

# STANISLAUS COUNTY PLANNING COMMISSION

April 21, 2022

## STAFF REPORT

### REZONE APPLICATION NO. PLN2021-0098 A&R MORTUARY SERVICES

**REQUEST: REQUEST TO REZONE A 9,486 ± SQUARE-FOOT PARCEL FROM PLANNED DEVELOPMENT (P-D) (276) TO A NEW PLANNED DEVELOPMENT TO ALLOW A MORTUARY ESTABLISHMENT IN ADDITION TO THE LOW-TRAFFIC GENERATING LIGHT INDUSTRIAL USES CURRENTLY PERMITTED.**

#### APPLICATION INFORMATION

Applicant:	Randy Rosebrough, A&R Mortuary Services
Property owner:	Joelleen Faias
Agent:	Randy Rosebrough, A&R Mortuary Services
Location:	5434 & 5436 Pirrone Road, between the MID Lateral No. 8 Canal and Pirrone Court, in the Community of Salida.
Section, Township, Range:	33-2-8
Supervisory District:	District 3 (Supervisor Withrow)
Assessor's Parcel:	136-035-029
Referrals:	See Exhibit K Environmental Review Referrals
Area of Parcel(s):	9,486± square feet
Water Supply:	City of Modesto
Sewage Disposal:	Salida Sanitary
General Plan Designation:	Planned Development
Community Plan Designation:	Planned Industrial
Existing Zoning:	Planned Development (P-D) (276)
Sphere of Influence:	N/A
Environmental Review:	Negative Declaration
Present Land Use:	4,000 square-foot warehouse building divided into two 2,000 square-foot suites with 11 parking stalls. The warehouse and parking is part of the Hughes Business Park.
Surrounding Land Use:	Light industrial, mixed-use warehouse uses to the northwest and southeast, residential subdivision to the northeast; and Highway 99 to the southwest.

## **RECOMMENDATION**

Staff recommends the Planning Commission recommend that the Board of Supervisors approve this request based on the discussion below and the whole of the record provided to the County. If the Planning Commission decides to recommend approval of this project, Exhibit A provides an overview of all the findings required for project approval.

## **PROJECT DESCRIPTION**

The project is a request to rezone a 9,486± square-foot parcel, containing a 4,000 square-foot warehouse building divided into two 2,000 square-foot suites (5434 and 5436 Pirrone Road) with 11 parking stalls, from Planned Development (P-D) (276) to a new Planned Development, to allow for a mortuary establishment holding up to 26 deceased human units within a 200 square-foot walk-in cooler in one of the suites (5436 Pirrone Road). The suites are part of the Hughes Business Park which has been subdivided into condo spaces held under separate ownerships. The proposed mortuary establishment has been in operation at the project site since 2020 without the necessary land use entitlements or building permits.

A&R Mortuary Services is a mortuary transportation company that transports decedents for funeral homes, hospitals, and coroners in Placer, Merced, Mariposa, Sacramento, and Stanislaus Counties. The proposed establishment will serve as a holding facility for the purpose of storing overflow human remains from hospitals prior to relocation to a funeral home. Up to six decedents will be delivered to the site per day by employees of A&R Mortuary Services, funeral homes, or coroners' offices. A generator is maintained on-site within the suite as a back-up power source. Both the walk-in cooler and generator are currently in-place, developed without any building permits. The transfer of decedents will take place by passenger utility vehicle that enter the suite via an existing roll-up door which is then fully closed prior to being loaded or unloaded. The decedents will be held within the cooler for up to six days. No cremation, embalming, or autopsies occur on-site, and no hazardous materials are stored on-site.

Holding facilities operated in conjunction with mortuary transport companies are not subject to State permits under the State Cemetery and Funeral Bureau. The only anticipated medical waste generated by the proposed use will be gloves, used by employees for transferring of decedents. Once used, the gloves will be stored in a medical waste container and disposed of by Trilogy MedWaste, a regulated medical waste disposal company. The facility is not open to the general public nor to family members of the decedents.

The current P-D (276) zoning was approved to permit low-traffic generating and light industrial uses permitted by the Planned Industrial zoning district, as well as antique and furniture stores, motorcycle parts and sales, spa sales, dance and martial arts studios, and other low-traffic generating commercial uses. If approved, the rezone will expand the list of permitted uses for the 9,436± square-foot parcel to include mortuary service establishments in addition to the current approved list of low-traffic generating, light industrial uses (see Exhibit E – *Proposed Permitted Uses*). No change in the uses permitted under the P-D (276) zoning district are proposed for the surrounding parcels.

The hours of operation for deliveries are 24 hours a day, seven days a week. Decedents will be released from the site Monday through Friday, from 8:00 a.m. to 5:00 p.m. A&R Mortuary Services employs a total of six staff; however, only up to two employees are on-site at any one time.

The site is served by the City of Modesto for water and Salida Sanitary for sewer and has access to Pirrone Road through a mutual access and parking agreement between all airspace condominium parcels located within P-D (276) development. Modesto Irrigation District (MID) serves the site for electrical service.

## **SITE DESCRIPTION**

The 9,486± square-foot parcel is located at 5434 & 5436 Pirrone Road, east of Highway 99, south of the MID Lateral No. 8 Canal, in the Community of Salida. The project site is one of 16 airspace condominium parcels that makes up the Hughes Business Park. The project site encompasses 11 parking stalls and one 4,000 square-foot air-space condominium divided into two 2,000 square-foot suites. The proposed mortuary holding facility will take place within a 1,000 square-foot area of the 2,000 square-foot suite addressed as 5436 Pirrone Road. The remaining 1,000 square-foot area will continue to be utilized by the property owner for storage unrelated to the proposed use. 5434 Pirrone Road, the adjacent suite on the same parcel, is utilized by the business Simpson Stoneworks, which manufactures gravestones and markers. Previous and current permitted tenants within the P-D (276) zoned Hughes Business Park include a general contractor, machine shops, medical transport dispatcher, print shop, internet service provider, brokerage firm, home security installer, flooring sales and installer, and bicycle shops.

Surrounding land uses consist of light industrial, mixed-use warehouse uses to the northwest and southeast, a residential subdivision to the northeast, and Highway 99 to the southwest.

The Hughes Business Park is also improved with frontage landscaping, a monument sign, building-mounted exterior lighting, and a paved and striped parking lot providing a cumulative total of 84 parking stalls. The existing structure and surrounding suites are comprised of steel frame with stucco exterior and include roll-up door exteriors. Outside of legalizing the unpermitted interior improvements, there will be no construction associated with this request, nor will there be any further modification to the exterior of the structure. Exterior lighting on the parcel is wall mounted, shielded, and pointed down with no new lighting proposed.

## **ISSUES**

The issues identified during the processing of this request include the type of application needing to be submitted, letters of opposition received, and the need to address improvements made to the project site without building permits. The following is an overview of the three issues:

### **Application History**

This project was first submitted to the Planning Department via a staff approval permit application on March 18, 2021 but was determined by staff to be the incorrect application type. Although a rezone was identified by staff as the appropriate application, the applicant re-submitted the project via a use permit application on July 28, 2021, with a request to appeal staff's determination that a rezone is required to the Planning Commission. In response to a letter of opposition received during the Early Consultation referral for the use permit request, the applicant withdrew their application and subsequently submitted a rezone application for the proposed project on October 20, 2021, which is the current project request.

### **Letters of Opposition**

In response to the initial Early Consultation referral for the staff approval permit application, staff

received a letter dated May 6, 2021 from Nyet and Jenny Yong, property owners of the neighboring suite to the north, addressed at 5438 Pirrone Road, opposing the project due to the potential transmissibility and exposure of viruses and illnesses, specifically Covid-19, from the decedents to surrounding tenants. They expressed concern over the ventilation system and the possibility of Modesto Irrigation District (MID) rolling blackouts (see Exhibit H – *Letters of Opposition*). The applicant provided a response, indicating that they adhere to the best practices of state and local safety guidelines, with respect to the transportation and storage of human remains. Every decedent is properly tagged, identified, recorded, and maintained in a sealed pouch. Decedents who have tested positive for Covid-19 are placed into two sealed pouches, the outside of which are sanitized. A generator is maintained on-site as a backup power source for the walk-in cooler in the event of power outages. Additionally, the cooler's temperature is monitored by a built-in alarm, which alerts both business owners and management in the event of temperature fluctuation. In the event of an issue with the cooler, the applicant would relocate decedents to local funeral homes, which have refrigeration with generators (see Exhibit I – *Applicant Response Letters*). Further, MID responded to the project requesting review of the project construction plans associated with the on-site proposed walk-in cooler and generator to verify the electrical service serving the site is sufficient for the required electrical load. This requirement has been added as a development standard, triggered upon application of a building permit.

Staff also received a letter dated September 16, 2021, from Russel A. Newman, of Russell A. Newman Professional Law Corporation, in response to the Early Consultation referral for the use permit application (see Exhibit H – *Letters of Opposition*). The letter indicated that Mr. Newman's clients, the same property owners who submitted the May 6, 2021 opposition letter, opposed the project being processed by a use permit application, due to the Declaration of Restrictions and Easements for P-D (276) prohibiting uses which are not permitted by the zoning. The applicant's rezone application included a letter of written support from the Hughes Business Park Owners Association Board (see Exhibit J – *Hughes Business Park Owners Association Letter*). The letter indicates the Association Board supports the proposed facility to operate as described, with unloading and loading of decedents occurring within the entirely enclosed building and that decedents will be moved off-site in the event of major disaster or power loss. These requirements have been incorporated into the Development Standards applied to the project (see Exhibit C – *Development Standards*).

#### Unpermitted Interior Improvements

In addition to not obtaining the necessary land use entitlement, the interior improvements, the installation of a walk-in cooler and generator, have been made to the project site without the necessary building permits. A development standard has been applied to the project requiring submittal and issuance of building permits for these interior improvements within three months of project approval, if approved (see Exhibit C – *Development Standards* and Exhibit D – *Development Schedule*).

#### **GENERAL PLAN CONSISTENCY**

Consistency with the goals, objectives, and policies of the various elements of the General Plan were evaluated when processing this discretionary project request. The site is currently designated as Planned Development (P-D) in the Stanislaus County General Plan and is designated Planned Industrial (PI) by the Salida Community Plan. According to the Stanislaus General Plan Designations, the intent of the P-D designation is for land which, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental

effects on other property. The intent of the PI designation is to provide locations for light industrial development. The Planned Development zoning designation is consistent with both the P-D General Plan and PI Community Plan designations.

Although mortuaries typically function in conjunction with a funeral home including cremation and embalming services or funeral services which may generate more foot traffic, the proposed use is for temporary storage of decedents only. No foot traffic or processing will occur in connection with this request. Accordingly, due to the low-traffic generating nature of the use, the proposed facility is considered to be consistent with the General Plan and Salida Community Plan designations.

As required by the Stanislaus County General Plan's Land Use Element Sphere of Influence (SOI) Policy 27, all discretionary projects within the sphere of influence of a sanitary sewer district, domestic water district, or community services district, shall be forwarded to the district board for comment regarding the ability of the district to provide services. If the district serves an unincorporated community with a Municipal Advisory Council (MAC), the proposal shall also be referred to the MAC for comment. The project site is served with public water by the City of Modesto and sewer by the Salida Sanitary District. The project has been referred to the City of Modesto and the Salida Sanitary District, each agency responded with no comments for the project. The proposed project is located within the Salida MAC boundaries and, accordingly, has been referred to the Salida MAC. The Salida MAC considered the project at its regular meeting held on September 28, 2021. A member of the MAC expressed concerns on whether the cooler unit would generate condensation that could come into contact with decedents and result in hazardous waste needing disposal. In response to these concerns, the applicant had their installer inspect the cooling equipment associated with the walk-in cooler. The installer has provided a statement indicating that there is no skin exposure to the air stream, nor risk of airborne bacteria being able to come into contact with the existing condensate drain that comes off the interior fan and coil unit in the cooler (see Exhibit I – *Applicant Response Letters*). The MAC was provided a copy of this statement and indicated they had no further concerns about the project in subsequent e-mail correspondence.

The project is located in an area developed with existing light industrial uses such as offices, machine and print shops, wholesale and online sales, and other low-traffic generating commercial uses. Staff believes that the proposed project is consistent with the General Plan. The project site is already developed and is surrounded by light industrial and commercial uses, and the proposed use is consistent with the Planned Industrial and Planned Development land use designations.

