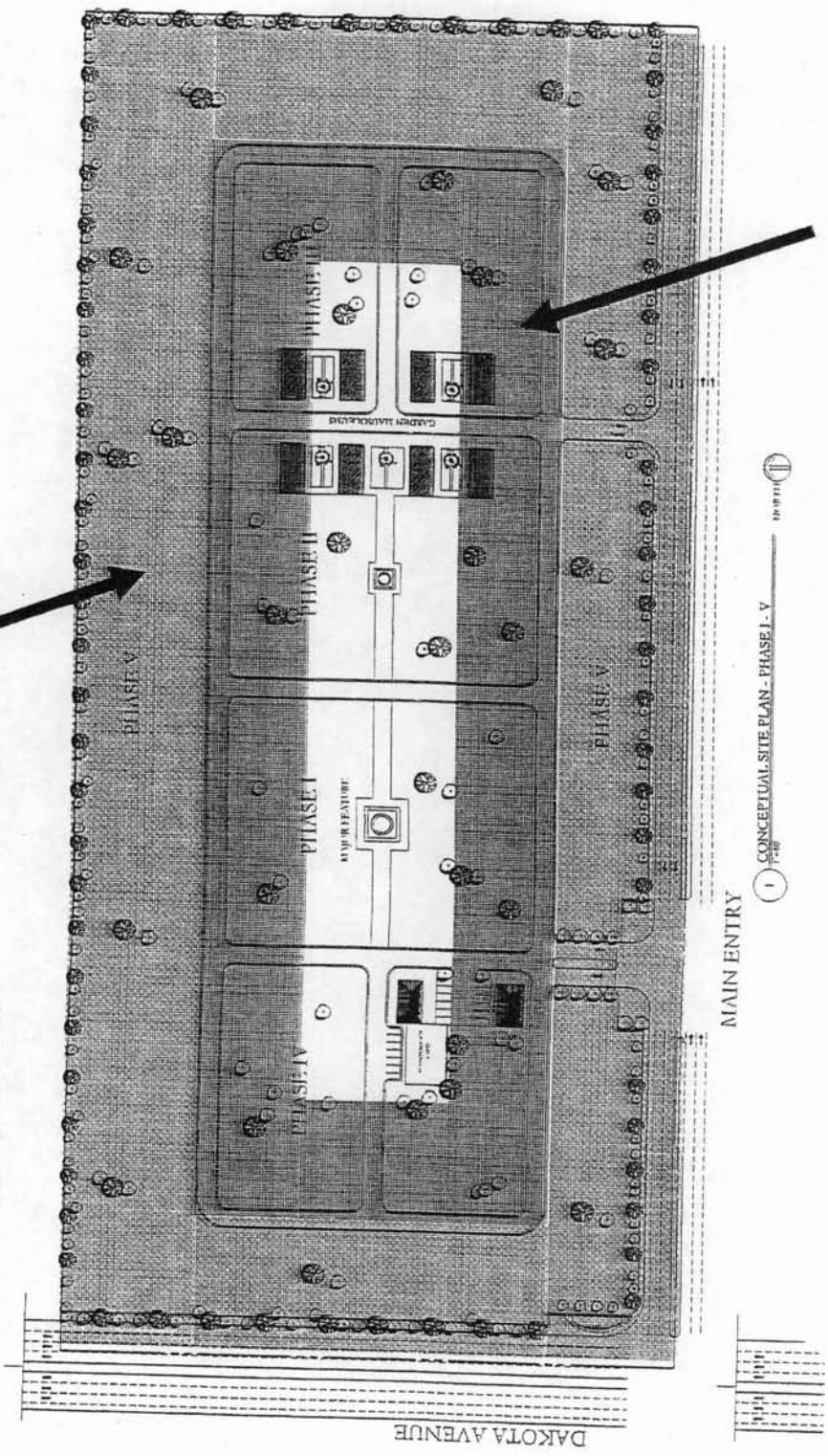
Project Description

Buffer Alternative

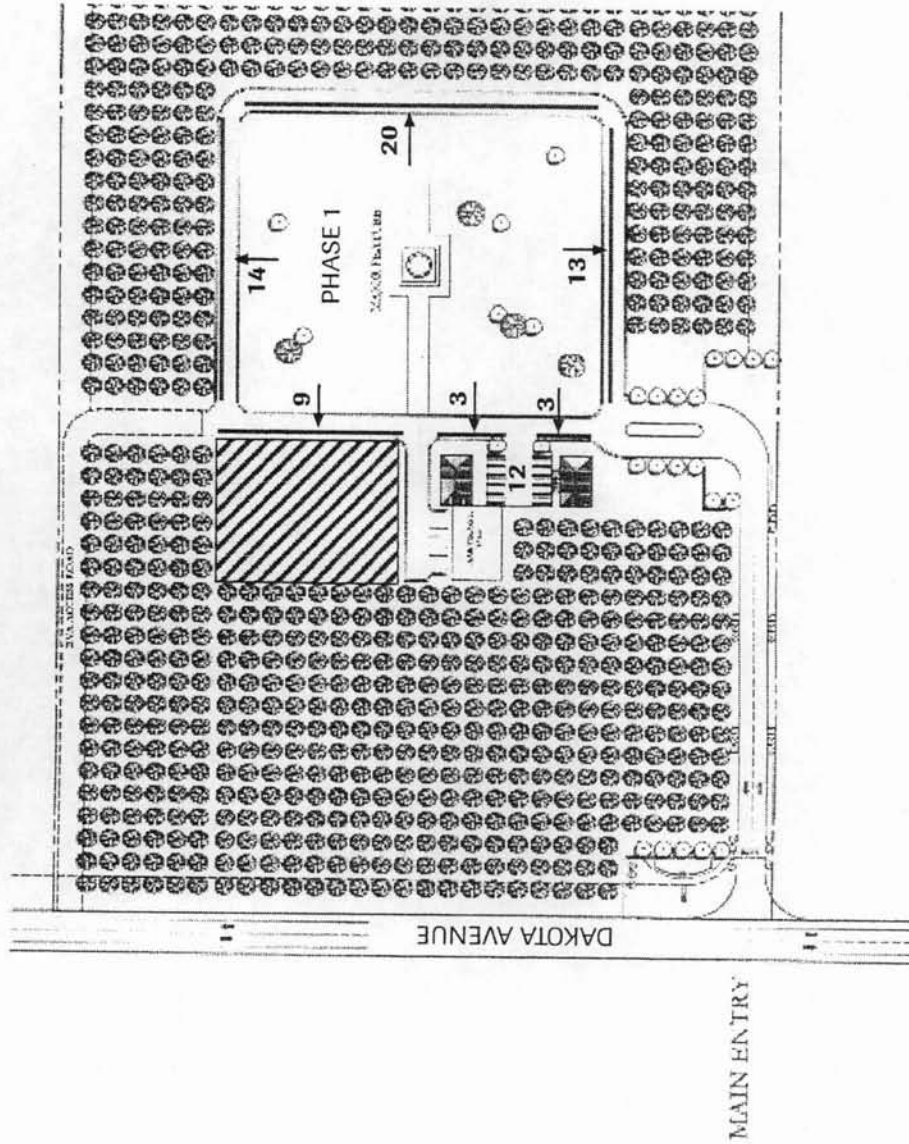
Use Permit No. 2009-10
Catholic Cemetery Dakota Ave.
Ag Buffer Areas of Concern

150' Setback

300' Setback



PARKING PLAN



- ✓ Parking Areas (Paved= 74 spaces)
 - ▨ Extra Parking (Turf Area= 92 spaces)
- Total = 166 spaces



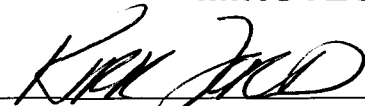
INSITE ENVIRONMENTAL, INC.

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: USE PERMIT APPLICATION NO. 2009-10 - CATHOLIC CEMETERY DAKOTA AVENUE

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
AGRICULTURE COMMISSIONER	X	X		X		X				X		X
AIRPORT LAND USE COMMISSION	X	X	X		X							
BUILDING PERMITS DIVISION	X	X		X		X				X	X	
CALTRANS DISTRICT 10	X	X	X		X							
CHIEF EXECUTIVE OFFICE	X	X			X							
CITY OF: MODESTO	X	X	X	X		X				X		X
COOPERATIVE EXTENSION	X	X	X		X							
COUNTY COUNSEL	X	X			X							
ENVIRONMENTAL RESOURCES	X	X		X		X				X	X	
FIRE PROTECTION DIST: SALIDA	X	X	X	X		X				X	X	
FISH & GAME, DEPT OF	X	X	X		X							
HAZARDOUS MATERIALS	X	X		X		X				X	X	
IRRIGATION DISTRICT:	X	X	X	X		X				X	X	
LAFCO	X	X	X		X							
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
PARKS & FACILITIES	X	X		X				X		X		X
PUBLIC WORKS	X	X		X		X				X	X	
PUBLIC WORKS - TRANSIT	X	X			X							
RAILROAD: UNION PACIFIC	X	X	X		X							
REGIONAL WATER QUALITY CONTROL	X	X	X		X							
SCHOOL DISTRICT 1: HART-RANSOM	X	X	X		X							
SCHOOL DISTRICT 2: MODESTO	X	X	X	X		X				X	X	
SHERIFF	X	X	X	X		X				X		X
StanCOG	X	X	X	X		X				X	X	
STANISLAUS COUNTY FARM BUREAU	X	X	X		X							
STANISLAUS ERC	X	X	X	X		X				X	X	
STANISLAUS FIRE PREVENTION BUREAU	X	X		X		X				X	X	
SUPERVISORIAL DISTRICT: 3 - GROVER	X	X	X		X							
TELEPHONE COMPANY: AT&T	X	X	X		X							
UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)	X	X	X		X							

- A. **USE PERMIT APPLICATION NO. 2009-10 - CATHOLIC CEMETERY DAKOTA AVENUE - Continued from January 21, 2010.** Request to develop a cemetery in four (4) phases on a 25.33-acre parcel in the A-2-40 (General Agriculture) zoning district. Each phase will take approximately 20 years to reach capacity. The project site is located east of Dakota Avenue, west of Highway 99, north of Beckwith Road, in the Modesto area. The Planning Commission will consider a CEQA Negative Declaration for this project.
APN: 076-032-011
Staff Report: Javier Camarena Recommends **DENIAL**.
Public hearing opened.
FAVOR: Trevor Smith, InSite Environmental, 6653 Embarcadero Drive, Suite Q, Stockton, CA 95219; Monsignor Richard Lyon Ryan, Vicar General, Catholic Diocese, P.O. Box 1137, Stockton, CA 95201; Bishop Steven Blair, Catholic Diocese, P.O. Box 1137, Stockton, CA 95201; Tanjore Splan, 1616 Newhampton Way, Modesto, CA 95355; Ed Dyrda, Holy Family Catholic Church, 1224 Kiernan Road, Modesto, CA 95356; Ramon Bejarano, St. Stanislaus Catholic Church, 709 J Street, Modesto, CA 95354; Tom Burn; Juan Serna, Holy Family Catholic Church, 1224 Kiernan Road, Modesto, CA 95356
OPPOSITION: Dennis Wilson, Horizon Consulting, on behalf of the Ciccarelli family, P.O. Box 1448, Modesto, CA 95353; Patrick Kelly, Planning Manager, City of Modesto, P.O. Box 642, Modesto, CA 95353
Public hearing closed.
Layman/Pires, 5-2 (Ramos, Poore), **BASED ON THE INABILITY TO MAKE THE NECESSARY FINDINGS TO APPROVE THE USE PERMIT, DENIED USE PERMIT APPLICATION NO. 2009-10 - CATHOLIC CEMETERY DAKOTA AVENUE.**

<p style="text-align: center;">EXCERPT</p> <p style="text-align: center;">PLANNING COMMISSION</p> <p style="text-align: center;">MINUTES</p> <p style="text-align: center;"> Secretary, Planning Commission</p> <p style="text-align: center;"><u>4/14/2010</u> Date</p>

**PARISHIONERS
AT
HOLY FAMILY
SUPPORT THE PROPOSED
DAKOTA AVENUE CATHOLIC CEMETERY
(USE PERMIT No. 2009-10)**

St. Stanislaus Catholic Cemetery, located on Scenic Drive in the City of Modesto is running out of space. Members in seven parishes in the greater Modesto area utilize this Catholic Cemetery. It is critical that we keep this unique and special use close to these parishes and the large population they serve. The Diocese has worked diligently at finding a new location along Dakota Avenue that meets the needs of many in Stanislaus County (Use Permit No. 2009-10). As our Supervisor, we respectfully request that you consider the following:

- 1) The unique characteristics of the proposed use and the social benefits it brings to the County of Stanislaus.
- 2) The substantial efforts made to reduce impacts to agriculture adjacent to the site and within the site.
- 3) The pending shortage of burial space that will shortly impact the County of Stanislaus and the tens of thousands of Catholics that would like the option of being laid to rest in a Catholic Cemetery close to their loved ones.
- 4) The minimal opposition to the application (Use Permit No. 2009-10).

