

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 030602

A.P.# 223-041-035-000

In the matter of the application of
D'Arrigo Brothers Company (PLN030602)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, amendment to a previously approved use permit (PLN020230) to: 1) increase the size of the dry packing facility from 16,000 sq. ft. to 18,000 sq. ft. in order to accommodate packing equipment; 2) increase the size of the shade bay from 4,000 sq. ft. to 4,500 sq. ft.; and 3) grading (7,350 cy. yds. cut and 530 cu. yds. fill). the excess cut will be spread on adjacent fields under the same ownership. there will be no change in use as approved under the previous use permit. the property is located at 26371 iverson road, gonzales (assessor's parcel number 223-041-035-000), central salinas valley area, came on regularly for hearing before the Zoning Administrator on January 29, 2004.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. **FINDING: CONSISTENCY AND SITE SUITABILITY** – The D'Arrigo Permit Amendment (PLN030602), as described in Condition #1, and as conditioned, is consistent with the plans, policies, requirements and standards of the Monterey County General Plan, the Central Salinas Valley Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 26371 Iverson Road, Gonzales. The parcel is zoned "F/40" (Farmlands, 40 acre minimum). The site is physically suitable for the use proposed.

EVIDENCE: (a) The application and plans submitted for the Permit Amendment and previously approved Use Permit in project files PLN030602 and PLN020230 at the Monterey County Planning and Building Inspection Department.

(b) The Geotechnical Investigation prepared by Kleinfelder, Inc., dated September 19, 2002, with recommendations, concludes that the site is suitable for the project.

(c) The project planner conducted a site visit on September 17, 2002 to verify that the proposed project complies with Title 21 and Central Salinas Valley Area Plan.

(d) The project has been reviewed by the Monterey County Planning and Building Inspection Department, Agricultural Commissioner, Gonzales Fire Protection District, Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Parks Department, and Monterey County Health Department. There has been no indication from these agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

2. **FINDING: CEQA (Exempt)** – The proposed project will not have a significant environmental impact.

EVIDENCE: (a) Sections 15061(b)(3) and 15304(a) of the CEQA Guidelines exempt the proposed development from environmental review. No adverse environmental impacts were identified

during staff review of the development application.

(b) The Public Works Department determined that no traffic impacts will occur. The purpose of the project is to relocate the packing facility in proximity to the cactus pear row crop rather than transporting the produce to Castroville, as is presently the case. The majority of truck traffic will occur on County roads. No increase in truck traffic will occur as a result of this project.

(c) This project was reviewed by the Agricultural Commissioner, who determined that the site is suitable for the project and no significant impacts will occur on the adjacent agricultural operations.

(d) Even though the site is relatively flat, the project proposes grading (7,350 cy. yds. cut and 530 cu. yds. fill) in order to create the retention pond (as required pursuant to Condition #5) and sub-excavate for the building slab, site base rock and paving. The excess cut will be spread on adjacent fields under the same ownership.

(e) Materials in project files PLN030602 and PLN020230.

3. **FINDING: UNSUITABLE CULTIVATION LAND** – The land on which the support facility is proposed is not suitable for cultivation because of irregular terrain, relatively poor soil quality, and other physical constraints that limit agricultural productivity. The maintenance and operation of the proposed support facility will not impair the ability to produce crops on the remainder of the subject property and neighboring properties in agricultural production.

EVIDENCE: (a) Currently, an existing storage building and single-family dwelling are located on the western portion of the 40 acre parcel. The remaining land is used to grow broccoli. Approximately 0.7 acres of broccoli will be taken out of production for construction of the packing facility. The site of the proposed development is an odd configuration and not very efficient to farm. The remainder of the parcel will be easier to farm without a small peninsula of land between the County road and the existing storage building.

(b) The eastern third of the property is designated as Prime Farmland according to Monterey County resource maps. The western part, which is the site of the proposed facility, is designated as Farmland of Statewide Importance. This means that soils on the eastern side of the property are better than soils on the western side. The maximum amount of prime farmland for production will be preserved.

(c) This project was reviewed by the Agricultural Commissioner, who determined that the site is suitable for the project and no significant impacts will occur to adjacent agricultural operations.

(d) The parcel is not restricted by a Williamson Act Contract.

(e) The application and plans submitted for the Permit Amendment and previously approved Use Permit in project files PLN030602 and PLN020230 at the Monterey County Planning and Building Inspection Department.

4. **FINDING: ACCESSORY TO CULTIVATION** – The proposed agricultural support facility is a necessary accessory to the cultivation, harvesting, or processing of crops grown on land in proximity to the subject property.

EVIDENCE: (a) The purpose of the project is to relocate the existing packing facility so it is in proximity to the cactus pear row crop rather than transporting the produce to Castroville, as is presently the case. Currently, cactus pears are grown a few hundred yards from the proposed packing facility, about 2 miles north near the intersection of Jacks Road and Iverson Road and directly west near the intersection of Fairview Road and River Road.