### **ZONING ORDINANCE CONSISTENCY**

The site is currently zoned Planned Development (P-D) (276). As discussed in the Project Description section of this report, P-D (276) was approved to permit low-traffic generating and light industrial uses permitted by the Planned Industrial zoning district as well as antique and furniture stores, motorcycle parts and sales, spa sales, dance and martial arts studios. Pursuant to the development standards of P-D (276), all proposed uses are required to obtain a staff approval permit. In instances where a proposed use is not identified in the list of permitted uses or similar to the allowed uses, and, in the opinion of the Planning Director, changes the nature or character of the approved development plan, then a rezone is required pursuant to County Code Section 21.42.040(B)(2). Otherwise, all other uses are subject to rezone of the respective parcel. The Planning Director determined that the proposed use of a mortuary establishment is not identified in the permitted uses, nor is it similar to the allowed uses; thus, a rezone would be

required to permit the proposed new use on the project parcel.

The previously approved Development Plan for P-D (276) included specific development regulations and design standards applicable to the project's site, which would still be applicable to this project. These regulations and standards have been met, and the project will maintain zoning consistency by adhering to the development standards, including lighting, parking, signage, and landscaping. There is sufficient on-site parking for the proposed and existing uses.

To approve a rezone, the Planning Commission must find that it is consistent with the General Plan. This project will maintain zoning consistency by adhering to the uses and Development Standards incorporated into this project. If the rezone is approved, the zoning designation of Planned Development will be consistent with the General Plan designation of Planned Development.

### **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to interested parties and responsible agencies for review and comment and no significant issues were raised (see Exhibit K – *Environmental Review Referrals*). A Negative Declaration has been prepared for approval prior to action on the project itself as the project will not have a significant effect on the environment (see Exhibit G – *Negative Declaration*). Development Standards reflecting referral responses have been placed on the project (see Exhibit C – *Development Standards*).

\*\*\*\*\*

**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 **\$2,605.00** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk-Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Contact Person: Kristen Anaya, Assistant Planner, (209) 525-6330

#### Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Development Standards
- Exhibit D - Development Schedule
- Exhibit E - Proposed Permitted Uses
- Exhibit F - Initial Study
- Exhibit G - Negative Declaration
- Exhibit H - Letters of Opposition
- Exhibit I - Applicant Response Letters
- Exhibit J - Hughes Business Park Owners Association Letter
- Exhibit K - Environmental Review Referrals






## **Findings and Actions Required for Project Approval**

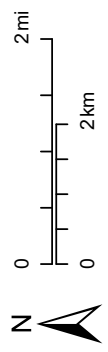
1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
  - a. The project is consistent with the overall goals and policies of the County General Plan.
  - b. The proposed Planned Development zoning is consistent with the Planned Development Land Use and Planned Industrial Community Plan designations of the General Plan.
4. Approve Rezone Application No. PLN2021-0098 – A&R Mortuary Services subject to the attached Development Standards.
5. Introduce, waive the reading, and adopt an ordinance for the approved Rezone Application No. PLN2021-0098 – A&R Mortuary Services.

