



Referral Early Consultation

Date: August 18, 2022

To: Distribution List (See Attachment A)

From: Jeremy Ballard, Associate Planner
Planning and Community Development

Subject: USE PERMIT APPLICATION NO. PLN2022-0074 – CAL COAST
COMMODITIES

Respond By: September 2, 2022

******PLEASE REVIEW REFERRAL PROCESS POLICY******

The Stanislaus County Department of Planning and Community Development is soliciting comments from responsible agencies under the Early Consultation process to determine: a) whether or not the project is subject to CEQA and b) if specific conditions should be placed upon project approval.

Therefore, please contact this office by the response date if you have any comments pertaining to the proposal. Comments made identifying potential impacts should be as specific as possible and should be based on supporting data (e.g., traffic counts, expected pollutant levels, etc.). Your comments should emphasize potential impacts in areas which your agency has expertise and/or jurisdictional responsibilities.

These comments will assist our Department in preparing a staff report to present to the Planning Commission. Those reports will contain our recommendations for approval or denial. They will also contain recommended conditions to be required should the project be approved. Therefore, please list any conditions that you wish to have included for presentation to the Commission as well as any other comments you may have. Please return all comments and/or conditions as soon as possible or no later than the response date referenced above.

Thank you for your cooperation. Please call (209) 525-6330 if you have any questions.

Applicant: Cal Coast Commodities, LLC

Project Location: North side of Crows Landing Road, between Hwy 33 and Armstrong Road, in the Crows Landing area.

APN: 027-006-013

Williamson Act Contract: N/A

General Plan: Agriculture

Current Zoning: General Agriculture (A-2-40)

Project Description: Request to permit and operate an existing walnut storage facility consisting of four storage buildings totaling 80,300± square feet of building space on the northwest portion of a 34.92± acre parcel in the General Agriculture (A-2-40) zoning district. The parcel is currently planted in a walnut orchard and is not improved with any dwellings, wells or septic system. The storage buildings consist of prefabricated steel frames placed on concrete pads with paved drive aisles. The total developed area consists of approximately 3 ± acres, which will be enclosed from the remaining balance of the parcel by a chain link fence. The two most westward structures will include areas for shipping and receiving. The storage of walnuts on-site will be a part of a vertical integration with the nut processing facility to the west of the project site on Assessor's Parcel Number (APN) 027-010-009. Employees of the proposed project will utilize existing restrooms and other employee facilities on this adjacent parcel.

During the harvest period, August to December, the number of employees on the project site are anticipated to be six to eight per day. During off-season periods, January to July, the number of employees on-site are anticipated to be two to three per day. Proposed hours of operation are Monday through Saturday from 6:00 a.m. to 8:00 p.m. The proposed project anticipates receiving 10-12 truckloads of walnuts per day from surrounding walnut orchards from September to March, and 20 truckloads per week from March to September. A traffic memo for the project, dated October 29, 2020, was prepared by J.B. Anderson Land Use Planning and is attached to this referral. No retail sales are proposed as part of this project nor will customers be permitted on-site. As part of this request, the applicant proposes to grant a shared access agreement to the project site from the adjacent applicant-owned parcel located to the west (APN: 027-010-009). Primary access for the walnut storage facility will be taken off County-maintained East 5th Street via an existing improved driveway and secondary access will be taken from Crows Landing Road. Storm drainage retainment is proposed to be over the balance of the parcel.

The project was originally submitted under Use Permit Application No. PLN2020-0065 – *Cal Coast Commodities*, for the same proposed site development and use. The application was withdrawn from consideration on April 5, 2022, due to inactivity. During that time the proposed structures have been constructed without the required building and land use permits.

Full document with attachments available for viewing at:
<http://www.stancounty.com/planning/pl/act-projects.shtm>

USE PERMIT APPLICATION NO. PLN2022-0074 – CAL COAST COMMODITIES

Attachment A

Distribution List

	CA DEPT OF CONSERVATION Land Resources		STAN CO ALUC
X	CA DEPT OF FISH & WILDLIFE		STAN CO ANIMAL SERVICES
	CA DEPT OF FORESTRY (CAL FIRE)	X	STAN CO BUILDING PERMITS DIVISION
X	CA DEPT OF TRANSPORTATION DIST 10	X	STAN CO CEO
X	CA OPR STATE CLEARINGHOUSE		STAN CO CSA
X	CA RWQCB CENTRAL VALLEY REGION	X	STAN CO DER
	CA STATE LANDS COMMISSION	X	STAN CO ERC
X	CEMETERY DISTRICT: HILLS FERRY	X	STAN CO FARM BUREAU
	CENTRAL VALLEY FLOOD PROTECTION	X	STAN CO HAZARDOUS MATERIALS
	CITY OF:		STAN CO PARKS & RECREATION
X	COMMUNITY SERVICES DIST: CROWS LANDING	X	STAN CO PUBLIC WORKS
X	COOPERATIVE EXTENSION		STAN CO RISK MANAGEMENT
	COUNTY OF:	X	STAN CO SHERIFF
X	DER GROUNDWATER RESOURCES DIVISION	X	STAN CO SUPERVISOR DIST 5: CONDIT
X	FIRE PROTECTION DIST: WEST STAN	X	STAN COUNTY COUNSEL
X	GSA: SAN JOAQUIN RIVER		StanCOG
X	HOSPITAL DIST: DEL PUERTO	X	STANISLAUS FIRE PREVENTION BUREAU
X	IRRIGATION DIST: CENTRAL CALIFORNIA	X	STANISLAUS LAFCO
X	MOSQUITO DIST: TURLOCK	X	STATE OF CA SWRCB DIVISION OF DRINKING WATER DIST. 10
X	MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES		SURROUNDING LAND OWNERS
	MUNICIPAL ADVISORY COUNCIL:		INTERESTED PARTIES
X	PACIFIC GAS & ELECTRIC	X	TELEPHONE COMPANY: AT&T
	POSTMASTER:		TRIBAL CONTACTS (CA Government Code §65352.3)
X	RAILROAD: UNION PACIFIC		US ARMY CORPS OF ENGINEERS
X	SAN JOAQUIN VALLEY APCD		US FISH & WILDLIFE
X	SCHOOL DIST 1: NEWMAN-CROWS LANDING		US MILITARY (SB 1462) (7 agencies)
	SCHOOL DIST 2:		USDA NRCS
	WORKFORCE DEVELOPMENT		
X	STAN CO AG COMMISSIONER		
	TUOLUMNE RIVER TRUST		

STANISLAUS COUNTY CEQA REFERRAL RESPONSE FORM

TO: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

FROM: _____

**SUBJECT: USE PERMIT APPLICATION NO. PLN2022-0074 – CAL COAST
COMMODITIES**

Based on this agency's particular field(s) of expertise, it is our position the above described project:

- _____ Will not have a significant effect on the environment.
_____ May have a significant effect on the environment.
_____ No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) – (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts: *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

Response prepared by:






