



September 24, 1998

BOARD OF SUPERVISORS AGENDA: 10/6/98

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz CA 95060

SUBJECT: Consideration of Application 98-0650 (Proposal to Amend Permit 97-0309, the Buena Vista Soil Management/Stockpile Project)

Members of the Board:

INTRODUCTION

As you recall, your Board approved Application 97-0309 for the Buena Vista Soil Management Project on June 9, 1998 (Attachments 5 and 6). That approval was appealed to the California Coastal Commission by the Buena Vista Community Association and two Coastal Commissioners. The Commission's staff supported the appeal (Attachment 7). At the Commission's hearing on August 13 to consider the appeal, the Commission decided to postpone any action on the appeal until their meeting during the week of October 12 and directed their staff to work with County staff to resolve matters of disagreement in hopes that the matter could be resolved on the staff level before the Commission's October meeting. Since August 13, County staff has been meeting with the staff of the Coastal Commission and representatives of the State and federal resource agencies to resolve areas of disagreement with the County's approval of the project. Most discussions have focused on the appropriate type and amount of mitigation for biotic impacts generated by the project.

An agreement has been reached by agency staffs participating in these discussions that would include a revised riparian/wetland habitat mitigation plan and some other changes to Permit 97-0309. If the County approves these changes prior to the Commission's October meeting with a new permit, the appeal of the previous County approval will become null and void and the new permit would include a set of conditions supported by the Coastal Commission staff. The Public Works Department has therefore made an application for a new permit based on the new set of conditions

formulated by County Planning, County Counsel and the Coastal Commission staff in cooperation with the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers (Attachment 8). The new application has been advertised as a proposal to amend Permit 97-0309. Although the County's approval of Permit 97-0309 has been stayed due to the appeal, the new application would in fact be a revision to the conditions that your Board approved on June 9, 1998. The stockpiling/soil management project has not changed since your Board considered the project in June. Rather, the requested amendment would expand the biotic mitigation plan and modify the conditions under which the project must operate. Since the County Planning Commission has already conducted several public hearings on the project and previously forwarded the project to your Board for consideration, it is not necessary to have the Planning Commission consider the amendment request.

SYNOPSIS OF THE REVISED PERMIT CONDITIONS

The purpose of the project continues to be the temporary stockpiling of 1.25 million cubic yards of earth excavated from the Buena Vista landfill. A more detailed discussion on the purpose of the project is provided in Attachment 9. However, the revised permit conditions provide more riparian habitat mitigation than that approved by the County under Permit 97-0309. In addition to the two original mitigation areas on the project site, referred to as the "extension of the main channel" and the "three pond mitigation area", new permit conditions require the project biotic mitigation plan to be expanded to include a third mitigation area, the "north channel" and a buffer zone adjoining the main channel and the north channel. A more detailed discussion of the expansion of the mitigation plan is provided below.

In addition, the new conditions require a 10 acre area that could have been used for agricultural crop or livestock raising under the previous approval to be retained in open space during the 20 year project period. This 10 acre area includes: a) two narrow strips of land wedged between the stockpile site and the riparian corridors/mitigation sites, and b) a 4 acre area that is now separated from the remainder of the parcel by the new north channel mitigation site (Refer to Attachment 10). The cultivation of these steeply sloped areas would require an extremely high level of on-going erosion control and monitoring to prevent significant sedimentation problems for the north channel. In staff's view, the level of management required to protect the biological resources of the north channel would not be commensurate with the production yield from cultivating or pasturing this area. To compensate for the removal of these 10 acres, as well as the 20 acre stockpile site, from agricultural use during the life of the project, a new condition requires the County to make an annual contribution of \$12,000.00 to the County's ACE (Agricultural Conservation Easement) Program to help fund the purchase of agricultural conservation easements in the County. The contribution would be made each year for the life of the project. This same condition allows a reduction in the annual contribution if the County is successful in leasing closed portions of the Buena

Vista landfill for agricultural use. In that case, the annual contribution may be reduced by \$600.00 for every acre that is leased for a 12 month term on the closed portion of the landfill.

The other major change to the permit conditions is an expanded review of the project throughout its 20 year time period. In addition to your Board's review of the project within one year of the commencement of site work, the project would be reviewed at years 6, 12 and 18 of the project. The year 18 review would determine which of the specified closure options would be selected based on the experience of the first 18 years of project management. The closure options would be to: a) rehabilitate the stockpile site with less steep slopes to facilitate future agricultural production as was approved under Permit 97-0309; b) return the stockpile to its pre-project condition; or c) return the project site to a condition that dedicates more area for biotic preservation (i.e. rehabilitation of the south channel which becomes buried by the deposition of stockpile material). At that time the Board would determine the most suitable option for implementation of the project closure.

REQUEST FOR REZONING AND POLICY INTERPRETATION

Since your Board's approval of Application 97-0309 has been appealed, the action to rezone the property to delete the "O" (Open Space Easement) combining zone district has been stayed along with the approval of the Coastal Zone/Riparian Exception Permit application. For this reason, the revised project includes a request for a rezoning from the "CA-O" to the "CA" (Commercial Agriculture) zone district. This issue is discussed on pages 3 and 4 of Attachment 9. As also discussed on those same pages, a policy determination is needed by your Board to find that the stockpile use is consistent with the Agricultural Uses Chart of the Zoning Ordinance and General Plan policy 513.5. On June 9 your Board determined that the project was consistent with the applicable provisions of the Zoning Ordinance and policies 5.13.5 and 5.13.6 based on the findings to approve the project. It is recommended that your Board make this policy determination again as part of your actions to approve the project. The attached findings include language that support this determination.

BIOLOGICAL RESOURCES AND MITIGATION

Pages 4 and 5 of Attachment 9 summarize the biological resources on the site. Three riparian corridors traverse the 70 acre project parcel. Under the County's previous approval, one corridor, the main channel, which parallels Buena Vista Drive was to be placed under a biotic conservation easement and its length extended by 500 feet through restorative grading, planting and monitoring. This creation of new riparian habitat was one of the two mitigation areas on the site. The second mitigation area was the creation of three seasonal ponds on a smaller open space parcel owned by the County which adjoins the southern edge of the project parcel. This area was also to have been placed under conservation easement. These mitigation areas were to

compensate for the removal of the south channel, which is located at the bottom of the ravine where the stockpiling is to occur. Under this plan the newly created riparian and wetland (pond) habitat would be twice the area of the riparian habitat lost by the project. The north channel would have been retained in its present condition with a 30 foot protective buffer on each side. These corridors are all shown on Attachment 10.

The new permit conditions would provide more protection for the north channel by making it a third mitigation area. Restorative grading and planting would occur to enhance this highly degraded corridor. The mitigation strategy would include a restriction of any agricultural encroachments into this corridor and the adjoining steep slopes that have been cultivated in the past. This would require a 10 acre area located on both sides of the channel to be retained in open space as discussed above. A 50 foot wide strip of land on both sides of the channel would be classified as buffer area and would be actively planted with ground cover as a sediment barrier. The adjoining 10 acre area would be left fallow and managed passively as open space. The mitigation plan for the project (Exhibit B of the permit) would be expanded to include the mitigation strategy for the north channel and provide performance standards for habitat enhancement that would be used to measure the success of restoration activities.

The mitigation plan would also be revised in one other important way. Subsurface water that seeps to the surface at the top (west end) of the south channel will be collected in a buried pipe and conveyed to the three pond mitigation area. This would occur before stockpiling commences to bury the south channel. The new drainage conveyance will provide a natural and continuous source of water for the three ponds. The pond to be located at the lowest elevation would be supplied with a drain outlet in case seasonal draining of the three ponds was determined to be necessary to rid the wetland habitat of unwanted predators of native species. For example, the non-native bull frog eats the larvae of the protected "threatened" red-legged frog. Bull frog tadpoles live for two years in water where native frog tadpoles metamorphose after one year. Draining these ponds after native frogs metamorphose may become a necessary management technique to control non-native species. The changes to the mitigation plan involving the north channel and the three pond area meet the concerns of the Coastal Commission staff and the three participating resource agencies.

All biotic mitigation areas would be protected by a Declaration of Restriction rather than a conservation easement. County Counsel and the Coastal Commission staff attorney agreed that the Declaration of Restriction is the preferred document instrument in this case because the County is the owner of the property.

ENVIRONMENTAL REVIEW

The Environmental Coordinator has reviewed the new project conditions and determined that the original and supplemental EIR prepared for Application 97-0309 and certified by your Board on June 9 adequately address all environmental issues of

the "amended project". The amendment of permit conditions does not present any new environmental issues beyond those discussed in the EIR. Neither are any of the issues identified in the EIR exacerbated by revising the permit conditions. The original EIR was based on the original project that would have displaced 30 acres of land from crop production. The revised permit will now displace that same amount of crop production within the same geographic area as the original project. The mitigation adopted for that impact, the rehabilitation of the site with less steep slopes at project closure, continues to be included in the permit conditions. While new conditions now include a requirement of annual contributions to the ACE Program to enhance that mitigation, the impact has not changed from that discussed in the original EIR. The Supplemental EIR includes a brief discussion of the lessening of the agricultural impact by a revised project that only displaces 20 acres of crop land, but the mitigation measure to address the temporary loss of crop land was not altered from that identified in the original EIR.

Section 15164 of the CEQA Guidelines requires a lead agency to prepare an EIR Addendum if minor technical changes are made to a project since certification of an EIR and the changes do not raise important new issues about significant effects on the environment. Addendums must be considered by the decision-maker prior to making a decision on the project but do not need to be circulated for public review in the manner required for EIRs and Supplemental EIRs. The inclusion of the open space area and wider buffer area that will displace 10 acres of crop land is a minor technical change requiring an EIR Addendum. The revised biological mitigation plan that expands the mitigation measures for the same impacts identified in the EIR is another minor technical change from the project your Board considered in June. This report and its attachments discuss these minor technical changes and therefore can be used as the EIR Addendum. Staff recommends that you recertify the EIR for this project and that the recertification includes this Board letter report as the EIR Addendum.

CONCLUSION and RECOMMENDATION

This project has been revised from the original proposal to the one your Board considered in June. No other revisions have occurred to the amount of soil to be stockpiled, method of stockpiling or area of the stockpile since your Board considered the project in June. What this amendment request will change are the conditions under which the project must operate. The most significant of the new conditions will:

- a) Expand the riparian/wetland mitigation plan to include a third biotic mitigation area which will enhance the habitat of the north channel and restrict agricultural activities from a 10 acre area surrounding the north channel;
- b) Place all three biotic mitigation areas under a permanent Declaration of Restriction rather than a biotic conservation easement;

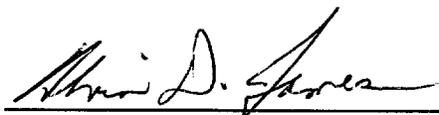
- c) Expand the agricultural mitigation to include an annual contribution to the County's ACE Program that could be partially offset by leasing closed portions of the landfill for agriculture;
- d) Require 3 reviews of the project at 6 year intervals, where the option for closure of the project becomes decided at the review during project year 18.

No additional Environmental Review is required to amend the permit as now requested by Public Works other than considering this report, including all attachments, as an Addendum to the EIR. The Coastal Commission staff has informed County staff that the adoption of the permit conditions in Attachment 2 will address their concerns with the project. The approval of the attached findings and conditions will result in a new permit for the project that supersedes the approval your Board granted in June. This action will nullify that earlier approval and we are expecting it will result in the Coastal Commission dismissing the current appeal of the project.

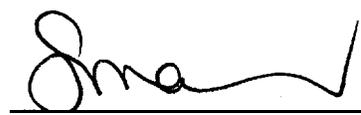
It is therefore RECOMMENDED that your Board take the following actions:

- 1. Adopt the ordinance provided in Attachment 1 to rezone A.P.N 46-121-03 from the "CA-O" (Commercial Agriculture with an Open Space Easement contract) to the "CA" (Commercial Agriculture) zone district and take related actions to extinguish Open Space Easement contract 75-I 262;
- 2. Make the findings in Attachment 2 to:
 - a. Approve Application 98-0650 based on the conditions in Attachment 3;
 - b. Make a policy interpretation that this project is a conditionally permitted interim use in the "CA" zone district and therefore complies with General Plan policies 5.13.5 and 5.13.6; and
 - c. Certify the Environmental Impact Report, Supplemental Environmental Impact Report, Mitigation Monitoring and Reporting Program (Attachment 4) and EIR Addendum prepared for this project and include this staff report to your Board, including Attachments I-3 and 5-8 as the EIR Addendum.