# A&R MORTUARY SERVICES REZ PLN2021-0098

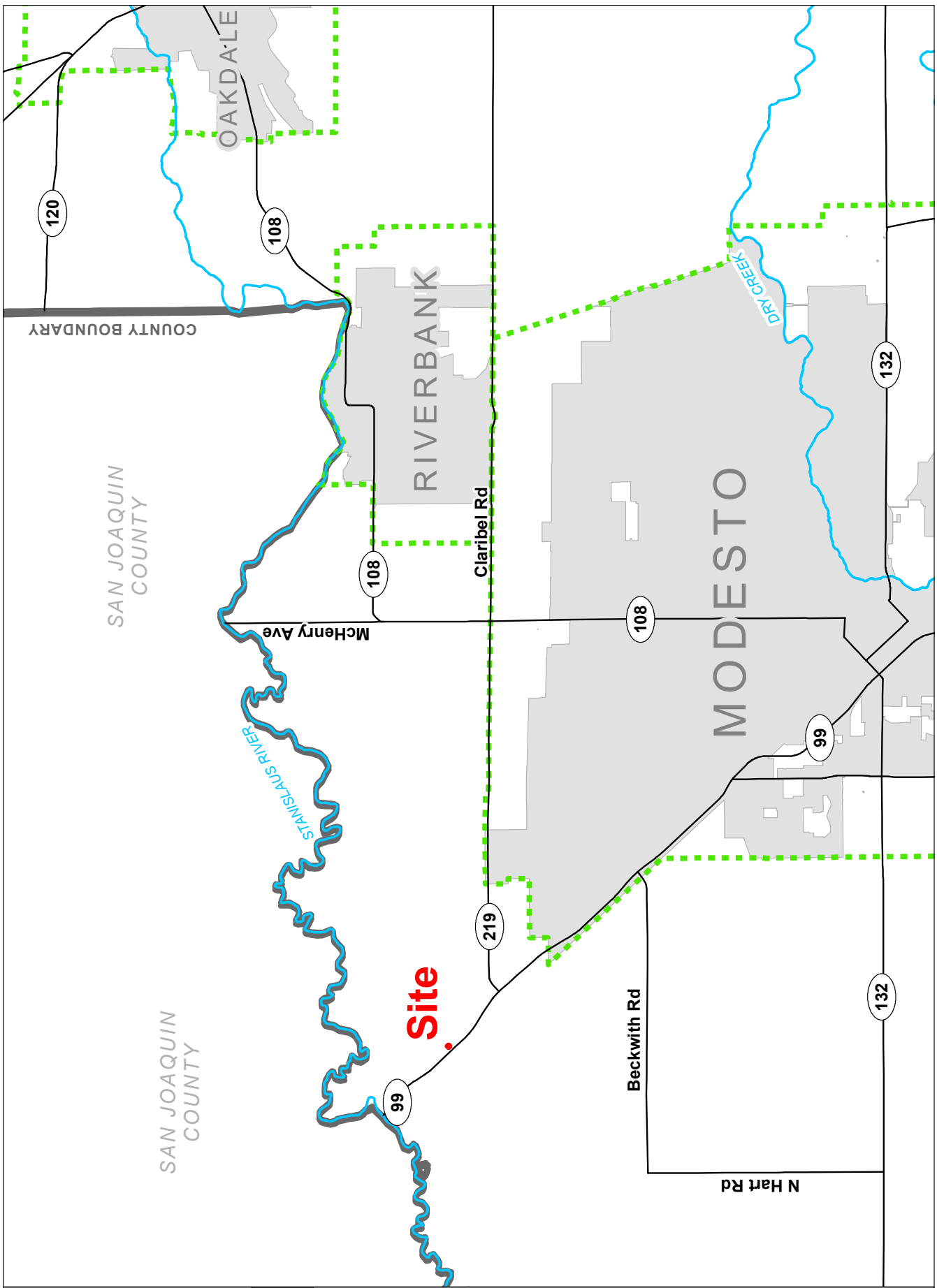
## AREA MAP

### LEGEND

-  Project Site
-  Sphere of Influence
-  City
-  Road
-  River



Source: Planning Department GIS  
Date: 3/29/2021




# A&R MORTUARY SERVICES


REZ

PLN2021-0098

## GENERAL PLAN MAP


### LEGEND

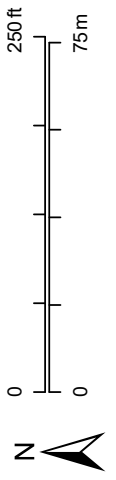
 Project Site

 Parcel

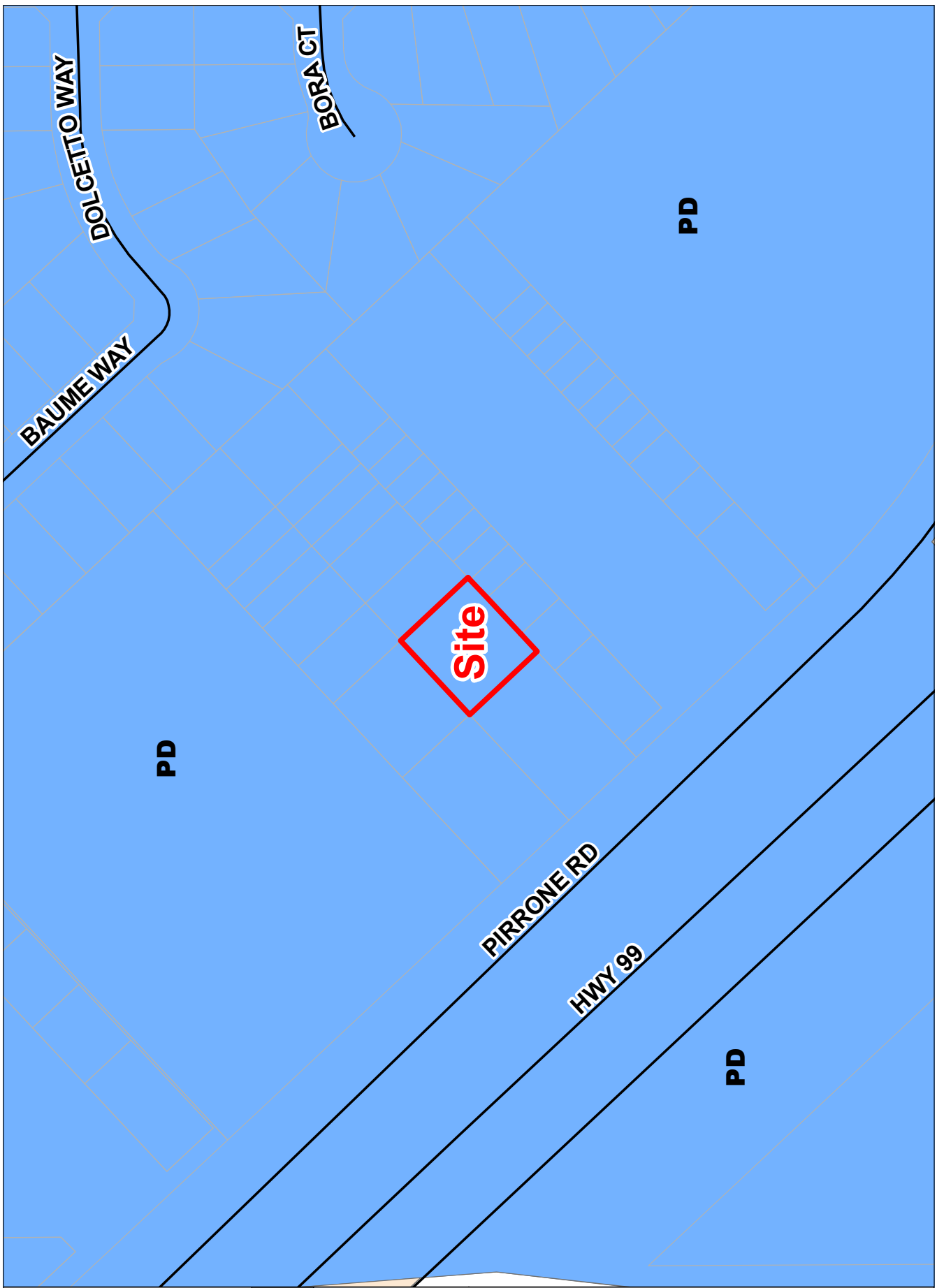
 Road

### General Plan

 Planned Development



Source: Planning Department GIS Date: 3/29/2021




# A&R MORTUARY SERVICES

SAA

PLN2021-0028

## COMMUNITY PLAN MAP

### LEGEND


 Project Site


 Parcel


 Road


### Community Plan

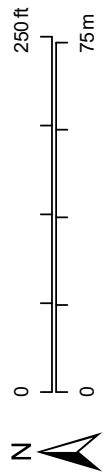
 PLANNED DEVELOPMENT

 PLANNED INDUSTRIAL

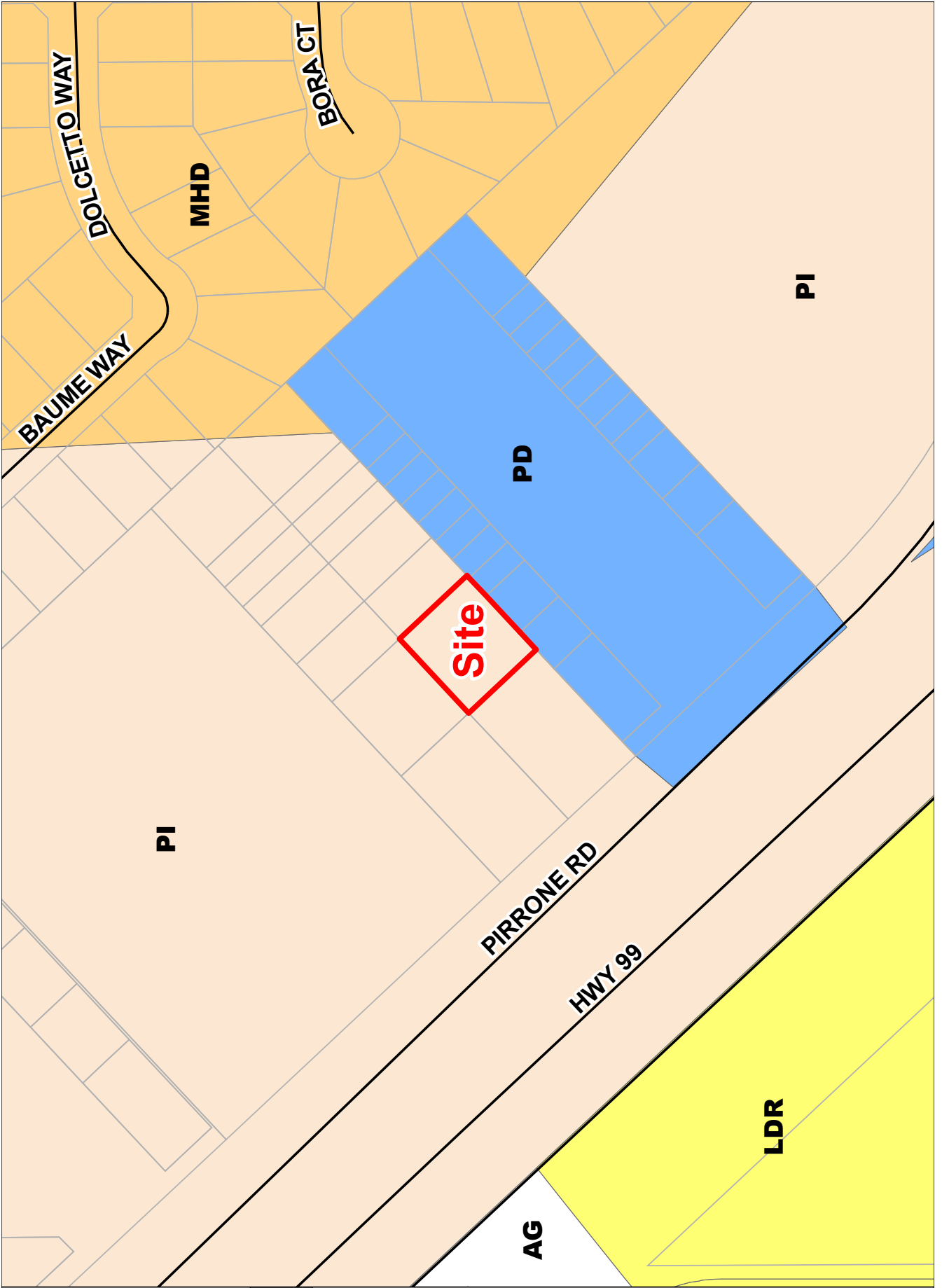
 RESIDENTIAL - MEDIUM

 RESIDENTIAL - LOW

 AGRICULTURE



Source: Planning Department GIS Date: 9/27/2021







# A&R MORTUARY SERVICES REZ




## PLN2021-0098

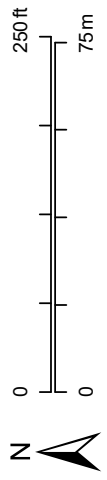
### ZONING MAP

#### LEGEND

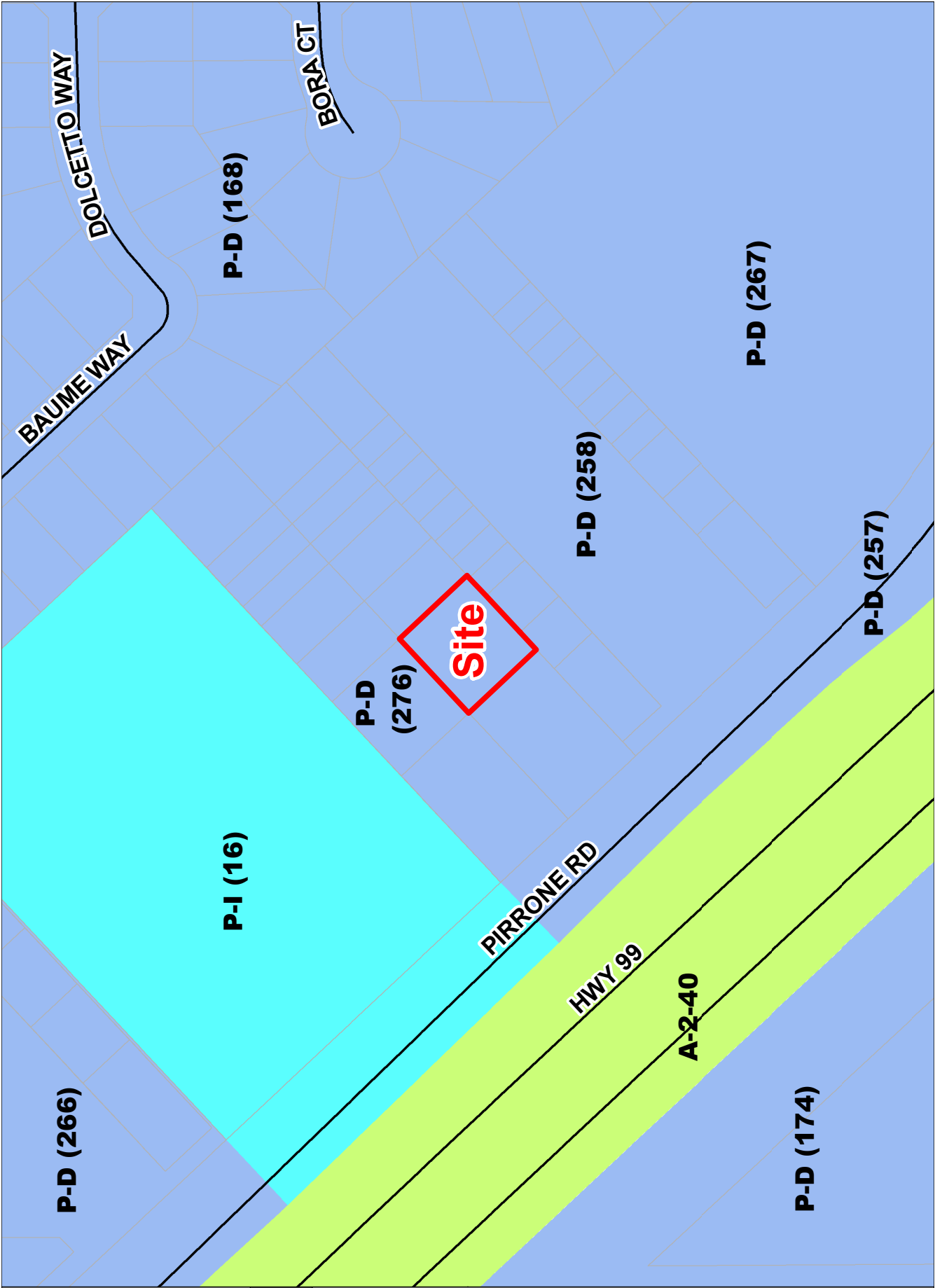
-  Project Site
-  City of
-  Parcel
-  Road

#### Zoning Designation

-  Planned Development
-  General Agriculture 40 Acre
-  Planned Industrial



Source: Planning Department GIS Date: 4/14/2021



# A&R MORTUARY SERVICES

REZ

PLN2021-0098

2017 AERIAL AREA MAP

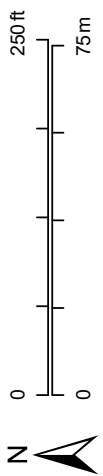
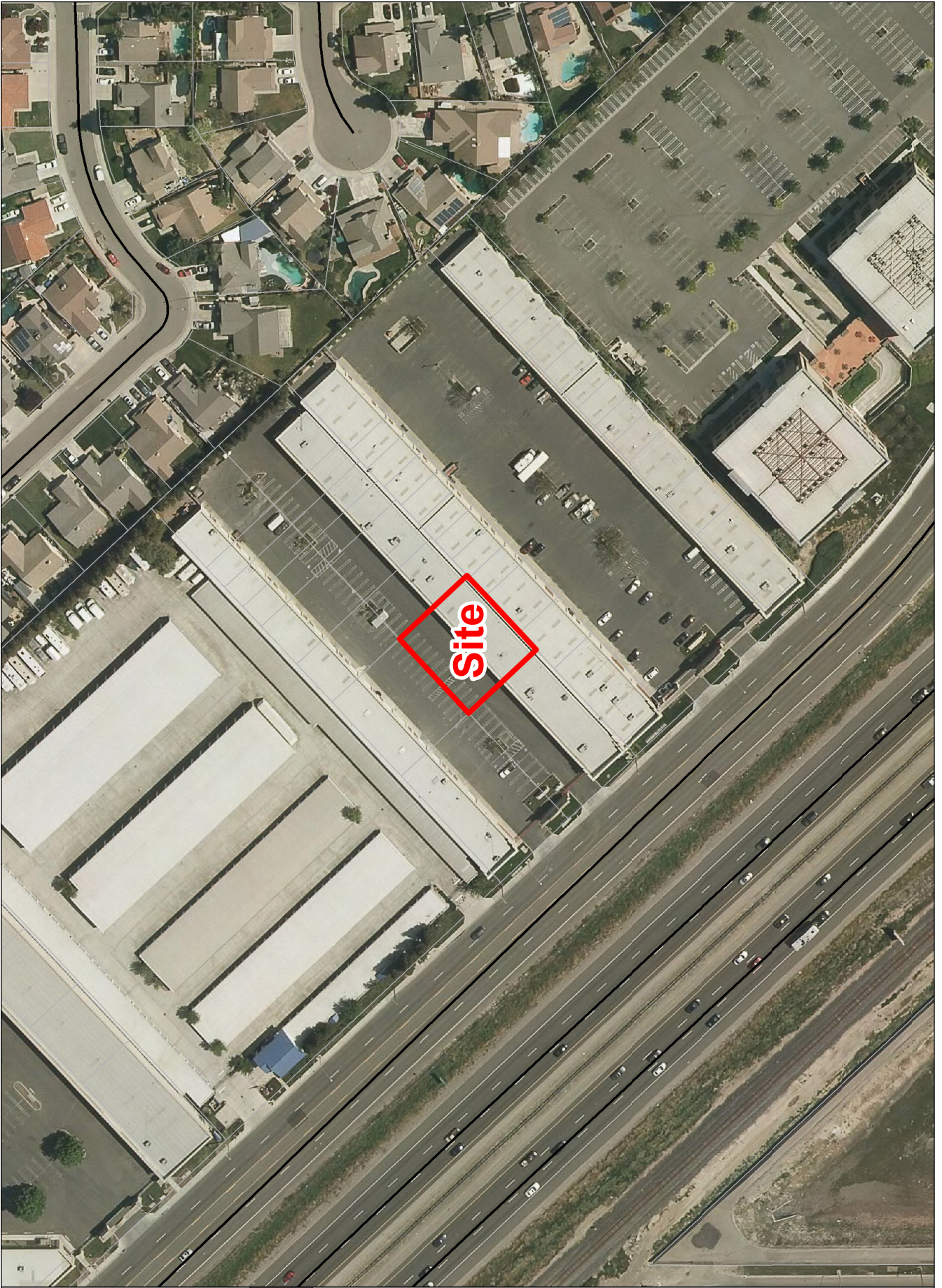
## LEGEND