BOARD OF SUPERVISORS
2010 APR 12 P 1:33

We the undersigned, parishioners of Holy Family support the proposed Dakota Avenue Catholic Cemetery Project. As our District Supervisor, please support Use Permit No. 2009-10.

NAME:	ADDRESS/PHONE:	209 545-2976
<u>Kamira Magang</u>	<u>4609 Sugar Creek Ct</u>	
<u>Jaine OdeAlda</u>	<u>4408 Gold Striker-co</u>	
<u>PATRICK HENNING</u>	<u>5424 Danielle Ct.</u>	
<u>Eduardo Jimenez</u>	<u>5413 Jepson Dr 95368</u>	
<u>Pete Jimenez</u>	<u>5118 Escamille</u>	
<u>Leticia Luna</u>	<u>4916 Toomey rd Salida 95368</u>	
<u>Carol Lane</u>	<u>5632 Sun Gold Drive Salida 95368</u>	
<u>Missie Jossi</u>	<u>4825 Sequoia St #10 Salida 95368</u>	
<u>Paz Aldon</u>	<u>1252 Standiford av 95350</u>	
<u>Olga Uribe</u>	<u>1252 Standiford av 95350</u>	
<u>Meregildo Sagero</u>	<u>4612 Sun Glen Ct Salida 95368</u>	
<u>Maria I Sagero</u>	<u>4612 Sun Glen Ct Salida 95368</u>	
<u>Maria Ramirez</u>	<u>8712 Kiernan Ave Modesto 95358</u>	

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We the undersigned, parishioners of Holy Family support the proposed Dakota Avenue Catholic Cemetery Project. As our District Supervisor, please support Use Permit No. 2009-10.

NAME:

ADDRESS/PHONE:

<u>Guadalupe Ramirez</u>	<u>8712 Kiernan Ave Modesto 95358</u>
<u>José Luis Valadez</u>	<u>4837 WHITE WILLOW Rd Salida 543-8566</u>
<u>BALTAZAR Lopez</u>	<u>4766 CARLSON - WJ</u>
<u>ROSELIO Barba</u>	<u>1446 Stanley Dr. Ripon CA 95366</u>
<u>SONIA R. GOMEZ</u>	<u>3608 AGATE DR Modesto, CA 95356</u>
<u>HUGO ESQUIVEL</u>	<u>5008 COUNTRYRIDGE CT. SALIDA CA - 95368</u>
<u>JAVIER MUNOZ</u>	<u>5112 Perez ST Salida CA 95368</u>
<u>Alex MOYOL</u>	<u>5106 Perez ST Salida CA 95368</u>
<u>MIRIAM VIDANCO</u>	<u>5003 ESCAMILLA Salida CA 95368</u>
<u>LUPE TREVINO</u>	<u>5021 Perez Salida, Ca 95368</u>
<u>Eduardo Escamilla</u>	<u>5100 Escamilla Salida Ca 95368</u>
<u>una centeno</u>	<u>4907 EL CALIDACA 95368</u>
<u>Francisco Lopez</u>	<u>5001 Morgan Salida Ca 95368</u>

**PARISHIONERS
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NAME:

ADDRESS/PHONE:

<u>Juan Padilla</u>	<u>4824 Horton way Salida Cal 95368</u>
<u>Gracinda Padilla</u>	<u>4824 Horton way Salida cal 95368</u>
<u>María del Rosario Zavala</u>	<u>5015 Escamilla</u>
<u>Margarita Tinoco</u>	<u>5011 Escamilla</u>
<u>Vita Santolaya</u>	<u>4530 Capewood Dr Salida</u>
<u>Gillermo G. Santolaya</u>	<u>4532 CAPEWOOD DR SALIDA</u>
<u>Imania R Jimenez</u>	<u>4600 cheser along salida Calif</u>
<u>Juana Jimenez</u>	<u>4931 Horton way Salida</u>
<u>Martha Hoover</u>	<u>5378 Pradera dr Salida</u>
<u>Rosalio Contreras</u>	<u>4912 Horton way Salida</u>
<u>Juan M Padilla</u>	<u>5404 Danielle ct Salida</u>
<u>Yaneth Olivas</u>	<u>4601 Davis AV Salida</u>
<u>Pedro Medina</u>	<u>4936 Tree Top Dr. Salida 95368</u>

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NAME:	ADDRESS/PHONE:
<u>KARLO MUNOZ</u>	<u>200 Shields Ct Apt 201 Modesto CA 95350</u>
<u>Anthony Munoz</u>	<u>1091524 491 Salida CA 95368</u>
<u>Rafael</u>	<u>5118 Perez St. Salida CA 95368</u>
<u>Michael Walker</u>	<u>5348 KERNON AVE</u>
<u>Joseph R. Jofan</u>	<u>9341 ROLLINGWOOD DR, ST MODESTO, CA.</u>
<u>Esperanza Peratta</u>	<u>4813 WRTIS ST SALIDA CA 95368</u>
<u>Miriam Ramirez</u>	<u>4907 Sequoia st Salida CA 95368</u>
<u>Julio Ramirez</u>	<u>4407 Sequoia st Salida CA 95368</u>
<u>Esperanza Lopez</u>	<u>4534 Sada West Dr. Salida. Ca. 95368</u>
<u>Carlyne Yune</u>	<u>5013 Countrydale Ct. Salida, Ca. 95368</u>
<u>Michael Bando</u>	<u>5216 San Paulo drive Salida, CA. 95368</u>
<u>Rosario Jimenez</u>	<u>Elm. # 4501</u>
<u>Roberto Jimenez</u>	
<u>Leobardo Inzunza</u>	<u>23499 Jack Tone Rd. Ripon Ca.</u>

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NAME:

ADDRESS/PHONE:

<u>Carlos Campos</u>	<u>634 Ripon Ave Ripon 95366</u>
<u>Ricardo Olivares</u>	<u>5005 Stonedyle Dr 95368</u>
<u>Miguel Olivares</u>	<u>4601 Davis Av Salida 95368</u>
<u>Oscar Hernandez</u>	<u>2165 Mayfairre Modesto 953165</u>
<u>Ramon Becerra Jr.</u>	<u>1721 Vicksburg St Modesto CA 95351</u>
<u>Sandra Vega Garcia</u>	<u>3928 Phensant lane Modesto CA 95350</u>
<u>Raul Yopez</u>	<u>5308 Rulow Ct. Salida CA 95368</u>
<u>Gracilda Yopez</u>	<u>5308 Rulow Ct Salida 95368</u>
<u>Guadalupe Cervantes</u>	<u>4912 Horton way Salida CA 95368</u>
<u>Esmeralda Condreras</u>	<u>4912 Horton Way Salida, CA 95368</u>
<u>Rosi Aspar</u>	<u>4901 Washington St Salida</u>
<u>Joel Munoz</u>	<u>5013 Countryside Ct. Salida CA 95368</u>

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NAME:

ADDRESS/PHONE:

<u>Francis S. Velez</u>	<u>2816 SNYDER AVE, MODESTO, CA</u>
<u>Judy Ann Ramirez</u>	<u>5100 Parks Ave., Modesto CA 95368 95356</u>
<u>Alicia Guzman</u>	<u>5613 Sun GLEN DR SALIDA CA 95368</u>
<u>Elena Guzman</u>	<u>5613 Sun Glen Dr Salida ca 95368</u>
<u>CARMEN TROY</u>	<u>3120 PELANDALE AVE #91 MODESTO CA 95356</u>
<u>Maria E Lopez</u>	<u>5409 - Arroyo Wy, Salida ca 95368</u>
<u>David Marcos Sr</u>	<u>4208 Orchard Hills drive Salida CA 95368</u>
<u>Mayra Marcos</u>	<u>4208 Orchard Hills drive Salida CA 95368</u>
<u>Maria Muñoz</u>	<u>4306 Campbell River dr Salida Ca 95368</u>
<u>CONSUELO PURVIS</u>	<u>6718 Arroyo Verde Dr. Salida ca 95368</u>
<u>Emma R Diaz</u>	<u>4316 San Vito Dr. Salida C.</u>
<u>Maria Soriano</u>	<u>4221 Fovey GREEK ca 95368</u>
<u>Hilda Murray</u>	<u>4233 GREEN KNOLL RD SALIDA CA 95368</u>

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NAME:

ADDRESS/PHONE:

<u>Ymelda Mota</u>	<u>4201 Lighthouse Ave, Modesto 545-3976</u>
<u>Jorge Plona Zavel</u>	<u>13001 HAWK DR. MODESTO, CA 95350</u>
<u>Ricardo Gutierrez</u>	<u>4607 Mayfield St. Salida CA 95368 545-9708</u>
<u>Natale Flores</u>	<u>5320 34th Water Dr. Salida CA 95368 209-545-2631</u>
<u>Ralph Martinez</u>	<u>3116 Trudi Way Modesto CA 95354 209 514</u>
<u>Roberto Torres</u>	<u>3418 Colorado Ave Turlock 95380 9062</u>
<u>Julia Torres</u>	<u>3418 Colorado Ave Turlock 95380 634-4393</u>
<u>Jaime Jimenez</u>	<u>4809 Alyssa Av. Salida Ca. 9545-173</u>
<u>Patty Jimenez</u>	<u>4809 Alyssa Av. Salida Ca (209) 545-1730</u>
<u>Jose Enriquez</u>	<u>5018 Hazelwood Ct Salida Ca (209) 543 6354</u>
<u>Veronica Enriquez</u>	<u>5018 Hazelwood Ct Salida Ca (209) 543 6354</u>
<u>Eduardo Enriquez</u>	<u>5018 Hazelwood Ct Salida Ca (209) 403-4754</u>
<u>Martha Garcia</u>	<u>4013 Grosvenor Ln. Salida, Ca. 95368 (209) 545-57</u>

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NAME:

ADDRESS/PHONE:

<u>Wilfredo Calderon</u>	<u>5109 Durley Dr Salida CA 95368 410-8174</u>
<u>GUADALUPE GONZALEZ</u>	<u>5109 DUNLEY DR SALIDA CA 95368 410 8662</u>
<u>Antonia Gonzalez</u>	<u>_____</u>
<u>Julio Munoz</u>	<u>_____</u>
<u>Maria Rodriguez</u>	<u>4121 HANEY CREEK AP.19 95356</u>
<u>Yessenia Flores</u>	<u>4513 Magnolia St. Salida, CA (209)545-4631</u>
<u>Daisy Flores</u>	<u>4513 Magnolia St. Salida, CA (209)545-4631</u>
<u>Lamilia Rodriguez</u>	<u>6813 Rinc St Hughtsen ca. (209)-883-0426</u>
<u>Arturo Torres</u>	<u>1513 Franzen Lane Modesto CA 95355 209 579 5756</u>
<u>Yanick Padilla</u>	<u>4719 Alyssa Ave Salida Ca. 95368</u>
<u>Carmen Padilla</u>	<u>4719 Alyssa Ave. Salida Ca. 95368</u>
<u>Basilio Padilla</u>	<u> </u>
<u>Rigo Padilla</u>	<u>1920 AMSTERDAM LN MODESTO CA. 95354 522-0830</u>

