



Monterey County

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Board Order

Upon motion of Supervisor Parker, seconded by Supervisor Phillips and carried by those members present, the Board of Supervisors hereby:

Adopted **Resolution 15-219** to:

- a. Determine that the previously adopted Mitigated Negative Declaration for the D'Arrigo Brothers Use Permit (File No. PLN020069) is adequate for the approval of a Minor Amendment to the Use Permit and a Lot Line Adjustment;
- b. Adopt a Resolution to approve a Minor Amendment to the D'Arrigo Brothers Use Permit (Planning File No. PLN020069) and to approve a Lot Line Adjustment between two (2) parcels under Farmland Security Zone Contract Nos. 2000-011.A and 2000-012.A, with no net decrease in acreage under Williamson Act Farmland Security Zone Contract; as shown on the proposed Lot Line Adjustment map on file in Planning File No. PLN150112;
- c. Authorize the Chair to execute a new or amended Farmland Security Zone Contract or Contracts rescinding a portion of the existing Farmland Security Zones and Contract Nos. 2001-011.A. and 2001-012.A. to reflect the newly reconfigured parcels, and simultaneously execute new or amended Farmland Security Contracts between the County and D'Arrigo Brothers Company of California, reflecting the new legal descriptions and current ownership interests, and to incorporate any legislative changes to the State Williamson Act provisions and current County Farmland Security Zone Williamson Act Policies or Procedures; and
- d. Direct the Clerk of the Board to record the new or amended contract or contracts subject to submittal of the appropriate recording fees by the property owner of record.(Minor Amendment and Lot Line Adjustment - PLN150112/D'Arrigo Brothers, Harris Road, Spreckels area, Greater Salinas Area Plan)

PASSED AND ADOPTED on this 28th day of July 2015, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter
NOES: None
ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 78 for the meeting on July 28, 2015.

Dated: July 29, 2015
File ID: RES 15-081

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By *Denise Hancock*
Deputy

Before the Board of Supervisors in and for the County of Monterey, State of California

Resolution No. 15-219

Resolution of the Monterey County Board of Supervisors to:

- a. Determine that the previously adopted Mitigated Negative Declaration for the D'Arrigo Brothers Use Permit (File No. PLN020069) is adequate for the approval of a Minor Amendment to the Use Permit and a Lot Line Adjustment; and
b. Adopt a Resolution approving a Minor Amendment to the D'Arrigo Brothers Use Permit (Planning File No. PLN020069) and a Lot Line Adjustment; and approving findings, evidence and conditions to facilitate a Lot Line Adjustment between two (2) separate parcels under Farmland Security Zone Contract Nos. 2000-011.A & 2000-012.A with no net decrease in acreage under Williamson Act Farmland Security Zone Contract as shown on the proposed Lot Line Adjustment map on file in Planning File No. PLN150112; and
c. Authorize the Chair of the Board to execute a new or amended Farmland Security Zone Contract or Contracts rescinding a portion of the existing Farmland Security Zone Contract Nos. 2000-011.A & 2000-012.A to reflect the newly reconfigured parcels, and simultaneously execute a new or amended Farmland Security Zone Contract or Contracts between the County and D'Arrigo Brothers Company of California, reflecting the new legal descriptions and current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Farmland Security Zone Policies or Procedures; and
d. Direct the Clerk of the Board to record the new or amended contract or contracts subject to the submittal of the appropriate recording fees by the property owner of record.
(Minor Amendment and Lot Line Adjustment - PLN150112/D'Arrigo Brothers, Harris Road, Spreckels area, Greater Salinas Area Plan).....

WHEREAS, on March 30, 2004, the Monterey County Board of Supervisors approved a Use Permit (File No. PLN020069 - Resolution No. 04-121) for an agricultural processing plant an ancillary facilities totaling approximately 240,408 square feet of development. The processing

plant included a produce cooler/packing building with a 150,000 square foot cooler to be built in two (2) phases: 100,000 square feet in the first phase and 50,000 square feet in the second phase. The first phase of the cooler as well as the ancillary facilities have been built and are fully operational.

WHEREAS, an application for a Minor Amendment to the previously approved Use Permit (hereafter, "Minor Amendment" or "Amendment") and Lot Line Adjustment came on for public hearing before the Monterey County Board of Supervisors on July 28, 2015;

WHEREAS, the D'Arrigo Brothers Company parcels, subject to Farmland Security Zone Contract Nos. 2000-011.A & 2000-012.A (Williamson Act Farmland Security Zones) will be reconfigured, but will remain under Farmland Security Zone Contracts; the Lot Line Adjustment, which will result in two reconfigured separate parcels totaling approximately 299.3 acres, will allow the continued utilization of the land by the D'Arrigo Brothers Company;

WHEREAS, the Board of Supervisors finds that the proposed Lot Line Adjustment of the property owned by the D'Arrigo Brothers Company, is consistent with the policies of the Monterey County General Plan, the Greater Salinas Area Plan, regulations in the Zoning and Subdivision Ordinances (Title 21 and Title 19 of the Monterey County Code), and Section 51257 of the California Government Code (Williamson Act), and Farmland Security Zone Contract Nos. 2000-011.A & 2000-012.A as evidenced below;

WHEREAS, having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors hereby finds and decides as follows:

**FINDINGS AND EVIDENCE FOR APPROVAL OF THE MINOR AMENDMENT TO
THE D'ARRIGO BROTHERS COMPANY USE PERMIT (PLN020069)**

- 1. FINDING:** **PROJECT DESCRIPTION** - The County has received and processed a proposed amendment to the project approved under Planning File No. PLN020069. The amendment allows: 1) construction of a 52,150 square foot addition (second phase) to an approved cooler whereby a 50,000 square foot cooler was approved as a second phase under the original permit approval; 2) construction of 1,597 square foot equipment room and a 29,444 square foot shade structure for berry receiving not included in the original permit approval; 3) construction of 15 new truck docks, 12 truck parking spaces and 15 regular-vehicle parking spaces corresponding to the construction of the already-approved second phase of the cooler; and 4) additional stormwater retention pond. Construction of the truck docks and parking areas would require paving of an approximately 99,000 square foot area and construction of an additional stormwater retention pond.

- EVIDENCE:** (a) Application for a Minor Amendment and Lot Line Adjustment submitted on May 5, 2015.
(b) The project site is located at 20911 and 21777 Harris Road, about one mile southeast of the Town of Spreckels; APNs 177-011-011-000 and 177-011-

012-000; the site is zoned "F/40" (Farmland, 40 Acre Minimum Parcel Size).

- (c) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed amendment found in Project Files PLN020069 and PLN150112.

2. FINDING:

CONSISTENCY - The proposed amendment qualifies as a Minor Amendment to the project approved under File No. PLN020069 pursuant to Monterey County Code Chapter 21.76.120.A (Zoning) and would not cause impacts not already assessed in the original permit action. As approved, the project under file PLN150112 will become part of the project approved by the Board of Supervisors under file PLN020069.

