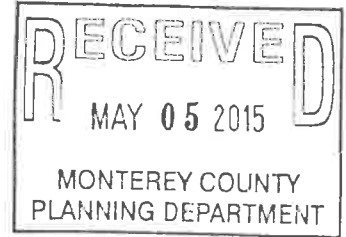


# Attachment D

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D'Arrigo Bros. Co. of California, Inc.  
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**MINOR AMENDMENT TO USE PERMIT (PLN020069)  
 (§21.74.120[a])  
 and  
 MINOR LOT LINE ADJUSTMENT  
 (§19.02.150)**

**Project Purpose**

The purpose of this project is to modify the existing facilities at the D'Arrigo agricultural processing plant to accommodate the cooling of strawberries as an addition to the agricultural commodities currently processed at the plant.

**Project Location**

The existing site consists of 121.61 acres located at 20911 and 21777 Harris Road, about one mile southeast of the Town of Spreckels, on the east side of the Salinas River and about two miles generally west of Abbott Street, Greater Salinas Area. (Assessor's Parcel Number 177-011-011-000)<sup>1</sup>

**Existing Project Approval (PLN020069 D'Arrigo Bros.)**

Use permit for development of an approximately 219,000 square foot agricultural processing plant.<sup>2</sup> The plant would include an approximately 172,508 sq. ft. cooler building containing shipping office, fitness room, storage, packing employee & refrigeration equipment areas; 25,670 sq. ft. for office space; 9,900 sq. ft. for dry storage; 1,440 sq. ft. for a truckers lounge area; a 720 sq. ft. battery room; a 670 sq.ft. receiving office; a 15,000 sq. ft. produce shade structure; a 4,500 sq.ft. carton shade structure; and 386 parking spaces including 292 car spaces, 64 truck spaces & 30 truck loading bays. The project also includes an on-site water system, two septic disposal

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<sup>1</sup> The existing parcel resulted from a lot line adjustment (PLN070051) approved by the Board of Supervisors on September 29, 2009 (Resolution No. 09-387) which consolidated the developed areas of former APNs 177-011-005 and 177-111-003 into a single parcel (APN 177-011-011).

<sup>2</sup> Although the use permit recites the "approximately 219,000 square foot agricultural processing plant," the total square footage of the individual components of the project as recited in the use permit totals 240,408 square feet.

systems for disposal of domestic waste water, a treatment facility for process wastewater and a stormwater retention pond. The site is a 34-acre portion of two properties located at 20911 Harris Road, (Assessor's parcel numbers 177-011-005-000 and 177-111-003-000)<sup>3</sup>, east of Spreckels Boulevard, Greater Salinas area. (Approved by Monterey County Board of Supervisors, March 30, 2004, Resolution No. 04-121)

### **Existing Project Development**

Existing development of the site consists of two components: a) Shop and related facilities at 20911 Harris Road; and b) Agricultural processing plant at 21777 Harris Road, as follows:

#### a) Andy Boy Shop (20911 Harris Road)

Approximately 30,444 square feet of shop, shop office, warehouse, and greenhouse facilities. These facilities are shown as Buildings A through F on Drawing T1.1 - Title Sheet. The square footages are shown in the Building Area Reconciliation on Drawing T1.1. These facilities are not part of the facilities authorized by the 2004 use permit (PLN020069).

#### b) Agricultural Processing Plant (21777 Harris Road)

Approximately 167,556 square feet of cooler, packing, shipping, office, trucker's lounge, battery room, dry storage and receiving facilities. These facilities are shown as Buildings G through N on Drawing T1.1 - Title Sheet. The square footages are shown in the Building Area Reconciliation on Drawing T1.1. These facilities are facilities authorized by the 2004 use permit (PLN020069).

### **New Construction in Progress**

A new 24,902 square foot dry carton storage building with office space and restroom is under construction at 21777 Harris Road (Building Permits #14CPO1843 and #14CPO1889). Unlike other produce cartons that can be stored in an open area, strawberry cartons are required by food safety regulations to be stored in an enclosed structure (dry storage). This dry carton storage building is for the storage of strawberry cartons, and replaces a portion of the existing exterior carton storage area. It is shown as building P in the Building Area Reconciliation on Drawing T1.1 - Title Sheet.

### **Proposed New Development (the Project)**

The Project proposes construction of new facilities consisting of a 52,150 square foot expansion of the cold room, a 1,597 square foot equipment room, and a 29,444 square

<sup>3</sup> This use permit was approved for development on portions of these two assessor's parcels prior to the approval of the 2009 lot line adjustment that consolidated all development on a single 121.61 acre parcel (now APN 177-011-011-000).

foot shade structure for berry receiving. These facilities are shown as buildings Q, R and S in the Building Area Reconciliation on Drawing T1.1 – Title Sheet.