Sincerely,


ALVIN D. JAMES
Planning Director

RECOMMENDED:


SUSAN A. MAURIELLO
County Administrative Officer

Attachments:

1. Rezoning Ordinance
2. Findings to Approve Project
3. New Permit Conditions
4. EIR and Mitigation Monitoring and Reporting Program (on file with the Clerk of the Board)
5. Board Minute Order of June 9, 1998
6. Permit 97-0309
7. Coastal Commission staff report on the Appeal of Permit 97-0309 (Without Attachments)
8. Memo from Public Works Requesting an Amendment to Permit 97-0309
9. Board Letter for Application 97-0309, dated May 28, 1998 (Without Attachments)
10. Site Map of the Project with New Mitigation, Buffer and Open Space Areas

cc: John and Violet Rocha, Property Owners
Patrick Mathews, Public Works
County Counsel
Coastal Commission
U.S. Fish and Wildlife Service
U.S. Army Corps of Engineers
California Department of Fish and Game
Interested Neighbors

ADJ/KCT:br/c:/myfiles/board letters/stckbs2.wpd/pln816

ORDINANCE NO. _____

**ORDINANCE AMENDING CHAPTER 13.10 OF THE
SANTA CRUZ COUNTY CODE
CHANGING FROM ONE ZONE DISTRICT TO ANOTHER**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Board of Supervisors finds that the public convenience, necessity, and general welfare require the amendment of the County Zoning Ordinance by rezoning A.P.N. 46-121-03 from the "CA"-0" (Commercial Agriculture with an Open Space Easement contract) to "CA" (Commercial Agriculture). The Board of Supervisors finds that the zoning established herein is consistent with all elements of the Santa Cruz County General Plan; and finds and certifies that all environmental regulations specified in the California Environmental Quality Act, the State and County Environmental Guidelines, and Chapter 16.01 of the County Code have been complied with by the preparation and approval of an Environmental Impact Report for the project.

SECTION II

The Board of Supervisors hereby adopts the Zoning Plan amendment as described in Section III, and adopts their findings in support thereof without modification as set forth below:

1. The proposed zone district will allow a density of development and types of uses which are consistent with the objectives and land use designations of the adopted General Plan; and
2. The proposed zone district is appropriate of the level of utilities and community services available to the land; and
3. a) The character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district; or
 b) The proposed rezoning is necessary to provide for a community related use which was not anticipated when the zoning plan was adopted; or
 c) The present zoning is the result of an error; or
 d) The present zoning is inconsistent with the designation shown on the General Plan.

SECTION III

Chapter 13.10, Zoning Regulations, of the Santa Cruz County Code-is hereby amended by amending the County Zoning Plan to change the following property from the existing zone district to the new zone district as follows:

<u>Assessor's Parcel Number</u>	<u>Existing Zone District</u>	<u>New Zone District</u>
46-l 21-03	"CA-O"	"CA'

As shown on the attached proposed zoning map

SECTION IV

This ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED this ___ day of ___, 1998, by the Board of Supervisors of the County of Santa Cruz by the following vote:

- AYES: SUPERVISORS
- NOES: SUPERVISORS
- ABSENT: SUPERVISORS
- ABSTAIN: SUPERVISORS

JANET K. BEAUTZ
Chairperson of the Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM: _____
County Counsel

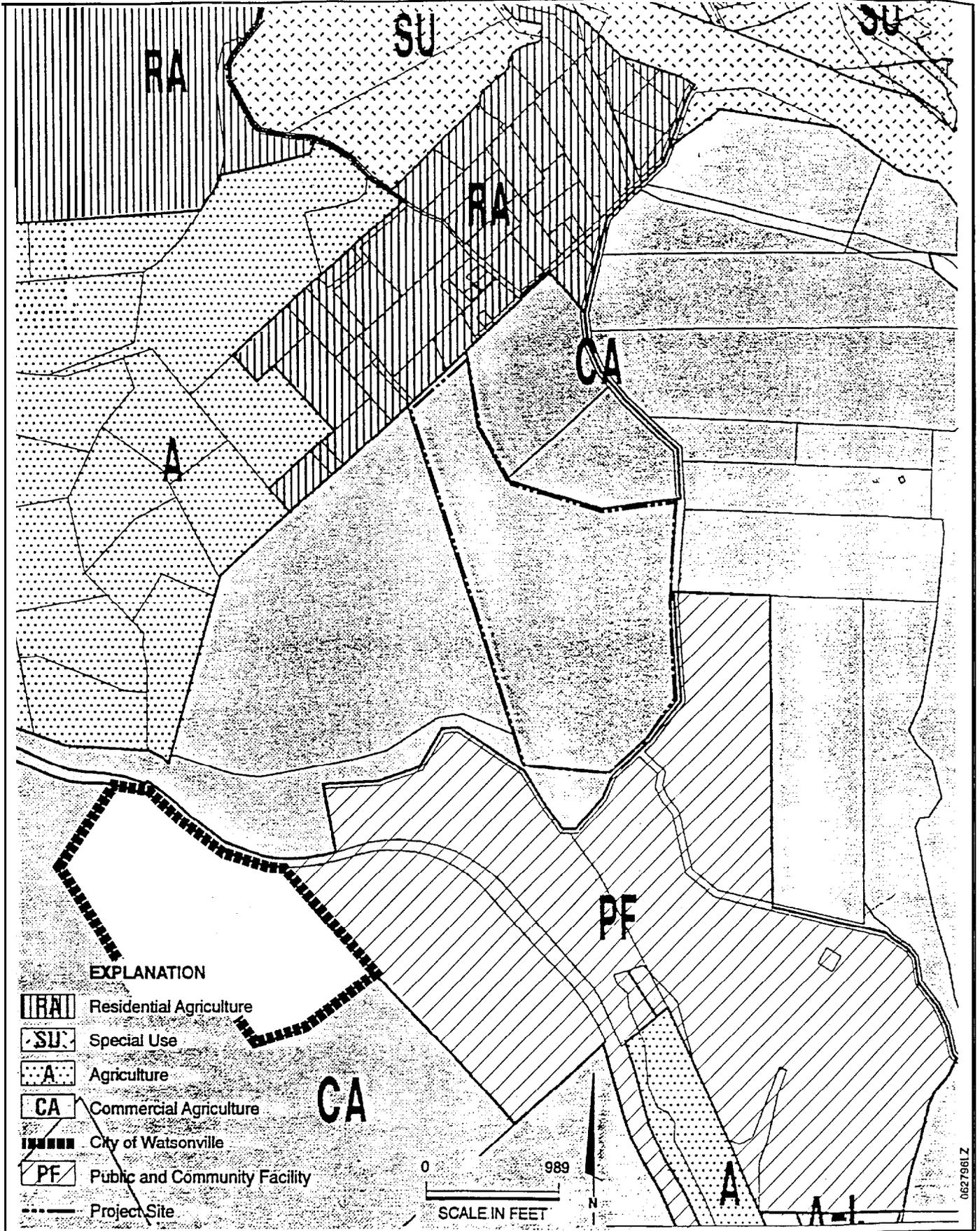
Attachment: Zoning Map

DISTRIBUTION:

County Counsel
Planning

ZONING MAP

354



601

0627961 Z

County Public Works Soil Management/Stockpile Project
 Application No.: 98-0650
 A.P.N.: 46-121-06

343

**Required Special Findings for Level 5 (or Higher)
 Development on "CA" and "AP" Zoned Properties
 County Code Section 13.10.314 (a)**

Required Findings:

1. THAT THE ESTABLISHMENT OR MAINTENANCE OF THIS USE WILL ENHANCE OR SUPPORT THE CONTINUED OPERATION OF COMMERCIAL AGRICULTURE ON THE PARCEL AND WILL NOT REDUCE, RESTRICT OR ADVERSELY AFFECT AGRICULTURAL OPERATIONS ON THIS AREA.

The placement of 1.25 million cubic yards of earth material on this property is an interim use and all fill material will be removed 20 years after the placement of fill material commences. The project has been conditioned to require fill removal be done in a manner that retains all native topsoil on the site. The project has also been conditioned to require recontouring steep portions of the property to reduce 16-30% slopes that now exist on the property in order to make the property more agriculturally viable. This recontouring, to occur at project closure, will be done in a manner that temporarily stockpiles native stockpile for respreading on the recontoured areas of the site. These measures ensure that the long-term agricultural viability of the parcel will not be jeopardized. In fact, these measures will improve the viability of the parcel for all forms of agricultural production at project closure.

In addition to that discussed above, the project has also been conditioned to require a **\$12,000/year** contribution towards the purchase of agricultural conservation easements on properties selected for rehabilitation for more viable agricultural use for each year that the project displaces crop or livestock raising on the parcel. This will assist in enhancing agriculture in the general area. This annual contribution and the restoration to improve agricultural viability on the project parcel over the long-term will compensate for the temporary loss of agricultural production on the parcel during the 20-year time period of the project,

The stockpile project will not affect irrigation water use for the continued crop raising on remaining areas of the parcel. Even with water used to minimize dust (as discussed in finding #3 below) the project will use less water than conventional crop production over that same acreage. The on-site well will continue to serve agricultural production needs on the parcel.

2. THE USE OR STRUCTURE IS AN.CILLARY, INCIDENTAL OR ACCESSORY TO THE PRINCIPAL AGRICULTURAL USE OF THE PARCEL,

County Public Works Soil Management/Stockpile Project
Application No.: 98-0650
A.P.N.: 46-121-06

OR

NO OTHER AGRICULTURAL USE IS FEASIBLE FOR THE PARCEL.

This interim use is incidental to the row crop use of the parcel because it will allow agricultural uses to continue on the 30-acre portion of the site beyond the soil stockpile, open space and biotic mitigation areas and the entire parcel (outside of the biotic mitigation areas) will be available for agricultural uses at the end of the 20-year project period, pending a review of the project at its 18th year. The project has also been conditioned to require recontouring of the site to improve the slopes for agricultural production at project closure. This beneficial recontouring would not occur without the project. Both this closure activity and the stockpiling and soil management methods will prevent the continuation of serious erosion problems that presently occur on the property and reduce its agricultural viability.

3. THAT SINGLE-FAMILY RESIDENTIAL USES WILL BE SITED TO MINIMIZE CONFLICTS, AND THAT ALL OTHER USES WILL NOT CONFLICT WITH COMMERCIAL AGRICULTURAL ACTIVITIES ON SITE, WHERE APPLICABLE, OR IN THE AREA.

The project will not construct any new dwelling or buildings. The existing dwelling on the parcel will be maintained and the stockpile/soil management area will be located 700 feet from the dwelling area. The stockpile activities will not impact surrounding agriculture. The soil management/stockpile area has been located in the eastern end of the parcel which provides the greatest separation between the project area and surrounding agricultural properties. For example, the project area will be separated from the nearest agricultural parcel by 600 feet. The EIR did not identify any land use conflicts that would occur between the project and surrounding agricultural uses with the possible exception of PM10 (dust) generation. The project has been conditioned to minimize PM10 generation below thresholds standards specified by the Air Pollution Control District so project dust will not significantly effect surrounding land uses. Dust minimization techniques include compacting and water spraying deposited soil, installing a asphalt surface on the most traveled segment of the project access road and regular water spraying of dirt segments of the access road on a regular basis.

4. THAT THE USE WILL BE SITED TO REMOVE NO LAND FROM PRODUCTION (OR POTENTIAL PRODUCTION) IF ANY NON-FARMABLE POTENTIAL BUILDING SITE IS AVAILABLE.

OR

County Public Works Soil Management/Stockpile Project
 Application No.: 98-0650
 A.P.N.: 46-121-06

IF THIS IS NOT POSSIBLE, TO REMOVE AS LITTLE LAND AS POSSIBLE FROM PRODUCTION.

The project has been sited and designed to allow the 30-acre portion of the 70-acre parcel, which is most distant from the Buena Vista landfill, to remain in agricultural production during the life of this project. The 20-acre project area is the minimum area needed to contain the 1.25 million cubic yards of soil excavated from the landfill. In addition, two areas totaling 10 acres will be dedicated to open space to create a separation between the project activities and two of the biotic mitigation areas. However, the open space area consists of a 4 acre area that is isolated from the remainder of the parcel by the north channel and a 6 acre area wedged between the stockpile area and two mitigation areas that is too narrow to facilitate feasible agricultural production. An additional 10 acres of the site consist of riparian habitat and dense eucalyptus grove. These habitat areas are not suitable for agricultural uses.