EVIDENCE:

- (a) On March 30, 2004, the Monterey County Board of Supervisors approved a Use Permit (File No. PLN020069 - Resolution No. 04-121) for an agricultural processing plant and ancillary facilities totaling approximately 240,408 square feet of development. Other structures totaling 30,444 square feet of area existed on the subject parcel at the time of the approval and construction of the processing plant. The processing plant included a produce cooler/packing building with a 150,000 square foot cooler to be built in two (2) phases: 100,000 square feet in the first phase and 50,000 square feet in the second phase. The first phase of the cooler has been built and is fully operational.
- (b) The proposed project includes the construction of the second phase of the already-approved cooler at 52,150 square feet instead of the originally approved 50,000 square foot second phase (a difference of +2,150 square feet); and the construction of a 1,597 square foot equipment room not included in the original approval. Therefore the proposed project would result in the addition of only 3,747 square feet of building area to the originally approved square footage of approximately 240,000 square feet and would be generally in keeping with the approval of the original Use Permit by the Board of Supervisors.
- (c) The proposed building additions would result in a total of 306,093 square feet of building on the parcel which would exceed the maximum site coverage allowed under the development standards. The Lot Line Adjustment included in the application would enlarge the size of the subject 121.6-acre parcel to 195.3 acres where the proposed total of 306,093 square feet of building would result in a 3.6% site coverage which would be below the maximum 5% coverage allowed. Parcel sizes would remain consistent with the minimum 40-acre size allowed under the zoning district.
- (d) The construction of 15 new truck docks, 12 truck parking spaces and 15 regular-vehicle parking spaces as well as the additional stormwater pond correspond to the construction of the already-approved second phase of the cooler. These improvements and the construction of the additional cooler area would have an inconsequential effect on land in relation to the approved Use Permit.
- (e) The findings, evidence and conditions of the originally-approved Use

- Permit (PLN020069) apply to the subject Minor Amendment.
- (f) All applicable conditions of approval of the original project under File No. PLN020069 are carried forward to this Amendment. No additional conditions are necessary for the implementation of the renovations of the proposed project.
 - (g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA-Planning Department for the proposed amendment found in Project Files PLN020069 and PLN150112.

3. FINDING:

CEQA - The original project approved under File PLN020069 included the adoption of a Mitigated Negative Declaration per California Environmental Quality Act (CEQA) Guidelines Section 15074 which requires that the lead agency consider the Mitigated Negative Declaration prior to approving the project. The proposed Minor Amendment and Lot Line Adjustment do not require subsequent environmental review pursuant to CEQA Guidelines Section 15162 which provides that when a negative declaration has been adopted for a project, no subsequent environmental review shall be prepared for that project unless the lead agency determines on the basis of substantial evidence and in light of the whole record that substantial changes are proposed in the project that will require major revisions to the original Mitigated Negative Declaration; or that substantial changes have occurred with respect to circumstances under which the original project was approved, and has been undertaken, that would require major revisions to the adopted Mitigated Negative Declaration; or that there is new information of substantial importance, which was not known and could not have been known, with the exercise of due diligence at the time the original Mitigated Negative Declaration was adopted, showing:

- (i) That the Amendment would have significant effects not discussed in the adopted Mitigated Negative Declaration;
- (ii) That significant effects previously examined will be significantly more severe than shown in the adopted Mitigated Negative Declaration.

EVIDENCE:

- (a) No substantial changes are proposed to the originally approved project that would require revisions of the adopted Mitigated Negative Declaration. The proposed improvements include the construction of 52,150 square foot second phase of the cooler instead of the originally approved 50,000 square foot second phase (a difference of +2,150 square feet); and the construction of a 1,597 square foot equipment room not included in the original approval. Therefore the proposed project would result in the addition of only 3,747 square feet of building area to the originally approved square footage of approximately 240,000 square feet. This additional building area substantially complies with the project approved under the original Use Permit.
- (c) . There has been no additional development in the area of the project site that would require additional or updated environmental review for the proposed Minor Amendment. The conditions of approval and mitigation measures identified in the Mitigated Negative Declaration adopted by

the Board of Supervisors for the original use permit (PLN020069) considered the development of the second phase of the cooler. Those conditions and mitigation measures have been implemented.

- (d) There is no new information of substantial importance, which was not known and could not have been known, showing that:
 - (i) the amendment would have significant effects not discussed in the adopted Mitigated Negative Declaration;
 - (ii) that significant effects previously examined will be significantly more severe than shown in the adopted Mitigated Negative Declaration;
- (e) The Lot Line Adjustment component of the application would merely modify an existing property boundary whereby the resulting parcels sizes are consistent with the size requirements of the Zoning District. Therefore, the Lot Line Adjustment component of the application would not result in additional potentially significant environmental impacts.
- (f) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed amendment found in Project Files PLN140007 and PLN150229.

- 4. FINDING:** **PUBLIC NOTICE** - Consideration of the request for the Amendment has been carried out pursuant to Monterey County Code (MCC) Section 21.76.120.A of Title 20 (Zoning Ordinance) of the MCC.
- EVIDENCE:**
- (a) On July 16, 2015, notices of the pending approval of the amendment were mailed to neighboring properties and all parties that the Director has reason to know may be interested in the application. The notices were posted at the project site on July 15, 2015..
 - (b) No objections were received during the notification period from July 17, 2015 to July 28, 2015.
 - (c) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed Amendment found in Project File Nos. PLN020069 and PLN150112.

FINDINGS AND EVIDENCE FOR APPROVAL OF THE LOT LINE ADJUSTMENT

- 1. FINDING:** **CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements and standards of the Monterey County General Plan, the Greater Salinas Area Plan, the Monterey County Zoning Ordinance (Title 21), Monterey County Subdivision Ordinance (Title 19) and Section 51257 of the California Government Code (Williamson Act).
- EVIDENCE:**
- (a) The properties are located at 20911 and 21777 Harris Road, southeast of the Town of Spreckels, Assessor’s Parcel Numbers 177-011-011-000 and 177-011-012-000, Greater Salinas Area Plan. The parcels are zoned Farmlands, 40 Acre Minimum (“F/40”). The parcels resulting from the Lot Line Adjustment meet all the rules and regulations pertaining to

zoning uses and minimum site development standards and other applicable provisions of Title 21.

- (b) Goal AG-2 of the General Plan provides opportunities to retain, develop and expand those agriculture-related enterprises and agricultural support uses essential to the continuing viability of the agricultural industry. The proposed Lot Line Adjustment would allow construction of the previously approved second phase of the D'Arrigo Brothers Company agricultural processing plant, including a Minor Amendment, in a manner consistent with the Zoning Ordinance. The construction of the second phase of the facility supports the continuing operation of the approved agricultural processing plant which is vital to the agricultural industry in the Salinas Valley and Monterey County.
- (c) The application, Plans and related materials found in Planning File Nos. PLN020069 and PLN150112.

2. FINDING: **SITE SUITABILITY** - The site of the Lot Line Adjustment is suitable for the existing and proposed uses.

- EVIDENCE:**
- (a) The proposed Lot Line Adjustment and Minor Amendment have been reviewed for site suitability by the following agencies: RMA-Planning, Salinas Rural Fire District, Public Works, Environmental Health Bureau, RMA-Environmental Services and the Water Resources Agency. There was no indication from those agencies that the site is not suitable for the proposed permit Amendment and Lot Line Adjustment.
 - (b) The application, Plans and related materials found in Planning File Nos. PLN020069 and PLN150112.

3. FINDING: **PARCEL LEGALITY** – Pursuant to MCC Section 19.09.025.B.1 of the Title 19 (Subdivision Ordinance), the Lot Line Adjustment is between two (2), and not more than four (4) existing parcels.

- EVIDENCE:**
- (a) The subject Lot Line Adjustment is between two (2) existing adjacent parcels.
 - (b) Parcel 1 (APN 177-011-011-000) was established through Certificate of Compliance No. CC100039 approved by the County on December 21, 2010 and recorded on December 28, 2010 as a result of the Lot Line Adjustment approved under File No. PLN070051.
 - (c) Parcel 2 (APN 177-011-012-000) was established through Certificate of Compliance No. CC100040 approved by the County on December 21, 2010 and recorded on December 28, 2010 as a result of the Lot Line Adjustment approved under File No. PLN070051.
 - (d) The application, Plans and related materials found in Planning File Nos. PLN 070051 and PLN150112.