Name	Title	Date
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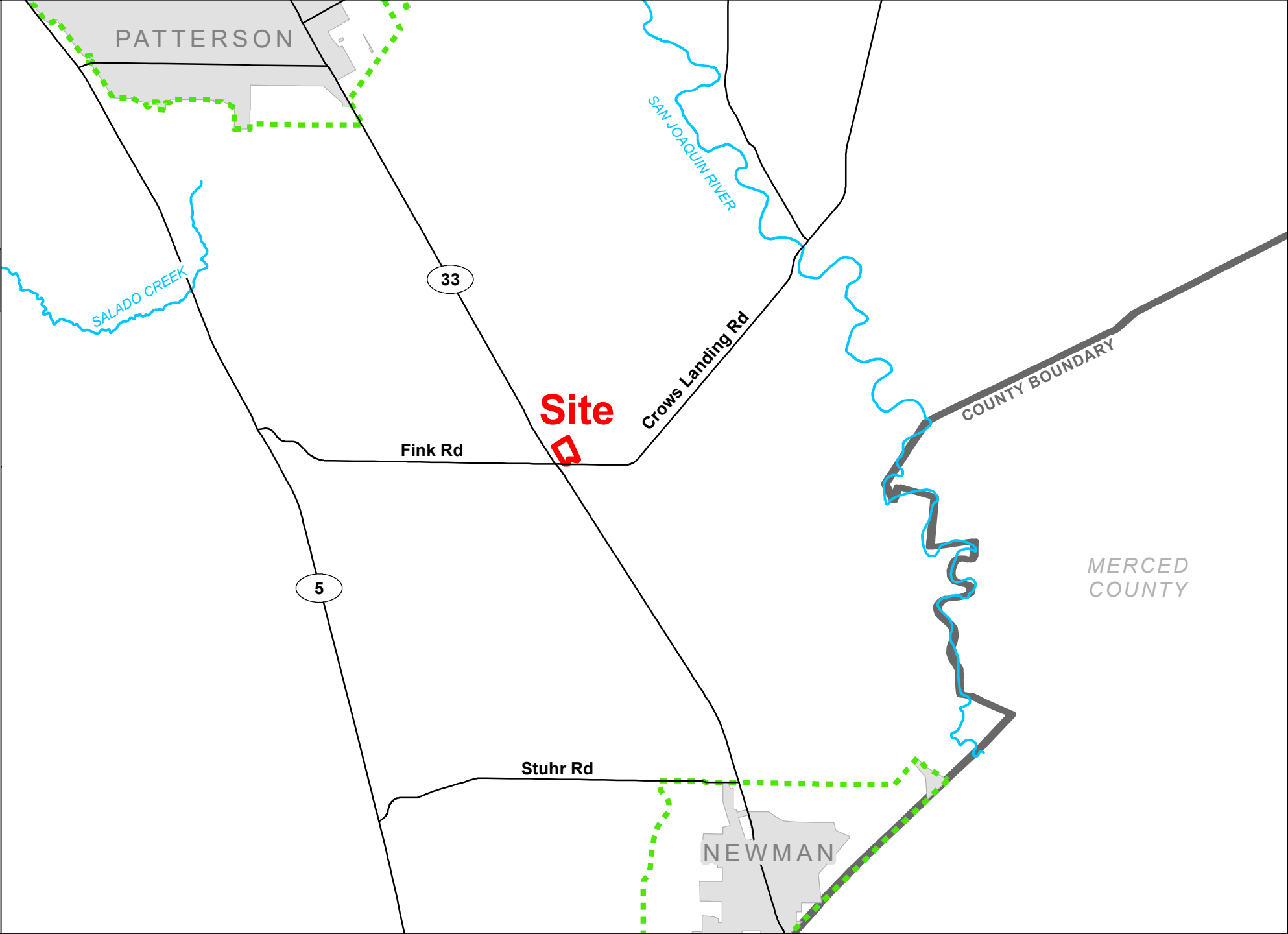
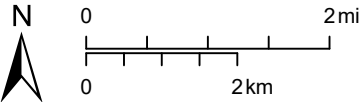
CAL COAST
COMMODITIES

UP
PLN2022-0074

AREA MAP

LEGEND

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







CAL COAST
COMMODITIES

UP
PLN2022-0074

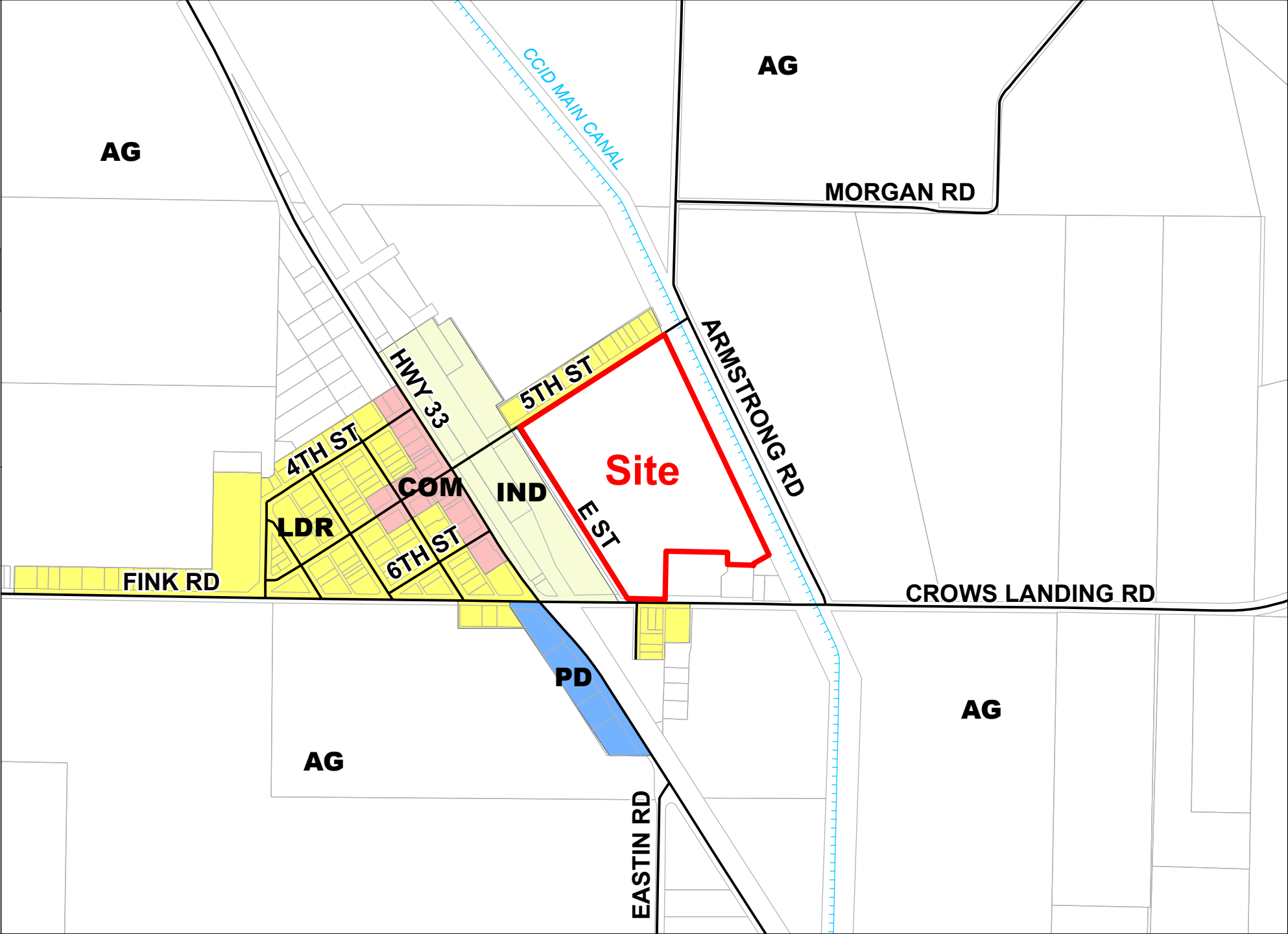
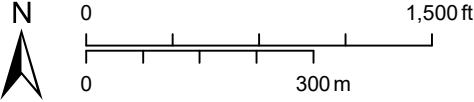
GENERAL PLAN MAP