Project Site



Road



Date: 3/29/2021

Source: Planning Department GIS




**A&R MORTUARY  
SERVICES**

**REZ**

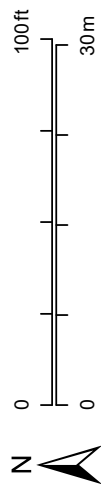
**PLN2021-0098**

**2017 AERIAL SITE MAP**

LEGEND

 Project Site

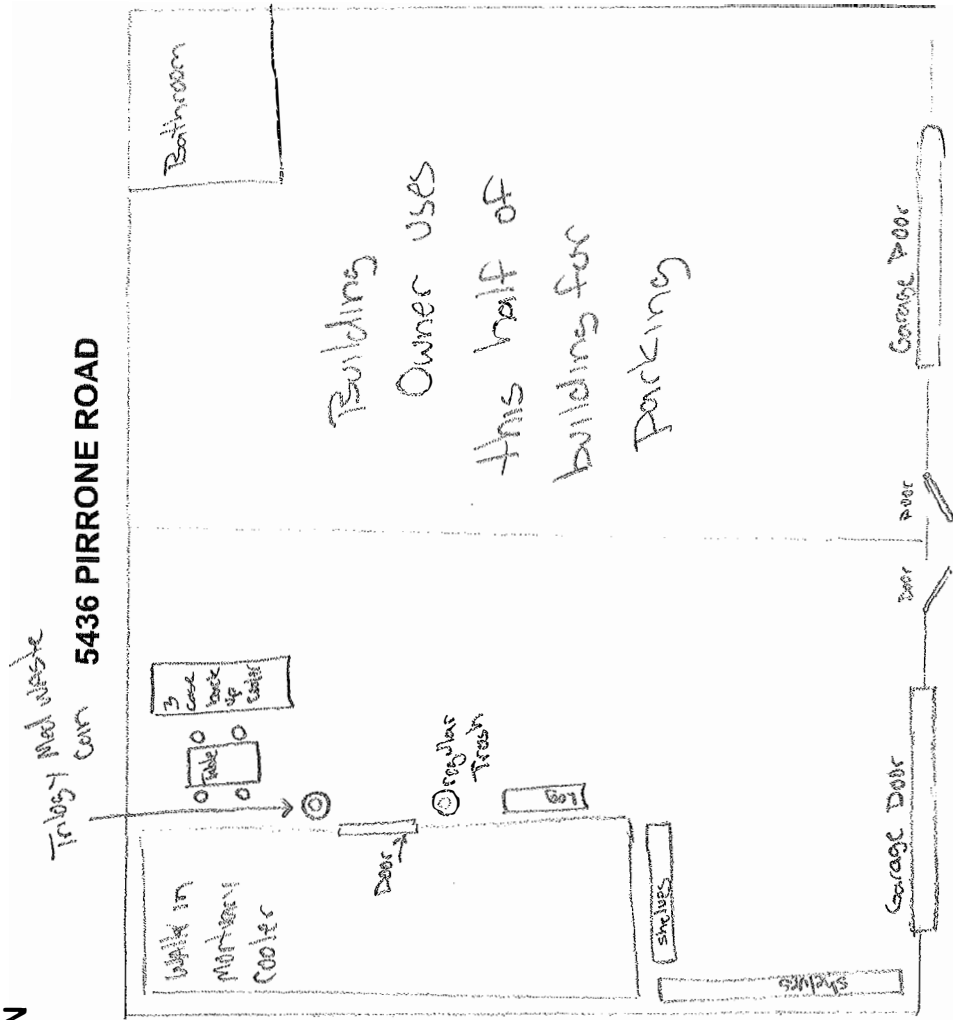
 Road



Date: 3/29/2021

Source: Planning Department GIS

**A&R MORTUARY  
SERVICES  
PLN2021-0098  
FLOOR PLAN**





## DEVELOPMENT STANDARDS

### REZONE APPLICATION NO. PLN2021-0098 A&R MORTUARY SERVICES

#### Department of Planning and Community Development

1. Use(s) 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. All Development Standards from P-D (276) (Rezone No. 2002-34, Rezone No. 2000-20, and Parcel Map No. 2000-26) shall remain in effect and apply to this permit.
3. Any expansion or alterations to the mortuary establishment shall be subject to additional land use entitlement review and approval by the Department of Planning and Community Development.
4. 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.
5. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2020), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing 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 **\$2,605.00**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife 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.
6. The applicant/owner 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.
7. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
8. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of

issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.

9. No operations shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration, or electrical interference detectable off the site.
10. The Applicant/Business Owner shall obtain a valid Stanislaus County Business License prior to final of any tenant improvement and/or Certificate of Occupancies. A valid Business License shall be maintained by the occupants at all times.
11. Any loading or unloading of decedents shall occur entirely within the interior of the structure, with the suite entirely enclosed and all doorways and roll-up doors shut.
12. A functional back-up generator shall be maintained on-site at all times to provide back-up power in the event of power loss for the walk-in refrigeration unit. Upon any total power loss to the refrigeration unit, decedents shall be moved off-site immediately until power is restored.
13. Within three months of project approval, the Applicant shall apply for and be issued Building Permits for the walk-in refrigeration unit and on-site generator with the Stanislaus County Building Permits Division. Within six months of project approval, the Building Permits for the walk-in refrigeration unit and on-site generator shall be finalized and a Certificate of Occupancy issued.

#### **Building Permits Division**

14. Building permits are required, and the project must conform with the California Code of Regulations, Title 24. All unpermitted portions of existing building, including unpermitted interior improvements, shall obtain building permits and shall comply with the provisions of the code set forth in the most current adopted California Code of Regulations Title 24 or be demolished. It shall be unlawful for any person, firm, or corporation to erect, construct, alter, or occupy any building or portions of any buildings where unpermitted work exists.

#### **Modesto Irrigation District**

15. Prior to issuance of a building permit, a full set of construction plans shall be submitted to MID's Electrical Engineering Design Group for review and approval. Written evidence of approval from appropriate MID staff shall be provided to the Stanislaus County Planning Department prior to issuance of a building permit.
16. Prior to any earth-disturbing activities on-site, the Contractor/Applicant shall consult with MID staff to verify the depth and location of all underground utilities and to coordinate for the bracing of any effected poles during trenching activities. Applicant/Contractor and any workers should maintain a distance of no less than 10 feet from overhead electrical facilities and assume all overhead and underground electric facilities are energized.

**San Joaquin Valley Air Pollution Control District**

17. This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to issuance of a building permit for any permit-required equipment or process, a finalized Authority to Construct (ATC) shall be issued to the Project proponent. Prior to issuance of a building permit for the generator and walk-in refrigeration unit, the Applicant shall provide written correspondence from the Air District staff to the County Planning Department verifying compliance with this requirement.

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*Please note: If 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~~.*

# **DEVELOPMENT SCHEDULE**

## **REZONE APPLICATION NO. PLN2021-0098 A&R MORTUARY SERVICES**

- Within three months of project approval, the Applicant shall apply for and be issued Building Permits for the walk-in refrigeration unit and on-site generator with the Stanislaus County Building Permits Division.
- Within six months of project approval, Building Permits for the walk-in refrigeration unit and on-site generator shall be finalized and a Certificate of Occupancy issued.
- Issuance of any building permit, or commencement of proposed use after 2022 shall be subject to a Staff Approval Permit to allow modification to development standards as determined necessary by the Planning Director.



## **PROPOSED PERMITTED USES**

### **REZONE APPLICATION NO. PLN2021-0098 A&R MORTUARY SERVICES**

The following uses of land shall apply to 5434 & 5436 Pirrone Road, east of Highway 99, south of the MID Lateral No. 8 Canal, in the Community of Salida, further identified as Assessor Parcel No. 136-035-029, subject to first obtaining a staff approval permit:

- 1. All uses permitted under P-D (276) and developed and/or operated in accordance with P-D (276) development standards; and**
- 2. Mortuaries (without retail sales, funeral services, embalming, autopsies, or cremation)**

## **P-D (276) PERMITTED USES**

**REZONE APPLICATION NO. 2002-34  
GERRY HUGHES**

### **Department of Planning and Community Development**

1. That the project comply with all development standards of PI #19 except that the following additional uses are permitted.
  1. All currently approved uses under PI zoning
  2. Antique and furniture stores fully enclosed within the building
  3. Custom motorcycles parts and sales
  4. Spa sales
  5. Dance studios, martial arts training, gymnastics and the like
  6. Low traffic generating commercial uses (as determined by the Planning Director)
  7. Postal services, mailboxes and packaging
  8. Other uses deemed by the Director as appropriate for the general area

### **Department of Fish and Game**

2. Prior to the recording of the Notice of Determination for this project, and within two weeks of the Board of Supervisors' final action on the project, the applicant shall deposit with the Planning Department the \$50.00 filing fee made payable to "Stanislaus County Clerk/Recorder" needed for filing the Notice of Determination. A "De Minimis" finding, based on lack of any anticipated wildlife impacts, will be filed.

**DEVELOPMENT SCHEDULE  
ONGOING USE OF EXISTING BUILDINGS**

## CHAPTER 21.42

### SECTIONS: **PLANNED INDUSTRIAL DISTRICT (PI)**

<b>21.42.010</b>	<b>APPLICABILITY</b>
<b>21.42.020</b>	<b>PERMITTED USES</b>
<b>21.42.030</b>	<b>ZONING ADOPTION OR CHANGE</b>
<b>21.42.040</b>	<b>DEVELOPMENT PLAN</b>
<b>21.42.050</b>	<b>DEVELOPMENT STANDARDS</b>
<b>21.42.060</b>	<b>HEIGHT LIMITS</b>
<b>21.42.070</b>	<b>BUILDING SITE AREA</b>
<b>21.42.080</b>	<b>YARDS</b>
<b>21.42.090</b>	<b>MAP NUMBERING</b>
<b>21.42.100</b>	<b>NONCOMPLIANCE</b>

#### **21.42.010 APPLICABILITY**

The regulations set forth in this chapter shall apply in all PI districts and shall be subject to the provisions of Chapter 21.08 and other provisions of this title not inconsistent with the specific regulations set forth in this chapter. (Ord. CS 256 Sec. 1 (part), 1987).

#### **21.42.020 PERMITTED USES**

Uses permitted when consistent with the general plan and existing uses upon adoption of a development plan according to procedures set forth in this title for zoning changes (Chapter 21.108).

- A. Ambulance and armored car service;
- B. Animal hospitals;
- C. Appliance repair;
- D. Auto parts establishment, wholesale only;
- E. Body and paint shops;
- F. Bottling plant;
- G. Building materials yard;
- H. Bus and truck terminal;
- I. Cabinet shops;
- J. Cleaning and dyeing establishments;

**21.42.020** Permitted uses

- K. Clinics;
- L. Compounding and packaging of cosmetics, pharmaceutical and toiletries;
- M. Contractor's yards;
- N. Crop farming and the dwellings and outbuildings appurtenant to crop farming;
- O. Cultured marble manufacture;
- P. Express office;
- Q. Farm and garden supply, wholesale only;
- R. Farm equipment service;
- S. Farm implement manufacture;
- T. Food processing, packaging, and storage, including milk products, fruits, nuts, vegetables, blended foods, candies, nonalcoholic beverages, preserves, bakery goods and frozen foods provided adequate sewage treatment facilities and capacity are available;
- U. Fork lift sales/service;
- V. Laboratories;
- W. Machine shops;
- X. Mail order establishments;
- Y. Mini-warehouses;
- Z. Mobile home storage and service;
- AA. Assembly of products, consisting of previously prepared materials, including but not limited to jewelry, clocks, appliances, containers, business machines, toys, electronic equipment, leather goods, office supplies and photographic and optical equipment;
- BB. Offices, administrative, business and professional;
- CC. Office furniture repair;
- DD. Outside storage when screened by a solid ornamental or uniformly painted wooden fence of not less than six feet in height;
- EE. Petroleum and oil storage when accessory to another permitted use;
- FF. Plumbing and heating establishments;

**21.42.020** Permitted uses

- GG. Printing, publishing and book binding;
- HH. Public and quasi-public buildings;
- II. Public garages;
- JJ. Public utilities, including electrical receiving and/or transformer stations;
- KK. Radio, television and communications facilities;
- LL. Research institutions;
- MM. Recreational vehicle service;
- NN. Sheet metal shops;
- OO. Sign shop and storage;
- PP. Signage: one identification or informational sign not more than twelve square feet in area nor more than six feet in height, may be permitted in the front yard or side yard of each lot adjacent to each street frontage in lieu of any other freestanding sign, provided that:
  - 1. It does not bear any advertising message,
  - 2. It is nonflashing, nonmoving, and nonanimated,
  - 3. It is located wholly on private property on the premises to which it pertains, and
  - 4. A plot plan and elevation of the sign is approved by the planning and community development director prior to request for building and electrical permits and installation;
- QQ. Single-family dwellings or one apartment if it is accessory to a permitted use;
- RR. Tire, battery and auto parts, wholesale only;
- SS. Uses normally accessory (incidental and secondary) to other listed uses, including storage of fresh fruit or vegetable containers which are uniformly stacked and maintained at least one hundred feet from the nearest property line;
- TT. Warehouses, including storage within a building but excluding storage of explosives;
- UU. Welding, portable;
- VV. Welding school;
- WW. Wholesale stores and establishments;
- XX. Sandwich/donut shop designed to serve planned industrial development;
- YY. Uses similar to those listed. (Ord. CS 256 Sec. 1 (part), 1987).



## CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, January 1, 2020

1. **Project title:** Rezone Application No. PLN2021-0098 – A & R Mortuary Services
2. **Lead agency name and address:** Stanislaus County Planning and Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354
3. **Contact person and phone number:** Kristen Anaya, Assistant Planner  
Phone: (209) 525-6330
4. **Project location:** 5434 and 5436 Pirrone Road, east of Highway 99, south of the MID Lateral No. 8 Canal, in the unincorporated community of Salida (APN: 136-035-029).
5. **Project sponsor's name and address:** Randy Rosebrough  
A & R Mortuary Services  
3900 Pelandale Ave., Ste. 420 #328  
Modesto, CA 95356
6. **General Plan designation:** Planned Development
7. **Community Plan designation:** Planned Industrial
8. **Zoning:** Planned Development (P-D) (276)
9. **Description of project:**

Request to rezone a 9,486± square-foot parcel, containing a 4,000 square-foot airspace condo, from Planned Development (P-D) (276) to a new Planned Development, to allow a mortuary service establishment in addition to the low-traffic generating light industrial uses currently permitted for the parcel. The permitted uses proposed will include the operation of a holding facility for up to 26 deceased humans within the existing warehouse on a 9,486± square-foot parcel. The project site and surrounding P-D 276 zoned parcels, comprised of 16 parcels, were first created under Planned Industrial (P-I) (19) allowing uses consistent with those permitted under the County's Planned Industrial zoning district. Additionally, P-I 19 permitted development of two 18,000 square-foot shell buildings, development of an 84-stall paved parking lot, and allowed for the subdivision of the 2.2 acre parcel and shell buildings into 16 parcels airspace condominiums. The 9,486± square-foot project site encompasses 11 parking stalls and two 2,000 square-foot suites that are located within the existing 18,000 square-foot building. The site is also improved with frontage landscaping, a monument sign, and building-mounted exterior lighting.

Following adoption of P-I 19 a subsequent rezone for the entire 2.2 acres, created P-D 276, which was approved to expand the list of permitted uses to include: antique and furniture stores, motorcycle parts and sales, spa sales, dance and martial arts studios, postal services, and low-traffic generating commercial uses. Subsequently, the adjacent suites have been developed and used for various light industrial and low-traffic generating commercial use. Mortuary service establishments are not identified in the permitted uses, nor is it similar to the allowed uses, as determined by the Planning Director. Thus, a new rezone is required to permit the proposed use on the project parcel. If approved, the rezone for the existing parcel will include the mortuary service establishment, in addition to the current approved list of permitted uses on the 9,486± square-foot parcel.

As proposed by the applicant, decedents will be transported to the proposed facility from local funeral homes, hospitals, and law enforcement agencies. Up to six decedents will be delivered per day and are brought to the site by A & R Mortuary Services employees. A total of 26 decedents stored on-site at any given time. The transfer of decedents will take place by passenger utility vehicle and occur within the fully-enclosed structure prior to being unloaded. Storage of decedents include placement within a 200 square-foot walk-in cooler within the suite. The decedents will be held for up to six days. No embalming or autopsies occur on-site, and no hazardous materials are stored on-site. The only medical waste anticipated by the applicant will be gloves used by employees for transferring of decedents. Once used, the gloves will be stored in a medical waste container. The facility is not open to the general public nor to family members of the decedents. The only persons permitted at the facility are employees of A & R Mortuary Services, members of the Stanislaus County Coroner's Division, and funeral home employees. The hours of operation for deliveries are 24 hours a day, seven days a week. Decedents will be released Monday through Friday, from 8:00 a.m. to 5:00 p.m. A & R Mortuary Services employs up to a total of six staff; however, only up to two employees are on-site at any one time. The site is served by the City of Modesto for water and Salida Sanitary for sewer and has access to Pirrone Road through a mutual access and parking agreement between all airspace condominium parcels located within P-D 276 development.

9. **Surrounding land uses and setting:** Light industrial, mixed-use warehouse uses to the northwest and southeast, residential subdivision to the northeast; Highway 99 to the southwest.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Department of Public Works  
Department of Environmental Resources
11. **Attachments:** P-D 276 - Permitted Uses  
Letter from Troy Watts of IC Refrigeration  
Records search from Central California  
Information Center, dated October 13, 2021

**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.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                  | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources        | <input type="checkbox"/> Cultural Resources               | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology / Soils             | <input type="checkbox"/> Greenhouse Gas Emissions         | <input type="checkbox"/> Hazards & Hazardous Materials      |
| <input type="checkbox"/> Hydrology / Water Quality   | <input type="checkbox"/> Land Use / Planning              | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                       | <input type="checkbox"/> Population / Housing             | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                  | <input type="checkbox"/> Transportation                   | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire                         | <input type="checkbox"/> 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 on file**  
 \_\_\_\_\_  
 Prepared by Kristen Anaya,  
 Assistant Planner

**February 22, 2022**  
 \_\_\_\_\_  
 Date

**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, than 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). References 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 – Except as provided in Public Resources Code Section 21099, could 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) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

**Discussion:** The site itself is not considered to be a scenic resource or unique scenic vista. The only scenic resource designation in the County is along Interstate 5 (I-5), which is not near the project site. The project site and surrounding P-D 276 zoned parcels, comprised of 16 parcels, were first created under Planned Industrial (P-I) (19) allowing uses consistent with those permitted under the County’s Planned Industrial zoning district. Additionally, P-I 19 permitted development of two 18,000 square-foot shell buildings, development of an 84-stall paved parking lot, and allowed for the subdivision of the 2.2 acre parcel and shell buildings into 16 parcels airspace condominiums. The 9,486± square-foot project site encompasses 11 parking stalls and two 2,000 square-foot suites that are located within the existing 18,000 square-foot building. The site is also improved with frontage landscaping, a monument sign, and building-mounted exterior lighting. The existing structure and surrounding suites are comprised of steel frame with stucco and glass and include roll-up door exteriors. The construction materials and architecture style are similar to other structures and Planned Developments in the area. No construction is proposed, nor will there be any modification to the exterior of the structure. Exterior lighting on the parcel is mounted on the structure, shielded, and pointed down with no new lighting proposed as part of this request. The project site is developed and permitted for use for various light industrial and low-traffic generating commercial uses. Mortuary service establishments are not identified in the permitted uses, nor is it similar to the allowed uses, as determined by the Planning Director. Thus, a new rezone is required to permit the proposed use. Because the facility is currently operating without the necessary land use entitlements, the proposal includes the permitting of existing interior renovations consisting of installation of a walk-in cooler for the storage of up to 26 decedents; however, this is not anticipated to have any adverse impact on existing aesthetics, public views, the existing visual character of the site, or result in the creation of a new source of light or glare that would adversely affect day or nighttime views.

**Mitigation:** None.

**References:** Application information; Stanislaus County Zoning Ordinance; the Stanislaus County General Plan; and Support Documentation<sup>1</sup>.

II. AGRICULTURE AND FOREST 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. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact

Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:				
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) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

**Discussion:** The project site has a zoning designation of a Planned Development, approved for light industrial and low traffic generating commercial uses and is not enrolled in a Williamson Act Contract. Surrounding land uses consist of residential land uses to the northeast, mixed office and light industrial commercial warehouse uses to the northwest and southeast, and Highway 99 to the southwest. The closest agriculturally zoned parcel is 0.12 miles to the west across Highway 99.

The parcel is classified by the California Department of Conservation Farmland Mapping and Monitoring Program as Urban and Built-Up Land. The USDA Natural Resources Conservation Service’s Eastern Stanislaus County Soil Survey indicates that the property is made up of Grade 1 Dinuba sandy loam soil, 0 to 1 percent slopes, which is considered to be prime soil to be used as irrigated agriculture; however, the site is located is already developed and is designated in the County’s General Plan as Planned Development with a Salida Community Plan designation of Planned Industrial. As the site is located in an area already developed with residential and light industrial/commercial uses, the project is considered to be infill development. Therefore, no impacts to agriculture are anticipated to occur as a result of this project nor will it conflict with any agricultural activities in the area and/or lands enrolled in the Williamson Act. This project will have no impact to forest land or timberland.

**Mitigation:** None.

**References:** Natural Resources Conservation Service Soil Survey; application information; Stanislaus Soil Survey (1957); California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2018; Stanislaus County General Plan Agricultural Element; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management district 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) 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?			X	

c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those odors adversely affecting a substantial number of people?			X	

**Discussion:** The proposed project is located within the San Joaquin Valley Air Basin (SJVAB) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies. The SJVAPCD’s most recent air quality plans are the 2007 PM10 (respirable particulate matter) Maintenance Plan, the 2008 PM2.5 (fine particulate matter) Plan, and the 2007 Ozone Plan. These plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as “extreme non-attainment” for ozone, “attainment” for respirable particulate matter (PM-10), and “non-attainment” for PM 2.5, as defined by the Federal Clean Air Act.

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 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. The project is not anticipated to increase traffic in the area and or impact air quality as the proposal is a request to add new permitted uses to a developed site within an existing Planned Development zoning district. The proposed use of a mortuary service establishment will occupy an existing 2,000 square-foot suite for which air impacts for other commercial and light industrial uses have already been evaluated and considered. The proposed use is not anticipated to generate any additional traffic than those uses considered in the mitigated negative declarations associated with Planned Industrial (P-I) 19 and Planned Development (P-D) 276. The proposed facility will generate up to eight trips per day which is consistent with the approved P-D 276.

The project was referred to the Air District who has not provided a response to date.

Potential impacts on local and regional air quality are anticipated to be less than significant, falling below SJVAPCD thresholds, as a result of the nature of the proposed project and project’s operation. Implementation of the proposed project would fall below the SJVAPCD significance thresholds for both short-term construction and long-term operational emissions, as discussed below. No exterior construction is proposed, and operation of the project would not exceed the SJVAPCD significance thresholds as the proposed project would not increase the frequency or severity of existing air quality standards or the interim emission reductions specified in the air plans.

For these reasons, the proposed project would be consistent with the applicable air quality plans. Also, the proposed project would not conflict with applicable regional plans or policies adopted by agencies with jurisdiction over the project and would be considered to have a less than significant impact.

Although no construction activities are associated with the proposed project, a building permit will be required for existing unpermitted improvements associated with the facility, including the walk-in cooler and generator. As part of the building permit review process, the improvements will be required to comply with all applicable SJVAPCD standards. Implementation and operation of the project will not require any substantial use of heavy-duty construction equipment and will require little or no demolition or grading as the site is presently fully improved and considered to be topographically flat. Consequently, emissions would be minimal. Furthermore, all future construction activities would occur in compliance with all SJVAPCD regulations; therefore, construction emissions would be less than significant without mitigation.

**Mitigation:** None.

**References:** San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; [www.valleyair.org](http://www.valleyair.org); and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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 U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on state or federally protected wetlands (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:** The project site is presently improved with commercial development and surrounded by light industrial, mixed-use warehouse uses to the northwest and southeast, a residential subdivision to the northeast, and Highway 99 to the southwest.

This request is to rezone an existing developed parcel to allow a mortuary service establishment in addition to the current list of permitted uses which consist of Planned Industrial uses consistent with the permitted uses identified by Stanislaus County Code Section 21.42 and low-traffic generating commercial uses. The project is located within the Salida Quad of the California Natural Diversity Database, which identifies the following special-status California tiger salamander, Swainson’s hawk, tricolored blackbird, green sturgeon, steelhead, and valley elderberry longhorn beetle as potentially occurring in the quad; however, the nearest recorded sighting of these special status species is approximately one mile to the northwest near the Stanislaus River. As the project site and surrounding area is fully developed it does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. There is no known sensitive or protected species or natural community located on the site.

The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans. Impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors are considered to be less than significant.

An early consultation was referred to the California Department of Fish and Wildlife and no response was received.

**Mitigation:** None.

**References:** California Department of Fish and Wildlife’s Natural Diversity Database Quad Species List; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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 pursuant to in § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			X	
c) Disturb any human remains, including those interred outside of formal cemeteries?			X	

**Discussion:** A referral response received from the California Native American Heritage Commission (NAHC) provided an overview of the requirements for tribal consultation under CA Assembly Bill 52 and Senate Bill 18. This project was not referred to the tribes listed with the NAHC as the request does not include a General Plan Amendment; however, a records search conducted by the Central California Information Center for the project site indicated that there are no historical, cultural, or archeological resources recorded on-site and because no ground disturbance is proposed, further study is not recommended. It does not appear that this project will result in significant impacts to any archaeological or cultural resources. The project site is already developed and there is no proposed construction. A development standard requiring ground-disturbing activities to halt in the event of discovery of archaeological or human remains has been added to the project.