4. FINDING: **NO NEW LOTS CREATED** – Pursuant to MCC Section 19.09.025.B.2 of Title 19 (Subdivision Ordinance), a greater number of parcels than originally existed will not be created as a result of the Lot Line Adjustment.

- EVIDENCE:**
- (a) The existing two(2) contiguous parcels will be adjusted. No new parcels will be created.

(b) The application, plans, and related support materials contained in Planning File No. PLN150112.

5. FINDING: **CONTIGUOUS LOTS OF RECORD** – Pursuant to MCC Section 19.09.025.B.3 of Title 19 (Subdivision Ordinance), the parcels resulting from the adjustment conform to the County zoning and building ordinances.

EVIDENCE: The parcels resulting from the adjustment would be 195.39 and 103.91 acres in size respective which comply with the minimum of 40 acres required by the “F/40” zoning district. Additionally, all existing and proposed development would be consistent with the development standards of the zoning district.

6. FINDING: **PUBLIC NOTICE** – Public notice of the pending Lot Line Adjustment was provided pursuant to MCC Section 19.09.055 of Title 19 of the MCC (Subdivision Ordinance).

EVIDENCE: Materials in the Planning File No. PLN151112.

7. FINDING: **NO VIOLATIONS** – The subject properties are in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County’s Zoning Ordinance. No violations exist on the properties.

EVIDENCE: Staff’s review of the County RMA-Planning and RMA-Building records.

FINDINGS AND EVIDENCE TO ALLOW THE LOT LINE ADJUSTMENT OF PROPERTY FOR LANDS UNDER WILLIAMSON ACT

WHEREAS, California Government Code Section 51257 requires that certain findings be made by the Board of Supervisors to facilitate Lot Line Adjustments of lands under Williamson Act contract;

WHEREAS, the Board of Supervisors further finds that the D’Arrigo Brothers Company request for a Lot Line Adjustment is consistent with California Government Code Section 51257. Specifically, the Board finds and declares that:

1. FINDING: **WILLIAMSON ACT – CONTRACTS** – Pursuant to California Government Code Section 51257.a.1, the new contract or amended contracts would enforceably restrict the adjusted boundaries of the parcels for an initial term of at least as long as the unexpired term of the rescinded contract or contracts, but for not less than ten (10) years.

EVIDENCE: (a): The proposed contracts, Farmland Security Contract Nos. 2000-011.A and 2000-012.A, applicable to the two reconfigured parcels to reflect the redistribution of 299.3 acres of land under Williamson Act Contract will result in Parcel 1 at approximately 195.39 acres and Parcel 2 at approximately 103.9 acres.

- (b): The term of the original Farmland Security Zone Contract Nos. 2000-011.A and 2000-012.A renews annually on each succeeding January 1st. The new or amended contract for the reconfigured parcels, proposes an initial term of 20 years, which also renews annually on each succeeding January 1st.

2. FINDING: **WILLIAMSON ACT – NO NET ACREAGE DECREASE –**
Pursuant to California Government Code Section 51257.a.2, there is no net decrease in the amount of acreage restricted. In cases where two (2) parcels involved in a Lot Line Adjustment are both subject to contracts rescinded pursuant to this Section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate restricted by the rescinded contracts.

EVIDENCE: (a): The total acreage of the affected reconfigured parcels under the Farmland Security Zone contracts, that is the subject of the proposed Lot Line Adjustment, is approximately 299.3 acres and is currently owned by the D'Arrigo Brothers Company. The Lot Line Adjustment will reconfigure the parcels but will not result in a net loss of acreage currently under contract.

- (b): The application, plans, and related information found in Planning File No. PLN150112.

3. FINDING: **WILLIAMSON ACT – NEW CONTRACT -** Pursuant to California Government Code Section 21257.a.3, at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.

EVIDENCE: (a): The proposed new or amended Farmland Security Contract or Contracts will continue to cover all of the acreage under the original Farmland Security Zone Contract Nos. 2000-012.A and 2000-011.A.

- (b): The application, plans, and related information found in Planning File No. PLN150112.

4. FINDING: **WILLIAMSON ACT CONTRACT – SUSTAIN AGRICULTURAL USE –**Pursuant to California Government Code Section 51257.a.4, after the Lot Line Adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.

EVIDENCE: (a): The proposed contracts, Farmland Security Zone Contract Nos. 2000-011.A and 2000-012.A, applicable to the two reconfigured parcels to reflect the redistributed 299.3 acres of land under Williamson Act contract will result in Parcel 1 at approximately 195.39 acres and Parcel 2 at approximately 103.9 acres.

- (b): Pursuant to Section 51222 of the California Government Code (Williamson Act), "agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land."

- (c): County of Monterey Board of Supervisors Resolution No.01-486 (Amending Procedure for the Creation of Farmland Security Zones and Contracts) provides that Farmland Security Zones will not be considered unless the group of contiguous parcels included in the Farmland Security Zone contains 100 or more acres, or 40 or more acres if the Board finds that smaller preserves are necessary due to unique characteristics of the agricultural enterprises in the area. The subject Lot Line Adjustment will retain 299.3 acres in Farmland Security Zone.
- (d): The application, plans, and related information found in Planning File No. PLN150112.

5. FINDING: **WILLIAMSON ACT – LONG-TERM AGRICULTURAL PRODUCTIVITY** – Pursuant to Section 51257.a.5, the Lot Line Adjustment would not compromise the long-term agricultural productivity of the parcels or other agricultural lands subject to a contract or contracts.

- EVIDENCE:**
- (a): The parcel boundaries are being adjusted to allow the Minor Amendment of the already-approved second phase of the cooler of the existing agricultural processing plant to be consistent with the development standards (Site Coverage) of the Farmlands Zoning District.
 - (b): The second phase of the cooler of the existing agricultural processing plant was approved as part of the original Use Permit (PLN020069) for the processing plant. The parcels will continue to be used for agriculture and the supporting agricultural processing plant.
 - (c): The application, plans, and related information found in Planning File No. PLN150112.

6. FINDING: **WILLIAMSON ACT – ADJACENT AGRICULTURAL LAND USE** - Pursuant to Section 51257.a.6, the Lot Line Adjustment is not likely to result in the removal of adjacent land from agricultural use.

- EVIDENCE:**
- (a): The subject parcels are designated as Farmlands, minimum building site of 40 acres. The Lot Line Adjustment will not affect current agricultural operations on the subject properties or on adjacent properties.
 - (b): The application, plans, and related information found in Planning File No. PLN150112.

7. FINDING: **WILLIAMSON ACT – NO NEW DEVELOPABLE PARCELS** – Pursuant to California Government Code Section 51257.a.7, the Lot Line Adjustment does not result in a greater number of developable parcels than existed prior to the Lot Line Adjustment, or an adjusted Lot Line Adjustment is inconsistent with the General Plan.

- EVIDENCE:**
- (a): The proposed lot line adjustment involves two (2) adjacent parcels. The two (2) reconfigured parcels do not result in a greater number of developable parcels than existed before the adjustment or an adjusted lot that is inconsistent with the General Plan and/or the Greater Salinas Area Plan.

- (b): The application, plans, and related information found in Planning File No. PLN150112.