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ADDRESS/PHONE:

<u>Diana E Jimenez</u>	<u>4012 Poppy Glen Rd. 606-5184</u>
<u>Rogelio Bernal</u>	<u>4012 Poppy Glen Rd 985-0074</u>
<u>Alejandra Castillo</u>	<u>5037 Perez st.</u>
<u>Karolina Castillo</u>	<u>5037 Perez st.</u>
<u>Corina Castillo</u>	<u>5037 Perez st.</u>
<u>Cyrtina Castillo</u>	<u>5037 Perez st</u>
<u>Esther Salazar</u>	<u>4520 CAPWOOD DR</u>
<u>Boni Salazar</u>	<u>- - - -</u>
<u>Rosa Hernandez</u>	<u>5129 st clare Cir</u>
<u>Jose Hernandez</u>	<u>5129 st clare Cir 209) 545-9523</u>
<u>Mari Magaña</u>	<u>4409 Citrine CT Salida Ca</u>
<u>Jaime Magaña</u>	<u>4409 Citrine CT. Salida Ca</u>
<u>Ricardo Alcazar</u>	<u>4221 San Martin ct. Salica ca.</u>

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NAME:

ADDRESS/PHONE:

<u>[Signature]</u>	<u>5244 491 - 518-9591</u>
<u>E. Valenzuela</u>	<u>5320 Corvo Way Salida 545-3194</u>
<u>[Signature]</u>	<u>4805 Alyssa Ave Salida CA 545-4804</u>
<u>[Signature]</u>	<u>41512 Fallbrook Pl Salida CA 95361</u>
<u>[Signature]</u>	<u>3016 Golden Eagle Ln Modesto, CA 95356</u>
<u>[Signature]</u>	<u>JOSÉ MANZANO</u>
<u>Concepcion Ochozco</u>	<u>5239 COVERT RD Salida CA 95368</u>
<u>[Signature]</u>	<u>4906 ADAMS AVE. SALIDA CA, 95368</u>
<u>SARA CALEROS</u>	<u>4520 Quaker Town CT Salida CA 95368</u>
<u>Adrian Calleros</u>	<u>4520 Quaker Town Ct Salida CA 95368</u>
<u>Israel Avila</u>	<u>4221 Gold Courtie Ct Salida CA 95368</u>
<u>[Signature]</u>	<u>3941 170th St Apt 2 Modesto, CA 95350 (209) 5450970</u>
<u>Matilde de León</u>	<u>3941 Dak Av. "C" (209) 543 6736</u>

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NAME:	ADDRESS/PHONE:
<u>Joanna Parra</u>	<u>5405 Whitestone Ct. Salida CA</u>
<u>Diana M. Perez</u>	<u>5601 TRAMINES CT SALIDA CA</u>
<u>Angela Garcia</u>	<u>632 AV. Ripon Ripon CA.</u>
<u>Ismael Carrillo</u>	<u>4613 WESSLEY LN Salida Ca</u>
<u>Jose Tinajera</u>	<u>118 Oregon St Ripon CA.</u>
<u>Saul Munoz</u>	<u>5508 vineyard mint CT Salida Ca.</u>
<u>Maria Carrion</u>	<u>4809 Curtis Stees</u>
<u>Anita Yopez</u>	<u>4725 magnolia</u>
<u>Maria Ruiz</u>	<u>3101 Quail Hollow Dr Modesto</u>
<u>SILVERIO RAMIREZ</u>	<u>5118. PARK AV. SALIDA. CA.</u>
<u>Jesus D. Godillo</u>	<u>Genoa 9904</u>

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NAME:

ADDRESS/PHONE:

<u>Nick Eddy</u>	<u>2225 London Circle Modesto 95356</u>
<u>Ann Henry</u>	<u>5424 Danielle Ct Salida 95368</u>
<u>Steven III Gue</u>	<u>4212 Grilling Ln Modesto 95376</u>
<u>Carlos Lema</u>	<u>4916 Toomes RD Salida 95368</u>
<u>Daniela Garcia</u>	<u>5025 Westwood Dr. Salida 95368</u>
<u>Maria E Garcia</u>	<u>5025 Westwood Dr Salida 95368</u>
<u>Tom Troy BETTA</u>	<u>3943 ROSELLE AVE Mod 95355</u>
<u>Matt Wolf</u>	<u>5601 Chevrolet dr Modesto 95356</u>
<u>Monica Hernandez</u>	<u>6601 Blue Gum AVE Modesto ca. 95358</u>
<u>Yolis Romo</u>	<u>2033 FLORAL CT, 95356</u>
<u>Laura Liribe</u>	<u>1006 Whitmarsh Way Modesto CA 95356</u>
<u>Teresa Albor</u>	<u>4925 Hunton way Salida</u>
<u>Cesar Escobar</u>	<u>4517 Fallbrook, Salida</u>

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NAME:	ADDRESS/PHONE:
<u>Isidro E. Ayala</u>	<u>4212 Laguna Seca Ct Modesto, (209) 545-5414</u>
<u>Lidia I AYALA</u>	<u>" " " " "</u>
<u>Rosalie Reberg</u>	<u>2609 Konynenburg Ln., Modesto, 95356 / 521-9177</u>
<u>Danny MOTA</u>	<u>5054 PEREZ ST. Salida, CA. 95368 / 380-7008</u>
<u>Marcia Sanchez</u>	<u>" " "</u>
<u>Purnima Kumar</u>	<u>3024 Shawnee Drive Modesto CA 95356</u>
<u>Jessica Kumar</u>	<u>" " "</u>
<u>Sunil Kumar</u>	<u>" " "</u>
<u>Marisela Fernandez</u>	<u>4821 white Willow Rd. Salida CA 95368</u>
<u>Abdullah</u>	<u>4515 Sun West Dr Salida CA 95368</u>
<u>Christie Ceballos</u>	<u>4575 Sun West Av. Salida, Ca 95368</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

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<u>Andrea Covolo</u>	<u>3908 Shawnee Dr. Modesto, CA 95356</u>
<u>Margaret Patterson</u>	<u>2324 Redwood Rd, Ceres, Ca 95307</u>
<u>Ruth McCarthy</u>	<u>1721 Innsbrook Dr Modesto, 95350</u>
<u>Mary Ayala</u>	<u>5208 Stillwater Dr Salida 95368</u>
<u>Barbara Lewis</u>	<u>2012 Rembrandt Pl Modesto 95356</u>
<u>Jeri Quindo</u>	<u>2520 Mira Vista Ct Modesto 95356</u>
<u>John Alvarez</u>	<u>2520 Mira Vista Ct Modesto 95356</u>
<u>Jesse Ayala</u>	<u>5153 Covert Rd. Salida 95368</u>
<u>MYRA HAYTER</u>	<u>5561 STODDARD RD MODOESTO 95356</u>
<u>LINDA GRAHAM</u>	<u>1828 VILLE FRACHE WAY, MOD 95356</u> 576-7925
<u>Justin Emih</u>	<u>449-4708</u> <u>4600 Derek Way, Modesto</u>
<u>Beatrice McMiller</u>	<u>3916 - Malvern Ave</u>

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NAME:	ADDRESS/PHONE:
<u>Gina Martin</u>	<u>3704 Woodglen 545-0577</u>
<u>Maria Camacho</u>	<u>2104 Excelsior way Modesto 95356 529-4420</u>
<u>Corinne Quehones</u>	<u>4209 Heritage Court Modesto 95356 521-2691</u>
<u>Maureen Munro</u>	<u>3109 Conant Ave #46 Modesto 95350 521-7869</u>
<u>Barbara Ostman</u>	<u>620 Violet St, Modesto 95356</u>
<u>Arlene Henriquez</u>	<u>3841 Cougar Pl. Modesto, Ca 95356</u>
<u>Betty Moyer</u>	<u>3209 Jasper Ave Modesto, Ca 95356</u>
<u>John Samacero</u>	<u>2401 Treas Ct. Modesto, Ca. 95356</u>
<u>Terry Ackerman</u>	<u>3856 Semallon Dr Modesto, CA 95356</u>
<u>Paul Ackerman</u>	<u>3856 Semallon Dr. Modesto, CA 95356</u>
<u>Ed Nyda</u>	<u>1400 Lecourbe St. Modesto, Ca. 95356</u>
<u>Bernadine Nyda</u>	<u>1400 Lecourbe Ct. Modesto, Ca. 95356</u>
<u>Krista Bultran</u>	<u>3917 Dale Rd. Modesto, CA 95330</u>

**PARISHIONERS
AT
HOLY FAMILY
SUPPORT THE PROPOSED
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(USE PERMIT No. 2009-10)**

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NAME:

ADDRESS/PHONE:

<u>Marcos Villalobos</u>	<u>539 Terminal Ave Modesto CA 95350</u>
<u>REBECCA Padron</u>	<u>2301 W. RUMBOLD RD Modesto 95350</u>
<u>Mary Ruck</u>	<u>2324 Pan Shell Ct Modesto 95356</u>
<u>Mary Trimble</u>	<u>2224 Pan Shell Ct. Modesto 95356</u>
<u>PAUL BERARDINO</u>	<u>5809 SUNDOWN CT. SALIDA CA 95368</u>
<u>Pam Macedo</u>	<u>4208 Sea Otter Ln. Modesto, CA 95356</u>
<u>Josephine Rodriguez</u>	<u>4613 Strawflower Lane Salida Ca 95368</u>
<u>Karen Bruzzone DiLallo</u>	<u>1713 Mark Mead Lane Modesto 95356</u>
<u>David DiLallo</u>	<u>1713 MARK MEAD LN., MODESTO CA. 95356</u>
<u>Bo Halpin</u>	<u>4121 Dak Rd Apt #2 Modesto, CA 95351</u>
<u>Arlene Lichty</u>	<u>1817 Lafayette Ave Modesto CA 95355</u>
<u>Claudia Aceves</u>	<u>28300 E. Coates Rd. Escalon CA 95320</u>
<u>SAM & CLAUDIA VIZINO</u>	<u>4024 Calais CT Modesto, 95354</u>

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NAME:	ADDRESS/PHONE:
<u>James W. Warner</u>	<u>2204 Pumphreys - Modesto 545 2294</u>
<u>SOEL GEDDES JR</u>	<u>1437 River View Dr. - 95356 Modesto</u>
<u>Alfred Garcia</u>	<u>2433 Terval Ct Modesto, Ca 95356</u>
<u>Mary Ann Silva</u>	<u>350 N. Sheridan Ave., Manteca 95336</u>
<u>Luis Hamilton</u>	<u>3517 Werriman St. Modesto, Ca. 95356</u>
<u>Carmella Smyth</u>	<u>4012 Eastport Dr, Modesto CA 95356 524-2818</u>
<u>Joni Decker</u>	<u>713 Ginger Way Modesto 95356</u>
<u>Janet</u>	<u>713 Ginger Way Modesto Ca 95356</u>
<u>Richard Schuder</u>	<u>3713 Atwood Dr Modesto, CA 95355</u>
<u>Quinn Schuder</u>	<u>3713 Atwood Dr Modesto 95355 524-9205</u>
<u>Monica Cortez</u>	<u>2510 River Cove Dr. Riverbank, CA 95367</u>
<u>Arturo Cortez 869-0174</u>	<u>2510 River Cove Dr. Riverbank, Ca 95367</u>
<u>Chuck Covolo</u>	<u>3908 Shawnee Dr. Modesto, CA 95356</u>

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NAME:

ADDRESS/PHONE:

<u>Elaine Erwin</u>	<u>2400 Dutch Hollow Ct. Modesto 95356</u>
<u>TERESA ERWIN</u>	<u>1600 Derek Way Modesto 95350</u>
<u>Randy A. Erwin</u>	<u>1600 DEREK Way Mod. 95350</u>
<u>LARRY W. ERWIN</u>	<u>2400 Dutch Hollow Ct. Mod-95356</u>
<u>MONICA MARTINEZ</u>	<u>4204 Eidenberry Ct. 95356</u>
<u>JOE MARTINEZ</u>	<u>" " " "</u>
<u>Patricia Mason</u>	<u>1312 Groves Dr Modesto 95351</u>
<u>Frank Mason</u>	<u>" " " " "</u>
<u>M Eileen Nielsen</u>	<u>3028 Darben Ln, Modesto 95355</u>
<u>Robert J. Nichols</u>	<u>" " " "</u>
<u>Don R. Fisher</u>	<u>3509 Regency Modesto 95356</u>
<u>Joan M. Fisher</u>	<u>" " " "</u>
<u>Robert "Bessie"</u>	<u>3304 Pomphouse Ct. 95356</u>

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NAME:	ADDRESS/PHONE:
<u>Adilia Lopez</u>	<u>4501 - Magnolia</u>
<u>Oscar Oregal</u>	<u>PO BOX 152 Salida ca 95368</u>
<u>Ana Bertha Gonzalez</u>	<u>PO Box 152 Salida CA 95368</u>
<u>Abelina Ojeda</u>	<u>4725 Zinandel Ave 95368</u>
<u>Monica Lopez</u>	<u>5106 Westwood CA 95368</u>
<u>Maria Carme Medi</u>	<u>4936 Treetop Salida CA 95368</u>
<u>Maryland</u>	<u>4308 San Vito Salida, Ca</u>
<u>Guadalupe Eddy</u>	<u>319 W. Beverly Pl. Tracy 95376</u>
<u>Nicole Pursch</u>	<u>2229 Loxton Cr Modesto 95356</u>
<u>Jerry Pursch</u>	<u>" " " "</u>
<u>Michael Wolf</u>	<u>5601 Cheman H Dr Modesto 95356</u>
<u>Phil Sirelo</u>	<u>4201 PAPILLON DR Modesto 95356</u>
<u>Doreen Ramos</u>	<u>4116 Heritage Oak Ct Modesto 95356</u>

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NAME:

ADDRESS/PHONE:

Ann Pagetti
Robert T. Pagetti
Theodora Kroll
Eleanor Nichols
Amanda Woy
Gemma Quimada
Emmanuel Quimada
Mark Rossi
Aida Smart
John Renner
RYAN BONEY
Jessica Boney
Olga Benilla

2012 Canyon Lake, Mo 95355 (523-9403) (209)
2012 Canyon Lake Dr. Modesto, CA 95355 523-9403
2600 Standiford Ave Modesto 95350
2600 Standiford Ave H102 Modesto 95350
3616 Sorreno Ave Modesto 95356
4309 Dunes Ct Modesto 95356
4309 Dunes Ct Modesto CA 95356
2316 Lower Point Lane Modesto, CA 95356
1604 Muirfield Ct. Modesto, CA 95356
1400 Clevenger Dr. Modesto, CA 95356
5013 SAN FELICE DR. SALIDA, CA 95368
5013 San Felice Dr. Salida, Ca 95368
238 Clendenin Parkway Ripon, CA 95364

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NAME:	ADDRESS/PHONE:
<u>Orlando Cardenas</u>	<u>5005 San Felice Drive, Salida, CA 95368</u>
<u>Veronica Cuella</u>	<u>5217 BORA CT SALIDA, CA 95368</u>
<u>David Harris</u>	<u>5013 DARLEY DR. SALIDA, CA 95368</u>
<u>Lynn T. Davis</u>	<u>5013 Darley Dr Salida 95368</u>
<u>Margarita Arzola</u>	<u>5118 Westwood Dr. Salida 95368</u>
<u>MARCI COLBY</u>	<u>3609 SOMENO AVE MODESTO 95356</u>
<u>Mercedes Peralta</u>	<u>2332 Parker Crossing Modesto 95356</u>
<u>Richard Peralta</u>	<u>same -</u>
<u>Carmen Bernandino</u>	<u>5509 Jundwin Ct. Salida, CA 95368</u>
<u>DONNA ROECKE</u>	<u>4112 Woodward Ct MOD 95356</u>
<u>Nick Gatzman</u>	<u>11433 26 mile Rd, Oakdale 95361</u>
<u>Jamie Gatzman</u>	<u>11433 26 mile Rd, Oakdale, 95361</u>
<u>THANH NGUYEN</u>	<u>3507 SHAWNEE DR. MODESTO, CA 95356</u>
<u>Brunilda Jek</u>	<u>1445 Ralston Ct Modesto, CA 95350</u>
<u>STEVE WACHA</u>	<u>4209 LEBACH CT. SALIDA 95368</u>
<u>Imbe Tolentino</u>	<u>3264 Pelamille Ave. Apt. 22, Modesto, CA 95356</u>
<u>Jennifer Tolentino</u>	<u>3264 Pelamille Ave Apt 22 MOD 95356</u>

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NAME:

ADDRESS/PHONE:

Cynthia M. Kirk

3909 Breda Ct. 522-4855

Craig Hennings

312 Hanow Ct. 499-9052

Barbara Podesta

7101 Dakmont Dr 545-3455

John Podesta

7101 OAKMONT AL 545-3455

Nancy Chambers

950 Berea Drive, Turlock 632-4860

MICHAEL JAVIER

5240 STONHAMPT LN. SANDA, CA 95368 408-489-2717

Peter Espinosa

5724 Meyer Dr. MODESTO, 95356 - 522-5929

Henry Burciaga

3401 Aqua Ct. #C Modesto, 576-2516

TREVOR MCGINNIS

924 KINGERY DRIVE / RIPON, CA 95366 925-325-5272

MELISSA MCGINNIS

924 KINGERY DRIVE / RIPON, CA 95366 925-325-5272

RICHARD HARTNELL

2608 KONYNENBURG LN. MODESTO, CA 95356 209-915-8716

ALEXANDRA GALIANO

3100 Honey Bee Ct Modesto 95356 209-543-3740

RICHARD MCMULLER

3819 PRINCE ANDREW DR. RIVERBANK 209-989-6412 95367

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NAME:	ADDRESS/PHONE:
<u>Stacey Morden</u>	<u>5409 Danville Ct Salida CA 95356</u>
<u>Tom Mordino</u>	<u>" " " "</u>
<u>Manuel da Silva</u>	<u>4416 CRESTMONT WAY 571-3684</u>
<u>Manuel da Silva</u>	<u>" " " "</u>
<u>Aydee M Lucas</u>	<u>1529 Rose Garden Ct Modesto</u>
<u>Julio R. Lucas</u>	<u>1529 Rose Garden CT. 95356</u>
<u>Edmund P. Sciarvin</u>	<u>8001 Beckwith Rd Modesto 545-3603</u>
<u>Elizabeth C. Sciarvin</u>	<u>" " " " "</u>
<u>David M. Evans</u>	<u>5424 Sugar Creek Lane Salida, CA 95368</u>
<u>Evelyn J. Johnson</u>	<u>3304 Benton Circle Modesto, CA 95350</u>
<u>Wm. E. Johnson</u>	<u>3304 Benton Circle Modesto, CA. 95350</u>
<u>Antoinette Jardine</u>	<u>5017 Countryjudge Ct. Salida 95368</u>
<u>Wanda PK</u>	<u>3909 Braden Ct. Modesto 95356</u>

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NAME:	ADDRESS/PHONE:
<u>Ch. Langbe</u>	<u>2104 EXCELSIOR MODESTO</u>
<u>Mark J</u>	<u>3905 DALE RD Modesto 95356</u>
<u>Bob Roman</u>	<u>2401 FREEDOM CT Modesto 95356</u>
<u>Eugen Reuss</u>	<u>5312 RULON CT ^{613 2053} SALIDA, CA 95368</u>
<u>Dan Hill</u>	<u>2532 COTTAGE POINTE DR RIVERSIDE, CA 95367</u>
<u>Florida Butler</u>	<u>4321 Lighthouse Ave. Modesto, Ca. 95356</u>
<u>Tony Madriac</u>	<u>5125 Danforth Cir Salida Ca 95368</u>
<u>Margaret Madriac</u>	<u>5125 Danforth Cir Salida CA 95368</u>
<u>Linda Diane Madriac</u>	<u>3533 Isabella Dr. Modesto 95355</u>
<u>Robert Murphy SR</u>	<u>3533 Isabella DR Modesto 95355</u>
<u>Carolyn Gonzalez</u>	<u>3616 Piccadilly Ct Modesto 95356</u>
<u>Ed Gonzalez</u>	<u>3616 Piccadilly Ct Modesto 95356</u>
<u>Anne Green</u>	<u>5009 COURTHOUSE C Salida 95368</u>

+

**HELP SUPPORT THE PROPOSED
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USE PERMIT No. 2009-10**

On March 4, 2010, the Stanislaus County Planning Commission failed to approve Use Permit No. 2009-10 which involved a request by the Diocese to develop a 14-acre cemetery on a 25-acre site located on Dakota Avenue, north of Beckwith Road (west of State Route 99). The Diocese has appealed this decision to the Board of Supervisors and is to be heard on April 20, 2010 at 6:30 pm. It is the opinion of the Diocese that the Planning Commission failed to take into account the following:

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Please help reach out to your Board of Supervisor and encourage them to support Use Permit No. 2009-10 by signing this petition and/or calling or emailing your District Supervisor prior to the April 20th Board of Supervisors meeting to reconsider this application.

Theresa Kiebel
 Florida C. Butler
 Jan Smith
 Doug Decker
 Carol Amherst
 Edmund P. Scianini
 Elizabeth Acunni
 Clotilde Peralta
 Jim Ortman
 Eugene P. Gobel
 Emerald G. Gobel
 Gerald Moon
 Pat Moon
 HELEN PACE

3300 SPUNIAH RD Modesto
 4321 Lighthouse Ave Modesto
 5104 St. Clare Cr. Salida
 5112 St. Clare Cr. Salida
 Same
 8001 Beckwith Rd. Modesto
 8001 Beckwith Rd. Modesto
 3517 Brentford Way, Modesto
 620 Violet St Modesto CA
 2621 Prescott Rd. Modesto #62
 2621 Prescott Rd. Sp. 62, Modesto
 1312 GRAYSON DR Modesto, ca
 1312 GRAYSON DR Modesto, ca
 4509 ENDICOTT

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NAME:

ADDRESS/PHONE:

Ricardo Olivares	5005 Stonedale Dr. Salida
Juan M Padilla	5404 Danielle Ct Salida
Ignacio Padilla	1343 Finney Rd Salida
Julian Jensen	4931 ^{PO Box 30} Heronway Salida
MARIA E. Munoz	4306 Campbell River Dr. SALIDA
ANNA CASTRO	4507 Elm SALIDA
Meregildo Sagiero	4612 Sun Glen Ct. Salida Ca.
Maria I. Sagiero	4612 Sun Glen Ct. Salida Ca.
Leticia Munoz	5508 Vineyard Point Ct. Salida Ca
Gregory T. Wade	4308 SAN VITO DR. SALIDA Ca 545-4160
Shirley M. Wade	925-Sonic Ct Modesto 95355
Ursula Zapata	1720 Patton Dr. 544-2581
Randy A. EPHIN	1600 DEREK Wy Mod 95350

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Arturo Torres Monreal

Ernesto Candelas

Aquino Bains

Paloma Gonzalez

Ubaldo del Real

Josefina Perez

Jose Gomez

Jose Lopez

Alicia Fuentes

Lourdes Lopez

Gillesmina Delgado

Fidelicia Castiello

Jesus N. Contreras

Yolanda Benavides

Arturo T Monreal

Manica Chavez

Gonzalo

Ubaldo del Real

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

Gillesmina Delgado

Fidelicia Castiello

[Signature]

Yolanda Benavides

HELP SUPPORT THE PROPOSED
DAKOTA AVENUE CATHOLIC CEMETERY
USE PERMIT No. 2009-10

On March 4, 2010, the Stanislaus County Planning Commission failed to approve Use Permit No. 2009-10 which involved a request by the Diocese to develop a 14-acre cemetery on a 25-acre site located on Dakota Avenue, north of Beckwith Road (west of State Route 99). The Diocese has appealed this decision to the Board of Supervisors and is to be heard on April 20, 2010 at 6:30 pm. It is the opinion of the Diocese that the Planning Commission failed to take into account the following:

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- 3) The minimal opposition to the application.
- 4) The importance of having a place to honor our dead.