**Mitigation:** None.

**References:** Central California Information Center Report for the project site dated October 13, 2021; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

VI. ENERGY. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

**Discussion:** The CEQA Guidelines Appendix F states that energy consuming equipment and processes, which will be used during construction or operation, such as energy requirements of the project by fuel type and end use; energy conservation equipment and design features; energy supplies that would serve the project; and total estimated daily vehicle trips to be generated by the project and the additional energy consumed per trip by mode; shall be taken into consideration when evaluating energy impacts. Additionally, the project’s compliance with applicable state or local energy legislation, policies, and standards must be considered.

This project proposes to rezone a 9,486± square-foot parcel containing a 4,000 square-foot airspace condo from Planned Development (P-D) (276) to a new Planned Development, to allow a mortuary service establishment in addition to the low-traffic generating light industrial uses currently permitted for the parcel. The project proposes to operate a holding facility for up to 26 decedents within one of two 2,000 square-foot suites in an existing warehouse on a 9,486± square-foot parcel. The 9,486± square-foot project site encompasses 11 parking stalls and two 2,000 square-foot suites within the existing 18,000 square-foot building, which has been since developed with various light industrial businesses. The development is also improved with frontage landscaping, a monument sign, and building-mounted exterior lighting. Following adoption of P-I 19 a subsequent rezone for the entire 2.2 acres, created P-D 276, which was approved to expand the list of permitted uses to include: antique and furniture stores, motorcycle parts and sales, spa sales, dance and martial arts studios, postal services, and low-traffic generating commercial uses. If approved, the rezone for the 4,000 square-foot suite will include the mortuary service establishment, in addition to the current approved list of permitted uses within P-D 276. As proposed by the applicant, decedents will be transported to the proposed facility from local funeral homes, hospitals, and law

enforcement agencies. Up to six decedents will be delivered per day and are brought to the site by A & R Mortuary Services employees, and a total of 26 decedents stored on-site at any given time. The transfer of decedents will take place by passenger utility vehicle and occur within the fully-enclosed structure prior to being unloaded. Storage of decedents include placement within a 200 square-foot walk-in cooler within the building, that will be up to six days. The facility is not open to the general public nor to family members of the decedents. The only persons permitted at the facility are employees of A & R Mortuary Services, members of the Stanislaus County Coroner’s Division, and funeral home employees. The hours of operation for delivery are 24 hours a day, seven days a week. Decedents are released Monday through Friday, from 8:00 a.m. to 5:00 p.m. A & R Mortuary Services employs up to a total of six staff; however, only up to two employees are on-site at any one time. Although a rezone must be approved by the Stanislaus County Planning Commission to permit the requested mortuary service establishment, the facility is currently operating and all unpermitted improvements, such as the walk-in refrigeration unit and generator, would be required to get the necessary building permits. As part of building permit, the requested improvements are required to comply with Title 24, Green Building Code, which includes energy efficiency requirements. Development standards will be added to the project to ensure this.

It does not appear this project will result in significant impacts to the wasteful, inefficient, or unnecessary consumption of energy resources.

**Mitigation:** None.

**References:** California Uniform Building Standards Code; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

VII. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Directly or indirectly cause 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 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?			X	
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

**Discussion:** The USDA Natural Resources Conservation Service’s Eastern Stanislaus County Soil Survey indicates that the property is made up of Grade 1 Dinuba sandy loam soil, 0 to 1 percent slopes. 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 (I-5); however, as per the 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. Although a rezone must be approved by the Stanislaus County Planning Commission to permit the requested mortuary service establishment, the facility is currently operating and all unpermitted improvements, such as the walk-in refrigeration unit and generator, would be required to get the necessary building permits. Any future structures will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any future development would be subject to Public Works review and compliance with their Standards and Specifications. The site is connected to Salida Sanitary sewer. Likewise, any future addition or expansion of a septic tank or alternative wastewater disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements.

The project site is not located near an active fault or within a high earthquake zone. Landslides are not likely due to the flat terrain of the area. DER, Public Works, and the Building Permits Division review and approve any building or grading permit to ensure their standards are met.

**Mitigation:** None.

**References:** Application materials; USDA Natural Resources Conservation Service’s Eastern Stanislaus County Web Soil Survey; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

VIII. GREENHOUSE GAS EMISSIONS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

**Discussion:** The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H<sub>2</sub>O). CO<sub>2</sub> is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO<sub>2</sub> equivalents (CO<sub>2</sub>e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. Two additional bills, SB 350 and SB32, were passed in 2015 further amending the states Renewables Portfolio Standard (RPS) for electrical generation and amending the reduction targets to 40% of 1990 levels by 2030.

This project proposes rezone a 9,486± square-foot parcel, containing a 4,000 square-foot airspace condo, from Planned Development (P-D) (276) to a new Planned Development, to allow a mortuary service establishment, in addition to the low-traffic generating light industrial uses currently permitted for the parcel. The permitted uses proposed will include the operation of a holding facility for up to 26 decedents within the existing warehouse on a 9,486± square-foot parcel. The project site and surrounding P-D 276 zoned parcels, comprised of 16 parcels, were first created under Planned Industrial (P-I) (19) allowing uses consistent with those permitted under the County’s Planned Industrial zoning district. Additionally, P-I 19 permitted development of two 18,000 square-foot shell buildings, development of an 84-stall paved parking lot, and allowed for the subdivision of the 2.2 acre parcel and shell buildings into 16 parcels airspace condominiums. The 9,486± square-foot project site encompasses 11 parking stalls and two 2,000 square-foot suites that are located within the existing 18,000 square-foot building. Following adoption of P-I 19 a subsequent rezone for the entire 2.2 acres, created P-D 276, which was approved to expand the list of permitted uses to include: antique and furniture stores, motorcycle parts and sales, spa sales, dance and martial arts studios, postal services, and low-traffic generating commercial uses. Subsequently, the adjacent suites have been developed and used for various light industrial and low-traffic generating commercial use. As proposed by the applicant, decedents will be transported to the proposed facility from local funeral homes, hospitals, and law enforcement agencies. Up to six decedents will be delivered per day and are brought to the site by A & R Mortuary Services employees. A total of 26 decedents stored on-site at any given time. The transfer of decedents will take place by passenger utility vehicle and occur within the fully-enclosed structure prior to being unloaded. Storage of decedents include placement within a 200 square-foot walk-in cooler within the suite. The decedents will be held for up to six days. No embalming or autopsies occur on-site, and no hazardous materials are stored on-site. The only medical waste anticipated

by the applicant will be gloves used by employees for transferring of decedents. Once used, the gloves will be stored in a medical waste container. The facility is not open to the general public nor to family members of the decedents. The only persons permitted at the facility are employees of A & R Mortuary Services, members of the Stanislaus County Coroner's Division, and funeral home employees. The hours of operation for deliveries are 24 hours a day, seven days a week. Decedents will be released Monday through Friday, from 8:00 a.m. to 5:00 p.m. A & R Mortuary Services employs up to a total of six staff; however, only up to two employees are on-site at any one time. The project was referred to the Air District who has not provided a project referral response to date. Although a rezone must be approved by the Stanislaus County Planning Commission to permit the requested mortuary service establishment, the facility is currently operating and all unpermitted improvements, such as the walk-in refrigeration unit and generator, would be required to get the necessary building permits. These improvements and any future construction may be subject to the following District Rules: Regulation VIII, Rule 4102, Rule 4601, Rule 4641, Rule 4002, Rule 4102, Rule 4550, and Rule 4570. Staff will include a development standard on the project requiring that the applicant be in compliance with the District's rules and regulations. It is not anticipated that the project will result in significant impacts with respect to the generation of greenhouse gas emissions or conflict with any applicable plans, policies, or regulations adopted for the purpose of reducing emissions of greenhouse gases.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.

IX. 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 or excessive noise for people residing or working in the project area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

**Discussion:** The County Department of Environmental Resources (DER) is responsible for overseeing hazardous materials and has not indicated any particular concerns in this area. The proposed project is a request to permit a mortuary storage establishment allowing the storage of up to 26 decedents which will be transported to the proposed facility from local funeral homes, hospitals, and law enforcement agencies. Up to six decedents will be delivered per day and are brought to the site by A & R Mortuary Services employees, and a total of 26 decedents stored on-site at any given time. The transfer of decedents will take place by passenger utility vehicle and occur within the fully-enclosed structure prior to being unloaded. Storage of decedents include placement within a 200 square-foot walk-in cooler within the building, that will be up to six

days. No embalming or autopsies occur on-site, and no hazardous materials are stored on-site. The only medical waste anticipated by the applicant will be latex gloves used by employees transferring the decedents. Once used, the gloves are then disposed of and stored in a medical waste container, which is picked up by a licensed waste disposal company as needed. DER Hazardous Materials Division provided a referral response to the project indicating the project will not have a significant effect on the environment.

The project was presented to the Salida Municipal Advisory Committee (MAC) on September 28, 2021. The MAC indicated concerns with respect to the proposed refrigeration unit potentially generating condensation, which might come into contact with the decedents and result in biohazardous waste. Subsequent to the MAC meeting, the applicant had the refrigeration unit manufacturer and installer subsequently inspect the already installed unit. As a result, the applicant stated that the equipment was properly installed, and that there is no risk of airborne bacteria coming into contact with the condensation drain that branches off the interior fan/coil unit of the cold storage box. Additionally, the decedents enter the facility completely covered with no skin exposure to air and consequently, no generation of hazardous waste from the storage unit or decedents themselves on-site. Therefore, no significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

The project site is not within the vicinity of any airstrip or wildlands.

**Mitigation:** None.

**References:** Letter from Troy Watts of IC Refrigeration, received October 15, 2021; referral response from the Department of Environmental Resources Hazardous Materials Division dated September 7, 2021; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

X. 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 or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			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 or through the addition of impervious surfaces, in a manner which would:				
(i) result in substantial erosion or siltation on – or off-site;				X
(ii) substantially increase the rate of amount of surface runoff in a manner which would result in flooding on- or off-site;			X	
(iii) 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; or			X	
(iv) impede or redirect flood flows?				X
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				X
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

**Discussion:** Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site is located in FEMA Flood Zone X, which includes areas determined to be outside the 0.2% annual chance floodplains. Any flood zone requirements will be addressed by the Building Permits Division during the building

permit process. No construction or alteration to the exterior of the occupied 2,000 square-foot suite is proposed; consequently, the current absorption patterns of water upon this property will not be altered. The project site is served by City of Modesto for water and Salida Sanitary District for sewer service. Current standards require that all of a project's stormwater be maintained on-site. A Grading and Drainage Plan was reviewed and approved as part of the original development of the site to ensure this requirement. The project was referred to the Department of Environmental Resources who had no comments on the project. Impacts associated with drainage, water quality, and runoff are expected to have a less than significant impact.

**Mitigation:** None.

**References:** Referral response from the Department of Public Works dated September 2, 2021; referral response from the Department of Environmental Resources dated September 20, 2021; application materials; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XI. 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) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

**Discussion:** The project site is located within the Community of Salida and is designated Planned Development and Planned Industrial by the County General Plan and Salida Community Plan, respectively. The site is currently zoned Planned Development (P-D) (276), which allows for uses consistent with the Planned Industrial Zoning District and low-traffic generating commercial uses. The applicant is requesting to amend the permitted uses associated with the 9,486± square-foot project site to allow for the operation of a holding facility for up to 26 decedents in addition to the existing permitted uses. The parcel is further identified as Assessor's Parcel Number 136-035-029.

As proposed by the applicant, decedents will be transported to the proposed facility from local funeral homes, hospitals, and law enforcement agencies. Up to six decedents will be delivered per day and are brought to the site by A & R Mortuary Services employees, and a total of 26 decedents stored on-site at any given time. The transfer of decedents will take place by passenger utility vehicle and occur within the fully-enclosed structure prior to being unloaded. Storage of decedents include placement within a 200 square-foot walk-in cooler within the building, that will be up to six days. The facility is not open to the general public nor to family members of the decedents. The only persons permitted at the facility are employees of A & R Mortuary Services, members of the Stanislaus County Coroner's Division, and funeral home employees. The hours of operation for delivery are 24 hours a day, seven days a week. Decedents are released Monday through Friday, from 8:00 a.m. to 5:00 p.m. A & R Mortuary Services employs up to a total of six staff; however, only up to two employees are on-site at any one time. The site is served by the City of Modesto for water and Salida Sanitary for sewer and has access to County-maintained Pirrone Road through a mutual access and parking agreement with the airspace condominium parcels located within P-D 276 development. The City of Modesto and Salida Sanitary District both provided referral responses indicating they had no comments on the project.