NOW THEREFORE, IT IS HEREBY RESOLVED that in order to facilitate the Lot Line Adjustment of Williamson Act, Farmland Security Zone Lands, the Board rescinds a portion of the existing Farmland Security Zone Contract Nos. 2000-011.A and 2000-012.A as they apply to the reconfigured parcels, and authorizes the Chair to simultaneously execute a new or amended Farmland Security Zone Contract or Contracts, which shall be applicable to the reconfigured parcels, consistent with Section 51257 of the State of California Government Code (Williamson Act), pending receipt of new legal descriptions for the proposed reconfigured parcels and the execution of the contract or contracts by the property owners;

IT IS FURTHER RESOLVED that, consistent with Section 51257 of the Government Code, the Board authorizes the Chair to sign a new or amended Farmland Security Zone Contract or Contracts to simultaneously rescind a portion of the existing Farmland Security Zone Contracts as they apply to the reconfigured parcels only, and to execute a new or amended Farmland Security Zone Contract or Contracts, which shall be applicable to the reconfigured parcels;

IT IS FURTHER RESOLVED that a new or amended Farmland Security Zone Contract or Contracts shall reflect current ownership interests and, shall incorporate any legislative changes to State Williamson Act Provisions and current Williamson Act Farmland Security Zone Policies or Procedures, and the Chair of the Board is authorized to sign the new Farmland Security Zone Contract or Contracts with the property owners;

IT IS FURTHER RESOLVED that the Clerk of the Board is directed to record said new or amended Contract or Contracts upon recordation of the Certificates of Compliance, completion of the legal description or descriptions, and execution by the property owners and the Chair;

IT IS FURTHER RESOLVED that the Board of Supervisors approves said Minor Amendment and Lot Line Adjustment subject to the attached conditions (Exhibit 1) and Lot Line Adjustment Map (Exhibit 2).

NOW, THEREFORE, IT IS FURTHER RESOLVED, that the Board of Supervisors:

- a. Determines that the previously adopted Mitigated Negative Declaration for the D'Arrigo Brothers Use Permit (File No. PLN020069) is adequate for the approval of a Minor Amendment to the Use Permit and a Lot Line Adjustment;
- b. Approves a Minor Amendment to the D'Arrigo Brothers Use Permit (Planning File No. PLN020069) and a Lot Line Adjustment; and, findings, evidence and conditions to facilitate said Lot Line Adjustment between two (2) separate parcels under Farmland Security Zone Contract Nos. 2000-011.A & 2000-012.A with no net decrease in acreage under Williamson Act Farmland Security Zone Contract as shown on the proposed Lot Line Adjustment map on file in Planning File No. PLN150112; and
- c. Authorizes the Chair of the Board to execute a new or amended Farmland Security Zone Contract or Contracts rescinding a portion of the existing Farmland Security Zone Contract Nos. 2000-011.A & 2000-012.A to reflect the newly reconfigured parcels, and simultaneously execute a new or amended Farmland Security Zone Contract or Contracts between the County and D'Arrigo Brothers Company of California, reflecting the new legal descriptions and current ownership interests and to incorporate any legislative

- changes to State Williamson Act provisions and current County Williamson Act Farmland Security Zone Policies or Procedures; and
- d. Directs the Clerk of the Board to record the new or amended contract or contracts subject to the submittal of the appropriate recording fees by the property owner of record.

PASSED AND ADOPTED upon motion of Supervisor Parker, seconded by Supervisor Phillips carried this 28th day of July 2015, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter
NOES: None
ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 78 for the meeting on July 28, 2015.

Dated: August 4, 2015
File Number: RES 15-081

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy

Monterey County RMA Planning

Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN150112

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Minor Permit Amendment and Lot Line Adjustment (PLN150112) allows: 1) A minor Amendment to the Use Permit (PLN020069) for the D'Arrigo Brothers Agricultural Processing Plant to allow construction of a 52,150 square foot addition (second phase) to an approved cooler whereby a 50,000 square foot second phase was approved; construction of an additional 1,597 square foot equipment room and a 29,444 square foot shade structure; and 2) a Lot Line Adjustment of parcel under Williamson Act Contract. The properties are located at 20911 and 21777 Harris Road (Assessor's Parcel Numbers 177-011-011-000 and 177-011-012-000), Greater Salinas Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:

"A Minor Amendment to the Use Permit for the D'Arrigo Brothers Agricultural Processing Plant (PLN020069) and a Lot Line Adjustment of parcels under Williamson Act Contract (Resolution Number 15-219) were approved by the Monterey County Board of Supervisors for Assessor's Parcel Numbers 177-011-011-000 and 177-011-012-000 on July 28, 2015. The permit was granted subject to 12 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, and/or recordation of certificates of compliance, whichever occurs first, and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the certificates of compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to RMA-Planning .

4. PD - AMEND WILLIAMSON ACT CONTRACTS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The property owners shall enter into a new or amended Contract or Contracts with the Monterey County Board of Supervisors to amend existing Farmland Security Zone Contract Nos. 2000-011.A and 2000-012.A, to rescind that portion of the existing Farmland Security Zone Contracts which are applicable to the reconfigured parcels and enter into a new or amended Farmland Security Zone Contract or Contracts, which shall be applicable to the reconfigured parcels. The new or amended Contract or Contracts shall reflect the reconfigured parcels as applicable, the new legal descriptions, the present ownership interests, and shall incorporate any legislative changes to State Williamson Act provisions and current County Williamson Act Policies and Procedures.

Compliance or Monitoring Action to be Performed: The Office of the County Counsel shall prepare a new or amended Contract or Contracts reflecting the reconfigured parcels as applicable, the new legal descriptions, the present ownership interests, and shall incorporate any legislative changes to State Williamson Act provisions and current County Williamson Act Policies and Procedures.

The new or amended Contract or Contracts shall be recorded concurrently with the Certificates of Compliance for the adjusted parcels.

5. PD - RECORD CERTIFICATES OF COMPLIANCE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall request unconditional certificates of compliance for the newly reconfigured parcels.

Compliance or Monitoring Action to be Performed: The applicant shall prepare legal descriptions for each newly configured parcel. The legal descriptions shall be entitled "Exhibit A." The legal descriptions shall comply with the Monterey County Recorder's guidelines as to form and content.

The applicant shall submit the legal descriptions with a check payable to the Monterey County Recorder, for the appropriate fees to record the certificates of compliance.

6. CALIFORNIA CONSTRUCTION GENERAL PERMIT

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a Waste Discharger Identification (WDID) number certifying the project is covered under the California Construction General Permit. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit a WDID number certifying the project is covered under the California Construction General Permit.

7. EROSION CONTROL PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit an erosion control plan in conformance with the requirements of Monterey County Code Chapter 16.12. The erosion control plan may be combined with the grading plan provided it is clearly identified. The erosion control plan shall include as necessary: construction entrance, concrete washout, stockpile area(s), material storage area(s), portable sanitation facilities and waste collection area(s). The following notes shall be included on the erosion control plan:

- Dust from grading operations shall be controlled.
- Prior to commencement of any land disturbance, the owner/applicant shall schedule an inspection with RMA-Environmental Services to ensure all necessary sediment controls are in place and the project is compliant with Monterey County grading and erosion control regulations.
- During construction, the owner/applicant shall schedule an inspection with RMA-Environmental Services to inspect drainage device installation, review the maintenance and effectiveness of BMPs installed, and to verify that pollutants of concern are not discharged from the site. At the time of the inspection, the applicant shall provide certification that all necessary geotechnical inspections have been completed to that point.
- Prior to final inspection, the owner/applicant shall schedule an inspection with RMA-Environmental Services to ensure that all disturbed areas have been stabilized and that all temporary erosion and sediment control measures that are no longer needed have been removed. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit an Erosion Control Plan to RMA-Environmental Services for review and approval.

8. GEOTECHNICAL CERTIFICATION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall provide certification from a licensed practitioner that all development has been constructed in accordance with the recommendations in the project Geotechnical Investigation. (RMA- Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall provide RMA-Environmental Services a letter from a licensed practitioner.