Please help reach out to your Board of Supervisor and encourage them to support Use Permit No. 2009-10 by signing this petition and/or calling or emailing your District Supervisor prior to the April 20th Board of Supervisors meeting to reconsider this application.

Silvia Torres

Joel Gomez

SARA CALLEROS

MARIA ATRA DE CHAVEZ

Daniela Chavez

GERMAN CHAVEZ

Mania

Adelina V. Roudo

Jose Lopez C.

Juan P. Maria

Cynthia Banuelos

Guillermo Banuelos

Consuelo Sobrio

M^a Cristina Castell

Alfonso Torres

Guadalupe Gomez

Jara Calle

Yolanda Chavez

Danielle Chazar

←

Valeria V.

Patricia V. Gomez

Jose Lopez C.

Gloria Garcia

←

←

←

←

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Imelda Mota

Jose R. Sanchez
Irene Sanchez

maria L Contreas

Martha Martinez

ROSA NOLASCO

Shigie Ayala

ISIBRO AVILA

Spadalyz Aguiar

Irma Borlin

MARLENE GARCIA

Teresa yepes

Soledad yepes

Imelda Mota

Jose R. Sanchez
Jose Sanchez

Maria L Contreas

Martha Martinez

Rosa Nolasco

Shigie Ayala

ISIBRO AVILA

Martin Maguy

Alexandra Martinez

Cecilia Cristina Nunez

Katherine Torres

Teresa yepes

Soledad yepes

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<u>Jose Portillo</u>	<u>[Signature]</u>
<u>Vanessa L. Portillo</u>	<u>Vanessa L. Portillo</u>
<u>CRICA TORRES</u>	<u>Erica Torres</u>
<u>Jane L. Rivera</u>	<u>Jane L. Rivera</u>
<u>Edith UAREZ</u>	<u>Edith Uarez</u>
<u>Aydee Lucas</u>	<u>Aydee Lucas</u>
<u>Fina Lopez</u>	<u>Fina Lopez</u>
<u>MAYOLO CRUZ</u>	<u>MAYOLO CRUZ</u>
<u>Javier Sardeneta</u>	<u>Javier Sardeneta</u>
<u>Jim Oalman 620 Walnut St Modesto 95356</u>	
_____	_____
_____	_____
_____	_____

**PARISHIONERS
AT
HOLY FAMILY
SUPPORT THE PROPOSED
DAKOTA AVENUE CATHOLIC CEMETERY
(USE PERMIT No. 2009-10)**

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We the undersigned, parishioners of Holy Family support the proposed Dakota Avenue Catholic Cemetery Project. As our District Supervisor, please support Use Permit No. 2009-10.

NAME:

ADDRESS/PHONE:

Zenon Alvarez

6019 Morgan St - Salida (224) 629-3442

Jose Tostado

4900 Horton way Salida CA. 95368 (209) 543-0984

Jose M. Abarca

5345 Maximilian Dr Salida, CA 209-543-3790

Manuel Espinoza

4924 Valley Terrace way Salido 543193

Connie Ceja

5107 Escamilla ave Salida, ca. 95368

Florina Jose Flores

4513 Magnolia Salido 95368

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NAME:

ADDRESS/PHONE:

<u>MARIA NAVARRO</u>	<u>144 STANISLAUS ST CERES CA 95307</u>
<u>Maria A Cervantes</u>	<u>5317 AVANTE Ln Salida.</u>
<u>Inacia padilla</u>	<u>2012 WATT</u>
<u>Maria Padilla</u>	<u>2012 WATT</u>
<u>Maria Lopez</u>	<u>5024 Edgewood Dr. Salida</u>
<u>Javier Lopez</u>	<u>5024 Edgewood Dr. Salida</u>
<u>Honorio Lopez</u>	<u>5024 Edgewood Dr. Salida</u>
<u>Espan Jimenez</u>	<u>8511B Escunilla Dr. Salida.</u>
<u>Rocio Lopez</u>	<u>4837 WHITE WILLOW Rd 543-8566</u>
<u>Graciela Martinez</u>	<u>4837 WHITE WILLOW Rd 543-8566</u>
<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>

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Rebecca H. Hoesen

Regina Lopez
Andiee Pellini

JOSE Gutierrez

Janet Gutierrez

5045 Colunter River ^{Bank}
4012 Dunhill Dr Salida CA 95868
739 Fyvie Dr. Riverbank CA,
95367

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AT
HOLY FAMILY
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NAME:

ADDRESS/PHONE:

Mario Orcegal
Imma Bercia

4530 Morgan St
4526 Fallbrook Pl

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NAME:	ADDRESS/PHONE:
Maria G. Duran	241-0533
Beatrice Medina	810-6433
Elvira Martin	543-16-28
Micaela Martin P.	543-16-28
Adriana Martinez	564-4646
Armando Alvarez	" " "
Carmen G. Martinez	409-6457
Victor Martinez	209) 409-6455
Trey Gomez	209) 545-3172
Victoria Gomez	209) 545-3172
Sergio Montoya	5624 Greco Ln Salida (209) 545-9982
José Lopez	" " " "
Christopher Lopez	" " " "

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NAME:

ADDRESS/PHONE:

<u>Javier Sardeneta</u>	<u>2420 Steitz Ave Modesto 95350</u>
<u>Maria B Sardeneta</u>	<u>" " "</u>
<u>Maria Lopez (209) 545 3162</u>	<u>4605 New Hope Ln. Salida Ca. 95368</u>
<u>Yayola Paz (209) 545 3162</u>	<u>4605 New Hope Ln Salida Ca 95368</u>
<u>Veronica Guzman</u>	<u>4604 Sun Glen Ct Salida, CA 95368</u>
<u>Alicia Guzman</u>	<u>4604 Sun Glen Ct Salida CA 95368</u>
<u>Tamas Guzman</u>	<u>4604 Sun Glen Ct Salida, CA 95368</u>
<u>Lucia Guzman</u>	<u>4604 Sun Glen Ct Salida CA. 95368.</u>
<u>Desha Alamillo</u>	<u>(209) 543-3931</u>
<u>Antonio Varzas</u>	<u>(209) 545 0273 5508 Sun Brough Ct. Salida</u>
<u>Julio Cruz</u>	<u>209 303-0137</u>
<u>Maria B. Hernandez</u>	<u>(209) 204-2093 - 2405 Prescott Rd. # 1</u>
<u>Veronica G. Hernandez</u>	<u>(209) 204-2093-2405 Prescott Rd. # 1. Modesto 95350</u>

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NAME:

ADDRESS/PHONE:

<u>Enrique Cervantes</u>	<u>4725 morgan ST Salida Ca 95368</u>
<u>Laura Cervantes</u>	<u>4725 morgan ST Salida Ca. 95368</u>
<u>Jose Luis Ypp</u>	<u>5006 Parks Ave. Salida Ca. 95368</u>
<u>Yolanda Barvelos</u>	<u>4109 glacier Point^a Modesto Ca (209) 545-4476</u>
<u>Yolanda Barajas</u>	<u>4720 Alyssa Ave Salida 95368</u>
<u>Luis Jimenez</u>	<u>4720 Alyssa Av. Salida 545-2454</u>
<u>Aurora Munoz</u>	<u>4407 Finney Rd Salida 95368</u>
<u>Martin Muñoz</u>	<u>4407 Finney Rd. Salida 953 (209) 545-3983</u>
<u>Juliana Padilla</u>	<u>4417 Citrine ct salida CA 95368 (209) 545-3957</u>
<u>Jaime Padilla</u>	<u>4417 Citrine Ct, Salida, CA 95368 (209) 545 3957</u>
<u>JORGE MANZUR</u>	<u>3264 Pelandale Ave #16 Modesto Ca. 95356</u>
<u>Rita Espinoza</u>	<u>4924 Valley Terrace Way Ca. 95368</u>
<u>Manuel Espinoza</u>	<u>4924 Valley Terrace Way Ca. 95368</u>

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NAME:

ADDRESS/PHONE:

<u>Martha Deloa</u>	<u>(925) 980-9034</u>
<u>Miguel Deloa</u>	<u>" "</u>
<u>Silvia Ramirez</u>	<u>P.O. BOX 260 Salida CA 209 499-1827</u>
<u>Juane Ramirez</u>	<u>500 Westwood Salida CA 209 545-5431</u>
<u>Cristina Perez</u>	<u>3032 Nightingale Dr. Modesto CA 209-968-1806</u>
<u>Cristina Reynoso</u>	<u>3032 Nightingale Dr. Modesto CA 209-527-5803</u>
<u>Lucio Hernandez</u>	<u>1921 Snyder Ave Modesto 380 7625</u>
<u>Abdo J Orco</u>	<u>512 Perez St. Salida, CA 545-3108</u>
<u>Yaridza Muñoz</u>	<u>" "</u>
<u>Javier Muñoz</u>	<u>" "</u>
<u>Erce Padilla</u>	<u>" "</u>
<u>Rocio Romero</u>	<u>2414 Conant Ave Modesto (925) 350</u>
<u>Refugio Perez</u>	<u>" " " " " "</u>

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NAME:	ADDRESS/PHONE:
<u>Horacio Muñoz</u>	<u>(209) 409-0377 4525 old village Ln.</u>
<u>Susana Muñoz</u>	<u>(209) 545-9098</u>
<u>Erika Marquez</u>	<u>(209) 595-9975</u>
<u>Zenaida Marquez</u>	<u>(209) 545 8714</u>
<u>Maria del L. Marquez</u>	<u>4355 Adams Ave. Salida CA 95368 (209) 545-8714</u>
<u>Maria Valencia</u>	<u>4132 Wheeler Peak Way 341-9242</u>
<u>Gonzalo Velazquez</u>	<u>" " " " "</u>
<u>Humberto Lopez</u>	<u>(209) 499-9167 4631 McGinn Ave,</u>
<u>Yolanda Lopez</u>	<u>" " " " "</u>
<u>Juan Chavez</u>	<u>(209) 545-1723 4505 fallbrook Pl.</u>
<u>Yolanda Gutierrez</u>	<u>(209) 545-1723 4505 Fallbrook Pl</u>
<u>Rigo Cueva</u>	<u>4613 Old Mystic Ct. (510) 710 5366</u>
<u>Leticia Yopez</u>	<u>4725 McHenry Ave. (209) 5236434</u>

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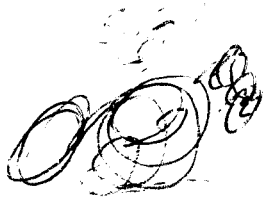
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NAME:

ADDRESS/PHONE:

<u>Jesus Castorena</u>	<u>4713 Morgan St. Salida CA. / (209) 543-1864</u>
<u>Veronica Munoz</u>	<u>2224 E. RY Modesto CA / (209) 596-1900</u>
<u>Arcelio Robles</u>	<u>5312 Countrybrook Ln Salida CA / (209) 374-4565</u>
<u>Victor Robles</u>	<u> CELL</u>
<u>Vicente Maguerra</u>	<u>4125 Madeline Way Modesto CA</u>
<u>Helen Palencia</u>	<u>4485 San Martin Dr Salida CA</u>
<u>Janice Chase</u>	<u>1625 Atlantic Ave Ripon</u>
<u>Travis Dunez</u>	<u>1625 Atlantic Ave Ripon</u>
<u>Josh Akarab</u>	<u>5100 Morgan Road Salida CA 95368 209 5436432</u>
<u>Ben Dover</u>	<u>4959 Alaska Ave</u>
<u>Alexander Alvarez</u>	<u>915-0100</u>
<u>Lester Butters</u>	<u>545-0760</u>