The project is a request to rezone a 9,486± square-foot parcel containing a 4,000 square-foot airspace condo from Planned Development (P-D) (276) to a new Planned Development, to allow a mortuary service establishment in addition to the low-traffic generating light industrial uses currently permitted for the parcel. The project proposes to operate a holding facility for up to 26 decedents within one of two 2,000 square-foot suites in an existing warehouse on a 9,486± square-foot parcel. The 9,486± square-foot project site encompasses 11 parking stalls and two 2,000 square-foot suites within the existing 18,000 square-foot building, which has been since developed with various light industrial businesses. The development is also improved with frontage landscaping, a monument sign, and building-mounted exterior lighting. The project site and surrounding P-D 276 zoned parcels, comprised of 16 parcels, were first created under Planned Industrial (P-I) (19) allowing uses consistent with those permitted under the County's Planned Industrial zoning district. Additionally, P-I 19 permitted development of two 18,000 square-foot shell buildings, development of an 84-stall paved parking lot, and allowed for the subdivision of the 2.2 acre parcel and shell buildings into 16 parcels airspace condominiums. The 9,486± square-foot project site encompasses 11 parking stalls and two 2,000 square-foot suites that are located within the existing 18,000 square-foot building. The site is also improved with frontage landscaping, a monument sign, and building-mounted exterior lighting.

Following adoption of P-I 19 a subsequent rezone for the entire 2.2 acres, created P-D 276, which was approved to expand the list of permitted uses to include: antique and furniture stores, motorcycle parts and sales, spa sales, dance and martial arts studios, postal services, and low-traffic generating commercial uses. Mortuary service establishments are not identified in the permitted uses, nor is it similar to the allowed uses, as determined by the Planning Director. Thus, a new rezone is required to permit the proposed new use on the project parcel. If approved, the rezone will expand the list of permitted uses for the 9,436± square-foot parcel to include mortuary service establishments in addition to the current approved list of permitted uses adopted by P-D 276. The adjacent parcels that are within P-D 276 will remain as such, with no change in the uses permitted.

Light industrial, mixed-use warehouse uses to the northwest and southeast, residential subdivision to the northeast; Highway 99 to the southwest. No agricultural property surrounds the site.

In order for the Planning Commission to approve a rezone, the finding that the proposed zoning is consistent with the General Plan must be made.

The project site is located within an already developed community and this request is considered to be infill development. The project was referred to all applicable: school, fire, police, irrigation, public works departments, and districts during the early consultation referral period and no concerns were identified with regard to public services. The project will not physically divide an established community nor conflict with any habitat conservation plans.

**Mitigation:** None.

**References:** Referral response from Salida Sanitary District dated September 16, 2021; referral response from City of Modesto dated September 3, 2021; Stanislaus County General Plan Land Use Element and Support Documentation<sup>1</sup>.

<b>XII. MINERAL RESOURCES -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>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?</b>				<b>X</b>
<b>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?</b>				<b>X</b>

**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, nor is the project site located in a geological area known to produce resources.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>XIII. NOISE -- Would the project result in:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</b>			<b>X</b>	
<b>b) Generation of excessive groundborne vibration or groundborne noise levels?</b>			<b>X</b>	

c) For a project located within the vicinity of a private airstrip or 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
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**Discussion:** The Stanislaus County General Plan identifies noise levels up to 70 dB Ldn (or CNEL) as the normally acceptable level of noise for commercial uses. Noise impacts associated with on-site activities and traffic are not anticipated to exceed the normally acceptable level of noise. The site itself is impacted by the noise generated from Highway 99. The hours of operation for delivery are proposed to be 24 hours a day, seven days a week. Decedents are released from the facility Monday through Friday, from 8:00 a.m. to 5:00 p.m. A & R Mortuary Services employs up to six staff which will visit this location; however, only up to two employees are on-site at one time.

The site is not located within an airport land use plan and is not anticipated to have a significant impact with respect to project-related ambient noise levels established by the Stanislaus County General Plan Noise Element on or in the vicinity of the project site.

**Mitigation:** None.

**References:** Stanislaus County General Plan Noise Element and Support Documentation<sup>1</sup>.

XIV. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial unplanned 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 people or housing, necessitating the construction of replacement housing elsewhere?				X

**Discussion:** The site is not included in the vacant sites inventory for the 2016 Stanislaus County Housing Element, which covers the 5<sup>th</sup> cycle Regional Housing Needs Allocation (RHNA) for the county and will therefore not impact the County’s ability to meet their RHNA. No population growth will be induced, nor will any existing housing be displaced as a result of this project.

**Mitigation:** None.

**References:** Stanislaus County General Plan Housing Element and Support Documentation<sup>1</sup>.

XV. PUBLIC SERVICES --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in the 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	

<b>Parks?</b>			<b>X</b>	
<b>Other public facilities?</b>			<b>X</b>	

**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. Although a rezone must be approved by the Stanislaus County Planning Commission to permit the requested mortuary service establishment, the facility is currently operating and all unpermitted improvements, such as the walk-in refrigeration unit and generator, would be required to get the necessary building permits. This building permit will have to comply will all adopted public facility fees is required to be paid at the time of building permit issuance.

This project was circulated to all applicable school, fire, police, irrigation, and public works departments and districts during the early consultation referral period and no concerns were identified with regard to public services. The Salida Sanitary District provided a referral response indicating they had no comments on the project.

**Mitigation:** None.

**References:** Referral response from Salida Sanitary District dated February 10, 2022; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>XVI. RECREATION --</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>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?</b>			<b>X</b>	
<b>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?</b>			<b>X</b>	

**Discussion:** This project will not increase demands for recreational facilities, as such impacts typically are associated with residential development.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>XVII. TRANSPORTATION-- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?</b>			<b>X</b>	
<b>b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?</b>			<b>X</b>	
<b>c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</b>			<b>X</b>	
<b>d) Result in inadequate emergency access?</b>			<b>X</b>	

**Discussion:** The project site is located in the Community of Salida and is designated Planned Development and Planned Industrial by the County General Plan and Salida Community Plan, respectively. The property is zoned Planned Development (P-D) (276). The applicant is requesting to rezone a 9,486± square-foot parcel containing a 4,000 square-foot airspace condo from Planned Development (P-D) (276) to a new Planned Development, to allow a mortuary service establishment in addition to the low-traffic generating light industrial uses currently permitted for the parcel. The project

proposes to operate a holding facility for up to 26 decedents within one of two 2,000 square-foot suites in an existing warehouse.

As proposed by the applicant, decedents will be transported to the proposed facility from local funeral homes, hospitals, and law enforcement agencies. Up to six decedents will be delivered per day and are brought to the site by A & R Mortuary Services employees, and a total of 26 decedents stored on-site at any given time. The transfer of decedents will take place by passenger utility vehicle and occur within the fully-enclosed structure prior to being unloaded. Storage of decedents include placement within a 200 square-foot walk-in cooler within the building, that will be up to six days. The facility is not open to the general public nor to family members of the decedents. The only persons permitted at the facility are employees of A & R Mortuary Services, members of the Stanislaus County Coroner’s Division, and funeral home employees. The hours of operation for delivery are 24 hours a day, seven days a week. Decedents are released Monday through Friday, from 8:00 a.m. to 5:00 p.m. A & R Mortuary Services employs up to a total of six staff; however, only up to two employees are on-site at any one time.

The project site is a 9,486± square-foot landlocked parcel; however, the site and surrounding parcels within the P-D 276 zoning district share a single driveway to access County-maintained Pirrone Road via a mutual parking and access agreement. The proposed facility will generate up to eight trips per day which is consistent with the approved P-D 276; however, due to the variable frequency at which decedents may be transferred to the project site from nearby funeral homes and hospitals, the facility will frequently generate fewer than eight trips. Increased traffic resulting from the proposed use of the site is insignificant; therefore, staff has no evidence to support that this project will significantly impact County facilities or Highway 99.

This project was referred to the Department of Public Works, City of Modesto, and the California Department of Transportation (Caltrans). The City of Modesto responded to the project with no comment, Caltrans did not respond to the project, and the Department of Public Works provided a referral response prohibiting unloading, loading, and parking within the County-right-of-way. This requirement will be added as a development standard to the project.

**Mitigation:** None.

**References:** Referral response from the Department of Public Works dated September 2, 2021; referral response from the City of Modesto Planning Division dated September 3, 2021; Stanislaus County General Plan Circulation Element and Support Documentation<sup>1</sup>.

XVIII. TRIBAL 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 tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California native American tribe, and that is:			X	
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				X
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set for the in subdivision (c) of Public Resource Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X	

**Discussion:** In accordance with SB 18 and AB 52, this project was not referred to the tribes listed with the Native American Heritage Commission (NAHC) as the project is not a General Plan Amendment and no tribes have requested consultation or project referral noticing. A records search from the Central California Information Center indicated that there has been no recorded prehistoric or historic archaeological resources or historic buildings and structure within the project area, nor is any further study recommended at this time.

**Mitigation:** None.

**References:** Records search from the Central California Information Center dated October 10, 2021; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XIX. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) 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	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

**Discussion:** Limitations on providing services have not been identified. Although a rezone must be approved by the Stanislaus County Planning Commission to permit the requested mortuary service establishment, the facility is currently operating and all unpermitted improvements, such as the walk-in refrigeration unit and generator, would be required to get the necessary building permits. The project is served by Modesto Irrigation District (MID) for electrical service. A referral response was provided by MID identifying the location of electrical overhead and underground facilities relative to the project site, providing trenching requirements and notice to exercise caution using heavy equipment near energized lines, and requiring that existing easements remain intact. Their comment letter also added a requirement that prior to issuance of building permits for the existing improvements, construction plans must be submitted to MID's Electrical Engineering Design Group to verify the existing electrical service is sufficient for the facility. The project site is developed and is served by City of Modesto and Salida Sanitary for water and wastewater service. The project was referred to both the City of Modesto and Salida Sanitary and both agencies responded with no comments.

**Mitigation:** None.

**References:** Referral response from Modesto Irrigation District dated September 15, 2021; referral response from City of Modesto Planning Division dated September 3, 2021; referral response from Salida Sanitary dated September 16, 2021; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XX. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
c) Require the installation of maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				X

**Discussion:** This project is served by the Salida Fire Protection District. The project was referred to Salida Fire and no response was received to date. Although a rezone must be approved by the Stanislaus County Planning Commission to permit the requested mortuary service establishment, the facility is currently operating and all unpermitted improvements, such as the walk-in refrigeration unit and generator, would be required to get the necessary building permits. All construction and new building permits for existing improvements associated with the proposed facility must comply with current adopted fire code at the time of issuance of construction permits, including the payment of fire service impact mitigation fees, on-site water supply and infrastructure for fire protection, and emergency vehicle access. The site is not located in a State Responsibility Area (SRA). The site has access to County-maintained road Pirrone Road via a mutual access and parking agreement for the total P-D 276 development. The terrain is relatively flat, and it is not located near any bodies of water. Wildfire risk and risks associated with postfire land changes are considered to be less than significant.

**Mitigation:** None.

**References:** Stanislaus County General Plan Safety Element and Support Documentation<sup>1</sup>.

XXI. 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 substantially 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, substantially 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	
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.)			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

**Discussion:** Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area or the potential for cumulative impacts which might significantly impact the environmental quality of the site and/or the surrounding area. The project site is located in the urbanized Community of Salida which has a defined boundary that is encompassed by both the Salida Sanitary District Sphere of Influence (SOI) and Salida Community Plan, neither of which can be amended without approval of discretionary entitlements or action by the Stanislaus County Local Area Formation Commission (LAFCO). The surrounding areas made up of light industrial and residential-zoned properties, many of which have a zoning designation of Light Industrial Planned Development and a General Plan designation of Planning Development. Any further development of surrounding property would be subject to a discretionary land use permit, which would require environmental review and a public hearing. With the exception of the proposed interior improvements of the refrigerator and generator, the development included in the project was previously approved by the Board of Supervisors in 2003 and the environmental review prepared for that development found that the Mandatory Findings of Significance were less-than significant.

**Mitigation:** None.

**References:** Initial Study; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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<sup>1</sup>Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. **Housing Element** adopted on April 5, 2016.



## NEGATIVE DECLARATION

**NAME OF PROJECT:** Rezone Application No. PLN2021-0098 – A&R Mortuary Services

**LOCATION OF PROJECT:** 5434 & 5436 Pirrone Road, east of Highway 99, south of the MID Lateral No. 8 Canal, in the Community of Salida. 136-035-029.

