

Attachment A

This page intentionally left blank.

ATTACHMENT A DISCUSSION

The Use Permit (File PLN020069) approved by the Board of Supervisors on March 30, 2004 allowed the construction of an approximately 240,000 square-foot agricultural processing plant including offices and ancillary facilities. The processing plant includes a 172,508 square foot cooler/packing building with 150,000 square feet of cooler area 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 all ancillary facilities and office building, have been built. The Resolution of Approval for the Use Permit is contained in Attachment E. The applicant is now proposing to build the second phase of the cooler and has submitted an application that includes: 1) a Minor Amendment (Amendment) to the approved Use Permit and 2) a Lot Line Adjustment (LLA). The LLA would adjust the boundary and size of two (2) parcels under Williamson Act Contract. LLAs of Williamson Act lands require review and approval by the Board of Supervisors pursuant to California Government Code Section 51257.

Minor Amendment to Use Permit No. PLN020069

The proposed project includes: 1) construction of the second phase of the approved cooler at 52,150 square feet instead of the originally approved 50,000 square feet; 2) addition of a 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.

Monterey County Code (MCC) Section 21.74.120 (A) of the Zoning Ordinance allows the Director of Planning to approve minor amendments to a use permit provided that the amendment: 1) has no new environmental impacts, 2) results in no increase of the severity of the environmental impacts already identified, 3) is generally in keeping with the original action of the approving authority, 4) would have only inconsequential effect on land in relation to the approved permit, and 5) would meet all relevant site development standards. The proposed additions to the processing plant approved under the original Use Permit have been reviewed by the Director of Planning and they have been found to be of a minor nature; and, therefore, the project qualifies as a minor amendment per Section 21.74.120 (A) of the Zoning Ordinance. This finding is based on:

1. The proposed project includes the construction of the second phase of the already-approved cooler at 52,150 square feet instead of the already 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;
2. The truck docks, as well as truck and regular vehicle parking spaces correspond to the already approved second phase of the cooler; and

3. The proposed 29,444 square foot shade structure for berry receiving is required per State health regulations and would provide cover for already existing paved areas.
4. The proposed building areas would occupy portions of the site designated for the project under the original approval and thus would be in keeping with the Board of Supervisors' approval of the original use permit.

The respective findings and evidence of consistency with the provisions of Section 21.74.120 (A) of the Zoning Ordinance are included in the draft Resolution of Approval (Attachment C).

Lot Line Adjustment

The approved/built agricultural processing plant is located on an existing 121.6-acre parcel (APN 177-011-011-000). The parcel as well as the adjacent 177-acre parcel to the south (APN 177-011-012-000), also owned by the applicant, are under separate Williamson Act Contracts (Farmland Security Zone (FSZ) Contract Nos. 2000-012.A and 2000-011.A). Both parcels are legal separate parcels and their configurations were created by a lot line adjustment (File No. PLN070051) approved by the Board of Supervisors on September 29, 2009 (Resolution No. 09-387). The proposed project includes an LLA to modify the boundary and size of the two (2) parcels under Williamson Act Contract. The site development standards of the “F/40” (Farmlands, 40-acre minimum) Zoning District allow a maximum of 5% site coverage (264,866 square feet) on the subject 121.6-acre parcel. Site coverage is the amount of area of the property allowed to be covered –as a percentage– by structures. The LLA is necessary to make the proposed building additions consistent with the site coverage standards of the zoning district.

The existing square footage on the site –including the 30,444 square feet existing prior to the approval of the processing plant and a 24,902 square foot shade structure built under a separate permit– amount to a total of 222,902 square feet. The proposed building additions discussed under the description of the Minor Amendment above would result in a total of 306,093 square feet of building on the parcel which would exceed the maximum 5% site coverage allowed under the development standards. The LLA would enlarge the size of the subject 121.6-acre parcel to 195.3 acres, thus 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. The parcels sizes would be consistent with the minimum 40-acre size allowed under the zoning district. The existing and proposed parcel sizes are reflected in the table below.

Redistribution of Acreage (Approximate)

	EXISTING ACREAGE	PROPOSED ACREAGE	NET ADJUSTMENT
PARCEL 1 APN 177-011-011-000 (FSZ CONTRACT 2000-012.A)	121.6	195.3	+73.7
PARCEL 2 APN 177-012-012-000 (FSZ CONTRACT 2000-011.A)	177.7	103.9	-73.7

Findings (Lot Line Adjustment under Williamson Act)

The LLA is subject to California Government Code Section 51257 which requires specific findings for LLAs of property under Williamson Act Contract. In order to facilitate a Lot Line Adjustment of property under Williamson Act Contract, Government Code Section 51257 requires that the Board make all of the following findings:

1. The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel 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. In cases where two 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 acreage restricted by the rescinded contracts.
3. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
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.
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.

Environmental Review

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 to the approved Use Permit and the LLA do not require subsequent environmental review pursuant to CEQA Guidelines Section 15162(a) 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 that: (1) the Amendment would have

significant effects not discussed in the adopted Mitigated Negative Declaration; or (2) that significant effects previously examined will be significantly more severe than shown in the adopted Mitigated Negative Declaration.

No substantial changes have occurred with respect to the circumstances under which the original project was approved, and has been undertaken, that would require major revisions to the adopted Mitigated Negative Declaration. There has not been additional development in the area of the project site that would require additional or updated environmental review for the proposed Minor Amendment to the original Use Permit. 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) took into consideration the development of the second phase of the cooler.

Recommendation

The materials and information contained in the project file (PLN150112) support staff's recommendation to approve the proposed Amendment and LLA. No net decrease in the amount of acreage under Williamson Act Contract will result from the proposed adjustment. All of the land under the former Contracts will be retained under the new or amended Contract or Contracts. Additionally, there will be no change to the current agricultural operations on the properties. Therefore, the new or amended Contract or Contracts will not compromise the long-term agricultural productivity of the parcels. No additional developable parcels or lots will be created as a result of the newly reconfigured parcels.