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NAME:

ADDRESS/PHONE:

BRENDA VILLETIS
Leticia Padilla
JOSE LUIS PADILLA
Hector Padilla
Elena Lopez
Jose Lopez
Edgar Lopez
Frank Lopez
Jose Lopez
Marina Lopez
Cornelio Valencia
Carolina Lopez

1801 LA CORUNNA PL #B, (209) 241-2519
MODESTO CA 95350
3112 Sugar Bear Ct Modesto CA 95354
3112 SUGAR BEAR CT MODESTO CA 95356 (545-2942)
3112 sugar Bear Ct Modesto Ca 95356
5656 Fattoria Blvd Salida ca 95376
5656 Fattoria Blvd salida 3507000
5656 Fattoria Blvd salida ca
543-1543 cape wood DR salida
543-1543 cape wood DR salida
15245 Curcollton Bul Escalon 552-9309
27207 Skiff A Escalon CA 95320

**PARISHIONERS
AT
HOLY FAMILY
SUPPORT THE PROPOSED
DAKOTA AVENUE CATHOLIC CEMETERY
(USE PERMIT No. 2009-10)**

St. Stanislaus Catholic Cemetery, located on Scenic Drive in the City of Modesto is running out of space. Members in seven parishes in the greater Modesto area utilize this Catholic Cemetery. It is critical that we keep this unique and special use close to these parishes and the large population they serve. The Diocese has worked diligently at finding a new location along Dakota Avenue that meets the needs of many in Stanislaus County (Use Permit No. 2009-10). As our Supervisor, we respectfully request that you consider the following:

- 1) The unique characteristics of the proposed use and the social benefits it brings to the County of Stanislaus.
- 2) The substantial efforts made to reduce impacts to agriculture adjacent to the site and within the site.
- 3) The pending shortage of burial space that will shortly impact the County of Stanislaus and the tens of thousands of Catholics that would like the option of being laid to rest in a Catholic Cemetery close to their loved ones.
- 4) The minimal opposition to the application (Use Permit No. 2009-10).

We the undersigned, parishioners of Holy Family support the proposed Dakota Avenue Catholic Cemetery Project. As our District Supervisor, please support Use Permit No. 2009-10.

NAME:	ADDRESS/PHONE:
<u>MARIA G. PADILLA</u>	<u>1920 AMSTERDAM LN. 522-0830</u>
<u>Consuelo Solario</u>	<u>3309 pump house CT. 543-1849</u>
<u>Jesus N. Contreras</u>	<u>2204 Ann Shell Ct 545-4878</u>
<u>Genara Padilla</u>	<u>5200 N ECM ST 543-8551</u>
<u>FRANCISCO CHOUË</u>	<u>5220 PASO TIEMPO DR. 543-6341</u>
<u>YOLANDA HERNANDEZ</u>	<u>2024 Floral Ct Modesto CA 95368</u>
<u>Paulino HERNANDEZ</u>	<u>2024 Floral Ct. Modesto 543-5979</u>
<u>Ramon Lopez</u>	<u>4530 Morgan Street Salida</u>
<u>Maria del Carmen Lopez</u>	<u>4530 Morgan Street Salida</u>
<u>Veronica Munoz</u>	<u>5305 Whitestone way Salida 95368</u>
<u>Cesar Flores</u>	<u>4513 Magnolia St. 95368</u>
<u>Antonio Flores</u>	<u>4607 Magnolia St. Salida CA 95368</u>
<u>MARIA E. RAMIREZ</u>	<u>5118 PARK AV. Salida 95368</u>
<u>Moises Castro Lopez</u>	<u>5218 CURTIS ST SALIDA 95368</u>

**HELP SUPPORT THE PROPOSED
DAKOTA AVENUE CATHOLIC CEMETERY
USE PERMIT No. 2009-10**

On March 4, 2010, the Stanislaus County Planning Commission failed to approve Use Permit No. 2009-10 which involved a request by the Diocese to develop a 14-acre cemetery on a 25-acre site located on Dakota Avenue, north of Beckwith Road (west of State Route 99). The Diocese has appealed this decision to the Board of Supervisors and is to be heard on April 20, 2010 at 6:30 pm. It is the opinion of the Diocese that the Planning Commission failed to take into account the following:

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- 4) The importance of having a place to honor our dead.

Please help reach out to your Board of Supervisor and encourage them to support Use Permit No. 2009-10 by signing this petition and/or calling or emailing your District Supervisor prior to the April 20th Board of Supervisors meeting to reconsider this application.

Matthew C. Wilkin
Patricia A. Hunt
Monette K. West
Lucille Jones
Debra Ann Pyron
David Platt
Wendy H. H. H.
Joselyn Poole
Veronica Munoz
Maria E. Gonzalez
[Signature]
Martha Garcia
MARITA GONZALEZ

2400 Kingswood Dr. #5
2709 Bernstein Dr Modesto 95355
2709 Bernstein Dr Modesto 95358
2709 Bernstein Dr Modesto, CA 95358
916 Haverhill Drive CA 95356
1400 Leconte Ct. Modesto 95356
916 Haver Hill Dr Modesto 95356
3112 SOGAR BEAR CT
mosto - 9536
5305 whetstone way Salida CA 95368
4604 old Mill Ct Salida
4520 Quaker town Ct Salida
CA 95368
4596 Carlenson Way Salida
4013 Guisveran Ln Salida
5101 STONEWOOD Ct Salida

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NAME	ADDRESS
Cesue Escobar	4517 Fallbrook Pl Salida CA.
Danna PAEZ	5601 TRAMMER CT SALIDA CA 95368
Jeniffer Paz	5601 TRAMMER Court SALIDA CA
Harbet Paz	4808 Ellington Ct.
Allan Paz	4007 Kentucky Ave Riverbank Ct. 95367
Charmelle Smyth	4012 Eastport Dr. Modesto 95356
Quinn Hatzman	2524 BORDONA DR. RIVERBANK 95367
Jessie Nelson	925 Scenic Ct. Modesto CA 95355
Donna Lopez	1720 Patton Dr Modesto CA 95356
Yvonne QUEBRITOS	4209 HERITAGE CT MODESTO CA 95356
Samuel Leach	3300 Spurredood Ln
Wm Ed Schwanover	3304 Benton Circle Modesto
Evelyn Schwanover	3304 Benton Circle Modesto
Ann White	3400 Kingswood Dr. #5 Modesto 95355

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<u>NAME</u>	<u>ADDRESS</u>
MARIA PEREZ	5201 Dolcetto way Salida 95368
Camille Reyes	4425 Curtis Salida Ca 95368
Heath Peralta	4425 CURTIS
Christa Carlisle	4804 Wallasey Way
ATC	4804 Wallasey way
Tomy Muenoz	5125 Danforth Cir
Miguel Muenoz	5125 Danforth Cir. Salida
Hilda Lopez	1930 ADAMS AVE
Orlando Custino Lopez	5218 - Ludlow ST
Oscar Lopez	2472 Gates Rd Modesto
Rafael Cervantes	5013 Westwood DR
Mari Magaña	4409 Citrine CT Salida
Saime Magaña	4409 Citrine CT Salida
Saul Muñoz	4813 Zinfandel ave Salida

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DAKOTA AVENUE CATHOLIC CEMETERY
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Araceli Padilla
Elicira Contreras
Rigoberto Muñoz
Martha E. Gutierrez
Arturo Flores
Natalia Jara
Yessica Jara
Juan Carlos Reyes
Gerardo Velasco
Matilde Leon
Angelica De Rueda
Jose Lopez
Elaine Jara
Yolanda Soto

Guillermo Lozano
Pamela Padilla
Heracio Muñoz M.
Diego Padilla
Diego Padilla
Christian Padilla
Claudio ZIGALA
Rigoberto Zigala
Mara Padilla.
Jose M. Padilla
Gustavo Padilla
Alicia Padilla
Jaime Padilla
Nuhana Padilla

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Sergio Montoya
Mannuel Espinoza
Meris C. Medina
Javier O. Medina
Mauricio Medina
Francisco Palma
Mariana Lopez
Vicente Mojica
Mexico Corona
Florina Flores
Gregoria Anguiano
Carlos Anguiano
Basilio Padilla
Raquel Munoz

Javier Munoz
Becky Hernandez
Yaselda Munoz
Alicia Munoz
Mery Camacho
Militiam Vivanco
Serge Duron
Jesús Padilla
Alicia Padilla
Jennifer Padilla
Jorge Padilla
Juliana Padilla
Juan E. Jimenez
Rogelio Bernal

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Cenolera Montoya
Belea Ceperez

Jose Luis Padilla
Maria Del
Maria Palma
Envia Lopez
Roberto Jimenez
Rosario Jimenez
Jorge Torres
Kath
Salvador G. (Chavez)
Maria Serrano
Martha Astuiza

Jane Lopez
Gerardo Gonzalez
Maria Alvarado
Adriana Martinez
Victor Martinez
Carmen G. Martinez
Victoria Gomez
Troy Gomez
Armando Alvarez
Seleny Alvarez
Blas Lopez
Esther Salazar

Suzi Seibert - cemetary**BOARD OF SUPERVISORS**

From: jean notaro <jeannotaro@yahoo.com>
To: <Camarenaj@stancounty.com>
Date: 4/15/10 10:27 PM
Subject: cemetary
CC: jean notaro <jeannotaro@yahoo.com>

2010 APR 19 A 8:14

am writing regarding the cemetery planning to be build on dakota.we bough our home on dakota in 1989.we have watched the area grow more than it should have.it was so peaceful and quite but along came progress.and though we no longer live in modesto we still own our house at 2724 dakota.there are so many places to build a cemetery than on prime agriculture land.there should be no question as this is no place for a cemetery.i can't believe the county is even considering a permit.i want you to know i am fully against a cemetery on dakota.

jean and ralph notaro

jeannotaro@yahoo.com

6:50
Public Hearing

Dick Monteith - Use Permit No. 2009-10

From: "Catherine Borba" <caborba@pacbell.net>
To: <MonteithD@StanCounty.com>
Date: 4/19/2010 9:43 AM
Subject: Use Permit No. 2009-10

Mr. Monteith:

I respectfully request that you reconsider the possibility of a Catholic cemetery on Dakota Ave. On the practical side it will be a necessity that we need to plan for, and on the emotional side, I represent a family that has been in this county for 100 years, with 2 more generations following me. It will give me great peace of mind to know that this decision has been made in favor of this location in the heart of Stanislaus County (our roots).

Sincerely,
Catherine A. Borba

BOARD OF SUPERVISORS
2010 APR 20 1 P 12:37

4/20/10 PowerPoint Presentation

**Use Permit Application No.
2009-10 – Catholic Cemetery
Dakota Avenue**

**Appeal of Planning
Commission's March 4, 2010
Denial**

Use Permit No. 2009-10
Catholic Cemetery Dakota Ave.
Area Map

Modesto Sphere
of Influence

Salida

Site

Modesto



Kiernan Ave.

Kiernan Ave.

Bacon Rd.