LEGEND

-  Project Site
-  Parcel
-  Road
-  Canal

General Plan

-  Agriculture
-  Low Density Residential
-  Planned Development
-  Industrial
-  Commercial







CAL COAST
COMMODITIES





UP
PLN2022-0074

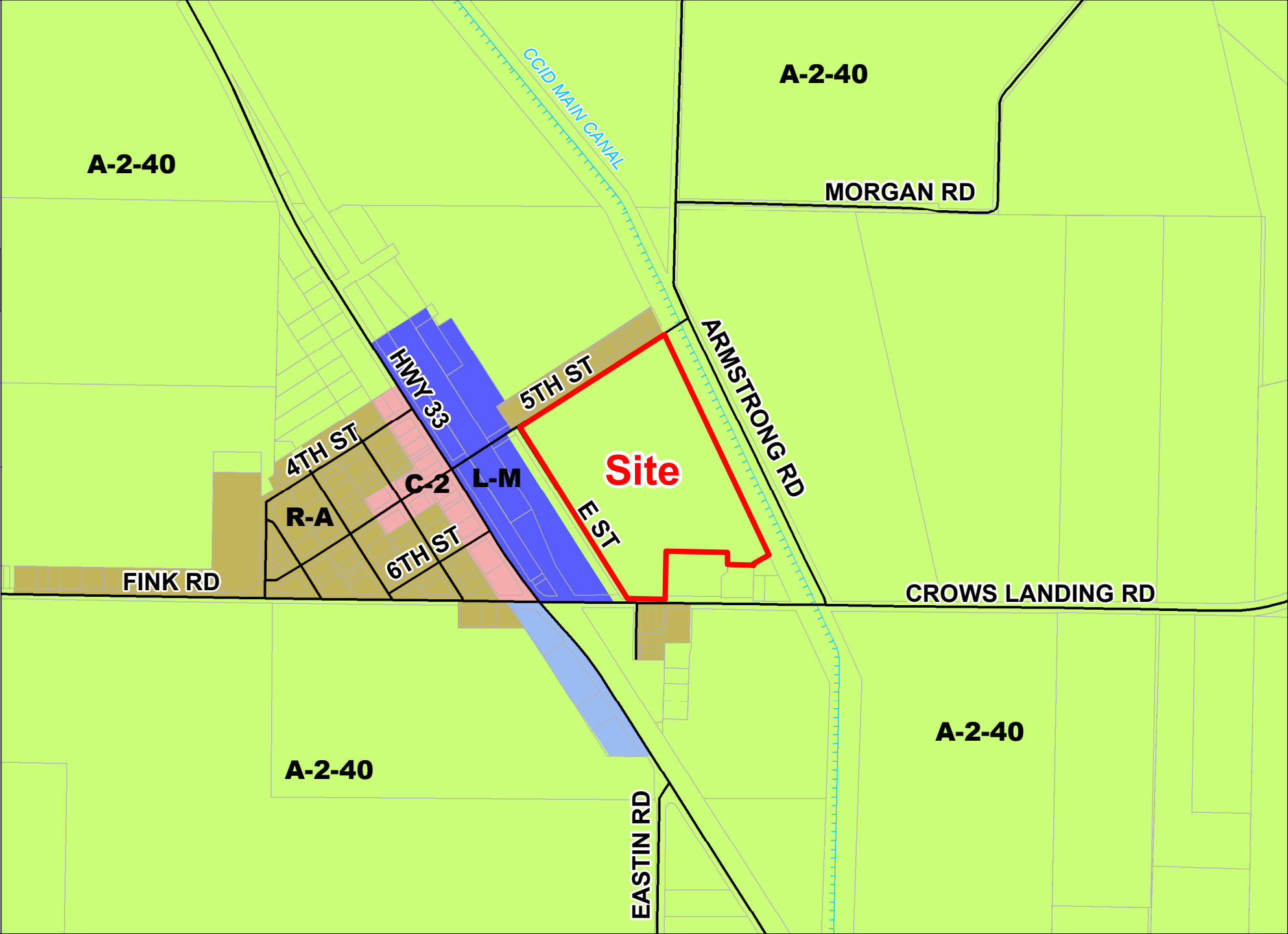
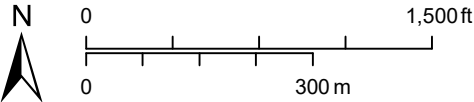
ZONING MAP

LEGEND

-  Project Site
-  Parcel
-  Road
-  Canal

Zoning Designation

-  Rural Residential
-  Limited Industrial
-  General Agriculture 40 Acre
-  General Commercial



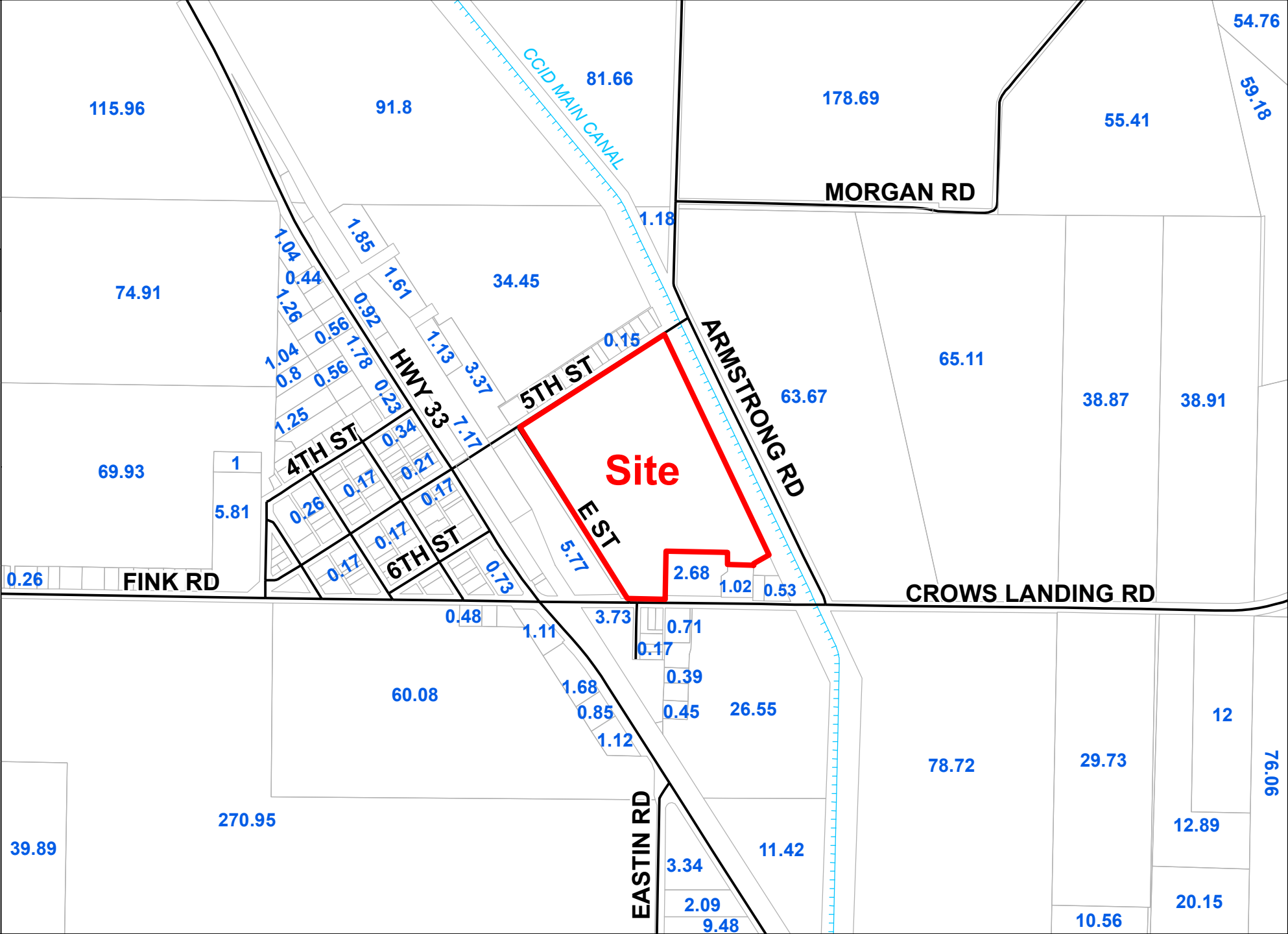
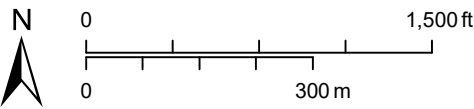
CAL COAST
COMMODITIES

