



June 19, 2024

Stanislaus County Department of Planning and Community Development

ATTN: Teresa McDonald, Assistant Planner

RE: Rezone Application No. PLN2023-0065 – Caloy Company, LP

Caloy is proposing to build a facility at 5749 Montpelier Road, the property I lease. I am very concerned with this proposed development.

On page 2, their application states, "One new driveway on Montpelier Road and the widening of the existing northeastern driveway are proposed as well as two new driveways that front an existing access easement (5th Street, a private road) adjacent to the norther property line."

The private road, 5th Street is an 80-foot street. It is a dedicated street on the town site. Southern Pacific Land Company was responsible for the town site. That is our only access to the property at 5749 Montpelier Road and we do not want that altered in any way. The proposed increased truck traffic, the increase of individuals with access to the elevator is very concerning.

There is no purpose for this proposed facility to be located in the agriculture townsite of Montpelier, as it is an industrial complex. This facility needs to be considered in a like use area already zoned for industrial use, not existing agriculture use.

It is important to recognize the historical significance of the functioning grain elevator on the property. It was built in 1930 by Cathcart and Rouse and has been in continuous use ever since. I have relied on continuous use of the grain elevator on the property for the last +/-30 years while farming +/- 5,000 acres of dry land grain operations. The elevator is used year-round by us, Barnes Ranch Inc., as a grain storage and cleaning facility.

Regardless of its historical significance, this elevator is still a functioning grain elevator and grain storage facility in an agriculture area. There is always dust generated by this elevator when loading and unloading grain from the head house, it always has and it always will.

It is strongly believed that this new proposed project adjacent south will be utilizing industrial products, I'm concerned about industrial use contamination. I am deeply concerned about the future; will it be required to somehow mitigate whatever grain dust that is generated? If so that is something I simply cannot do nor can it be done at any operating grain elevator, which is certainly why grain elevators are situated in an agriculture zoning area.

Of most importance is we are an agricultural business in an agricultural zone doing what has been in Montpelier for 133+ years and we do not want to be impacted in our townsite with an industrial business that does not belong in our Agriculture Zoning area.

Respectfully,

Jeff Barnes - President Barnes Ranch, Inc.



June 20, 2024

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

SUBJECT: REZONE APPLICATION NO. PLN2023-0065 – CALOY COMPANY, LP

After the publishing of the June 20, 2024 Planning Commission Staff Report for the subject application, discussions with the Stanislaus County Department of Public Works identified issues with the location of the existing and proposed fencing, the proposed widening of an existing driveway, and the proposed abandonment of a portion of an existing access easement, as noted on the site plan provided for the project (see Exhibit B-6 and B-7 of Exhibit B - *Maps and Plans* of the June 20, 2024 Staff Report). Additional discussion on the issues raised is provided below as well as proposed amendments to the development standards to address the issues (see Exhibit C – Development Standards of the June 20, 2024 Staff Report).

There is an existing five foot, 10-inch-tall concrete and wrought iron decorative fence running along the Montpelier Road frontage of the existing facility. The site plan provided to the County for approval misidentified the existing fence as a six-foot-tall chain link fence, and the location of the existing concrete and wrought iron fence was not considered by Public Works at the time the project was initially reviewed. Based on additional review, the existing fence may be within the Stanislaus County road right-of-way. Accordingly, staff is proposing the following amendment to Development Standard No. 24 to clarify that all existing and proposed improvements are required to be located outside of the road right-of-way and to provide for a remedy if structures are found to currently be located within the road right-of-way (added text is shown in bold font and deleted text is shown in strikethrough):

24. **No existing or proposed** improvements shall encroach into the Stanislaus County road right-of-way. **Prior to issuance of any grading or building permit for new structures (existing facility and expansion area), the developer/property owner shall demonstrate that no existing improvements encroach into the Stanislaus County road right-of-way. If it is determined that any improvements encroach into the Stanislaus County road right-of-way, the developer shall be required to remove or relocate the improvements outside of the right-of-way, at the request of Public Works, and within the timeframe specified by Public Works. If the improvements are not removed or relocated within the timeframe specified Public Works, the County Road Commissioner may remove the improvements at the expense of the owner.**

Staff is also proposing the addition of Development Standard No. 51 to ensure all minimum required setbacks from the ultimate road right-of-way are maintained:

51. **Montpelier Road is identified as an 80-foot-wide Major Collector by the Circulation Element of the Stanislaus County General Plan. A 15-foot setback for all structures, excluding approved signage, shall be maintained from the ultimate road right-of-way. Any fence, hedges, or screen planting, in excess of three feet in height within the setback area shall comply with all applicable vision clearance standards adopted by the County in order to ensure visibility from the public**

right-of-way will not be obstructed. The property owner/developer shall have the property surveyed and survey markers made visible to County inspectors at the time of inspections. The property owner/developer shall be responsible for all survey costs.

The project includes three new driveways fronting on an existing access easement (5th Street, and H Street) along the north and west side of the project site, one new driveway on Montpelier Road on the northeastern end of the expansion area, and a widening of the existing northeastern driveway on Montpelier Road serving the existing facility. The site plan provided for the project reflects that the existing 52-foot-wide northeastern driveway on Montpelier Road would be widened to 93 feet. The existing driveway is already at the maximum width permitted in accordance with Stanislaus County Public Work's Standards and Specifications and, as such, the applicant is withdrawing the request to widen the existing driveway. In order to maintain internal circulation, the product will be piped from the existing site to the proposed expansion area, and if necessary, the existing drainage basin, located along the northern end of the existing facility area, may be shortened and widened to allow for access between the existing facility and proposed expansion area.

Staff is proposing the addition of Development Standard No. 52 relating to the proposed abandonment of the on-site easement:

- 52. Prior to issuance of any grading or building permit, on-site easements shall be protected until abandoned, and proof of abandonment and/or relocation of the easement is provided to the County. If not abandoned and/or relocated, the property owner/developer shall demonstrate to the County how easements are being protected by noting areas of protection on the building and/or grading permit site plans. Any need to modify the approved development plan to protect the easement, or to address the relocation of an easement shall be subject to review and approval by the Planning Department during the building permit review process, provided the modifications are minor in nature.**

RECOMMENDATION

Staff recommends the Planning Commission provide a recommendation of approval to the Board of Supervisors, as outlined in the June 20, 2024 Planning Commission Staff Report, with the amendment to Development Standard No. 24 and the addition of Development Standard Nos. 51 and 52 as outlined in this Planning Commission Memo.

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