**Minor Amendment to Use Permit PLN020069**

This applicant seeks the approval of the Director of Planning of a minor amendment to Use Permit PLN020069 to allow construction of the 52,150 square foot cold room expansion, the 1,597 equipment room and the 29,444 square foot shade structure identified as buildings Q, R and S on Sheet T1.1 Title Sheet.

Section 21.74.120(A) of the Monterey County Zoning Ordinance allows the Director of Planning to approve an amendment of a use permit which the Director determines to be of a minor nature: 1) with no new environmental impacts, 2) with no increase in the severity of environmental impacts already identified, 3) generally in keeping with the action of the appropriate authority, 4) that would have only an inconsequential effect on land in relation to the approved permit, and 5) would meet all relevant site development standards.

The Project involves no change in use (an agricultural processing plant), it occupies the same building site as the existing facilities, and thus is generally in keeping with the action of the Board of Supervisors in approving use permit PLN020069, and would have only inconsequential impacts on the land in relation to the existing approved project. The Project involves no new environmental impacts and no increase in the severity of the impacts identified in connection with the original project. With the approval of the requested lot line adjustment (see below), the Project will comply with all relevant site development standards.

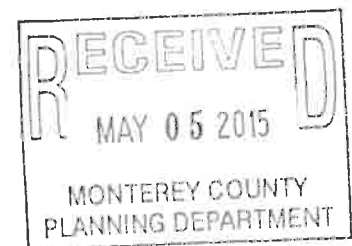
The Project fulfills the criteria for a minor amendment, and, in the absence of any written objections, should be approved by the Director of Planning.

**Minor Lot Line Adjustment**

The Project includes an application for a Minor Lot Line Adjustment to adjust the boundary between APN 177-011-011 and APN 177-011-12 to increase the size of the former from 121.61 acres to 195.39 acres. (See Sheet T1.1 – Title Sheet – Lot Line Adjustment table; tentative lot line adjustment map.)

Both parcels are legal parcels, having been created in their current configuration by Lot Line Adjustment PLN070051, approved by the Board of Supervisors on September 29, 2009 (Resolution No. 09-387).

The purpose of the proposed lot line adjustment is to conform the project to the 5% Building Coverage standard of the “F” zoning district (§21.30.060[A]). (See Sheet T1.1 – Title Sheet – Project Data.)



A lot line adjustment which does not result in the relocation of the building area shall be considered minor (§19.02.150). Because the Project is located within the existing building area, this lot line adjustment qualifies as a minor lot line adjustment.

§19.09.005[E] provides that the Director of Planning is the appropriate decision making body to consider lot line adjustments unless the matter is referred to public hearing under Subsection 19.09.005.H. The applicant does not request a public hearing. Unless the staff recommends denial or the County receives a request for hearing based on a substantial issue, no public hearing is required for approval of this lot line adjustment.

### **Williamson Act Compliance**

Both parcels involved in the lot line adjust are under separate Williamson Act Farmland Security Zone (FSZ) contracts. The cooler parcel (APN 177-011-011) is under FSZ contract #00-11, and the adjoining farmland parcel (APN 177-011-12) is under FSZ contract #00-12.

The uses proposed by the Project are consistent with all of the Williamson Act principles of compatibility contained in Government Code §51238.1:

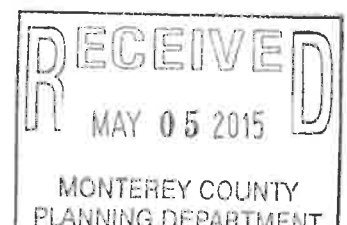
1) The uses will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves. In fact, the proposed uses expand the agricultural productivity of APN 177-011-011 by adding facilities to accommodate the processing of additional commodities (berries).

2) The uses will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves. (note that uses that displace agricultural operations on a contracted parcel may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or neighboring lands, including activities such as processing, or shipping.)

3) The uses will not result in the significant removal of adjacent contracted land from agricultural or open-space use. The land being added to APN 177-011-011 is being added for coverage purposes; it is not proposed for development, and will continue to be farmed. APN 177-011-012 will remain in row crop production.

The proposed lot line adjustment complies with the Williamson Act criteria for lot line adjustments contained in Government Code §51257:

1) The new or amended contracts will enforceably restrict the adjusted boundaries of the parcels for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.



2) There is no net decrease in the amount of the acreage restricted. (The aggregate acreage of the land restricted by the new or amended contracts is the same as the aggregate acreage restricted by the current contracts.)

3) 100 percent of the land under the current contracts will remain under the new or amended contracts.

4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, to wit, 195.39 acres and 103.91 acres.

5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.

6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.

7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment or an adjusted lot that is inconsistent with the general plan.

The lot line adjustment portion of the Project must be referred to the Board of Supervisors for findings of consistency with the provisions of the Williamson Act and approval of the lot line adjustment in accordance with current County Agricultural Preserve policies and procedures.