UP
PLN2022-0074

ACREAGE MAP

LEGEND

-  Project Site
-  Parcel/Acres
-  Road
-  Canal






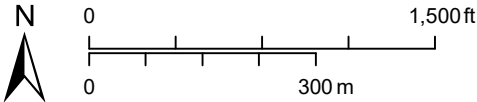
CAL COAST
COMMODITIES

UP
PLN2022-0074

2021 AERIAL AREA MAP

LEGEND

-  Project Site
-  Road
-  Canal






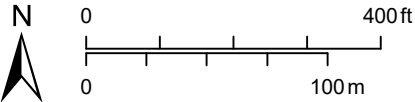
CAL COAST
COMMODITIES

UP
PLN2022-0074

2021 AERIAL SITE MAP

LEGEND

-  Project Site
-  Road
-  Canal

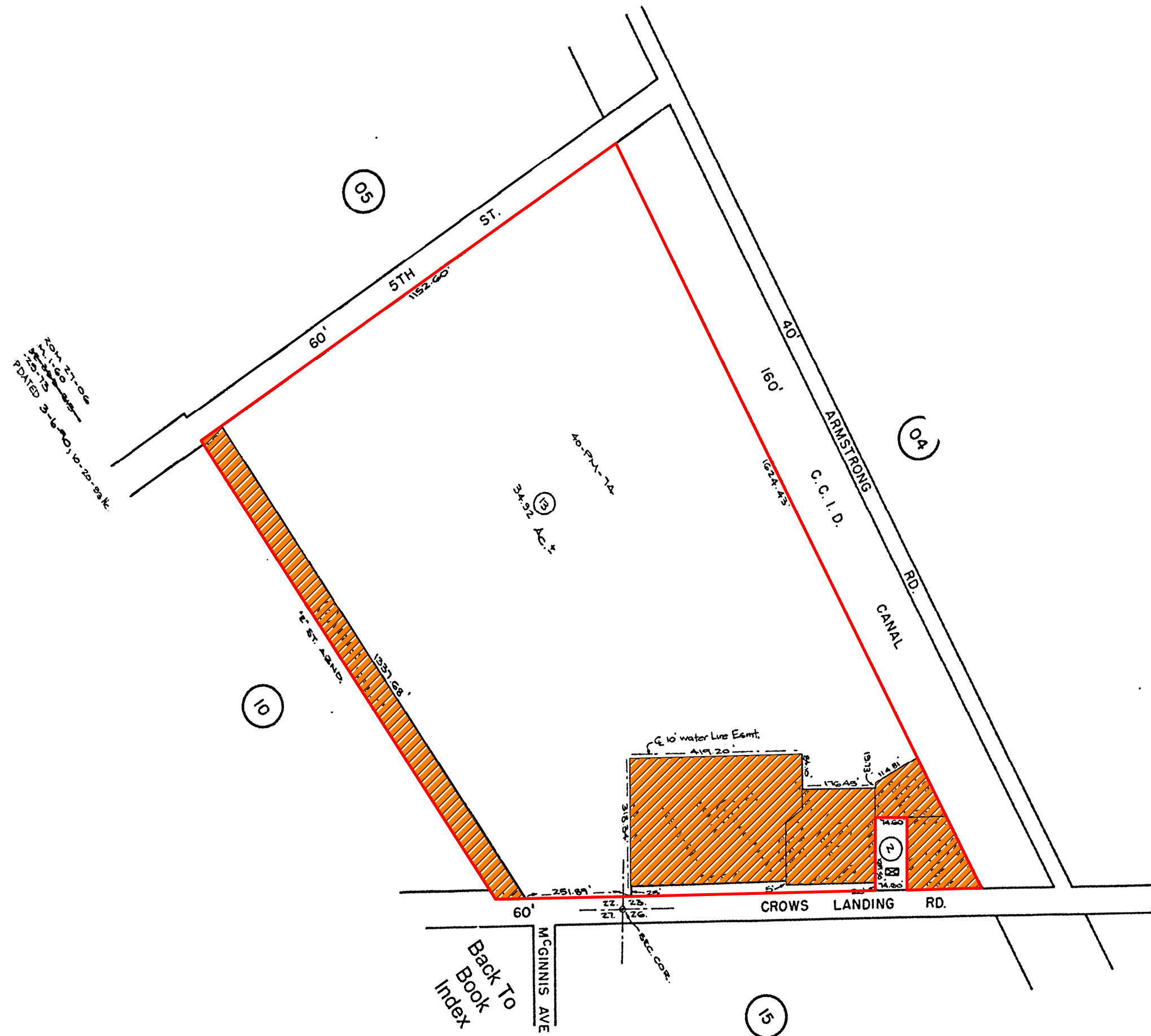






Location: Stanislaus County, CA

Legend

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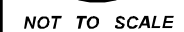
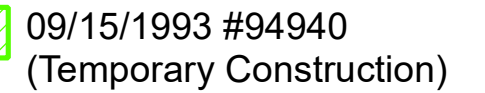
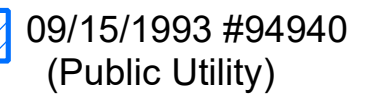
NOT TO SCALE

This map may or may not be an accurate description or identification of the land and is not intended nor may be it relied upon as a survey of the land depicted hereon. This map is solely intended to provide orientation as to the general location of the parcel or parcels depicted herein. First American Title Company, its subsidiaries and affiliates, expressly disclaim any and all liability for all loss or damage which may result from reliance or use of this map.