9. GRADING PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a grading plan incorporating the recommendations in the project Geotechnical Investigation prepared by Kleinfelder. The grading plan shall also address the requirements of Monterey County Code Chapter 16.08, and the geotechnical inspection schedule shall be included in the plan. The applicant shall provide certification from the licensed practitioner that the grading plan incorporates their geotechnical recommendations. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit a grading plan to RMA-Environmental Services for review and approval.

Prior to issuance of any grading or building permits, the applicant shall submit certification from a licensed practitioner that they have reviewed the grading plan for conformance with the geotechnical recommendations.

10. INSPECTION-DURING ACTIVE CONSTRUCTION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services to inspect drainage device installation, review the maintenance and effectiveness of Best Management Practices (BMPs) installed, and to verify that pollutants of concern are not discharged from the site. At the time of the inspection, the applicant shall provide certification that all necessary geotechnical inspections have been completed to that point. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: During construction, the applicant shall schedule an inspection with RMA-Environmental Services.

11. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services to ensure all disturbed areas have been stabilized and all temporary erosion and sediment control measures that are no longer needed have been removed. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall schedule an inspection with RMA-Environmental Services.

12. INSPECTION-PRIOR TO LAND DISTURBANCE

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services to ensure all necessary sediment controls are in place and the project is compliant with Monterey County regulations. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to commencement of any land disturbance, the owner/applicant shall schedule an inspection with RMA-Environmental Services.

COLD ROOM EXPANSION, EQUIPMENT ROOM, & SHADE STRUCTURE

PRIOR PERMITS
 PLN #020069
 # 14CP01843
 # 14CP01846
 # 14CP01889

D'ARRIGO BRO'S

21777 HARRIS ROAD
 SALINAS, CALIFORNIA 93908

PLANNING PERMIT: PLN150112

PROJECT DATA

ITEM DATA	EXISTING	PROPOSED
APN	177-01-01, 177-01-02	
PROJECT ADDRESS	21777 HARRIS ROAD, SALINAS, CALIFORNIA	
OWNER	D'ARRIGO BROS. CO OF CALIFORNIA, A CALIFORNIA CORPORATION P.O. BOX 960 SALINAS, CALIFORNIA 93908	
ZONING	740	
OCCUPANCY GROUP	S-1	
CONSTRUCTION TYPE	TYPIC 2 - D	
SPRINKLERED	YES	
NUMBER OF STORIES	1	
USE	REFRIGERATED PROCESSING BUILDING	
PARKING (AUTO)	298	15 ADDITIONAL SPACES
PARKING (TRUCK)	57	12 ADDITIONAL SPACES
LOT AREA AFTER L.L.A.	8,511,186 (196.39 ACRES)	
NET BUILDING AREA (EXCLUSIVE OF PRODUCT RECEIVING / CARTON STORAGE AREAS)	190,000 SQFT (167,556+22,444)	251,747 SQFT (190,000 (E) + 58,747 (N))
ALLOWABLE FLOOR AREA RATIO	38 = 264,666.65 SQFT	38 = 426,550.45 SQFT
LOT COVERAGE RATIO	190,000-24,922 / 8,297,251 = 4.2%	190,000 (E) + 24,902 (E) + 58,747 (N) + 25,444 (N) = 309,093 TOTAL
(ACTUAL FLOOR AREA RATIO)		309,093 / 8,511,186 = 3.0%
LANDSCAPE REQUIREMENT	EXISTING TO REMAIN	EXISTING TO REMAIN
IMPERVIOUS COVERAGE BUILDINGS	222,402 SQFT (190,000+32,402)	222,402 (E) + 58,747 (N) + 24,444 (N) = 305,593 TOTAL
IMPERVIOUS COVERAGE SITE	645,037 SQFT	645,037 (E) + 99,000(N) = 744,037 TOTAL



VICINITY MAP

SHEET INDEX

- 1.1 TITLE SHEET
- 1.2 LOT LINE ADJUSTMENT
- 1.3 CIVIL NOTES
- 1.4 GRADING & DRAINAGE PLAN
- 1.5 SHADING & DRAINAGE PLAN
- 1.6 EROSION CONTROL PLAN
- ARCHITECTURAL
- A01 CONSTRUCTION WASTE MANAGEMENT PLAN
- A02 OVERALL SITE PLAN
- A03 FLOOR PLAN
- A04 EXTERIOR ELEVATIONS

SCOPE OF WORK

- (N) 52,800 SQFT COLD ROOM EXPANSION
- (N) 1,547 SQFT EQUIPMENT ROOM
- (N) 24,444 SQFT SHADE STRUCTURE
- (N) MISCELLANEOUS UNDERGROUND, TO EXTEND UTILITIES TO (N) COLD STORAGE BUILDING ADDITION
- (N) STORM WATER INFRASTRUCTURE, SHALL BE NEED TO MEET REQUIREMENTS
- (N) 190,000 SQFT OF PAVING AND/OR IMPROVED BUILDING FOR VEHICULAR CIRCULATION
- (N) LOT LINE ADJUSTMENT TO ADD 173.76 ACRES TO APN 177-01-01
- (N) 15 AUTO-PARKING SPACES
- (N) 12 TRUCK-PARKING SPACES
- (N) 15 TRUCK DOCKS

CODES

- 2019 CBC - CALIFORNIA BUILDING CODE
- 2019 CEC - CALIFORNIA ELECTRICAL CODE
- 2019 CFC - CALIFORNIA FIRE CODE
- 2019 CPG - CALIFORNIA PROGRAM CAL. CODE
- 2019 CFC - CALIFORNIA FIRE CODE
- 2019 ST - STANDARD
- 2019 TITLE 24 ENERGY

BUILDING AREA RECONCILIATION PLAN 020069, March 30, 2004

Use	Area	Permitted	Actual	Excess	Notes
1 Cold Room	172,000	172,000	172,000	0	
2 Cold Room Expansion	14,800	14,800	14,800	0	
3 Equipment Room	1,400	1,400	1,400	0	
4 Shade Structure	24,444	24,444	24,444	0	
5 Misc. Building	1,358	1,358	1,358	0	
6 Paving	190,000	190,000	190,000	0	
7 Storm Water	190,000	190,000	190,000	0	
8 Impervious	222,402	222,402	222,402	0	
9 Total	825,904	825,904	825,904	0	

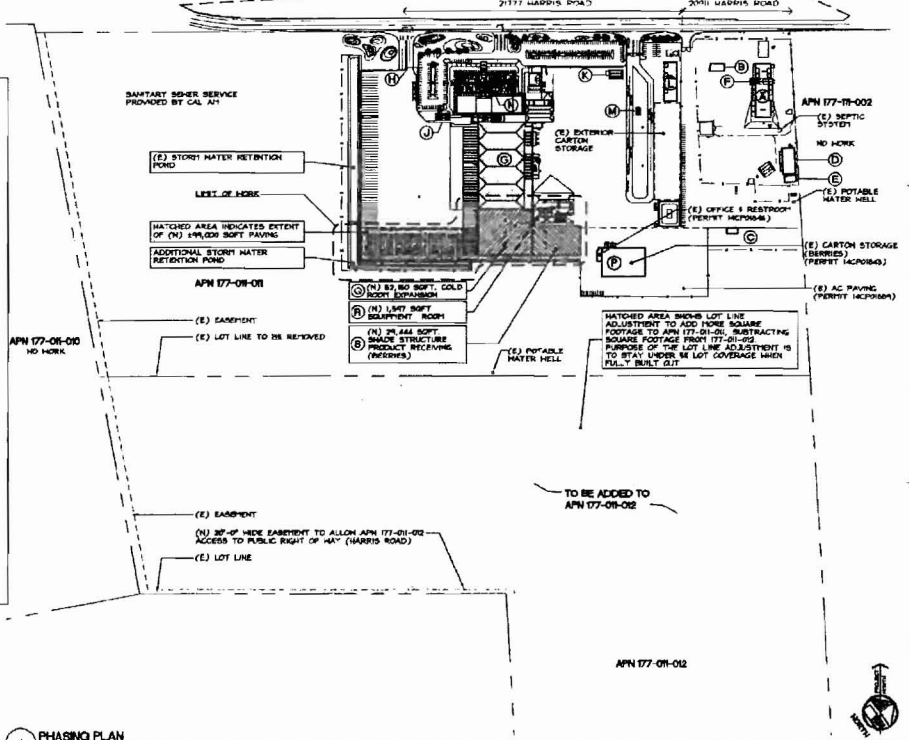
Lot Area Summary

APN	Existing (Acres)	Proposed (Acres)
177-01-01	121.41	196.39
177-01-02	177.44	105.70
TOTAL	298.85	302.09