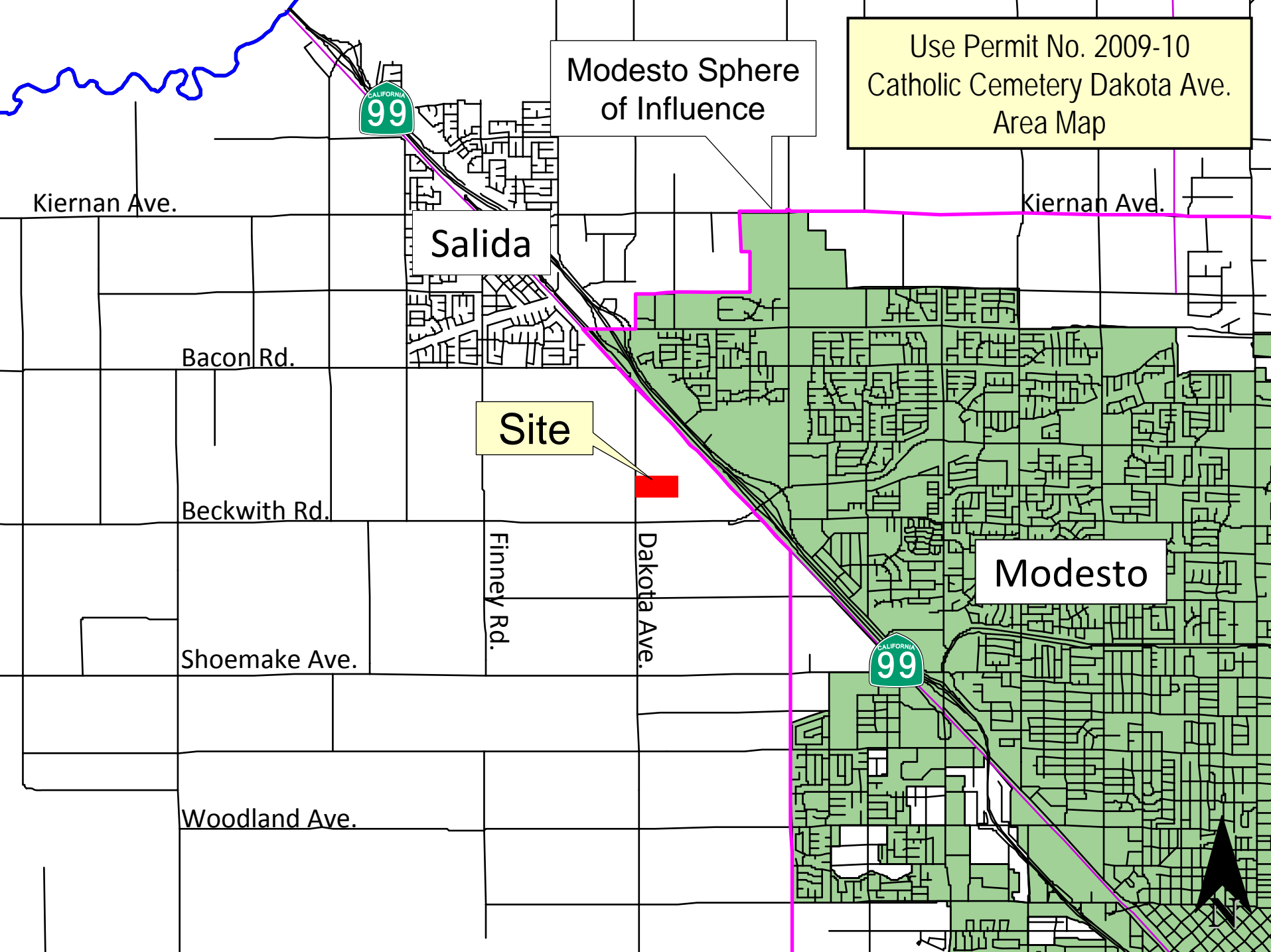
Beckwith Rd.

Shoemake Ave.

Woodland Ave.

Finney Rd.

Dakota Ave.

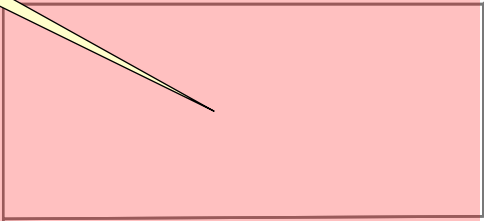


Use Permit No. 2009-10
Catholic Cemetery Dakota Ave.
General Plan & Zoning

Modesto

Modesto
Sphere of
Influence

Site



Agriculture
A-2-40

Beckwith Rd.

Dakota Ave.



Wood Colony Cemetery

Use Permit No. 2009-10
Catholic Cemetery Dakota Ave.
Aerial (2008)

Dakota Ave.

Modesto
Sphere of
Influence

Modesto

Site



Beckwith Rd.

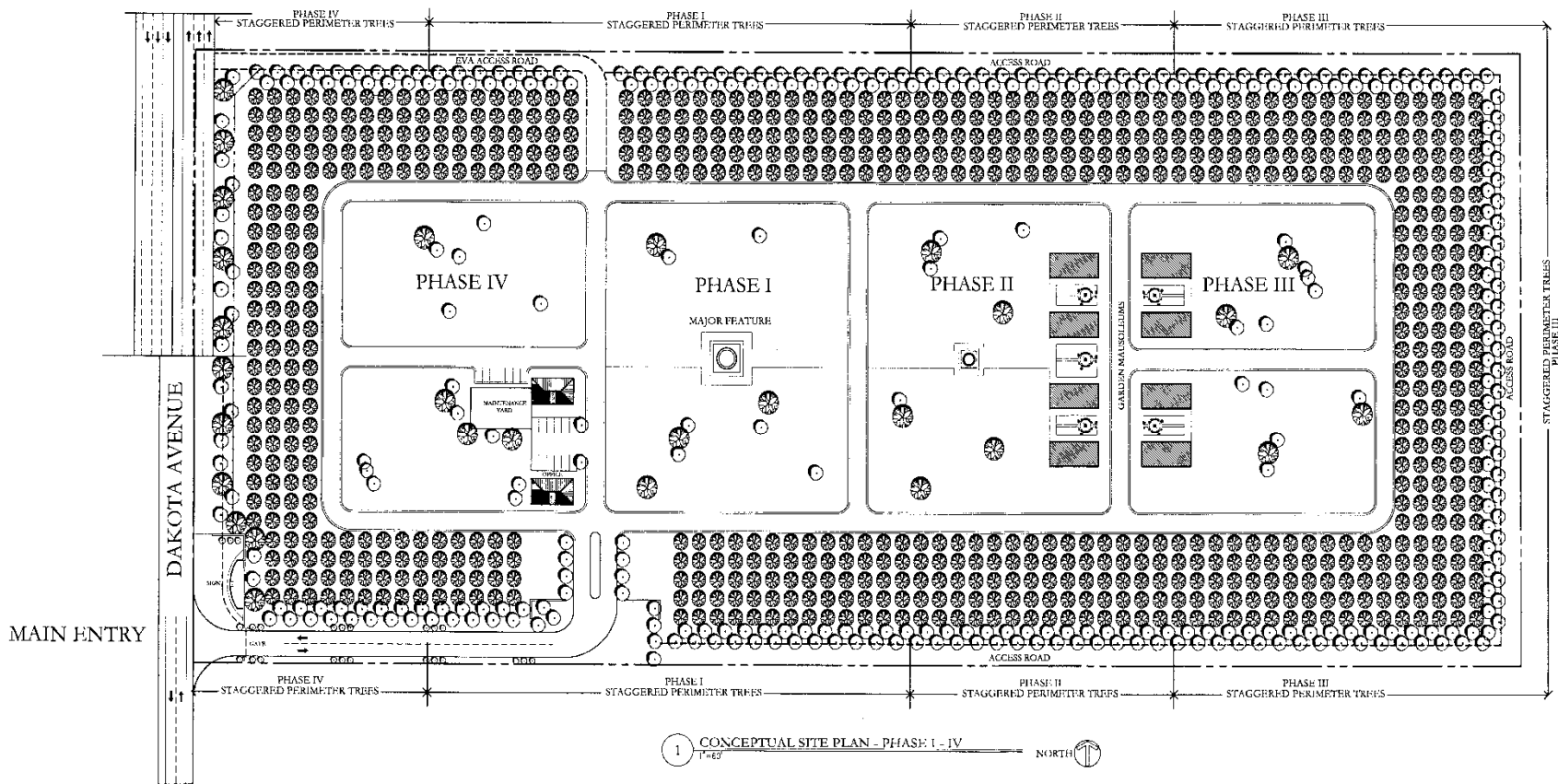


PROJECT DESCRIPTION

Develop a cemetery in four (4) phases on a 25.33 acre parcel.

- Each phase will take approximately 20-years to reach capacity.
- 5 funerals per week – Monday through Friday
- 3 employees
- Hours of Operation: 7 days a week, 8 a.m. to 4 p.m. for public visitation.

Use Permit No. 2009-10
 Catholic Cemetery Dakota Ave.
 Site Plan



1 CONCEPTUAL SITE PLAN - PHASE I - IV
 1"=60' NORTH

NOTE:
 STAGGERED PERIMETER TREES TO BE PLANTED
 DURING PHASE CONSTRUCTION/GRADING.

TO BECKWITH ROAD

CHRIS KELLY ARCHITECTS
 ARCHITECTURE • PLANNING • CONSULTING
 815.846.6264
 115 GALLI DR. SUITE E. MONROE, LA 70009
 FAX 815.846.9555

PROJECT
 CONCEPTUAL SITE PLAN
 PHASE I-IV
 DATE 8/21/09
 JOB NO.
 REV 10/5/10
 SHEET
 B



USE PERMIT

Tier Three Use – Uses which are not directly related to agriculture, but may be necessary to serve the A-2 zoning district.

Use Permit Finding:

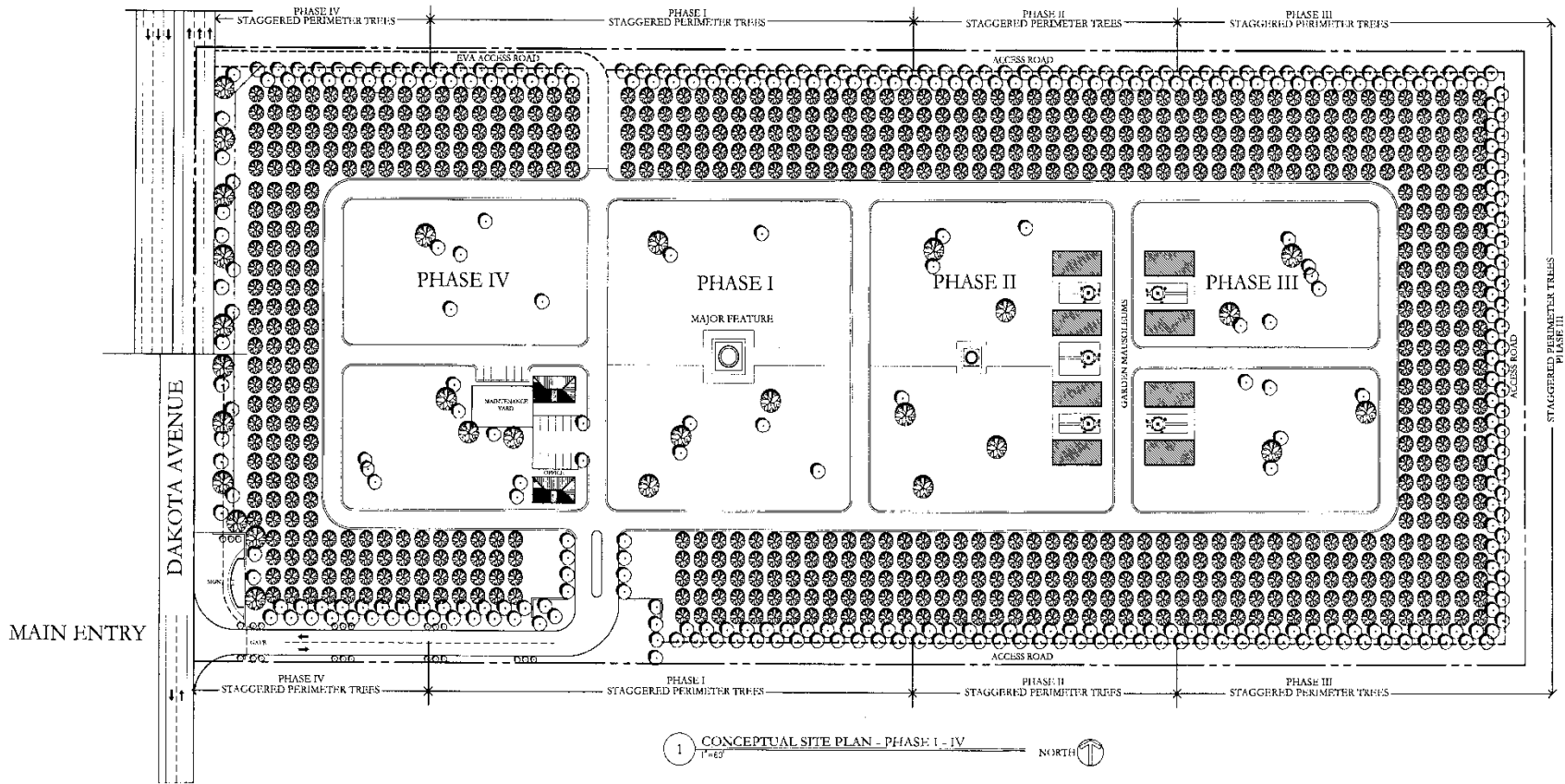
The establishment, maintenance, and operation of the proposed use ... will not, ..., be detrimental to the health, safety, and general welfare of persons ... and ... property... in the neighborhood or to the general welfare of the County.