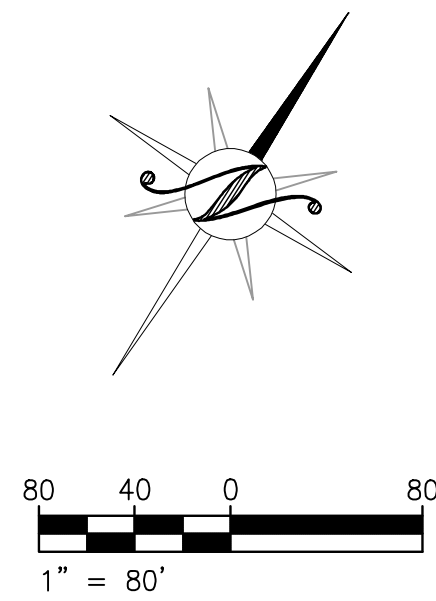
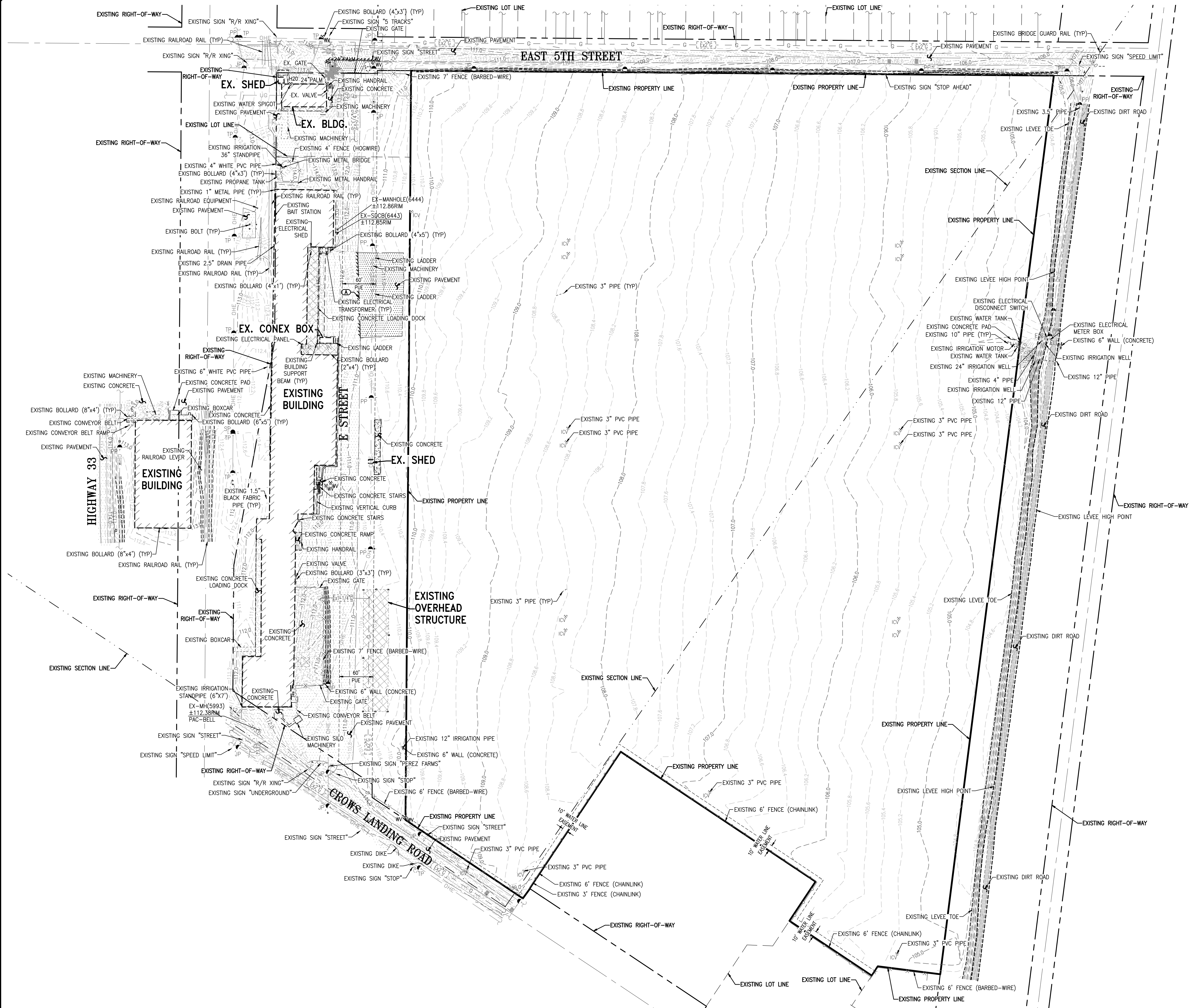
Location: Stanislaus County, CA

Legend



This map may or may not be an accurate description or identification of the land and is not intended nor may be it relied upon as a survey of the land depicted hereon. This map is solely intended to provide orientation as to the general location of the parcel or parcels depicted herein. First American Title Company, its subsidiaries and affiliates, expressly disclaim any and all liability for all loss or damage which may result from reliance or use of this map.

10/22/2020 14:31 PLOTTED BY: RANDELL
DRAWING: F:\20-2610 Cal Coast and Olam Nut Storage Civil\Conceptual Plans\C1.1 Topo.dwg



HATCH LEGEND

	EXISTING PAVEMENT		EXISTING PAVEMENT TO BE REMOVED
	EXISTING CONCRETE		EXISTING CONCRETE TO BE REMOVED
	EXISTING DIRT ROAD		

KEY NOTES

- (A) PROPOSED SAWCUT AND REMOVAL OF EXISTING PAVEMENT.

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NO.	DATE	APPROVED	REVISIONS
			DESCRIPTIONS