LOT LINE ADJUSTMENT

APN	EXISTING SQFT (ACRES)	PROPOSED SQFT (ACRES)
177-01-01	8,297,581 (191.41)	8,511,186 (196.39)
177-01-02	7,740,084 (177.44)	4,526,319 (105.70)
TOTAL	16,037,665 (368.85)	13,037,505 (299.09)

NOTE: THE SQUARE FOOTAGES PROVIDED ARE APPROXIMATIONS, REFER TO CIVIL ENGINEER'S LOT LINE ADJUSTMENT SHOWING EXISTING AND PROPOSED BOUNDARIES BASED ON THE LEGAL DESCRIPTION.



1 PHASING PLAN
SCALE: P - 200

2 PROPOSED DEVELOPMENT PLAN
SCALE: NOT TO SCALE

REVISIONS DATE BY DESCRIPTION

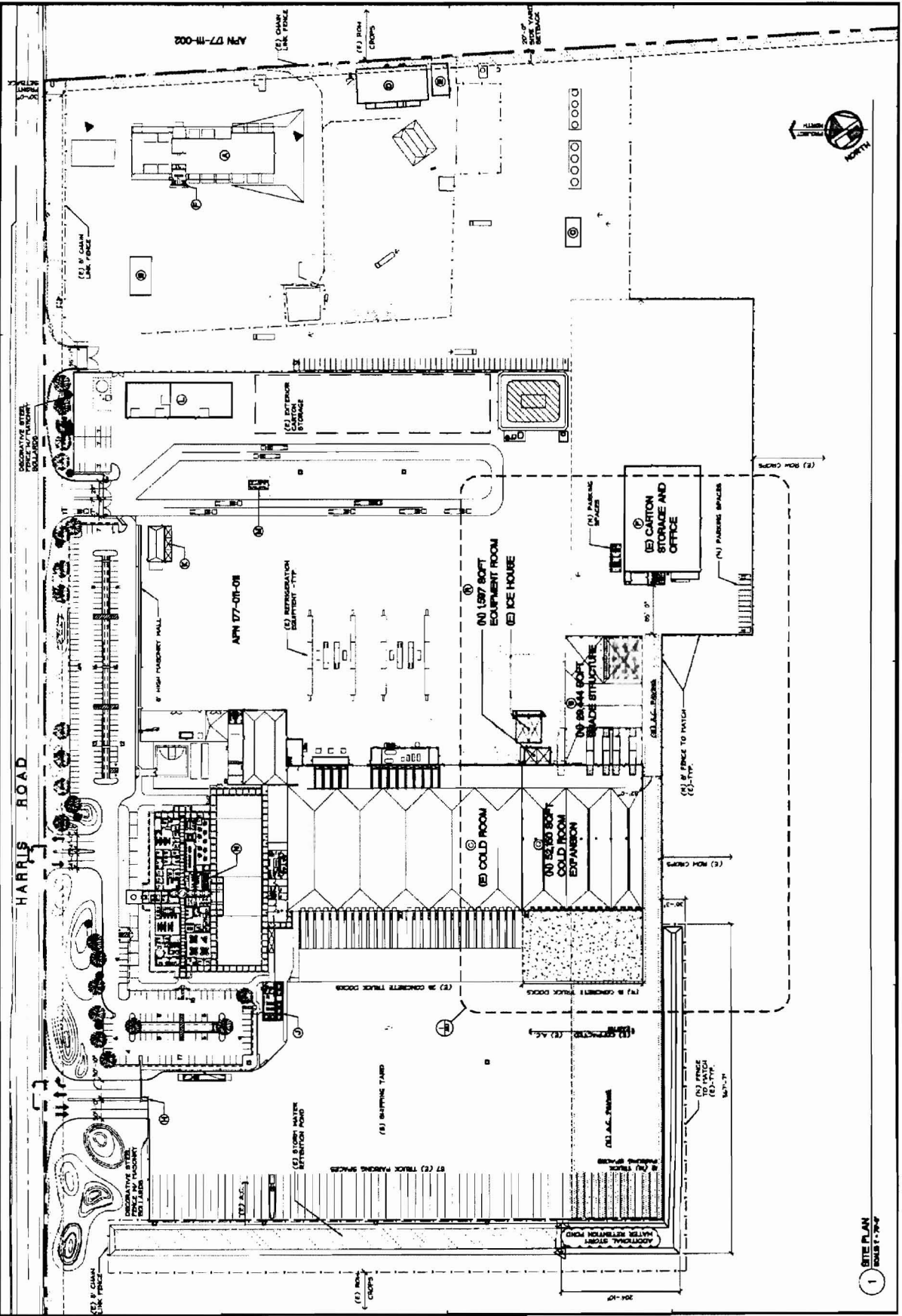
NO.	DATE	BY	DESCRIPTION

Belli Architectural Group
 113 S. Main Street, Suite 200
 Salinas, CA 93901
 Phone: (831) 424-4820
 Fax: (831) 424-4820