COASTAL ZONE PERMIT FINDINGS

1. THAT THE PROJECT IS A USE ALLOWED IN ONE OF THE BASIC **ZONE** DISTRICTS, OTHER THAN THE SPECIAL USE (SU) DISTRICT, LISTED IN SECTION 13.10.170(d) AS CONSISTENT WITH THE LUP DESIGNATION.

Although the soil stockpile use proposed by this project is not specifically listed in the uses chart for the "CA" zone district, the County Board of Supervisors has determined that this use is so similar to the use of a "publicly owned and operated landfill as an interim use" that it falls under the category for that type of use which is specified in the Uses Chart for the "CA" zone district as a conditionally allowed use in the zoned district. This determination is based on the following factors: a. The use is limited to 20 years; b. The site will be restored to agricultural use at the end of the 20-year project period; c. The purpose of the project is to allow the County's Buena Vista landfill to function as planned and without the project it is doubtful the landfill could continue to be used; and d. Only fill material from the landfill or special clay needed to line the landfilling modules will be deposited on the site.

2. THAT THE PROJECT DOES NOT CONFLICT WITH ANY EXISTING EASEMENT OR DEVELOPMENT RESTRICTIONS SUCH AS PUBLIC ACCESS, UTILITY, OR OPEN SPACE EASEMENTS.

Open Space Easement contract 751262, which was approved for this parcel in 1976, does not allow the type of use proposed by the project. The contract specifies that it can be terminated if the property is condemned by a public agency for a public use.

County Public Works Soil Management/Stockpile Project
 Application No.: 98-0650
 A.P.N.: 46-121-06

358

The Board of Supervisors has determined that the open space easement is not necessary to ensure open space uses on this agricultural parcel. The permit has been conditioned that the approval of the project does not become operative until the Open Space Easement contract is terminated as specified by the contract.

3. THAT THE PROJECT IS CONSISTENT WITH THE DESIGN CRITERIA AND SPECIAL USE STANDARDS AND CONDITIONS OF THIS CHAPTER PURSUANT TO SECTION 13.20.130 ET SEQ.

The project is consistent with the Coastal Zone Design Criteria in that it will not create a significant visual impact; biotic restoration will include only those species that are compatible with the native riparian vegetation; no ocean views nor important vistas will be affected; the most significant natural drainage features will be retained and pending a review of the project at its 18th year, the entire site will be restored at the termination of this 20-year project.

4. THAT THE PROJECT CONFORMS WITH THE PUBLIC ACCESS, RECREATION, AND VISITOR-SERVING POLICIES, STANDARDS AND MAPS OF THE LOCAL COASTAL PROGRAM LAND USE PLAN, SPECIFICALLY SECTION 4, 5, 7.2 AND 7.3, AND, AS TO ANY DEVELOPMENT BETWEEN AND NEAREST PUBLIC ROAD AND THE SEA OR THE SHORELINE OF ANY BODY OF WATER LOCATED WITHIN THE COASTAL ZONE, SUCH DEVELOPMENT IS IN CONFORMITY WITH THE PUBLIC ACCESS AND PUBLIC RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT COMMENCING WITH SECTION 30200.

The project is located on land designated for agricultural uses. No public recreation nor visitor-serving use designations occur on the project parcel or surrounding parcels. Public access and recreation and visitor-serving objectives of the Local Coastal Program will not be affected by the project.

5. THAT THE PROPOSED DEVELOPMENT IS IN CONFORMITY WITH THE CERTIFIED LOCAL COASTAL PROGRAM.

The County Board of Supervisors determined that the project is a use that is consistent with the agricultural policies of the Local Coastal Program, specifically Policy 5.13.6, because it is an interim public use which does not impair the long-term agricultural viability of the parcel; the 20-acre use is ancillary to the row crop use on the 70-acre parcel; the location, design and operation of the project will not affect agricultural operations in the area and the project has been sited to allow agricultural production to occur on the contiguous northern and western portions of the site. The project is

County Public Works Soil Management/Stockpile Project
 Application No.: 98-0650
 A.P.N.: 46-121-06

359

consistent with the Biological Resource policies of the LCP, specifically Policy 5.1.6 because the disruption of riparian habitats will be sufficiently mitigated by the implementation of professionally designed biotic restoration plan that replaces lost habitat at a 2:1 ratio as well as enhances an existing habitat to result in a total 3:1 mitigation ratio.

Air Quality policies have been met, specifically Policy 5.18.1, by incorporating maintenance measures that ensure this new development is consistent with the requirements of the Monterey Bay Unified Air Pollution Control District. Further, the project has been designed and/or conditioned to meet technical requirements to prevent erosion, slope stability and seismic hazards. Therefore, the LCP policies for Seismic Hazards, Slope Stability and Erosion have been met.

DEVELOPMENT PERMIT FINDINGS:

1. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH- IT WOULD BE OPERATED OR MAINTAINED WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY, OR WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OR THE GENERAL PUBLIC, AND WILL NOT RESULT IN INEFFICIENT OR WASTEFUL USE OF ENERGY, AND WILL NOT BE MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY.

The location of the Buena Vista stockpile project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity in that the project is located in an area designated for agricultural uses and the County Board of Supervisors has determined that the temporary stockpile use for a public purpose is consistent with the conditionally permitted uses in the agricultural zone districts as long as the long-term viability of the property for the production of crops and livestock is not impacted. Pending a review of the project at its 18th year, the project is conditioned to rehabilitate the land for crop and livestock production at the closure of this project. The EIR prepared for the project did not identify any impacts that could not be mitigated. All EIR mitigation measures have been incorporated into the project design or as permit conditions. The accompanying CEQA findings discuss this issue in more detail.

2. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED

County Public Works Soil Management/Stockpile Project
 Application No.: 98-0650
 A.P.N.: 46-121-06

WILL BE CONSISTENT WITH ALL PERTINENT COUNTY ORDINANCES AND THE PURPOSE OF THE ZONE DISTRICT IN WHICH THE SITE IS LOCATED.

The project site is located in the "CA" zone district. The proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the "CA" zone district in that the primary use of the property will be the cultivation of row crops; and a secondary use will be a publicly owned and operated soil stockpile as an interim use which will rehabilitate the land for the production of crops and livestock when the project ceases in 20 years.

3. THAT THE PROPOSED USE IS CONSISTENT WITH ALL ELEMENTS OF THE COUNTY GENERAL PLAN AND WITH ANY SPECIFIC PLAN WHICH HAS BEEN ADOPTED FOR THE AREA.

The project is located on a parcel with an "Agriculture" land use designation. The County Board of Supervisors has determined that the project is consistent with all elements of the General Plan in that the project is a major grading activity that is necessary for the continued functioning of the Buena Vista landfill and the project is similar enough to publicly owned and operated landfills which are conditionally permitted interim uses in all agricultural zone districts. The use is not located in a hazardous or environmentally sensitive area and the project protects natural resources by locating in an area designated for this type of project. A degraded riparian and wetland habitat will be removed by this project, but this impact will be mitigated through the implementation of a biotic mitigation plan. (See Coastal Zone Permit finding #5 and Riparian Exception finding #4). A specific plan has not been adopted for this portion of the County.

4. THAT THE PROPOSED USE WILL NOT OVERLOAD UTILITIES AND WILL NOT GENERATE MORE THAN THE ACCEPTABLE LEVEL OF TRAFFIC ON THE STREETS IN THE VICINITY.

The use will not generate any utility use. The project will not generate more than the acceptable level of traffic on the streets in the vicinity in that traffic associated with the project during the time the conveyor system is in use will be limited to 2 scraper vehicles crossing Buena Vista Drive/day to and from the landfill and 1 water truck crossing 145 minutes. Traffic associated with the project when the conveyor system is removed will typically be 2 scrapers and other vehicle crossings/day.

5. THAT THE PROPOSED PROJECT WILL COMPLEMENT AND HARMONIZE WITH THE EXISTING AND PROPOSED LAND USES IN THE VICINITY AND

County Public Works Soil Management/Stockpile Project
 Application No. : 98-0650
 A.P.N.: 46-121-06

361

WILL BE COMPATIBLE WITH THE PHYSICAL DESIGN ASPECTS, LAND USE INTENSITIES, AND DWELLING UNIT DENSITIES OF THE NEIGHBORHOOD.

The proposed project will complement and harmonize **with** the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood in that the soil stockpile will retain the open space nature which occurs on the surrounding agricultural and public facility properties and has been conditioned to improve the agricultural viability of the parcel at project closure by lessening the existing steep slopes through rehabilitative grading.

6. THE PROPOSED DEVELOPMENT PROJECT IS CONSISTENT WITH THE DESIGN STANDARDS AND GUIDELINES (SECTIONS 13.11.070 THROUGH 13.11.076), AND ANY OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER.

The proposed development is consistent with the applicable Design Standards and Guidelines of the County Code in that the existing character and patterns of land use will be preserved as discussed in finding #5 above, natural site amenities of riparian and wetland habitat are either preserved or mitigated for impacts as discussed in finding #3 above and the project includes a functional soil transport system to the project site that will not affect existing traffic patterns by use of an overhead conveyor system to transport the stockpile material from the landfill to the project site.

RIPARIAN EXCEPTION FINDINGS

1. THAT THERE ARE SPECIAL CIRCUMSTANCES OR CONDITIONS AFFECTING THE PROPERTY.

The **spacial** circumstance affecting this property are that it is adjacent to the County's Buena Vista landfill/refuse disposal site and it contains three intermittent streams located in different locations that have the effect of segmenting the parcel into different areas. The landfill, which serves an important and necessary public health, safety and welfare function, needs additional land in close proximity on a temporary basis to stockpile earthen material that is excavated from the landfill to keep the landfill functioning to meet the needs of the public. The intermittent streams restrict any land use on the parcel involving land alteration or development. The geographical characteristics of these drainages are discussed in the following paragraph.

An intermittent stream traverses the eastern edge of the parcel adjacent to Buena Vista

County Public Works Soil Management/Stockpile Project
Application No.: 98-0650
A.P.N.: 46-121-06

Drive. In addition, two intermittent drainage and an associated freshwater seep traverse the center and northern portions of the property. The location of these latter two drainage, which divide the parcel into three sections, severely limit any use that could occur on the parcel if all riparian/wetland habitat is to be completely protected. As a result, these two riparian habitats have been degraded by historic agricultural activities on the site but continue to limit any proposed use to a sectional development if the drainage are to be maintained in the their current form. Notwithstanding these physical characteristics of the site, only one intermittent drainage and its associated fresh water seep will be removed by this project.

2. THAT THE EXCEPTION IS NECESSARY FOR THE PROPER DESIGN AND FUNCTION OF SOME PERMITTED OR EXISTING ACTIVITY ON THE PROPERTY;

The project can only occur on a unified 20 acre area (i.e., a single block of land). The filling of one riparian area described in finding #1 above is necessary to have enough spatial area for the project without encroaching on the western portion of the property that will be conserved for row crop production.

3. THAT THE GRANTING OF THE EXCEPTION WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO OTHER PROPERTY DOWNSTREAM OR IN THE AREA IN WHICH THE PROJECT IS LOCATED;

The granting of the Exception will allow the project to go forward as well as require the implementation of a riparian restoration plan to mitigate for the loss of 0.85 acre of riparian and wetland habitat on-site. The restoration plan will replace lost habitat at a 2:1 ratio and will create expanded riparian habitat on the project parcel and an adjoining County owned parcel that will contain higher quality habitat than the degraded habitat that will be removed by the project. In addition, the mitigation plan includes the enhancement of another degraded riparian corridor on the parcel which will result in a total 3:1 mitigation ratio. As such, this Exception will not be injurious to the overall habitat values or the public welfare.

4. THAT THE GRANTING OF THE EXCEPTION, IN THE COASTAL ZONE, WILL NOT REDUCE OR ADVERSELY IMPACT THE RIPARIAN CORRIDOR, AND THERE IS NO FEASIBLE LESS ENVIRONMENTALLY DAMAGING ALTERNATIVE; AND

Only one of the three intermittent stream corridors will be impacted by this project. This stream, known as the south channel, is in a highly degraded condition due to historic agricultural use. This degraded condition of the habitat would be expected to continue

County Public Works Soil Management/Stockpile Project
Application No.: 98-0650
A.P.N.: 46-121-06

under a continuation of crop raising on the parcel. The hydrologic function of the south channel will be maintained during the life of the project by conveying its water flow through a buried pipe to provide a continuous water source for one of the three mitigation areas (3 ponds) discussed below. The permit has been conditioned to review the issue of the buried pipe at the 18th year of the project to determine if this method of water conveyance should become permanent or if a natural form of an intermittent drainage channel should be recreated at the end of the 20 year project.