(b) The application and plans submitted for the Permit Amendment and previously approved Use Permit in project files PLN030602 and PLN020230 at the Monterey County Planning and Building Inspection Department.

5. **FINDING: USE AND OPERATION** – The proposed project is a dry packing facility for cactus pears. The facility will employ approximately 30 people in a single shift (8:00 a.m. to 5:00 p.m.) for 128 days per year. Most of the employees reside in Gonzales. The cactus pears are a specialized crop and have a short and definite season (August through March). The operation will involve approximately 133 field truck trips per year, all of which will occur during the August through March season. Approximately 36 of those trips originate on the ranch on which the project is situated, and the remaining ± 97 trips travel to/from surrounding ranches. In addition, there will be ± 2 refrigerator truck trips per day during the season, for a total of ± 256 truck trips. Estimated water use for the facility will be 0.28-acre feet per year (± 714 gallons per day for 128 days per year).

EVIDENCE: Materials in files and administrative record.

6. **FINDING: NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Section 21.30.020 of the Monterey County Zoning Ordinance. Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

7. **FINDING: HEALTH AND SAFETY** – The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

8. **FINDING: APPEALABILITY** – The decision on this project is appealable to the Planning Commission.

EVIDENCE: Section 21.80.040 of the Monterey County Zoning Ordinance (Title 21).

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said application for a Use Permit be granted as shown on the attached sketch, and subject to the following conditions:

1. The D'Arrigo Permit Amendment (PLN030602) amends a previously approved Use Permit (PLN020230) to:
1) increase the size of the dry packing facility from 16,000 sq. ft. to 18,000 sq. ft. in order to accommodate packing equipment; 2) increase the size of the shade bay from 4,000 sq. ft. to 4,500 sq. ft.; and 3) grading (7,350 cy. yds. cut and 530 cu. yds. fill). The excess cut will be spread on adjacent fields under the same ownership. There will be no change in use as approved under the previous Use Permit. The property is located at 26371 Iverson Road, Gonzales (Assessor's Parcel Number 223-041-035-000), northwesterly of the intersection of Johnson Canyon Road and Iverson Road, Central Salinas Valley area. 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 Planning and Building Inspection. 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. **(Planning and Building Inspection)**

Prior to the Issuance of Grading and Building Permits:

2. The applicant shall record a notice, which states: "A permit (Resolution No. 030602) was approved by the Zoning Administrator for Assessor's Parcel Number 223-041-035-000 on January 29, 2004. The permit was granted subject to 15 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
3. Prior to issuance of building permits, obtain a new water system permit from the Division of Environmental Health. **(Environmental Health)**
4. Prior to issuance of building permits, submit a revised disposal system design to the Director of Environmental Health for review and approval meeting the regulations found in Chapter 15.20 of the Monterey County Code, and Prohibitions of the Basin Plan, RWQCB. The design should show leach fields that have 50% more sidewall area than normally required and utilize the soil between 5 feet and 15 feet. **(Environmental Health)**
5. Prior to issuance of building permits, the applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer addressing on-site and off-site impacts with supporting calculations and construction details. The plan shall include detention facilities to mitigate the impact of impervious surface stormwater runoff. Pond(s) shall be fenced for public safety. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. **(Water Resources Agency)**
6. Prior to issuance of any grading or building permits, the applicant shall provide the Water Resources Agency information on the well to serve the project including a map showing the well location and any available well logs/e-logs. **(Water Resources Agency)**

Prior to Final Building Inspection/Occupancy:

7. The site shall be landscaped. At least three weeks prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping. The landscaping shall be installed and inspected prior to occupancy. **(Planning and Building Inspection)**
8. The project shall follow the recommendations of the Geotechnical Investigation prepared for the site by Kleinfelder, Inc., dated September 19, 2002. A letter from a qualified soil or civil engineer shall be submitted to

the Director of Planning and Building Inspection stating that the construction conforms to recommendations in the report. **(Planning and Building Inspection)**

9. Comply with Title 19 of the California Code of Regulations and Chapter 6.95 of the California Health and Safety Code (Hazardous Material Registration and Business Response Plans) as approved by the Director of Environmental Health. **(Environmental Health)**
10. Prior to final inspection, the applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with approved plans. **(Water Resources Agency)**
11. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a) All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
 - b) Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. **(Water Resources Agency)**

Continuous Permit Conditions:

12. If cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection)**
13. All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**
14. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
15. Signage shall conform to Chapter 21.60 of the County Code, be minimal, located on-site, and shall not be illuminated. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 29th day of January, 2004.

Original Signed By:

MIKE NOVO
ZONING ADMINISTRATOR

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 PLANNING COMMISSION 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.