**PROJECT DEVELOPERS:** Randy & Suzanne Rosebrough, A&R Mortuary Services  
3900 Pelandale Ave, Ste. 420 #328  
Modesto, CA 95356

**DESCRIPTION OF PROJECT:** Request to rezone a 9,486 ± square-foot parcel from Planned Development (P-D) (276) to a new Planned Development to allow a mortuary establishment in addition to the low-traffic generating light industrial uses currently permitted.

Based upon the Initial Study, dated **February 22, 2022**, 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: Kristen Anaya, Assistant Planner

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

May 06, 2021

Stanislaus County Dept. of Planning and Community Development

1010 10<sup>th</sup> Street, Suite 3400, Modesto, CA 95354

Subject: Staff Approval Application NO. PLN2021-0028- A&R Mortuary Services

To: Ms. Teresa McDonald,

We, [REDACTED], are the owners of the units at [REDACTED], which is located next to the proposed A&R Mortuary Services at 5436 Pirrone Road. We appreciate the opportunity to be able to express our concerns regarding this proposal of a holding facility for deceased humans.

One of the concerns we have is the financial impact of possibly losing our tenants due to the fact that there will be unknown types of illness located next to our occupied units. Due to my husband's illness, we did not have enough time to share this proposal to our tenants prior to responding to this proposal. It is a big concern to us if our tenants decide to terminate their contract due to this holding facility.

Another concern is the possibility of these decedents to have died of Sars COVID 19. It is to my knowledge and understanding that everything is not known about the transmissibility of the virus and would not want myself or my tenants exposed to potential transmission of the virus. We will be looking into our units to ensure that there is no sharing of ventilation systems with 5436 Pirrone Road.

Last concern would be our experience with MID and the unexpected blackouts that have occurred over the last few years. We would be extremely concerned that a unit storing deceased humans could become a serious threat to public health.

Sincerely,

[REDACTED]  
[REDACTED]

*Since 1978*

**RUSSELL A. NEWMAN**

Professional Law Corporation

**C O M P L E X T R A N S A C T I O N S**

1034 12th Street Modesto, California 95354 | 209.521.9521 Phone | 209.521.4968 Fax | russ@ranplc.com

September 16, 2021

Kristen Anaya, Assistant Planner  
Stanislaus County  
Department of Planning and Community Development  
1010 Tenth Street, Suite 3400  
Modesto, CA 95354

**Re: Use Permit Application No. PLN  
2021 – 0073 – A & R Mortuary Services (“Project”)**

Dear Ms. Anaya:

On behalf of our clients, Nyet and Jenny Yong, who own real property within Planned Development (P-D)(276), we provide this letter in response to the Early Consultation (“EC”) for the aforementioned Project located within P-D (276). As stated in the EC “[m]ortuary service establishments are not identified in the permitted uses, nor is it similar to the allowed uses as determined by the Planning Director.” In fact, the EC succinctly explains a “Rezone is required to permit the new use”. Applicants have apparently declined to do what is required by law to permit their new use.

All real properties, including applicant’s parcel, located within P-D (276) are governed by a Declaration of Restrictions and Easements recorded September 11, 2002 (“Declaration”), a copy of which is attached hereto for your convenient reference and the Project file. The first sentence of Paragraph 1 (which appears on page 5) of the Declaration provides: “No parcel may be used for any activity that is contrary to its zoning.” The EC states the Planning Director has determined the Project use requires a Rezone as it is not permitted in the zone applicable to the Project parcel. Even the applicant’s request for a Use Permit unambiguously reveals the Project use is not identified as a permitted use in the existing zoning.

For the foregoing reasons, my client respectfully objects to any further consideration of the Project anywhere within P-D (276). If the County elects to allow this application to proceed, we reserve the right to provide additional comments on the EC, and to pursue every avenue necessary to enforce the Declaration.

Very truly yours,



Russell A. Newman

cc: David O. Romano

1. **LAND USE AND BUILDING TYPE**

No parcel may be used for any activity that is contrary to its zoning. No parcel shall be used for any motor vehicle repairs and services involving any motor vehicle using an internal combustion engine or any similar engine. No building shall be used for the sale, manufacture, reproduction, or viewing of adult or pornographic material. No building may be erected, altered, placed, or permitted to remain on any parcel other than the currently existing building or a replacement identical to it, including colors, materials, and design. All buildings on the Property must be painted the identical color as originally painted. All buildings shall be cleaned and repainted so as to maintain them in good condition and repair equal to or better than similar buildings and property in the area. Any graffiti shall be painted over within forty-eight (48) hours of its occurrence. This restriction includes, but is not limited to, a prohibition against any modification, addition, or alteration to the exterior of the building, unless approved by the Architectural Review and Property Management Committee in writing, or unless the awning(s) is in conformance with the standards of design, color, fabric, and structure of the awning example attached hereto and incorporated herein as Exhibit "2". No owner of any parcel may place an antenna, satellite dish, or other receiving or transmitting device on any building or parcel without the written approval of the Architectural Review and Property Management Committee.

2. **NUISANCES**

No noxious or offensive activity may be carried on in any parcel nor may anything be done on any parcel that may be or may become an annoyance or nuisance to the other owners or occupants of the other parcels in the Property.

3. **SIGNS**

No sign of any kind may be displayed to the public view on any lot except as described herein.

A. **Grant of Easement for Monument Sign**

There shall be one monument sign at the entrance to the Property. This sign shall be owned by Declarants, or their heirs, successors, or assigns, and is hereby granted an easement in the parcels where it is located for the period of fifty (50) years after which it shall revert to the control, ownership and management of all the parcel owners and managed by the Architectural Review and Property Management Committee. Each tenant may negotiate with the Declarants, their successors in interest, or assignees to pay for a rental space on this monument sign. Declarants hereby reserve unto themselves an easement for the construction, maintenance, and operation of a monument sign and any lighting equipment used to illuminate it in the approximate location shown on the attached Exhibit "3" which is incorporated herein by reference. The easement shall include the area below the surface of the ground for the foundation base of the sign and

May 19, 2021

Before addressing the concerns of fellow tenants, we would like to introduce ourselves. A & R Mortuary Services is a family-owned business. Randy and Suzanne "Niki" Rosebrough are husband and wife. They started their mortuary transport company in February of 2013, but have many more years of experience in the funeral industry. Niki even has a degree in Funeral Service Education from American River College in Sacramento.

We work with almost every funeral home in Stanislaus, San Joaquin, Mariposa, Calaveras, Sacramento, and Merced Counties. We also have coroner contracts with Placer, Mariposa, Madera, and Merced Counties.

Every case brought into our care has been cleared by the County Coroner and has met necessary criteria to be released to a funeral home. We adhere to all state and local safety guidelines in regards to the transportation and storage of human remains. Every case brought into our care is properly identified and tagged at the location of the removal and then placed into a sealed pouch which remains sealed.

For Covid-19 positive cases, we make sure that they are placed into two sealed pouches and then we sanitize the outside of the outer pouch. We would like to note that we have seen a major drop in Covid-19 positive cases since February of 2021 and now we may see 1 every 7-10 days, and with vaccinations, and time, we expect that to continue to fall even further.

Upon arrival to our holding facility our staff opens the garage door and backs completely into the garage. They then close the garage door so there is complete discretion. The decedent information is then logged in with date, time, and employee information. The decedent is then placed into the mortuary cooler, which is specially made for this purpose. The temperature is monitored by an alarm that will send alerts to both owners, and our management, if it starts rising, or even if it gets too low. If there was ever an issue with the power going out and/or the temperature of the mortuary cooler becoming unsafe, we are able to quickly move any decedents to local funeral homes that have refrigeration with generators.

The general public does not come to this location. Only A & R Mortuary staff, the county Coroner, or a representative of a funeral home are allowed at this location. Everyone that does come to the facility also uses the same discretion.

The reason that almost every funeral home in the surrounding 6 counties gives us full access to their facilities and permits us to be the first impression for the families that they serve is because we treat these people with the dignity and respect that they deserve.

Please don't hesitate to contact us with any other questions or concerns.

Thank you,

Randy & Niki Rosebrough  
A & R Mortuary Services  
(209) 620-3326



Since 1940  
2216 Rockefeller Dr / Ceres, CA 95307  
(209) 538-8271 / Fax (209) 538-8335  
[Info@icrefrigeration.com](mailto:Info@icrefrigeration.com)  
State License No. 097736

Re: A&R Mortuary Services  
5436 Pirrone Rd.  
Salida, CA 95368  
(209) 226-5686  
Attn: Randy Rosebrough

To whom it may concern,

I was asked to perform a complete inspection of the cold storage box and refrigeration system at the above address. Upon my inspection I found this to be a very professional and extremely clean business. The installation of the cooling system, along with the walk-in storage box was installed according to the building code and I found absolutely no issues with the operations of the cooling equipment or the walk cold storage box.

Mr. Rosebrough had asked me if there was any risk of air born bacteria being able to work its way into the existing condensate drain that comes off the interior fan / coil unit of the cold storage box. I told Mr. Rosebrough that due to his business being strictly a holding facility and that his transports are completely covered with no skin exposure to the air stream that there is no risk to be concerned with. It was evident from everything that I had seen during my inspection of the facility that Mr. Rosebrough has taken extreme steps to ensure that everything is building code compliant.

Feel free to reach out to me with any questions.

Sincerely,

Troy Watts  
Manager / Sales and Design Consultant  
2216 Rockefeller Dr.  
Ceres, CA 95307  
Office (209) 538-8271  
Cell: (209) 595-7195  
[troyw@icrefrigeration.com](mailto:troyw@icrefrigeration.com)

Hughes Business Park Owners Association

June 7, 2021

To Whom it May Concern,

The Hughes Business Park Owners Association Board met to discuss the staff approval application from A&R Mortuary Services submitted to the Stanislaus County Planning and Community Development Department for a permit to operate a holding facility for up to 26 deceased humans at 5436 Pirrone Road.

A&R Mortuary Services explained their intended level of discretion during decedent transport, specifically how the loading and unloading will occur and what vehicle types are employed. In addition, they outlined the emergency plan directive to move said humans off-site in case of power loss, facility breach, or major disaster.

The Board voted and approved their petition to operate within the park.

Sincerely yours,



Aaron Unger, President

**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**

**PROJECT: REZONE NO. PLN2021-0098 - A&R MORTUARY SERVICES**

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
CA DEPT OF TRANSPORTATION DIST 10	X	X	X		X			X		X		X
CA OPR STATE CLEARINGHOUSE		X	X	X				X		X		X
CA RWQCB CENTRAL VALLEY REGION	X	X	X		X			X		X		X
CITY OF: MODESTO	X	X	X	X				X		X		X
SANITARY DIST: SALIDA SANITARY	X	X	X	X				X		X		X
COOPERATIVE EXTENSION	X	X	X		X			X		X		X
FIRE PROTECTION DIST: SALIDA FIRE	X	X	X		X			X		X		X
GSA: STAN. & TUOL. RIVERS GROUNDWATER BASIN ASSOC	X		X		X			X		X		X
IRRIGATION DISTRICT: MODESTO	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X			X		X		X
MUNICIPAL ADVISORY COUNCIL: SALIDA	X	X	X	X				X		X		X
PACIFIC GAS & ELECTRIC	X	X	X		X			X		X		X
RAILROAD: UNION PACIFIC	X	X	X		X			X		X		X
SAN JOAQUIN VALLEY APCD	X	X	X	X				X		X	X	
SCHOOL DISTRICT 1: SALIDA UNION	X	X	X		X			X		X		X
SCHOOL DISTRICT 2: MODESTO CITY SCH	X	X	X		X			X		X		X
STAN CO AG COMMISSIONER	X	X	X		X			X		X		X
STAN CO BUILDING PERMITS DIVISION	X	X	X		X			X		X		X
STAN CO CEO	X	X	X		X			X		X		X
STAN CO DER	X	X	X	X				X		X		X
STAN CO ERC	X	X	X	X				X		X		X
STAN CO HAZARDOUS MATERIALS	X	X	X	X				X		X		X
STAN CO PUBLIC WORKS	X	X	X	X				X		X	X	
STAN CO SUPERVISOR DIST 3: WITHROW	X	X	X		X			X		X		X
STAN COUNTY COUNSEL	X	X	X		X			X		X		X
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X			X		X		X
STANISLAUS LAFCO	X	X	X		X			X		X		X
SURROUNDING LAND OWNERS	X	X	X	X				X		X		X
TELEPHONE COMPANY: AT&T	X	X	X		X			X		X		X
WATER DISTRICT: MODESTO		X	X		X			X		X		X