The project has been designed to preserve the high quality riparian habitat on the parcel, which is the intermittent stream adjoining the eastern edge of the parcel along Buena Vista Drive. The required restoration plan will increase the size of the habitat substantially by creating new vegetated habitat that extends this corridor northward along it's historical (pre-damaged) drainage course. In addition, a new wetland and open water body will be created on a former wetland site on an adjoining County owned vacant parcel. This portion of the plan will result in doubling the amount of riparian/wetland lost by replacing this habitat at a 2:1 ratio.

In addition, the plan has been revised to include a third mitigation area at the site. The degraded northern channel will be enhanced by restorative grading and planting of native riparian species and protected by 50 foot wide buffer. This will increase the total mitigation ration of the plan to 3: 1. All three mitigation areas and the existing reach of the main channel will be protected by a permanent Declaration of Restrictions. The implementation of the plan will be long-term benefit to the riparian system on the project site and the adjoining site. Another project design that would have preserved all existing riparian wetland habitat on-site would not meet the requirements of the project as discussed in finding #2 above.

5. THAT THE GRANTING OF THE EXCEPTION IS IN ACCORDANCE WITH THE PURPOSE OF THIS CHAPTER, AND WITH THE OBJECTIVES OF THE GENERAL PLAN AND ELEMENTS THEREOF, AND THE LOCAL COASTAL PROGRAM LAND USE PLAN.

The granting of this Exception meets the provisions of the County Riparian Corridor and Wetland Protection Ordinance (County Code chapter 16.30) and the General Plan policies for Biological Resources (Section 5-3) because non-degraded habitat on the site is preserved and the functional capacity of the main stream channel will be maintained. (Policy 5.1.6). In addition, biotic restoration will be required as a condition of project approval (Policy 5.1.12) and the implementation of the restoration plan will enhance the preserved habitat's functional capacity.

County Public Works Soil Management/ Stockpile Project
 Application No.: 98-0650
 A.P.N.: 46-121-06

364

REZONING FINDINGS:

1. THE PROPOSED ZONE DISTRICT WILL ALLOW A DENSITY OF DEVELOPMENT AND TYPES OF USES WHICH ARE CONSISTENT WITH THE OBJECTIVES AND LAND-USE DESIGNATIONS OF THE ADOPTED GENERAL PLAN; AND,

The rezoning will retain the basic underlying "CA" zoning district which is **consistent** with the General Plan designation of "Agriculture" land use with an "Agricultural Resource" overlay. This zoning will allow the proposed soil stockpiling use as long as the stockpiling is associated with the County's Buena Vista landfill and can meet the provisions of County Code Section 13.10.639. The project has been designed and conditioned to meet these requirements.

2. THE PROPOSED ZONE DISTRICT IS APPROPRIATE OF THE LEVEL OF UTILITIES AND COMMUNITY SERVICE AVAILABLE TO THE LAND; AND,

The "CA" zoning district is appropriate for this rural area surrounded by agricultural and public landfill/refuse disposal site uses. The "CA" zoning district restricts uses to agricultural uses and interim public landfill uses, including a single-family residence and in some cases farm worker housing. These type of uses do not result in high demands on utilities, roads or community services, which are limited in the immediate area where the site is located.

3.
 - a. THE CHARACTER OF DEVELOPMENT IN THE AREA WHERE THE LAND IS LOCATED HAS CHANGED OR IS CHANGING TO SUCH A DEGREE THAT THE PUBLIC INTEREST WILL BE BETTER SERVED BY A DIFFERENT ZONE DISTRICT; OR,
 - b. THE PROPOSED REZONING IS NECESSARY TO PROVIDE FOR A COMMUNITY RELATED USE WHICH WAS NOT ANTICIPATED WHEN THE ZONING PLAN WAS ADOPTED; OR,
 - c. THE PRESENT ZONING IS THE RESULT OF AN ERROR; OR,
 - d. THE PRESENT ZONING IS INCONSISTENT WITH THE DESIGNATION SHOWN ON THE GENERAL PLAN.

The removal of the "O" combining zoning district is necessary to allow the proposed project to occur on the site. The County Public Works soil stockpile/management project was not foreseen when the property was placed under Open Space Easement

County Public Works Soil Management/Stockpile Project
Application No.: 98-0650
A.P.N.: 46-121-06

365

contract and zoned with the "O": combining designation in 1976. The project is now necessary for the use of Modules 4 and 5 of the Buena Vista landfill which must be activated if refuse disposal can occur at the County's only landfill.

CEQA FINDINGS:

The California Environmental Quality Act and County Environmental Review Guidelines require that when an EIR has been completed which for a project identifies one or more significant environmental effects for the project, the public agency shall not approve the project unless one or more of the following findings can be made:

1. Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified to the final EIR.
2. Such changes or alternations are with the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such agency or can and should be adopted.
3. Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives, identified in the final EIR.

The final Environmental Impact Report for the Public Works Soils Stockpile/Management project (EIR) includes the Draft and Final EIR dated November 5, 1996 and May 5, 1997 respectively; The Draft and Final Supplemental EIR dated February 4 and May 8, 1998 respectively and the EIR Addendum which is the Board letter (report) dated September 24, 1998. The **EIR has** identified, as significant, the impacts described below. Changes have been incorporated into the project or mitigations have been required as permit conditions which reduce all identified impacts to levels of insignificance. The project has been revised to a modified version of the **EIR's** Project Alternative 3B (Overhead Conveyor Alternative). The modifications to this alternative are discussed in the Draft Supplemental EIR. The Addendum also discusses two minor technical changes: a) establishing a 10 acre buffer area to protect the north channel and main channel from potential impacts on the areas where stockpiling and conventional agricultural uses will occur; and b) expanding the biotic mitigation plan to include a third mitigation area on the site. These modifications result in minor technical changes to the project and do not generate new impacts or exacerbate identified impacts from that discussed in the EIR.

Project revisions and/or mitigations are described to the right of each impact listed on

County Public Works Soil Management/Stockpile Project
Application No.: 98-0650
A.P.N.: 46-121-06

the following pages of these findings. All mitigation measures listed on the following pages have been incorporated into the project design or they have been made a condition of the project, except for mitigation LU-1 and measures to address cumulative impacts. Mitigation measure LU-1 has not been included in this project because the Planning Commission has determined the project is consistent with General Plan policy and therefore no mitigation is necessary.

Except as specified in the preceding paragraph, CEQA finding #1 pertains to all impacts on the following pages. Any additional findings pertaining to individual impacts are specified in the right-hand column of the following pages.

Mitigation measures designed to mitigate cumulative impacts generated by other projects are listed on the last 3 pages listing impacts and mitigation measures. These mitigations are either the responsibility of the City of Watsonville regarding the City's Sphere of Influence Amendment or they will be incorporated into the approval of the City/County MRF project by the County if and when that project is approved. These cumulative impact measures can and should be incorporated into the approvals for these separate projects to be approved by the City of Watsonville and/or the County.

(Findings continue on the following sheets)

CEQA Findings
Application Number: 98-0650
A.P.N.: 046-I 21-03

Table 2-1. Summary of Environmental Impacts and Mitigation Measures
Buena Vista Landfill Soil Management Plan
Santa Cruz County, California

Description of Impact

Mitigation Measures

SIGNIFICANT UNAVOIDABLE ADVERSE ENVIRONMENTAL IMPACTS of the project for which the decision maker must issue a ‘statement of overriding considerations’ under Section 15093 of the State CEQA Guidelines (as amended) if the project is approved.

No significant unavoidable adverse impacts were identified.

SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS THAT CAN BE FEASIBLY MITIGATED OR AVOIDED of the project for which the decision maker must make “findings” under Section 15091 of the State CEQA Guidelines (as amended) if the project is approved. Residual impacts after mitigation are less than significant for these impacts.

LAND USE COMPATIBILITY/POLICY ANALYSIS

Impact L U-Z. Implementation of the proposed project may be inconsistent with General Plan Policy 5.13.5.

Mitigation Measure LU-I. If the County Planning Commission determines that the proposed project is consistent with General Plan Policy 5.13.5, no impact would occur and consequently, no mitigation would be required. If the Planning Commission determines that the project is inconsistent with the General Plan, the County would be required to request a General Plan Amendment.

The Commission has determined the project is consistent with General Plan policy.

CEQA Findings
 Application Number: 98-0650
 A.P.N.: 048-I 21-03

**Table 2-1. Summary of Environmental Impacts and Mitigation Measures
 Buena Vista Landfill Soil Management Plan
 Santa Cruz County, California**

Description of Impact	Mitigation Measures
SOILS AND GRADING	
<p><i>Impact S-1.</i> Static and/or seismic instability of fill slopes could cause slope failure, resulting in sedimentation of adjoining properties, site erosion, damage to drainage facilities on and adjacent to the project site, or hazards to onsite workers.</p>	<p><i>Mitigation Measure S-1a.</i> Additional engineering studies shall be undertaken during final project design to define soil properties and assess slope geometry to achieve an adequate factor of safety against instability. Final construction documents shall include detailed specifications for site preparation and till placement</p> <p><i>Mitigation Measure S-1b.</i> Additional drainage features shall be incorporated into the final subdrain system design to minimize the risk of slope failure from hydrostatic pressure buildup caused by groundwater seepage. The design shall be flexible, allowing modification during construction to address actual field conditions.</p>
<p><i>Impact S-2.</i> Settlement of the ground surface during placement of fill materials (i.e., during the life of the project) could damage site facilities and disrupt site drainage.</p>	<p><i>Mitigation Measure S-2.</i> Potential impacts associated with ground surface settlement shall be mitigated by either designing facilities and grades to accommodate the anticipated settlement or reducing the settlement.</p>
<p><i>Impact S-3.</i> Liquefaction of soils near the toe of till slopes or other structures could result in disruption of the till slopes, sediment catch basins, subdrain and surface drainage facilities.</p>	<p><i>Mitigation Measure S-3.</i> A design-level geotechnical investigation shall be conducted of alluvial soils near the toe of fill slopes and at debris basin locations.</p>
<p><i>Impact S-4.</i> Seismic ground shaking could damage site drainage facilities.</p>	<p><i>Mitigation Measure S-4.</i> Project site drainage facilities shall be designed to resist seismic ground shaking forces to prevent damage during the design earthquake.</p>

CEQA Findings
Application Number: 98-0650
A.P.N.: 046-I 21-03

Table 2-1. Summary of Environmental Impacts and Mitigation Measures
Buena Vista Landfill Soil Management Plan
Santa Cruz County, California

Description of Impact

Mitigation Measures

HYDROLOGY AND WATER QUALITY

Impact H-1. Surface water runoff during storm events could erode exposed soils, increasing the sediment load in project area drainage ditches and stream channels and on adjacent properties and roadways.

Mitigation Measure H-1a. The final design of the proposed project shall incorporate requirements of the County of Santa Cruz Grading Ordinance, Erosion Control Ordinance, County Design Criteria, and the Construction Activities General Permit.

Mitigation Measure H-1b. The design of sedimentation basins shall incorporate erosion protection across exposed slopes to reduce the potential for erosion and possible failure of the berms during storm events.

Mitigation Measure H-1c. A sediment removal schedule shall be developed to maintain the storage capacity of the basins.

Mitigation H-1d. A monitoring program shall be developed and implemented to assess project-related erosion and sedimentation of downstream drainages. The program shall include the process for implementing any remedial measures if turbidity levels exceed standards set by the Regional Water Quality Control Board.

Additional Finding: The EIR mitigation techniques addressing the northern ravine in Mitigation Measures H- 1 b and H- 1 are no longer necessary because the northern ravine area has been deleted from the revised project.

Impact H-2. Stormwater discharge at the southeastern end of the project site could result in flooding and erosion along Buena Vista Drive if existing drainage facilities do not have sufficient capacity.

Mitigation Measure H-2. The final engineered drainage plans shall incorporate culverts with sufficient capacity to accommodate 100 year storm flows from the contributing watershed.