TOPOGRAPHIC AND DEMOLITION PLAN

CIVIL IMPROVEMENT PLANS FOR
CAL COAST AND OLAM

CROW'S LANDING, CALIFORNIA

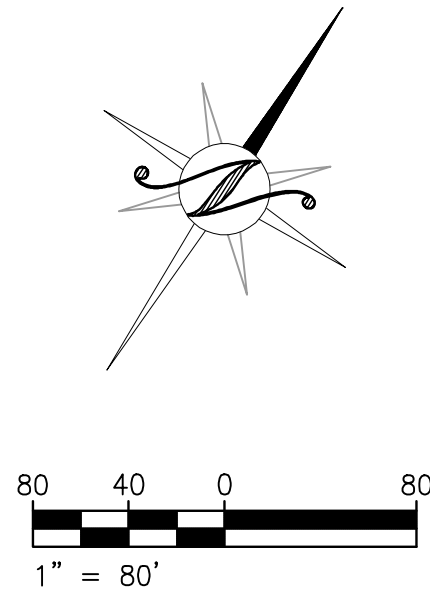
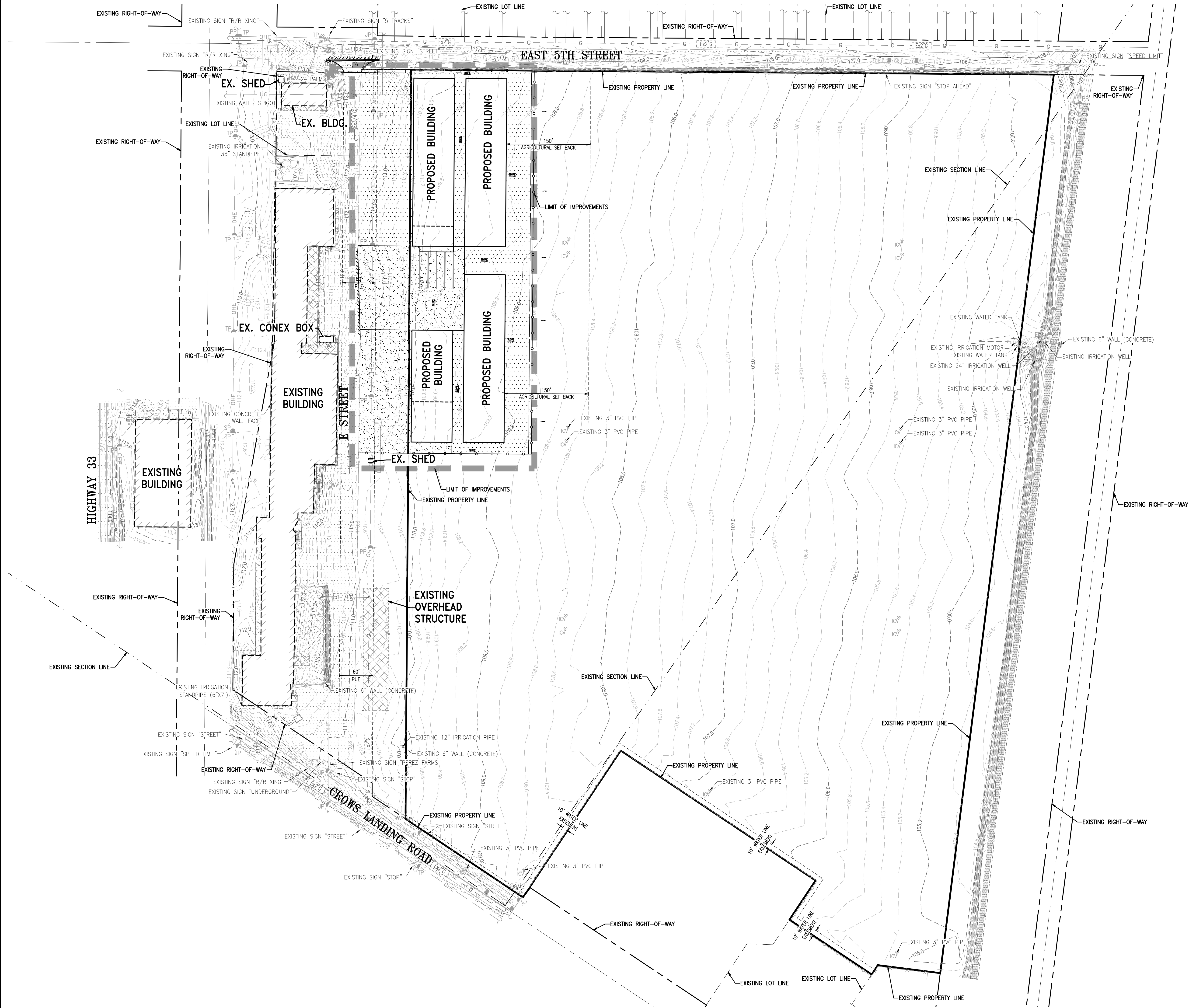


JOB #: 20-2610
DATE: 10/22/2020
SCALE: AS SHOWN
DRAWN: INJM
DESIGNED: BEC
CHK'D: JPE

SHEET
NUMBER

C1.1

PLOTTED: 10/22/2020 14:31 PLOTTED BY: RANDELL
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HATCH LEGEND

	EXISTING PAVEMENT
	EXISTING CONCRETE
	EXISTING DIRT ROAD
	PROPOSED CONCRETE
	PROPOSED PAVEMENT

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NO.	REVISIONS	DATE	APPROVED
	DESCRIPTIONS		

OVERALL SITE PLAN
 CIVIL IMPROVEMENT PLANS FOR
 CAL COAST AND OLAM
 CROWS LANDING, CALIFORNIA



JOB #:	20-2610
DATE:	10/22/2020
SCALE:	AS SHOWN
DRAWN:	INJM
DESIGN:	BEC
CHK'D:	JPE

SHEET NUMBER

C2.1







DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10TH Street, Suite 3400, Modesto, CA 95354

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

Building Phone: (209) 525-6557 Fax: (209) 525-7759

Form Available Online: <http://www.stancounty.com/planning/applications.shtm>

APPLICATION QUESTIONNAIRE

Please Check all applicable boxes

APPLICATION FOR:

Staff is available to assist you with determining which applications are necessary

- | | |
|---|--|
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Subdivision Map |
| <input type="checkbox"/> Rezone | <input type="checkbox"/> Parcel Map |
| <input checked="" type="checkbox"/> Use Permit | <input type="checkbox"/> Exception |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Williamson Act Cancellation |
| <input type="checkbox"/> Historic Site Permit | <input type="checkbox"/> Other _____ |

PLANNING STAFF USE ONLY:

Application No(s): PLN 2022-

Date: 7/11/2022

S 22 T 6 R 8

GP Designation: Ag

Zoning: A-2-40

Fee: \$4,999

Receipt No. _____

Received By: EB

Notes: up to clear CE case

In order for your application to be considered COMPLETE, please answer all applicable questions on the following pages, and provide all applicable information listed on the checklist on pages i – v. Under State law, upon receipt of this application, staff has 30 days to determine if the application is complete. We typically do not take the full 30 days. It may be necessary for you to provide additional information and/or meet with staff to discuss the application. Pre-application meetings are not required, but are highly recommended. An incomplete application will be placed on hold until all the necessary information is provided to the satisfaction of the requesting agency. An application will not be accepted without all the information identified on the checklist.

Please contact staff at (209) 525-6330 to discuss any questions you may have. Staff will attempt to help you in any way we can.

PROJECT INFORMATION

PROJECT DESCRIPTION: (Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets as necessary)

***Please note:** A detailed project description is essential to the reviewing process of this request. In order to approve a project, the Planning Commission or the Board of Supervisors must decide whether there is enough information available to be able to make very specific statements about the project. These statements are called "Findings". It is your responsibility as an applicant to provide enough information about the proposed project, so that staff can recommend that the Commission or the Board make the required Findings. Specific project Findings are shown on pages 17 – 19 and can be used as a guide for preparing your project description. (If you are applying for a Variance or Exception, please contact staff to discuss special requirements).

****See Attached Project Description****

PROJECT SITE INFORMATION

Complete and accurate information saves time and is vital to project review and assessment. Please complete each section entirely. If a question is not applicable to your project, please indicated this to show that each question has been carefully considered. Contact the Planning & Community Development Department Staff, 1010 10th Street – 3rd Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

ASSESSOR'S PARCEL NUMBER(S): Book 027 Page 006 Parcel 013

Additional parcel numbers: _____
Project Site Address _____
or Physical Location: _____

Property Area: Acres: 34.92 or Square feet: _____

Current and Previous Land Use: (Explain existing and previous land use(s) of site for the last ten years)

ORCHARD TREES

List any known previous projects approved for this site, such as a Use Permit, Parcel Map, etc.: (Please identify project name, type of project, and date of approval)

NIA

Existing General Plan & Zoning: **AGRICULTURE**

Proposed General Plan & Zoning: **AGRICULTURE**
(if applicable)

ADJACENT LAND USE: (Describe adjacent land uses within 1,320 feet (1/4 mile) and/or two parcels in each direction of the project site)

East: **AGRICULTURE**

West: **INDUSTRIAL**

North: **RESIDENTIAL, INDUSTRIAL, AGRICULTURE**

South: **AGRICULTURE, CHURCH**

WILLIAMSON ACT CONTRACT:

Yes ☐ No ☒

Is the property currently under a Williamson Act Contract?

Contract Number: _____

If yes, has a Notice of Non-Renewal been filed?

Date Filed: _____

Yes ☐ No ☒

Do you propose to cancel any portion of the Contract?