USE PERMIT FINDINGS

Tier Three Uses

1. The use, as proposed, will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; **and**
2. The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas"; or the character of the use that is being requested is such that the land may be reasonably returned to agricultural use in the future.

Use Permit No. 2009-10
 Catholic Cemetery Dakota Ave.
 Ag Buffers and Setbacks



1 CONCEPTUAL SITE PLAN - PHASE I - IV
 1"=60' NORTH

NOTE:
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 DURING PHASE CONSTRUCTION/GRADING.

TO BECKWITH ROAD

CHRIS KELLY ARCHITECTS
 ARCHITECTURE • PLANNING • CONSULTING
 8153 BARKER
 1815 BARKER
 SLUGGERS DRIVE, SUITE E, MONROE, LA 70009
 TEL: 504.333.8888 FAX: 504.333.8888

PROJECT

CONCEPTUAL SITE PLAN
 PHASE I-IV

DATE 8/21/09

JOB NO.

REV 10/5/10

SHEET

B



USE PERMIT FINDINGS

Tier Three Uses

1. The use, as proposed, will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; **and**
2. The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas"; or the character of the use that is being requested is such that the land may be reasonably returned to agricultural use in the future.

USE PERMIT FINDINGS

ISSUES

- Difficult to return a cemetery site back to agriculture.
- Site is located in one of the County's "most productive agricultural areas".
 - Outside LAFCO Sphere of Influence.
 - Planted in almonds and MID irrigation.
 - Surrounded by agricultural operations.
 - Site is comprised of Prime Farmland.

APPLICANT'S STATEMENT

- The project is much needed for the local area.
- Site is located in a recognized future growth area.
 - City of Modesto's Comprehensive Planning District (CPD) and is designated Business Park (BP).
- The project is compatible with existing school and cemetery located to the north.

CITY OF MODESTO

REFERRAL RESPONSE

- The site is within the Beckwith/Dakota CPD and is designated BP.
- The proposed use is not a consistent use with the BP designation and may interfere with the development of the area as a business park and with its eventual annexation to the City of Modesto.

PLANNING COMMISSION

MARCH 4, 2010

Support: Those who spoke included the Applicant's representative and representatives and members of the Catholic Church.

- Limited existing capacity, worked to meet County standards and specifications (dedications, setbacks, and driveways), integrated an agricultural buffer, site chosen because it is located in future growth area, compatible with business park, and disagree approval may set a precedent for other non-agricultural uses.

PLANNING COMMISSION

MARCH 4, 2010

Opposition: Those who spoke included a representative of one of the neighboring property owners and City of Modesto's Planning Division Manager.

- Unable to make findings relating to “most productive agricultural area” and returning site to agriculture.
- Concern with driveway location on Expressway.

PLANNING COMMISSION

MARCH 4, 2010

Planning Commission: Voted 5-2 to deny the project with the majority of the members unable to make the findings.

- Determining whether or not the use is compatible with a “Business Park” is subjective. Examples of where they do co-exist provided.
- Concern with maintenance of remaining almond trees, but concern could be acceptable.

PLANNING COMMISSION

MARCH 4, 2010

Planning Commission: Continued

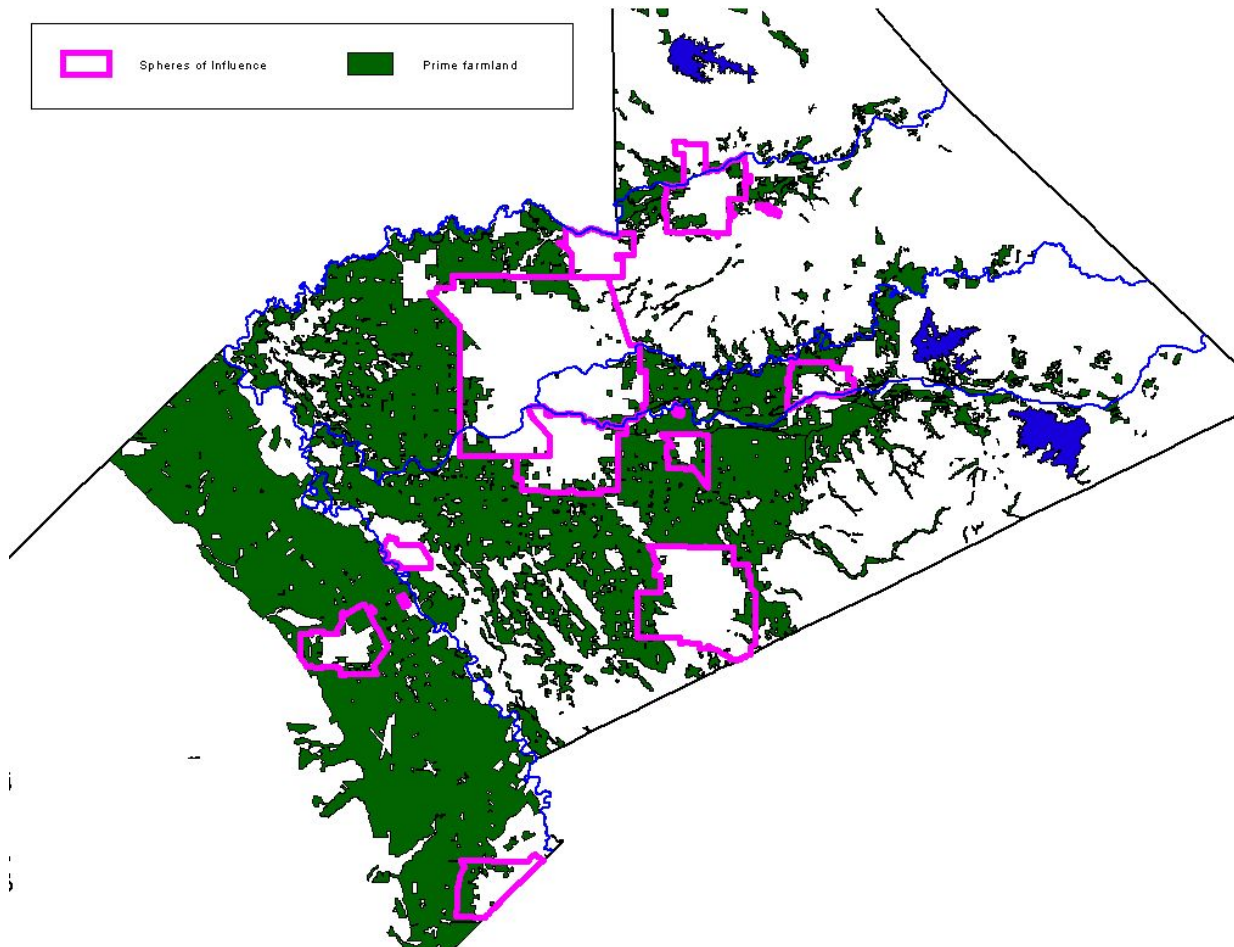
- Noted limited opposition.
- Inability to make findings may be irrelevant since the site is planned to be a business park.
- Noted cemetery located across the street and that the proposed site seems like a suitable place.

APPEAL

APPLICANT'S REASONS

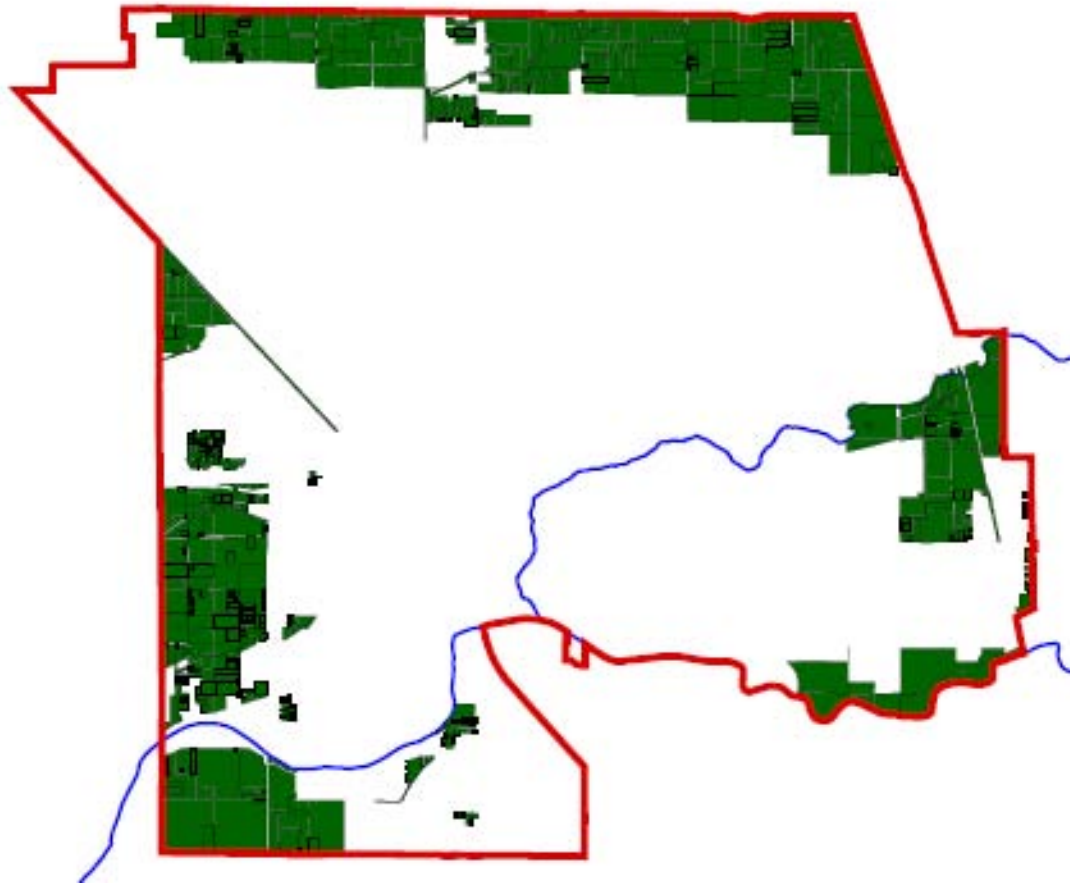
- The unique characteristics of the proposed use and the substantial efforts made to reduce impacts to agriculture adjacent to the site and within the site.
- The pending shortage of burial spaces that will impact the County of Stanislaus.
- The lack of opposition compared to support.

Petition of Support received April 12, 2010



Alternative Project Sites

- 1) Areas in White = Cities and unincorporated areas which may not meet definition of “most productive agricultural areas”.
- 2) Prime Farmland located within Sphere of influence.



City of Modesto Sphere of Influence

Approximately 7,200 acres of A-2-10 and A-2-40 zoned property located with the Sphere of Influence of the City of Modesto.

APPEAL OPTIONS

Uphold the Planning Commission's March 4, 2010 denial of the project based on the inability to make the required tier three use permit findings.

OR

Approve the use permit subject to the actions outlined on the cover page and page 2 of the Board Report.