369,

CEQA Findings
 Application Number: 98-0650
 A.P.N.: 046-I 21-03

**Table 2-1. Summary of Environmental Impacts and Mitigation Measures
 Buena Vista Landfill Soil Management Plan
 Santa Cruz County, California**

Description of Impact	Mitigation Measures
<p><i>Impact H-3.</i> The proposed road crossing from Buena Vista Landfill to the project site could be impacted by flooding if drainage facilities were not properly designed.</p>	<p><i>Mitigation Measure H-3.</i> If replacement of the culvert is required for reconstruction of the Buena Vista Drive crossing, the final design shall incorporate a culvert with sufficient capacity to convey runoff generated by a 100-year storm event.</p>
<p><i>Impact H-4.</i> Releases of fuel or hydraulic fluids from construction equipment could degrade surface water quality in adjacent drainages.</p>	<p><i>Mitigation Measure H-4.</i> The County or its contractor shall develop a site specific spill response plan and a routine maintenance and inspection program to minimize the risk of release of hazardous materials.</p>
<p>BIOLOGICAL RESOURCES</p>	
<p><i>Impact B-Z.</i> Implementation of the project would result in direct impacts to plant communities considered sensitive by CDFG, designated as special aquatic sites by ACOE, and protected under the County General Plan.</p>	<p><i>Mitigation Measure B-1.</i> A wetland and riparian mitigation plan shall be implemented to create habitat similar to that proposed to be impacted by the project. The plan shall be approved by the County, CDFG, and ACOE and implemented prior to construction of the proposed project.</p>
<p>TRAFFIC</p>	
<p><i>Impact T-1</i> Vehicles leaving the project site would experience restricted sight lines.</p>	<p><i>Mitigation Measure T-1.</i> Measures shall be implemented to increase sight distance for vehicles leaving the project site to a minimum of 660 feet in both directions. These measures could include trimming of trees and brush, tree removal, grading, signalization, and/or the presence of a flag person. Equipment crossing warning signs shall be posted north and southwest of the Buena Vista Drive crossing.</p>

CEQA Findings
Application Number: 980650
A.P.N.: 046-I 21-03

**Table 2-1. Summary of Environmental Impacts and Mitigation Measures
Buena Vista Landfill Soil Management Plan
Santa Cruz County, California**

Description of Impact	Mitigation Measures
<i>Impact T-2.</i> Project traffic may cause degradation of Buena Vista Drive pavement.	<i>Mitigation Measure T-2.</i> A final design (structural section) for the Buena Vista Drive crossing shall be developed in accordance with requirements of the Santa Cruz County Roadway Design Criteria and the Caltrans Highway Design Manual.

VISUAL RESOURCES

Impact V-1. Modification of site topography resulting from construction of the soil stockpile would adversely impact key views along Buena Vista Drive.

Mitigation Measure V-1. The County shall establish vegetation on barren surfaces of the stockpile and implement the wetland and riparian mitigation plan to provide partial screening of the stockpile.

CUMULATIVE IMPACTS

LAND USE COMPATIBILITY/POLICY ANALYSIS

Implementation of the MRF and Watsonville SO1 amendment projects could result in the conversion of lands designated by the County as Commercial Agriculture (CA). Section 4.1 describes CA and other land use designations and zonings specified by the County. The proposed project would require the temporary conversion of approximately 20-acres of land designated as CA. Because the land would be restored to pre-project conditions following the 20-year project, the project would not contribute toward the long-term cumulative loss of CA land in the County.

Additional Findings: Implementation of mitigation measure LU-2 would ensure that the post-project condition of the property can support agricultural production.

60

ATTACHMENT 2
371

**Table 2-1. Summary of Environmental Impacts and Mitigation Measures
 Buena Vista Landfill Soil Management Plan
 Santa Cruz County, California**

Description of Impact

Mitigation Measures

HYDROLOGY AND WATER QUALITY

Potential impacts to water quality from implementation of the MRF include uncontrolled stormwater runoff associated with construction and operation of the facility. Improper handling of hazardous waste could further contribute to degradation of water quality. Implementation of the Watsonville SO1 amendment could result in water quality impacts to adjacent drainages from uncontrolled stormwater runoff associated with proposed development. The proposed soil management project could contribute to degradation of water quality by introducing sediments in area drainages without consideration of mitigation. The impacts of these projects could contribute to an incremental increase in water quality degradation in the southern Santa Cruz County region, resulting in potentially significant impacts.

Mitigation measures proposed by the Watsonville SO1 and MRF include implementation of Best Management Practices during construction, compliance with requirements of NPDES permits, elevation of project facilities above the 100-year flood plain, and other measures to minimize water quality impact. These measures, in combination with mitigation measures described in Section 4.3.2 of this EIR, would reduce cumulative water quality impacts to less than significant levels

BIOLOGICAL RESOURCES

Project related impacts, in combination with similar impacts of the Watsonville SO1 and MRF projects, would result in the incremental loss of wetland and riparian habitats in the region of the project site. These cumulative impacts would be significant.

Measures proposed in Draft Environmental Impact Report, Integrated Waste Management Facility (CH₂M Hill, 1996) would reduce impacts to special status resources to less than significant levels primarily by avoidance. Project specific mitigation measures have not yet been developed for the Watsonville SO1 project. The agency responsible for formulating such mitigation is the City of Watsonville. The proposed soil management project's contribution to cumulative impacts would be reduced to less than significant levels from implementation of a plan to create wetland and riparian habitat on the project site.

CEQA Findings
Application Number: 98-0650
A.P.N.: 046-I 21-03

**Table 2-1. Summary of Environmental Impacts and Mitigation Measures
Buena Vista Landfill Soil Management Plan
Santa Cruz County, California**

Description of Impact

Mitigation Measures

AIR QUALITY

Generation of PM₁₀ emissions from the proposed project in combination with emissions generated by the Watsonville SO₁ amendment and MRF projects could result in a significant impact.

Mitigation measures proposed by the Watsonville SO₁ amendment and MRF project in combination with those proposed by the soil stockpile project would reduce the impact to less than significant levels.

**COASTAL ZONE/RIPARIAN EXCEPTION PERMIT
CONDITIONS OF APPROVAL**

Permit No. 98-0650

Applicant and Property Owner: County of Santa Cruz Public Works
Department for John and Violet Rocha.

Assessor's Parcel Number 46-l 21-03

Property Location: West side of Buena Vista Drive opposite its intersection with
Harkins Slough Road; San Andreas Planning Area.

EXHIBITS:

Exhibit A - Project Plans dated August 1997 with a revision date of October 1998 consisting of 4 sheets:

- Sheet 1: Intermediate Grading Plan View
- Sheet 2: Final Grading Plan View
- Sheet 3: Drainage Details
- Sheet 4: Conceptual Grading Cross-Sections

Exhibit B - Wetlands and Riparian Mitigation Plan, dated October 1998, consisting of a narrative and 4 sheets:

- Sheet D-1: Conceptual Planting Plan of East and North Channel Sites
- Sheet D-2: Conceptual Grading Plan of East and North Channel Sites
- Sheet D-3: Conceptual Grading and Planting Plan of the Seasonal Wetland Site, including the pipe conveyance of water from the South Channel natural seep
- Sheet D-4: Conceptual Planting Plan of the Tree and Shrub Upland Corridor

Exhibit C - Mitigation Monitoring and Reporting Program, prepared by Harding Lawson and Associates dated November 1997

Exhibit D - Declaration of Restrictions for the Biotic Mitigation Areas and Buffer Zones

CONDITIONS:

- A. General Requirements and Approvals from other Agencies
1. This permit supersedes and replaces the approval of this project under Permit 97-0309. This permit authorizes the stockpiling of material excavated from the County's Buena Vista Landfill and the construction of associated drainage improvements for a period of 20 years. This stockpiling component of the project may be implemented in two phases specified below:

County Public Works Soil Management/Stockpile Project
Permit No.: 98-0650
A.P.N.: 46-l 21-03
Page 2

- a. Phase 1: Stockpiling of up to approximately 1.1 million cubic yards of earth (corresponding to the excavation of module 4 at the landfill); and
- b. Phase 2: Stockpiling of up to approximately 150,000 cubic yards of earth (corresponding to part of the excavation of module 5 at the landfill).

Permit conditions corresponding to mitigation measures from the project's Environmental Impact Report are identified with a capital letter and number in parentheses at the end of the condition. (e.g., S-1 a). Such conditions are addressed in the monitoring program (Exhibit C), which specifies required monitoring activities for these particular permit conditions.

2. All soil material from the Buena Vista Landfill shall be transported to the project site by a conveyor system to be constructed overhead Buena Vista Drive. The design of this conveyor system shall replicate that shown on Plate 5.3-2 of the Draft EIR prepared for this project so the conveyor is fully enclosed in a rustic appearing structure which has a pitched roof. The only material that may be transported to the site by vehicles shall be limited to clay material derived from off-site sources which is necessary for clay lining of modules 4 and 5 or final cover of the Buena Vista landfill. The conveyor system shall be completely removed within three months of all soil material being transported to the project site. This conveyor system shall be regularly maintained so it functions in good working condition without generating significant volumes of noise. The use of the conveyor shall not increase the hourly average (Leq) of ambient noise more than 9 dBA for any property beyond the project site or the Buena Vista Landfill.
3. Prior to any project work occurring on the site, the Public Works Department shall obtain the approvals from the following State and federal agencies:
 - a. Streambed Alteration Agreement from the California Department of Fish and Game (CDFG);
 - b. All necessary approvals from the CDFG regarding compliance with the California Endangered Species Act;
 - c. NPDES permit from the Regional Water Quality Control Board;
 - d. Clean Water Act Section 404 Individual Permit from the U.S. Army Corps of Engineers; and
 - e. All necessary approvals from the U.S. Fish and Wildlife Service regarding compliance with Section 7 of the Federal Endangered

County Public Works Soil Management/Stockpile Project
Permit No.: 98-0650
A.P.N.: 46-121-03
Page 3

Species Act.

4. If the approval of any of the agencies specified in Condition A.3 above results in significant changes to the project, the Public Works Department will immediately notify the Planning Department and make an application for a permit amendment so the required revisions can be reviewed by the Planning Commission at a regularly scheduled public hearing. If the revisions are acceptable to the Planning Commission, this permit shall be amended to reflect the changes to the project that have been generated by other agency requirements. If the Commission has concerns regarding any significant project revisions required by other agencies, the County's consideration of the permit amendment shall be continued until issues of concern can be resolved between the County and the federal and/or state agency requiring the revision.
5. The County shall make reasonable efforts to rehabilitate or enhance if necessary and then lease or otherwise make available to farmers the area(s) designated on Sheets 1 and 2 of Exhibit A for agricultural uses. Agricultural activities that will occur on the property outside the 20-acre project site shall be conducted in a manner that does not generate accelerated erosion or damage any riparian habitat and implement relevant "Best Management" practices. Any existing erosion conditions shall be corrected. Specifically, all crop cultivation proximate to the intermittent drainage at the northern end of the property shall occur no closer than 50 feet from the top of the channel bank as identified on Exhibit A and shall include measures to prevent sedimentation of this drainage channel. No crop or livestock production, nor any other use that could potentially generate sedimentation of the north channel and main channel shall occur between the stockpile area and the biotic resource buffer zones as shown on sheets 1 and 2 of Exhibit A. Areas not cultivated or pastured shall remain in open space.
6. Scheduled Reviews
 - a. This project shall be reviewed in public hearing by the Board of Supervisors one year after the commencement of site preparation work (e.g. installation of drainage facilities) associated with the project.
 - b. At least once every six years! the project, as may have been amended, along with a compilation of the annual reports, shall be reviewed by the Planning Commission and further amended if necessary to achieve the objectives of this permit approval. This review shall include an evaluation of the effectiveness of mitigation measures and other conditions of this permit, in consultation with applicable State and federal agencies. Where a higher degree of effectiveness is determined to be warranted, permit conditions

County Public Works Soil Management/Stockpile Project
Permit No.: 98-0650
A.P.N.: 46-121-03
Page 4

shall be amended to achieve that objective. The amount of material being used for cover and the rate of landfill utilization shall also be factored into this review with appropriate operational adjustments to ensure that the stockpile area is returned or incrementally returned to agricultural and/or habitat uses as soon as possible.

