

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 04010

A.P. # 177-011-005-000
177-111-003-000

In the matter of the application of
D'Arrigo Brothers Company (PLN020069)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for development of an approximately 219,000 square foot agricultural processing plant. 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 systems for disposal of domestic wastewater, 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, east of Spreckels Boulevard, Greater Salinas area, came on regularly for hearing before the Planning Commission on February 25, 2004.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

- 1. FINDING:** The subject Use Permit (File PLN020069) as described in Condition No. 1 and as conditioned conforms with the plans, policies, requirements, and standards of the General Plan, Greater Salinas Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 20911 Harris Road (Assessor's Parcel Numbers 177-011-005-000 & 177-111-003-000) southeast of the Town of Spreckels. The parcel is zoned "F/40" or Farmlands, 40-Acre Minimum. The subject site is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21 and any zoning violation abatement costs have been paid.
- EVIDENCE:** The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:
- a) The General Plan and the Greater Salinas Area Plan
 - b) Chapters 21.30, 21.58 and 21.60 of the Monterey County Zoning Ordinance
 - c) Chapter 22, Monterey County Septic Ordinance
- EVIDENCE:** The project site is suitable for the proposed use as described in the project file. The proposed development has been reviewed by the Planning and Building Inspection Department, Health Department, Public Works Department, Water Resources Agency, Salinas Rural Fire District. There has been no indication from those agencies that the site is not suitable for the proposed development. Each agency has recommended conditions for project approval. The Initial Study prepared for the project demonstrates that no physical or environmental constraints exist that could not be mitigated, and therefore would indicate that the site is suitable for the proposed development.

EVIDENCE: The proposed use is consistent with the development standards for "Farmland, 40 Acre Minimum" zoning district, pursuant to Section 21.30 of the Monterey County Zoning Ordinance.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records and site visits indicated that no violations exist on subject property.

EVIDENCE: The application, project plans and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development.

EVIDENCE: The on-site inspection by the project planner to verify that the proposed project complies with the applicable regulations.

2. **FINDING:** The proposed project, including all permits and approvals, will not have any significant adverse impacts on the environment. A Mitigated Negative Declaration has been prepared and is on file (File # PLN020069) in the Department of Planning and Building Inspection. All mitigation measures identified in the Initial Study and Mitigated Negative Declaration and all project changes required to avoid significant effects on the environment have been incorporated into the approved project or are made conditions of approval. A Program for Monitoring and/or Reporting on Mitigation Measures and Conditions of Approval (hereafter "the Program") has been prepared pursuant to Public Resources Code 21081.6 and is made a condition of approval. The Program is attached hereto as Exhibit "F" and is incorporated herein by reference. Potential environmental effects have been studied, and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed, may have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and the testimony and information received, and scientific and factual data presented as evidence during the public review process. The Monterey County Planning and Building Inspection Department, located at 2620 1st. Avenue, Marina, CA is the custodian of the documents and the materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based.

EVIDENCE: County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA), its Guidelines, and the Monterey County CEQA Guidelines. The Initial Study provided substantial evidence that the project, with the addition of mitigation measures, would not have significant environmental impacts. A Mitigated Negative Declaration was filed with the County Clerk on October 24, 2003 and noticed for public review and circulated to the State Clearinghouse. The Initial Study and Mitigated Negative Declaration were revised per request by the Planning Commission at a public hearing on December 10, 2003, to further address potential impacts from vehicular/truck traffic on Hatton Avenue and from the use of hazardous materials in the Town of Spreckels. A revised Mitigated Negative Declaration was filed with the County Clerk on January 15, 2004 and noticed for public review and circulated to the State Clearinghouse. All comments received on the original and revised Initial Study have been considered as well as all evidence in the record, which includes: studies, data, and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented or discussed during public hearings, as well as staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data, and reports; application materials; and expert and public testimony. Among the studies, data, and reports analyzed as part of the environmental determination are the following:

1. Certified Monterey County Zoning Ordinance, Title 21
2. General Plan and Greater Salinas Area Plan
3. Monterey Bay Unified Air Pollution Control District, 2000. CEQA Guidelines

4. Higgins and Associates, Civil and Traffic Engineers, *Traffic Impact and Pavement Analysis Report for the D'Arrigo Brothers Proposed Cooler Facility*, September 25, 2003
5. Axiom Engineers, Consulting Mechanical Engineers, *Water Supply, Wastewater and Stormwater System Review, D'Arrigo Brothers Co. New Cooler Facility, 20911 Harris Road, Spreckels, California*, June 3, 2003
6. Kleinfelder Inc., *Geotechnical Investigation Report, Proposed D'Arrigo Brothers Facility*, December 2, 2002
7. Illingworth & Rodkin, Inc., Acoustics and Air Quality, *D'Arrigo Brothers Facility, Environmental Noise Assessment, Monterey County, California*, November 6, 2002.
8. Denise Duffy and Associates, *Air Quality Analysis for the D'Arrigo Brothers Facility*.
9. Snowden Engineering: *Letter addressing the potential risk associated with ammonia use in produce cooling operations and the risk reduction measures in connection with the proposed D'Arrigo facility on Harris Road, Salinas*, January 6, 2004

3. **FINDING:** Considering the record as a whole, the project will not have a potential for adverse impacts on fish and wildlife resources upon which the wildlife depends.
EVIDENCE: Staff analysis and information contained in the Initial Study and the record as a whole indicate the project will not result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations.
4. **FINDING:** After considering public comments received on the original and revised Mitigated Negative Declaration, and after considering public testimony at the public hearings on December 10, 2003 and February 25, 2004, the Planning Commission, in compliance with the requirements of CEQA Guidelines Section 15074.1, has adopted revised mitigation measures that are more effective in mitigating potential significant traffic impacts on Hatton Avenue and the affected County and City of Salinas road infrastructure.
EVIDENCE: Mitigation measures contained in the Mitigation Monitoring and Reporting Plan adopted by the Planning Commission as part of project approval on February 25, 2004.
5. **FINDING:** A revised Mitigated Negative Declaration was prepared and recirculated for public review in compliance with the requirements of Section 15073 (a) of the CEQA Guidelines. Additional and/or revised mitigation measures were added to the revised Mitigated Negative Declaration in order to reduce identified potential significant impacts from vehicular/truck traffic on Hatton Avenue to less-than significant levels.
EVIDENCE: Administrative record contained in Project File No. PLN020069.
EVIDENCE: Mitigation Monitoring and Reporting Plan adopted by the Planning Commission as part of project approval on February 25, 2004.
6. **FINDING:** The site is suitable for the use proposed.
EVIDENCE: There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Health Department and the Salinas Rural Fire District. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas or similar areas that would indicate the site is not suitable for the use proposed.

7. **FINDING:** The establishment, maintenance, or operation of the use or building applied for will not, under circumstances of the particular case, be detrimental to health, safety, comfort, and general welfare persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Planr and Building Inspection Department, Health Department, Public Works Department, Water Resou Agency and the Salinas Rural Fire Protection District. The respective Departments have recommen conditions, where appropriate, to ensure that the project will not have an adverse effect on the he; safety, and welfare of persons either residing or working in the neighborhood; or the County in gener

DECISION

THEREFORE, it is the decision of said Planning Commission to adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approve said application for a Use Permit as shown on the attached sketch, and subject to the attached conditions.

PASSED AND ADOPTED this 25th day of February, 2004, by the following vote:

- AYES: Errea, Sanchez, Hawkins, Padilla, Parsons, Rochester, Wilmot
- NOES: Vandevere, Diehl, Salazar
- ABSENT: None
- ABSTAIN: None

Original Signed By:

JEFF MAIN, Secretary

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

- 1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.