Yes ☐ No ☒

Are there any agriculture, conservation, open space or similar easements affecting the use of the project site. (Such easements do not include Williamson Act Contracts)

If yes, please list and provide a recorded copy: _____

SITE CHARACTERISTICS: (Check one or more)

Flat ☒

Rolling ☐

Steep ☐

VEGETATION: What kind of plants are growing on your property? (Check one or more)

Field crops ☒

Orchard ☐

Pasture/Grassland ☐

Scattered trees ☐

Shrubs ☐

Woodland ☐

River/Riparian ☐

Other ☐

Explain Other: _____

Yes ☐ No ☒

Do you plan to remove any trees? (If yes, please show location of trees planned for removal on plot plan and provide information regarding transplanting or replanting.)

GRADING:

Yes ☐ No ☐

Do you plan to do any grading? (If yes, please indicate how many cubic yards and acres to be disturbed. Please show areas to be graded on plot plan.) _____

STREAMS, LAKES, & PONDS:

Yes ☐ No ☒

Are there any streams, lakes, ponds or other watercourses on the property? (If yes, please show on plot plan)

Yes ☐ No ☒

Will the project change any drainage patterns? (If yes, please explain – provide additional sheet if needed) _____

Yes ☐ No ☒

Are there any gullies or areas of soil erosion? (If yes, please show on plot plan)

Yes ☐ No ☒

Do you plan to grade, disturb, or in any way change swales, drainages, ditches, gullies, ponds, low lying areas, seeps, springs, streams, creeks, river banks, or other area on the site that carries or holds water for any amount of time during the year? (If yes, please show areas to be graded on plot plan)

Please note: If the answer above is yes, you may be required to obtain authorization from other agencies such as the Corps of Engineers or California Department of Fish and Game.

STRUCTURES:

- Yes ☐ No ☒ Are there structures on the site? (If yes, please show on plot plan. Show a relationship to property lines and other features of the site.)
- Yes ☐ No ☒ Will structures be moved or demolished? (If yes, indicate on plot plan.)
- Yes ☒ No ☐ Do you plan to build new structures? (If yes, show location and size on plot plan.)
- Yes ☐ No ☒ Are there buildings of possible Historical significance? (If yes, please explain and show location and size on plot plan.) _____

PROJECT SITE COVERAGE:

Existing Building Coverage: 0 Sq. Ft. Landscaped Area: _____ Sq. Ft.
Proposed Building Coverage: 80,300 Sq. Ft. Paved Surface Area: 56,700 Sq. Ft.

BUILDING CHARACTERISTICS:

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) THREE (3)

BUILDINGS AT 73' BY 300' AND ONE (1) BUILDING AT 73' X 200'

Number of floors for each building: 1 FLOOR

Building height in feet (measured from ground to highest point): (Provide additional sheets if necessary) 12 FEET

Height of other appurtenances, excluding buildings, measured from ground to highest point (i.e., antennas, mechanical equipment, light poles, etc.): (Provide additional sheets if necessary) NIA

Proposed surface material for parking area: (Provide information addressing dust control measures if non-asphalt/concrete material to be used) **CONCRETE AND ASPHALT**

UTILITIES AND IRRIGATION FACILITIES:

Yes ☒ No ☐ Are there existing public or private utilities on the site? Includes telephone, power, water, etc. (If yes, show location and size on plot plan)

Who provides, or will provide the following services to the property?

Electrical: <u>TURLOCK IRRIGATION DISTRICT</u>	Sewer*: <u>NIA</u>
Telephone: <u>NIA</u>	Gas/Propane: <u>NIA</u>
Water**: <u>NIA</u>	Irrigation: <u>NIA</u>

***Please Note:** A “will serve” letter is required if the sewer service will be provided by City, Sanitary District, Community Services District, etc.

****Please Note:** A “will serve” letter is required if the water source is a City, Irrigation District, Water District, etc., and the water purveyor may be required to provide verification through an Urban Water Management Plan that an adequate water supply exists to service your proposed development.

Will any special or unique sewage wastes be generated by this development other than that normally associated with resident or employee restrooms? Industrial, chemical, manufacturing, animal wastes? (Please describe:)

NO

Please Note: Should any waste be generated by the proposed project other than that normally associated with a single family residence, it is likely that Waste Discharge Requirements will be required by the Regional Water Quality Control Board. Detailed descriptions of quantities, quality, treatment, and disposal may be required.

Yes ☒ No ☐ Are there existing irrigation, telephone, or power company easements on the property? (If yes, show location and size on plot plan.)

Yes ☐ No ☒ Do the existing utilities, including irrigation facilities, need to be moved? (If yes, show location and size on plot plan.)

Yes ☒ No ☐ Does the project require extension of utilities? (If yes, show location and size on plot plan.)

AFFORDABLE HOUSING/SENIOR:

Yes ☐ No ☒ Will the project include affordable or senior housing provisions? (If yes, please explain)

RESIDENTIAL PROJECTS: (Please complete if applicable – Attach additional sheets if necessary)

Total No. Lots: _____ Total Dwelling Units: _____ Total Acreage: _____

Net Density per Acre: _____ Gross Density per Acre: _____

<i>(complete if applicable)</i>	Single Family	Two Family Duplex	Multi-Family Apartments	Multi-Family Condominium/ Townhouse
Number of Units:	_____	_____	_____	_____
Acreage:	_____	_____	_____	_____

COMMERCIAL, INDUSTRIAL, MANUFACTURING, RETAIL, USE PERMIT, OR OTHER PROJECTS: (Please complete if applicable – Attach additional sheets if necessary)

Square footage of each existing or proposed building(s): **THREE BUILDINGS (3) AT 73' X 300' AND**
ONE (1) BUILDING AT 73' X 200'

Type of use(s): **NUT STORAGE, SHIPPING AND RECEIVING**

Days and hours of operation: **6 AM TO 8 PM**

Seasonal operation (i.e., packing shed, huller, etc.) months and hours of operation: **RECEIVING: 10-12/DAY**
09/01-11/01; SHIPPING: 20/WEEK 09/15-03/15

Occupancy/capacity of building:

Number of employees: (Maximum Shift): **10** (Minimum Shift): **0**

Estimated number of daily customers/visitors on site at peak time: **1**

Other occupants:

Estimated number of truck deliveries/loadings per day: **10-20/DAY 09/01-11/01; 20/WEEK 11/01-03/01**

Estimated hours of truck deliveries/loadings per day: **TBD**

Estimated percentage of traffic to be generated by trucks: **100**

Estimated number of railroad deliveries/loadings per day: **0**

Square footage of:

Office area:

Warehouse area:

Sales area:

Storage area: **72,416**

Loading area: **7,884**

Manufacturing area:

Other: (explain type of area)

Yes ☐ No ☒ Will the proposed use involve toxic or hazardous materials or waste? (Please explain)

ROAD AND ACCESS INFORMATION:

What County road(s) will provide the project's main access? (Please show all existing and proposed driveways on the plot plan)

ENTRANCE: CROWS LANDING ROAD

EXIT: EAST 5TH STREET

- Yes ☐ No ☒ Are there private or public road or access easements on the property now? (If yes, show location and size on plot plan)
- Yes ☐ No ☒ Do you require a private road or easement to access the property? (If yes, show location and size on plot plan)
- Yes ☐ No ☒ Do you require security gates and fencing on the access? (If yes, show location and size on plot plan)

Please Note: Parcels that do not front on a County-maintained road or require special access may require approval of an Exception to the Subdivision Ordinance. Please contact staff to determine if an exception is needed and to discuss the necessary Findings.