- c. During the review occurring 12 years from commencement of grading operations, particular attention shall be paid as to whether there is a way to conduct the stockpile removal (which should be occurring by that time) so as to return the stockpile area or at least part of it to agricultural and/or habitat use more quickly than planned.
- d. During the review occurring 18 years from commencement of grading operations, a decision as to the future agricultural and/or habitat use of the interim stockpile area shall be made. The premise shall be that some hydrologic connection should remain and/or be restored from the wetland seep area to the mitigation ponds or other riparian area, unless experience has indicated that such a connection will not work or have no habitat value. The decision whether to retain the underground system versus reinstalling a riparian corridor will be based on: 1) a hydrologic and biologic assessment of the area, that includes evaluating the functioning of the ponds, which should not be diminished by the decision made, and 2) input from the resources agencies. The results of this 18 year review shall be a new or amended Coastal Zone Permit which sets a firm timetable and other implementation mechanisms for returning the stockpile area to agricultural and/or biotic habitat uses.
- e. Based on its records of material taken by Granite Rock, fill material deposited at the landfill, material used for landfill cover, and material stockpiled, the Public Works Department shall produce a projection of how much total stockpiled material will be needed for cover and when final removal of the stockpile will occur. These projections shall be presented and considered in conjunction with each six-year review of the project. Projections that there will be extra material not needed for landfill cover shall be responded to in these reviews by implementing a program to get rid of the projected excesses by the end of the stockpile's permitted life (20 years), in an environmentally appropriate manner, such as selling some material to a mining or construction company. Projections that the stockpile will have to stay longer than 20 years shall be accompanied by implementing a program to reduce the footprint of the remaining stockpile after 20 years and return the rest of the permitted stockpile area to agriculture and/or biotic habitat on schedule.

County Public Works Soil Management/Stockpile Project
Permit No.: 98-0650
A.P.N.: 46-l 21-03
Page 5

7. Declaration of Restrictions for Protected Biotic Areas

a. Area Covered by the Declaration

A declaration of restrictions shall be recorded for the biotic mitigation areas and a protective buffer zone adjacent to the main drainage channel and north drainage channel of the subject parcel that runs with the land according to the following requirements.

b. Content of Document

The declaration shall include a map conforming to Exhibits A and D delineating areas permanently reserved for habitat preservation and/or restoration, and the adjoining land area to buffer the protected biotic habitat from agricultural or stockpile uses.

c. Procedure for Preparing and Implementing Document

The declaration shall be prepared according to the format required by County Counsel. The document shall be reviewed and approved by County Counsel and County Planning staff prior to formal approval by the Board of Supervisors and recordation. The document shall be recorded prior to the commencement of any site preparation work for this project.

8. Other than measures approved pursuant to subsection 8(b) below, the Public Works Department shall, in consultation with the resource agencies, submit for Planning Director review and approval the following plans prior to commencement of any site preparation work:

- a. Final stockpiling plans, including all associated facilities and improvements (e.g., conveyor, entrance road, drainage, equipment parking, etc.) and generally conforming to those plans shown in Exhibit A, but revised to address the conditions of this permit;
- b. Final Wetlands and Riparian Mitigation Plan text and sheets conforming to those shown in Exhibit B, but expanded to address all elements specified in condition C. 1;
- c. Interim landscaping plans and narrative showing vegetative cover and screening for the period when no earth moving of the stockpile will occur;
- d. Landscaping plans and narrative demonstrating how maximum erosion control and screening vegetation will remain in place

County Public Works Soil Management/Stockpile Project
Permit No.: 98-0650
A.P.N.: 46-121-03
Page 6

during the period of stockpile removal.

9. As part of its agreement to undertake cooperative planning studies to evaluate the potential for consolidation of landfill activities, the County shall undertake the following steps. For each type of existing or potential operation studied at the landfills (e.g., recycling, composting, landfill, soil rehabilitation or treatment, sludge drying, stockpiling, equipment storage), a consolidated site should be identified that, if possible, utilizes non-agricultural areas first and then lower quality agricultural soils, secondly. Based on the results of the planning studies, the County should seek agreement with the City of Watsonville on ways to retain and/or return public land in the area not needed for landfill and related operations to agricultural use (with appropriate habitat buffers). A future coastal permit request or amendment to continue to use the subject site for landfill or related purposes or that involves another agricultural parcel shall be accompanied by a report from the County detailing the results of the cooperative planning studies and the relationship of the request to the studies' conclusions.
 10. The County shall make an annual contribution of **\$12,000.00** to the Agricultural Conservation Easement program towards the purchase of agricultural conservation easements on properties selected for rehabilitation (preferably within the Coastal Zone) to increase their agricultural viability for each year that the project restricts crop growing or livestock grazing from occurring on the stockpile site and/or the area designated as open space on sheets 1 and 2 of Exhibit A. In addition, the County shall make reasonable efforts to lease any portion of the closed Buena Vista Landfill for livestock grazing during the life of the project. The annual contribution described above may be reduced by \$600.00 for each acre that is leased over a 12 month period for livestock grazing on the closed portion of the landfill.
- B. Prior to commencement of any site preparation work (except for biotic restoration) or deposition of fill material at the project site, the Public Works Department shall complete the following:
1. Additional engineering shall be undertaken during final project design to define soil properties and assess slope geometry to achieve an adequate factor of safety against instability. Final construction documents should include detailed specifications for site preparation and fill placement. (S-I a)

2. Additional drainage features shall be incorporated into the final subdrain system design to minimize the risk of slope failure from hydrostatic pressure buildup caused by groundwater seepage. The design should be flexible, allowing modification during construction to address actual field conditions. (S-1b)
3. Final project design shall include designing facilities and grades to accommodate the anticipated settlement or reducing the settlement. (S-2)
4. A design-level geotechnical investigation should be conducted of alluvial soils near the toe of fill slopes and at debris basin locations. All recommendations of the geotechnical investigation shall be incorporated into the final project plans. (S-3)
5. Project site drainage facilities shall be designed to resist seismic ground shaking forces to prevent damage during earthquakes. (S-5)
6. The final design of the proposed project shall incorporate requirements of the County of Santa Cruz Grading Ordinance, Erosion Control Ordinance, County Design Criteria, and the Construction Activities General Permit. (H-1 a)
7. The design of sedimentation basins shall incorporate erosion protection across exposed slopes to reduce the potential for erosion and possible failure of the berms during storm events.

The design capacity of the southern ravine sedimentation basin shall be increased to accommodate the anticipated reduction in capacity caused by ongoing sedimentation in the basin. In addition, a sediment removal schedule should be developed to maintain the storage capacity of the basins. This schedule shall be specified on the final project plans. (H-1 b and H-1 c)
8. A monitoring program shall be developed and implemented to assess project-related erosion and sedimentation of downstream drainages. The program should include the process for implementing any remedial measures if turbidity levels exceed standards set by the Regional Water Quality Control Board. (H-1d)
9. The final engineered drainage plans shall incorporate culverts with sufficient capacity to accommodate 100 year storm flows from the contributing watershed. (H-2)
10. The final design of the replacement of the culvert required for reconstruction of the Buena Vista Drive crossing, shall incorporate a culvert with sufficient capacity to convey runoff generated by a 100-year storm event. (H-3).

County Public Works Soil Management/Stockpile Project
Permit No.: 98-0650
A.P.N.: 46-121-03
Page 8

381

11. The County or its contractor shall develop a site specific spill response plan and a routine maintenance and inspection program to minimize the risk of release of hazardous materials. The spill response plan and its inspection program shall be approved by the County Environmental Health Service. A copy of the approved plan shall be retained by both Public Works and Environmental Health. (H-4)
 12. The existing grades of the entire stockpiling area shall be surveyed and mapped to provide the necessary data to allow fill material to be removed from the site without loss of native topsoil. All survey data and mapping shall be retained by the Public Works Department and followed by excavation crews when fill material is being returned to the Buena Vista landfill. (Also see conditions F.1 - F.3).
 13. The Declaration of Restrictions shall be implemented as described in condition A.7.
- C. Biotic restoration, to compensate for project riparian impacts, shall be conducted in the following manner.
1. Final working drawings based on the Wetland and Riparian Mitigation Plan, specified as Exhibit B of this permit, shall be prepared and approved prior to any site preparation work on the project site. The Wetland and Riparian Mitigation Plan dated September 1997 prepared previously for this project shall be revised to include the following measures:
 - a. A tree and/or shrub vegetated corridor on the site along all of Buena Vista Drive, with the exception of one culverted agricultural access road and one temporary stockpile access road (that will also be used for agricultural access);
 - b. Recontoured and stabilized northern channel, planted with riparian vegetation, and buffered by 50 foot width of native vegetation;
 - c. Performance standards to measure the success of habitat enhancement activities in the north channel;
 - d. Removal of the existing agricultural access road;
 - e. **Subdrain** system to be installed at the base of the southern channel fill area designed to divert seep water from the upper reaches of the channel into the 3 pond mitigation site and to

operate by gravity flow with clean-out access for periodic maintenance;

- f. Drainage outlet in lowest pond at the three pond mitigation area.

The final plans shall be approved by County Planning, California Department of Fish and Game and the U.S. Army Corps of Engineers. (B-1)

2. Biotic restoration work shall be implemented according to final working drawings based on the approved Wetland and Riparian Mitigation Plan (Exhibit B), as revised by the items specified in condition C.1 above, prior to soil stockpiling activities occurring on the site. All restoration work shall be conducted under the supervision of a wetland botanist or **wetland/riparian** restoration specialist approved by the County Planning and Public Works Departments. (B-1)
- D. Prior to any soil stockpiling occurring, the Public Works Department shall complete the following:
1. Measures shall be implemented to increase sight distance for vehicles leaving the project site to a minimum of 660 feet in both directions. These measures could include trimming of trees and brush, tree removal, and grading back of steep slopes adjoining the roadway provided they are consistent with the biotic restoration plan. Equipment crossing warning signs shall be posted north and southwest of the Buena Vista Drive crossing. The intersection of the project access road and Buena Vista Drive shall be a two-way stop controlled intersection with a stop sign posted at both legs of the access road so project traffic must stop to give Buena Vista Drive traffic the right-of-way. (T-1)
 2. A final design (structural Section) for the Buena Vista Drive crossing shall be developed in accordance with requirements of the Santa Cruz County Roadway Design Criteria and the Caltrans Highway Design Manual. This new crossing shall be constructed according to the approved plans. (T-2)
 3. Sufficient paving length shall be provided on both sides road approaches to minimize mud/gravel tracking on Buena Vista Drive. In addition, project personnel should sweep any accumulated mud or gravel from Buena Vista Drive at regular intervals each day (if needed). (T-3)
 4. Implement the wetland and riparian mitigation plan to provide partial screening of the stockpile. (T-4)
 5. All drainage facilities shall be installed according to the requirements

County Public Works Soil Management/Stockpile Project
Permit No.: 98-0650
A.P.N.: 46-I 21-03
Page 10

specified in conditions B.I-B.10 above. All installation work shall occur during May 1 to October 1.

- E. All stockpiling activities shall comply with the following operational measures:
1. To ensure that air quality impacts from dust emissions are less than significant, the following operational measures shall be implemented:
 - a. Water trucks shall water exposed surfaces (loading site and unpaved roads) on a continual basis every work day when there is no natural precipitation to keep dust generation from occurring;
 - b. Watering intensity shall be 1 liter/square meter; and
 - c. Maximum vehicle speeds shall be 15 MPH when vehicles are full and 30 MPH when vehicles are empty. (AQ-1)
 2. Muffling and other typical noise operational conditions of heavy equipment shall be continuously implemented to assure that noise impacts would be less than significant. (N-I)
 3. Any new noise attenuation techniques that are developed in the future and are applicable to this project shall be used to the maximum extent feasible to reduce noise impacts to surrounding properties.
 4. All vehicular use and soil stockpiling and grading shall occur between 8:00 a.m. to 5:00 p.m., Monday through Saturday.
 5. From October 15 to April 15 of each year, winter erosion control measures shall be employed. At minimum, these measures shall include:
 - a. Hydroseeding all slopes greater than 15% and areas not receiving fill material during the rainy season period;
 - b. Regrading all unsurfaced roads on the site to drain into roadside collector ditches; and
 - c. Recompaction of all unsurfaced roads on the site.
 6. All stockpiled material shall be limited to material that will be used as cover or liner material at the Buena Vista landfill. Material not used for this purpose shall not be transported to nor deposited at the project property. This restriction shall not limit the transport and use of agricultural soil amendments on the portion of the property retained in agricultural crop and livestock production.
 7. The Public Works Department shall establish vegetation on barren

County Public Works Soil Management/Stockpile Project
Permit No.: 98-0650
A.P.N.: 46-121-03
Page 11

surfaces of the stockpile to prevent surface erosion. (T-4)

- F. Use of the existing dwelling and use of the area remaining for agricultural crop and/or livestock production shall comply with the following:
1. The dwelling shall not be used as a maintenance facility. Residential use and/or office use related to the project is permitted.
 2. No vehicles shall use Tulsa Lane to access the site.
- G. Project closure shall include the following requirements:
1. All stockpiled soil shall be removed from the site 20 years from the date stockpiling first occurred (approximately 20.5 years from the date of permit approval).
 2. If, at the eighteen year review, it is determined that the project site shall be returned to agricultural use, the site shall be restored to either:
 - a. Pre-project condition; or
 - b. A condition that is more viable for agricultural use as described in G.3. below.
 3. If the technique described in condition G.2.b. is selected as the final closure method, after the removal of fill from the project site, the site shall be graded to achieve final contours with gradients less than 20 percent. The site shall be covered with a layer of topsoil at least as deep as is currently present on the site.