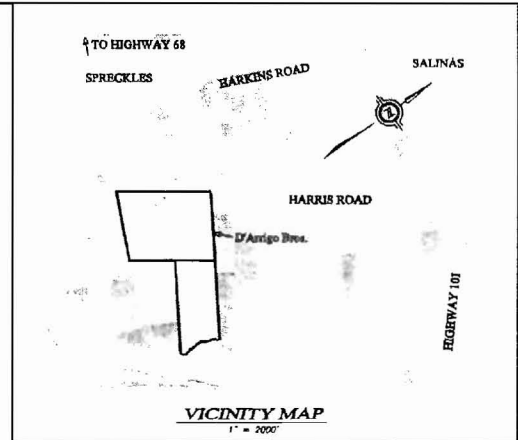
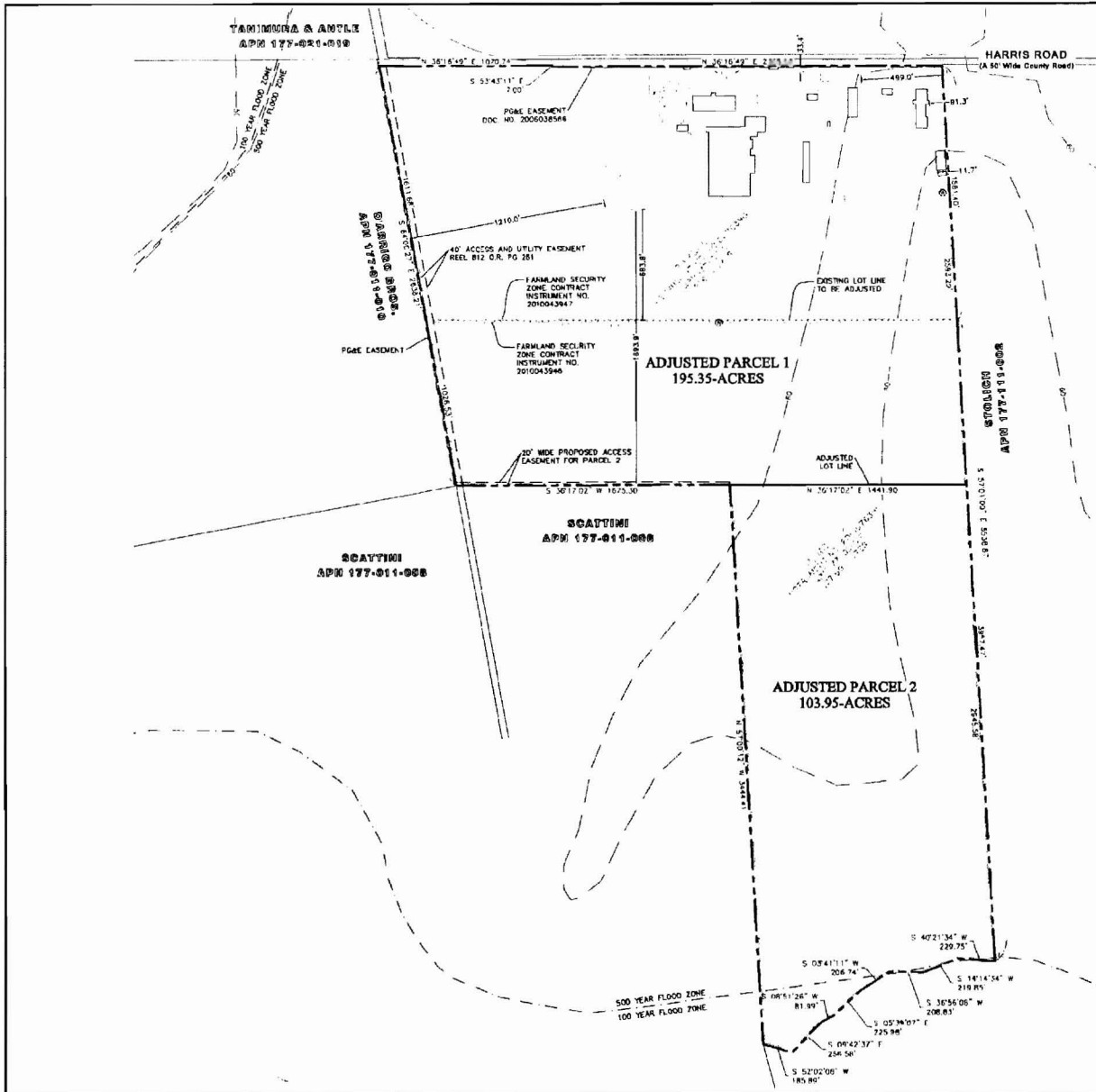
TITLE SHEET
 COLD STORAGE ADDITION, EQUIPMENT ROOM & SHADE STRUCTURE
 D'ARRIGO BRO'S
 21777 HARRIS ROAD
 SALINAS, CA 93908

DATE: 1/26/15
 DRAWN BY: M.H.
 CHECKED BY: M.H.
 SCALE: AS NOTED
 SHEET NO: 14032
 TOTAL SHEETS: 11.1

	Bell Architectural Group 313 Solano Street Suite 200 San Francisco, CA 94108 Tel: (415) 774-4400 Fax: (415) 774-4400	DARRIGO BROS. 2777 Harris Road Sunnyvale, CA 95051 Tel: (415) 961-1100 Fax: (415) 961-1100
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1 SITE PLAN
 SCALE 1/8" = 1'-0"



LEGEND

- SEPTIC SYSTEM (EXISTING)
- WATER WELL (EXISTING)

LINETYPES

- NEW PROPERTY LINES
- EXISTING PROPERTY LINES
- EXISTING LOT LINES TO BE ADJUSTED
- EXISTING EASEMENTS
- FARMLAND SECURITY ZONE CONTRACT PER INSTRUMENT NO. 2010043945 (ORANGE LINE)
- FARMLAND SECURITY ZONE CONTRACT PER INSTRUMENT NO. 2010043947 (GREEN LINE)
- EXISTING CENTERLINE ROAD
- MAJOR CONTOUR LINES (20-FOOT INTERVAL)
- MINOR CONTOUR LINES (5-FOOT INTERVAL)
- ORANGE SWALE
- FEMA 100 YEAR FLOOD LINE PER FEMA MAP 08053C0380G AND FEMA MAP 08053C0380G DATED APRIL 2009

- NOTES:**
- 1 ZONING: F-40
 - 2 LAND USE: FARMLANDS 40 ACRES MINIMUM
 - 3 ELEVATIONS SHOWN PER USGS QUAD MAP
 - 4 PROJECT SITE IS PARTIALLY LOCATED WITHIN THE 100 YEAR FLOODPLAIN PER FEMA MAPS 08053C0380G AND MAPS 08053C0380G BOTH DATED APRIL 2009.

ACREAGE SUMMARY

PARCEL	EXISTING ACREAGE	PROPOSED ACREAGE	DIFFERENCE
PARCEL 1	177.81	195.35	+17.54
PARCEL 2	177.88	103.95	-73.93
TOTAL	355.69	299.30	-56.39

OWNERSHIP SUMMARY

PARCEL	OWNER	APN
1	D'ARRIGO BROS. CORPORATION	177-011-011
2	D'ARRIGO BROS. CORPORATION	177-011-012

PLN

LOT LINE ADJUSTMENT

PROPOSED LOT LINE ADJUSTMENT OF THE PARCEL 1 AND PARCEL 2 AS SHOWN ON VOLUME 31 OF SURVEYS AT PAGES 25, 26, 28 WITHIN THE RANCHO LLANO DE BUENA VISTA COUNTY OF MONTEREY, STATE OF CALIFORNIA.

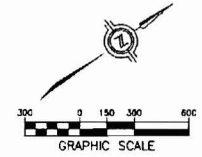
JANUARY 2015

PREPARED BY:



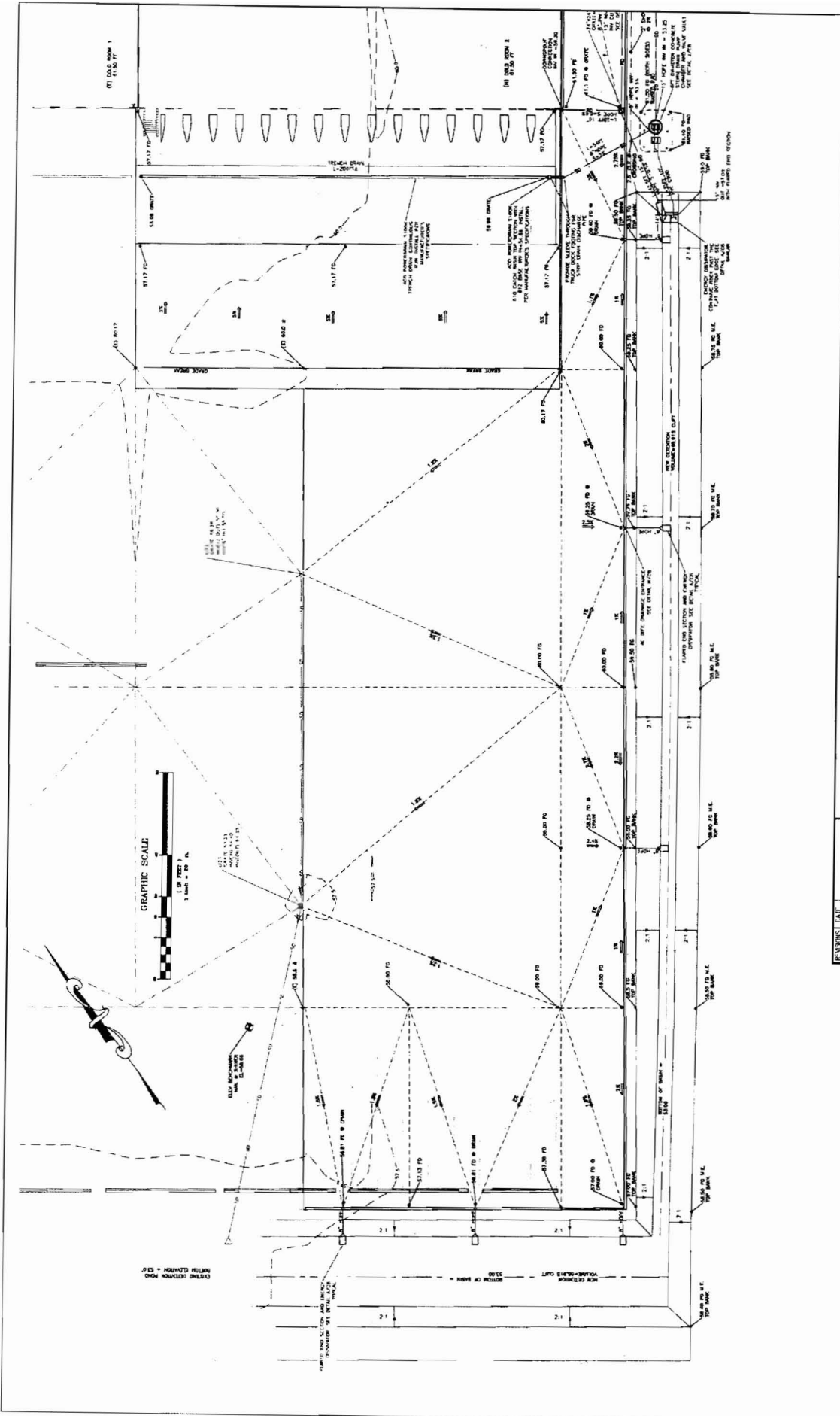
PREPARED FOR:

D'ARRIGO BROS. CORPORATION
303 W. MARKET STREET
SALINAS, CA 93901



2000 Contra Costa, Santa Fe, Monterey, California 93901
P: 831.433.3733 F: 831.433.3400
Land@engsur.com

SHEET 1 OF 1



REVISIONS

DATE	BY	DESCRIPTION
11/17/05	CS	1st New Check

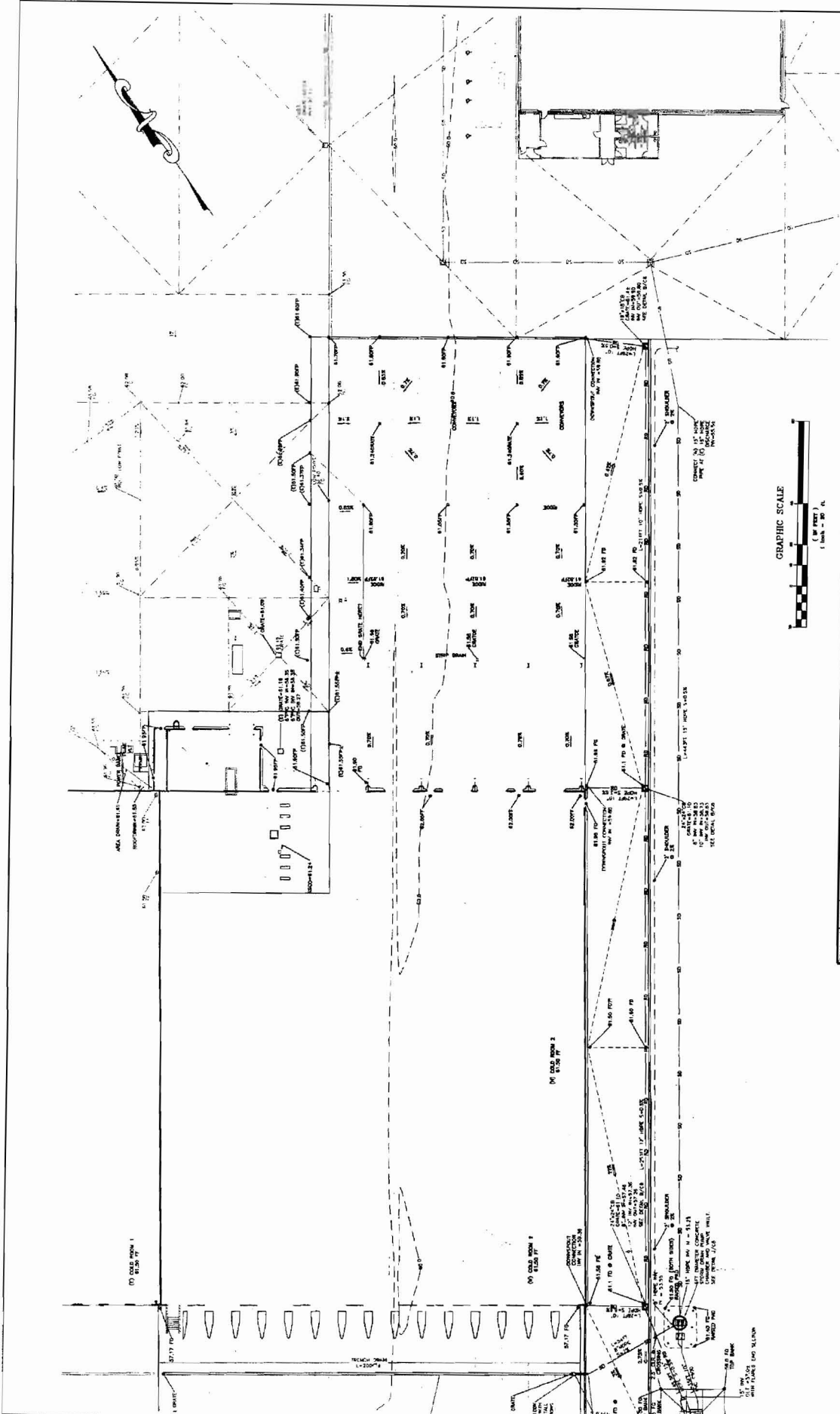
GRADING AND DRAINAGE PLAN
FOR
PARIGO BROS EXPANSION
COURT HOUSE ADDITION &
SHADE STRUCTURE
 MARKET ROAD
 WASHINGTON, MA
 DATE: 11/17/05

DRAWN BY: PM
 DESIGNED BY: CS
 DATE: 4-3-05
 SCALE: AS SHOWN
 APPROVED BY: CS
 DATE: 4-3-05
 REVISIONS BY: NM



IS ENGINEERING AND SURVEYING, INC.
 15
 100 STATE STREET, SUITE 200
 WASHINGTON, MA 01890
 TEL: 978.336.4400
 FAX: 978.336.4401
 WWW.ISENGINEERING.COM

SHEET C5
OF
8
SHEETS



SHEET C6
OF
8 SHEETS



DESIGNED BY: CDS
DATE: 4.2.15
SCALE: AS SHOWN
JOB NUMBER: 14-096
LAST MODIFIED: NA
REVISION BY: NA

GRADING AND DRAINAGE PLAN

FOR
DARRIGO BROS EXPANSION
COLD STORAGE ADDITION &
SHADE STRUCTURE

NO.	DATE	BY	CHKD
01	02/15	W. P. O'NEILL	

1.0" = 30' SCALE
WITH PLANTS AND SLABS