STORM DRAINAGE:

How will your project handle storm water runoff? (Check one) ☐ Drainage Basin ☐ Direct Discharge ☒ Overland

☐ Other: (please explain) _____

If direct discharge is proposed, what specific waterway are you proposing to discharge to? _____

Please Note: If direct discharge is proposed, you will be required to obtain a NPDES permit from the Regional Water Quality Control Board, and must provide evidence that you have contacted them regarding this proposal with your application.

EROSION CONTROL:

If you plan on grading any portion of the site, please provide a description of erosion control measures you propose to implement.

Please note: You may be required to obtain an NPDES Storm Water Permit from the Regional Water Quality Control Board and prepare a Storm Water Pollution Prevention Plan.

ADDITIONAL INFORMATION:

Please use this space to provide any other information you feel is appropriate for the County to consider during review of your application. (Attach extra sheets if necessary)



MEMORANDUM

TO: Emily Basnight, Stanislaus County Assistant Planner
FROM: Roman Acosta, MPA, J.B. Anderson Land Use Planning
SUBJECT: Cal Coast Commodities – Walnut Storage – Traffic Memo
DATE: October 29, 2020
ATTACHMENTS: Exhibit showing Access Improvements; Example Access Agreement

SUMMARY:

The purpose of this memorandum is to clarify the proposed traffic movements for the Cal Coast Commodities Walnut Storage Facility hereby referred to as "Proposed Project". The Proposed Project will utilize two (2) existing driveways off Crows Landing Road and East 5th Street onto vacated E Street, and into the Proposed Project Site. A reciprocal access agreement will be recorded between parcels 027-010-009, 027-006-012, and 027-006-013 (Proposed Project Site). The Proposed Project includes improvements to the existing driveway off East 5th Street onto vacated E Street. No improvements are proposed at the existing driveway off Crows Landing Road.

Further, we have attached an exhibit which shows the Proposed driveway improvements to the driveway from East 5th Street. The improvements will include paving and upgrades to the existing driveway approach.

As stated in the Project Description for the Proposed Project, the Project Site expects 10-20 inbound truck trips per day during the walnut harvest season, September through November. In addition, the Proposed Project expects 10-12 outbound truck trips per day during the months of September to March. The traffic circulation plan for the site is as follows:

- Fifty percent (50%) of the truck trips will utilize the existing driveway located at vacated E Street and Crows Landing Road.
- Twenty-five percent (25%) of the trips will utilize the existing driveway located at vacated E Street and East 5th Street from the East (Armstrong Road).
- Twenty-five percent (25%) of the trips will utilize the existing driveway located at vacated E Street and East 5th Street from the West (Highway 33).

As stated above, the Proposed Project does not include improvements to the existing driveway located at Crows Landing Road and vacated E Street. In addition, the Proposed Project will include improvements to the existing driveway at East 5th Street and vacated E Street. An exhibit is attached to this memorandum to present a conceptual plan for the improvements to the driveway on East 5th Street from vacated E Street.

Last, pursuant to Stanislaus County Public Works comments, the Applicant will be entering into an access agreement between the Proposed Project Area and the two (2) neighboring parcels to the west. An example of the Access Agreement is attached to this Traffic Memo. The Access Agreement will be a private agreement as the Perez Brothers Partnership owns each of the parcels.

Attachment Two: Example Access Agreement

Recording requested by
and returned to:

Perez Bros, A Partnership
P.O. Box 97
Crows Landing, CA 95313

APN # 027-006-013
Crows Landing Road
Crows Landing, CA 95313

RECIPROCAL PARKING, ACCESS AND MAINTENANCE AGREEMENT

WHEREAS, Perez Bros., a California limited Partnership, hereafter referred to as OWNER, is the owner of the real property located in Stanislaus County, California and more particularly described in Exhibit "A", which is attached hereto and made a part hereof by reference (the "Property"), and

WHEREAS, Condition No. XX of Resolution XX of the Planning Commission of Stanislaus County requires OWNER to provide a reciprocal parking and access agreement between proposed parcels 1, 2, and 3, as shown on the Map illustrated in this agreement as Exhibit "B" ("Final Parcel Map Properties"); and

NOW, THEREFORE, in consideration of the approval of a Conditional Use Permit by Stanislaus County, OWNER agrees with Stanislaus County as follows ("Agreement"):

1. OWNER agrees, for itself, its heirs, successors and assigns, that access ways as shown in Exhibit "C" shall be kept open and maintained across proposed Parcel 1, 2 and 3 of the Property ("Access Ways") for the benefit of Parcels 1, 2, and 3. Such Access Ways shall be open for the mutual, reciprocal and nonexclusive ingress and egress by vehicular and pedestrian traffic of all owners, lessees, licensees, customers, agents, tenants, employees and suppliers of the Properties. .

2. Such Access Ways have been partially constructed and maintained by OWNER and will jointly be maintained by OWNER, and/or any future owner or owners of the Use Permit Property, in good repair and condition free of obstructions. The owners or their successors of each of the Properties shall pay 33.3% of the costs of maintenance and repair of the Access Ways.

3. No use shall be made of such Access Ways that will interfere with the free enjoyment of the access provided for in this Agreement. Access Ways shall be kept clear of the storage of equipment, materials, trucks, cars, and other objects at all times.

4. Unless otherwise provided in this Agreement or in the Stanislaus County Municipal Code (as of the date of this Agreement), such Access Ways may constitute a portion of any approved parking area that may be required for the Property and may be used as parking aisles, drive aisles or driveways, but may not be used for the parking of vehicles.

5. This Agreement shall be recorded and shall run with the land defined as the Properties and shall be binding upon future owners, tenants, and holders of any interest in such land, or any portion thereof.

6. This Agreement shall remain in force commencing with the date hereof, until terminated, rescinded, or amended as provided herein.

7. The Access Ways may be amended, relocated, terminated, or abandoned in full, or as to any parcel, by a written acknowledgement between the OWNER or the then owner or owners of the Properties and upon which the Access Ways are being amended, relocated, terminated or abandoned, or to which it will be relocated.

8. The terms of this Agreement may be amended only by a written document in recordable form between the OWNER or the then owner or owners of the Properties.

9. The owner or owners of the Properties shall maintain adequate liability insurance and shall utilize the Access Ways in a responsible manner. Each owner of the Properties shall indemnify and hold the other owner or owners harmless from all costs, liabilities, and damages, including attorney's fees and costs resulting in any way from the owner's use of the Access Ways.

10. Should legal action arising from this Agreement be commenced between the parties, the prevailing party shall be entitled, in addition to all other appropriate relief, reasonable attorney's fees as awarded by the Court.

11. The parties agree to execute and deliver any other documents or instruments not specifically referred to herein, which are necessary or reasonably required by a party to carry out the intents and purposes of this Agreement.

12. This Agreement shall be binding upon and inure to the benefit of the heirs, successors and assigns of the parties hereto.

13. All notices and other communications hereunder shall be in writing and shall be deemed to have been duly given if delivered or if mailed by first-class mail with postage prepaid to the owner or owners of the Properties at the address to which Stanislaus County is then sending property tax bills.

14. This Agreement shall be governed by, interpreted, and construed under the laws of the State of California.

LEGAL OWNER(S):

Perez Bros., a California limited partnership

Date

By: _____

Its: _____

Notarization Required

Attachments:

Exhibit "A" – Legal Description of Property.

Exhibit "B" – Draft Site Plan.

Exhibit "C" – Easement area defined as the Access way.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____)

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument that person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____(Seal)