Recovering the site with native topsoil after recontouring activities have been completed will require the temporary grading and stockpiling of native topsoil from those areas where recontouring will occur. Finished grades will facilitate crop production. Closure activities shall prevent any impacts from occurring on land protected by biotic preservation easement. If necessary, temporary construction fencing shall be installed 10 feet or more beyond the western edge of this protected land to prevent closure/recontouring activities from encroaching into the easement area.

County Public Works Soil Management/Stockpile Project
Permit No.: 98-0650
A.P.N.: 46-I 21-03
Page 12

H. MITIGATION MONITORING PROGRAM

The mitigation measures listed in Exhibit C have been incorporated into the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21.081.6 of the California Public Resources Code, a monitoring and reporting program for the above mitigations is hereby adopted as a condition of approval for this project. The monitoring program is specifically described following each mitigation measure listed below. The purpose of this monitoring is to ensure compliance with environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to Section 18.10.462 of the Santa Cruz County Code.

NOTE: This permit shall expire within two years from date of issuance unless it has been exercised.

COUNTY OF SANTA CRUZ
STATE OF CALIFORNIA



AT THE BOARD OF SUPERVISORS MEETING

On the Date of June 9, 1998

REGULAR AGENDA Item No. 055

(Public hearing held to consider Application No. 97-0309, a proposal by the County Public Works Department to stockpile 1.25 million cubic yards of earth (excavated from Buena Vista landfill for a period of 20 years on APN: 046-121-03 and to rezone this parcel (from CA-O (Commercial Agriculture with an Open Space Easement) to CA (Commercial Agriculture); (closed public hearing; adopted ORDINANCE NO. 4506 to rezone APN 46-121-03 from the "CA-O" to the "CA" zone district and approved related actions to extinguish Open Space Easement contract 75-1262; approved Application 97-0309 based on the Conditions of Approval, with a correction under (B)(7) to change the word "northern" to "southern"; made a policy interpretation that this project is a conditionally permitted interim use in the CA zone district and therefore complies with General Plan policy 5.13.5 and 5.13.6; certified the Environmental Impact Report, Supplemental Environmental Impact Report and Mitigation Monitoring and Reporting Program; with an additional directive that a public hearing be held one year from commencement of grading operations to determine whether or not mitigations are in effect...

Public hearing held to consider Application No. 97-0309, a proposal by the County Public Works Department to stockpile 1.25 million cubic yards of earth excavated from Buena Vista landfill for a period of 20 years on APN: 046-121-03 and to rezone this parcel from CA-O (Commercial Agriculture with an Open Space Easement) to CA (Commercial Agriculture);

Closed public hearing:

Upon the motion of Supervisor Almquist, duly seconded by Supervisor Belgard, the Board, with Supervisors Symons and Wormhoudt voting "no", adopted Ordinance No. 4506 to rezone APN 46-121-03 from the "CA-O" to the "CA" zone district and approved related actions to extinguish Open Space Easement contract 75-1262; approved Application 97-0309 based on the Conditions of Approval, with a correction under (B)(7) to change the word "northern" to "southern"; made a policy interpretation that this project is a conditionally permitted interim use in the CA zone district and therefore complies with

State of California, County of Santa Cruz-ss.

I, **Susan A. Mauriello**, Ex-officio Clerk of **the Board** of Supervisors of **the County of Santa Cruz, State of California**, do hereby certify **that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.**

COUNTY OF SANTA CRUZ

ATTACHMENT 5

STATE OF CALIFORNIA



AT THE BOARD OF SUPERVISORS MEETING

On the Date of June 9, 1998

REGULAR AGENDA Item No. 055

General Plan policy 5.13.5 and 5.13.6; certified the Environmental Impact Report, Supplemental Environmental Impact Report and Mitigation Monitoring and Reporting Program: with an additional directive that a public hearing be held one year from commencement of grading operations to determine whether or not mitigations are in effect

cc:

- County Administrative Officer
- Kim Tschantz, Planning Department
- Patrick Matthews, Public Works
- John and Violet Rocha, Property Owners
- Sally Bull, Harding Lawson Associates
- Interested Neighbors

State of California, County of Santa Cruz-ss.

I, Susan A. Mauriello, Es-officio Clerk of the Board of **Supervisors** of the **County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors, on June 15, 1998.**

by _____, Deputy Clerk

607



COUNTY OF SANTA CRUZ
Planning Department

388

COASTAL ZONE/RIPARIAN
EXCEPTION PERMIT

Owner John & Violet Rocha
 Address 1232 Buena Vista Dr.
Freedom, CA 95019

Permit Number 97-0309
 Parcel Number(s) 046-121-03

PROJECT DESCRIPTION AND LOCATION

Proposal to stockpile approximately 1.25 million cubic yards of earth to facilitate the planned expansion of the County's Buena Vista landfill and to rezone the subject property from the "CA-O" (Commercial Agriculture with Open Space Easement Contract) to the "CA" (Commercial Agriculture Zone district. Property located on the west side of Buena Vista Drive at its intersection with Harkins Slough Road in the San Andreas planning area.

SUBJECT TO ATTACHED CONDITIONS.

Approval Date: 6/9/98

Effective Date: 6/1 9198

Exp. Date (if not exercised): 6/1 9/00

Coastal Appeal Exp. Date: Call Coastal Comm.

Denied by: _____

Denial Date: _____

This project requires a coastal zone permit which is not appealable to the California Coastal Commission. It may be appealed to the Planning Commission. The appeal must be filed within 10 calendar days of action by the decision body.

- X** This project requires a Coastal Zone Permit, the approval of which is appealable to the California Coastal Commission. (Grounds for appeal are listed in the County Code Section 13.20.110.) The appeal must be filed with the Coastal Commission within 10 calendar days of receipt by the Coastal Commission of notice of local action. Approval or denial of the Coastal Zone Permit is appealable. The appeal must be filed within 10 calendar days of action by the decision body.

This permit cannot be exercised until after the Coastal Commission appeal period. That appeal period ends on the above indicated date. Permittee is to contact Coastal staff at the end of the above appeal period prior to commencing any work.

A Building Permit must be obtained (if required) and construction must be initiated prior to the expiration date in order to exercise this permit. **THIS PERMIT IS NOT A BUILDING PERMIT.**

By signing this permit below, the owner agrees to accept the terms and conditions of this permit and to accept responsibility for payment of the County's costs for inspections and all other actions related to noncompliance with the permit conditions. This permit shall be null and void in the absence of the owner's signature below.

R. Patrick Mathew
 Signature of Owner/Agent For. Public Works

June 9, 1998
 Date

Jim Echavite
 Staff Planner

June 9, 1998
 Date

Distribution: Applicant, File, Clerical, Coastal Commission

County of Santa Cruz Public Works Department
 Applic. No.: 97-0309
 A.P.N.: 46-121-03

389

**COASTAL ZONE/RIPARIAN EXCEPTION PERMIT
 CONDITIONS OF APPROVAL**

Permit No. 97-0309

Applicant and Property Owner: County of Santa Cruz Parks, Public Works Department for John and Violet Rocha.

Assessor's Parcel Numbers 46- 12 1-03

Property Location: West side of Buena Vista Drive opposite its intersection with Harkins Slough Road; San Andreas Planning Area.

EXHIBITS:

Exhibit A - Project Plans dated August 1997 consisting of 4 sheets:

Sheet 1: Intermediate Grading Plan View
 Sheet 2: Final Grading Plan View
 Sheet 3 : Drainage Details
 Sheet 4: Conceptual Grading Cross-Sections

Exhibit B - Wetlands and Riparian Mitigation Plan, dated September 1997, consisting of 3 sheets:

Sheet D-1 : Conceptual Planting Plan of East Channel Site
 Sheet D-2: Conceptual Grading Plan of East Channel Site
 Sheet D-3: Conceptual Grading and Planting Plan of the Seasonal Wetland Site, dated September 1997

Exhibit C - Mitigation Monitoring and Reporting Program, dated September 1997

CONDITIONS:

A. GENERAL REQUIREMENTS AND APPROVALS FROM OTHER AGENCIES

1. This permit authorizes the stockpiling of material excavated from the County Buena Vista landfill and the construction of associated drainage improvements for a period of 20 years. This project will be implemented in two phases specified below:
 - a. Phase 1: Stockpiling of approximately 1.1 million cubic yards of earth.
 - b. Phase 2: Stockpiling of approximately 150,000 cubic yards of earth.

Permit conditions corresponding to mitigation measures from the project's Environmental Impact Report are identified with a capital letter and number in parentheses at the end of the condition. (e.g., S-1a). Such conditions are addressed in the monitoring program (Exhibit C), which specifies required monitoring activities for these particular permit conditions.

2. All soil material **from** the Buena Vista landfill shall be transported to the project site by a conveyor system to be constructed overhead Buena Vista Drive. The design of this conveyor system shall replicate that shown on Plate 5.3-2 of the Draft EIR prepared for this project so the conveyor is fully enclosed in a rustic appearing structure which has a pitched roof. The only

County of Santa Cruz Public Works Department
 Applic. No. : 97-0309
 A.P.N. 46-121-03

390

material that may be transported to the site by vehicles shall be limited to clay material derived from off-site sources which is necessary for clay lining of modules 4 and 5 of the Buena Vista landfill. The conveyor system shall be completely removed within three months of all soil material being transported to the project site. This conveyor system shall be regularly maintained so it functions in good working condition without generating significant volumes of noise. The use of the conveyor shall not increase the hourly average (**Leq**) of ambient noise more than 9 dBA for any property beyond the project site or the Buena Vista landfill.

3. Prior to any project work occurring on the site, the Public Works Department shall obtain the approvals **from** the following and federal agencies:
 - a. Streambed Alteration Agreement from the California Department of Fish and Game (CDFG);
 - b. All necessary approvals from the CDFG regarding compliance with the California Endangered Species Act;
 - c. NPDES permit from the Regional Water Quality Control Board;
 - d. Clean Water Act Section 404 Individual Permit from the U.S. Army Corps of Engineers; and
 - e. All necessary approvals from the U.S. Fish and Wildlife Service regarding compliance with Section 7 of the Federal Endangered Species Act.
 4. If the approval of any of the agencies specified in Condition A.3 above results in significant changes to the project, the Public Works Department will immediately notify the Planning Department and make an application for a permit amendment so the required revisions can be reviewed by the Planning Commission at a regularly scheduled public hearing. If the revisions are acceptable to the Planning Commission, this permit shall be amended to reflect the changes to the project that have been generated by other agency requirements. If the Commission has concerns regarding any significant project revisions required by other agencies, the County's consideration of the permit amendment shall be continued until issues of concern can be resolved between the County and federal or state agency requiring the revision.
 5. Agricultural activities that will occur on the property beyond the 20-acre project site shall be conducted in a manner that do not generate accelerated erosion or damage any riparian habitat. Specifically, all crop cultivation proximate to the intermittent drainage at the northern end of the property shall occur no closer than 30 feet from the top of the channel bank and shall include measures to prevent sedimentation of this drainage channel.
- B. Prior to commencement of any site preparation work (except for biotic restoration) or deposition of fill material at the project site, the Public Works Department shall complete the following:
1. Additional engineering shall be undertaken during final project design to define soil properties and assess slope geometry to achieve an adequate factor of safety against instability. Final construction documents should include detailed specifications for site preparation and fill placement. (S-1a)
 2. Additional drainage features shall be incorporated into the final **subdrain** system design to minimize the risk of slope failure from hydrostatic pressure buildup caused by groundwater

County of Santa Cruz Public Works Department
 Applic. No.: 97-0309
 A.P.N.: 46-121-03

391

seepage. The design should be flexible, allowing modification during construction to address actual field conditions. (S-1b)

3. Final project design shall include designing facilities and grades to accommodate the anticipated settlement or reducing the settlement. (S-2)
4. A design-level geotechnical investigation should be conducted of alluvial soils near the toe of fill slopes and at debris basin locations. All recommendations of the geotechnical investigation shall be incorporated into the final project plans. (S-3)
5. Project site drainage facilities shall be designed to resist seismic ground shaking forces to prevent damage during the design earthquake, (S-5)
6. The final design of the proposed project shall incorporate requirements of the County of Santa Cruz Grading Ordinance, Erosion Control Ordinance, County Design Criteria, and the Construction Activities General Permit. (H- 1 a)
7. The design of sedimentation basins shall incorporate erosion protection across exposed slopes to reduce the potential for erosion and possible failure of the berms during storm events.

The design capacity of the southern ravine sedimentation basin shall be increased to accommodate the anticipated reduction in capacity caused by ongoing sedimentation in the basin. In addition, a sediment removal schedule should be developed to maintain the storage capacity of the basins. This schedule shall be specified on the final project plans. (H-1b and H-1c)

8. A monitoring program shall be developed and implemented to assess project-related erosion and sedimentation of downstream drainages. The program should include the process for implementing any remedial measures if turbidity levels exceed standards set by the Regional Water Quality Control Board. (H- 1 d)
9. The final engineered drainage plans shall incorporate culverts with sufficient capacity to accommodate 100 year storm flows from the contributing watershed. (H-2)
10. If replacement of the culvert is required for reconstruction of the Buena Vista Drive crossing, the final design shall incorporate a culvert with sufficient capacity to convey runoff generated by a 100-year storm event. (H-3)
11. The County or its contractor shall develop a site specific spill response plan and a routine maintenance and inspection program to minimize the risk of release of hazardous materials. The spill response plan and its inspection program shall be approved by the County Environmental Health Service. A copy of the approved plan shall be retained by both Public Works and Environmental Health. (H-4)
12. The existing grades of the entire stockpiling area shall be surveyed and mapped to provide the necessary data to allow fill material to be removed from the site without loss of native topsoil. All survey data and mapping shall be retained by the Public Works Department and followed by excavation crews when till material is being returned to the Buena Vista landfill. (Also see conditions F. 1 - F.3).
13. Biotic Preservation Easement documents shall be implemented as described in Condition C.3.

County of Santa Cruz Public Works Department
 Applic. No.: 97-0309
 A.P.N.: 46-121-03

392

- C. Biotic restoration, to compensate for project riparian impacts, shall be conducted in the following manner .
1. Final working drawings based on the conceptual **wetland/riparian** mitigation plan, specified as Exhibit B of this permit, shall be prepared and approved prior to any site preparation work on the project site. The final plans shall be approved by County Planning, California Department of Fish and Game and the U.S. Army Corps of Engineers. (B-1)
 2. Biotic restoration work shall be implemented according to the approved mitigation plan (Exhibit B) and the final working drawings prior to soil stockpiling activities occurring on the site, All restoration work shall be conducted under the supervision of a -wetland botanist or wetland/riparian restoration specialist approved by the County Planning and Public Works Departments. (B-1)
 3. The two areas to be set aside and restored for biotic mitigation purposes shall be placed under two separate biotic preservation easements. Both easement documents shall require the protected land be permanently preserved as natural riparian and wetland habitats. The two easement documents shall be prepared according to the format required by County Counsel. Both documents shall be reviewed and approved by County Counsel and County Planning staff prior to formal approval by the Board of Supervisors and recordation. Both documents shall be recorded prior to the commencement of any site preparation work for this project.
- D. Prior to any soil stockpiling occurring, the Public Works Department shall complete the following:
1. Measures shall be implemented to increase sight distance for vehicles leaving the project site to a minimum of 660 feet in both directions. These measures could include trimming of trees and brush, tree removal, and grading back of steep slopes adjoining the roadway. Equipment crossing **warning** signs shall be posted north and southwest of the Buena Vista Drive crossing. The intersection of the project access road and Buena Vista Drive shall be a two-way stop controlled intersection with a stop sign posted at both legs of the access road so project traffic must stop to give Buena Vista Drive traffic the right-of-way. (T-1)
 2. A final design (structural Section) for the Buena Vista Drive crossing shall be developed in accordance with requirements of the Santa Cruz County Roadway Design Criteria and the Caltrans Highway Design Manual. This new crossing shall be constructed according to the approved plans. (T-2)
 3. Sufficient paving length shall be provided on both sides road approaches to minimize mud/gravel tracking on Buena Vista Drive. In addition, project personnel should sweep any accumulated mud or gravel **from** Buena Vista Drive at regular intervals each day (if needed). (T-3)
 4. Implement the wetland and riparian mitigation plan to provide partial screening of the stockpile. (T-4)
 5. All drainage facilities shall be installed according to the requirements specified in conditions B. 1-B. 10 above. All installation work shall occur during May 1 to October 1.
- E. All stockpiling activities shall comply with the following operational measures:
1. To ensure that air quality impacts from dust emissions are less than significant, the following operational measures shall be implemented:

County of Santa Cruz Public Works Department
Applic. No.: 97-0309
A.P.N.: 46-12 1-03

- a. Water trucks shall water exposed surfaces (loading site and unpaved roads) on a continual basis every work day when there is no natural precipitation to keep dust generation from occurring;
 - b. Watering intensity shall be 1 liter/square meter;
and
 - c. Maximum vehicle speeds shall be 15 MPH when vehicles are full and 30 MPH when vehicles are empty. (AQ-1)
2. Muffling and other typical noise operational conditions of heavy equipment shall be continuously implemented to assure that noise impacts would be less than significant. (N-1)
 3. Any new noise attenuation techniques that are developed in the future and are applicable to this project shall be used to the maximum extent feasible to reduce noise impacts to surrounding properties.
 4. All vehicular use and soil stockpiling and grading shall occur between 8:00 a.m. to 5:00 p.m., Monday through Saturday.
 5. From October 15 to April 15 of each year, winter erosion control measures shall be employed. At minimum, these measures shall include:
 - a. Hydroseeding all slopes greater than 15% and areas not receiving fill material during the rainy season period;
 - b. Regrading all unsurfaced roads on the site to drain into roadside collector ditches; and
 - c. Recompaction of all unsurfaced roads on the site.
 6. All stockpiled material shall be limited to material that will be used as cover or liner material at the Buena Vista landfill. Material not used for this purpose shall not be transported to nor deposited at the project property. This restriction shall not limit the transport and use of agricultural soil amendments on the portion of the property retained in for agricultural crop and livestock production.
 7. The Public Works Department shall establish vegetation on barren surfaces of the stockpile to prevent surface erosion. (T-4)
- F. Use of the existing dwelling and use of the area remaining for agricultural crop and/or livestock production shall comply with the following:
1. The dwelling shall not be used as a maintenance facility. Residential use and/or office use related to the project is permitted.
 2. No vehicles shall use Tulsa Lane to access the site.
- G. Project closure shall include the following requirements:
1. All stockpiled soil shall be removed from the site 20 years from the date stockpiling first occurred (approximately 20.5 years from the date of permit approval).

County of Santa Cruz Public Works Department
 Applic. No.: 97-0309
 A.P.N.: 46-121-03

3 9 4

2. The site shall be restored for agricultural uses by implementing a final grading/restoration plan as described in Condition G.3. Final plans for the recontouring and restoration of the project shall be reviewed and approved by County Planning staff prior to cessation of soil stockpiling use on the site.
3. Following the removal of fill from the project site, the site shall be graded to achieve final contours with gradients less than 20 percent. The site shall be covered with a layer of topsoil at least as deep as is currently present on the site.

Recovering the site with native topsoil after recontouring activities have been completed will require the temporary grading and stockpiling of native topsoil from those areas where recontouring will occur. Finished grades will facilitate crop production. Closure activities shall prevent any impacts from occurring on land protected by biotic preservation easement. If necessary, temporary construction fencing shall be installed 10 feet or more beyond the western edge of this protected land to prevent closure/recontouring activities from encroaching into the easement area.

- H. This project shall be reviewed in public hearing by the Board of Supervisors one year after the commencement of site preparation work (e.g. the installation of drainage facilities) associated with the project.

I. MITIGATION MONITORING PROGRAM

The mitigation measures listed in Exhibit C have been incorporated into the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21.08 1.6 of the California Public Resources Code, a monitoring and reporting program for the above mitigations is hereby adopted as a condition of approval for this project. The monitoring program is specifically described following each mitigation measure listed below. The purpose of this monitoring is to ensure compliance with environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to Section 18.10.462 of the Santa Cruz County Code.

MINOR VARIATIONS WHICH DO NOT CHANGE THE CONCEPT OR OVERALL DENSITY OF THIS PERMIT MAY BE APPROVED BY THE PLANNING DIRECTOR AT THE REQUEST OF THE APPLICANT OR THE PLANNING STAFF.

NOTE: This permit shall expire within two years from date of issuance unless it has been exercised.

stock4/pln453

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(408) 427-4863

7-23-98
July 29, 1998

**IMPORTANT PUBLIC HEARING NOTICE**

395

NEW APPEAL**PERMIT NUMBER:** A-3-SCO-98-055**APPLICANT(S):** County Of Santa Cruz, Department Of Public Works, Attn: John A. Fantham
John & Violet **Rocha****APPELLANT(S):** Commissioner Sara Wan; Commissioner Pedro Nava; Buena Vista Community Association, Attn: David Barlow**DECISION BEING APPEALED:**

Stockpile approx. 1.25 million cubic yards of earth to facilitate landfill expansion and rezone subject property from the Commercial Agriculture with Open Space Easement Contract to Commercial Agriculture Zone district.

PROJECT LOCATION:

Buena Vista Drive (opposite intersection with **Harkins** Slough Road), San **Andreas** (Santa Cruz County) (**APN(s)** 046-I 21-03)

HEARING DATE AND LOCATION:**DAI-E:** Thursday, August **13, 1998****TIME:** Meeting begins at 9:00 AM**PLACE:** Waterfront Hilton Beach Resort

21100 Pacific Coast Highway, Huntington Beach, CA 92648
(714) 960-7873

HEARING PROCEDURES:

People wishing to testify on this matter may appear at the hearing or may present their concerns by letter to the Commission on or before the hearing date. Copies of all correspondence will be provided to the Commission if received a minimum of three working days prior to the public hearing. Written comments may be of any length; oral testimony may be limited to 5 minutes or less for each speaker, depending on the number wishing to be heard.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. In its consideration of whether the appeal raises a substantial issue, the Commission may decide to take testimony from the public. In that case, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. If the Commission finds that a substantial issue is raised the Commission will proceed to a de novo public hearing on the merits of the project. If the Commission finds that no substantial issue is raised, the local government's action on the coastal development permit is final.

No one can predict how quickly the Commission will complete agenda items or how many will be postponed to a later date. The Commission begins each session at the time listed and considers each item in order, except in extraordinary circumstances. Staff at the appropriate Commission office can give you more information prior to the hearing date.

Questions regarding the report or the hearing should be directed to Rick Hyman, Coastal Planner, at the Central Coast Area office.

60

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200



396

Th 10a

Filed: 6/25/98
49th Day: 8/13/98
180th Day:- 12122198
Staff: R. Hyman
Staff Report: 7/28/98
Hearing Date: 8/13/98
Action:

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE DETERMINATION

LOCAL GOVERNMENT: County of Santa Cruz

DECISION: Approval with Conditions (See Exhibit 2a)

APPEAL NO.: A-3-SCO-98-055

APPLICANT: **COUNTY OF SANTA CRUZ. DEPARTMENT OF PUBLIC WORKS (current owners of subject site are Mr. & Mrs. Rocha)**

PROJECT LOCATION: Buena Vista Drive (opposit intersection with Harkins Slough Road), San Andreas area of Santa Cruz County (AP# 046-I 21-03) (see Exhibit 1 a)

PROJECT DESCRIPTION: Stockpile approx. 1.25 million cubic yards of earth to facilitate sanitary landfill operation; (see Exhibit 3a-d)

APPELLANTS: Commissioner Sara Wan; Commissioner Pedro Nava; Buena Vista Community Association, Attn.: David Barlow (see Exhibit 6)

FILE DOCUMENTS: Santa Cruz County Coastal Development Permit 97-0309 file including draft and final and draft and final supplement to *Environmental Impact Report Buena Vista Landfill Soil Management Plan (E/R)*; Santa Cruz County Certified Local Coastal Program consisting of *1994 General Plan and Local Coastal Program for the County of Santa Cruz* and portions of the *County Code and Zoning Map*; Coastal permits files 83-I 503/A-3-SCO-85-42 to allow the landfill and A-3-SCO-90-98/96-0216 to allow the Watsonville landfill expansion; Local Coastal Program Major Amendment #1-85 file: *Santa Cruz Materials Recovery*

facility Final Conceptual Design Report, October 1991; Integrated Waste Management Facility Draft EIR, 1996.

397

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal has been filed -- agricultural impacts, riparian corridor and wetland impacts, general siting considerations, and visual impacts -- for the following reasons. First, the local coastal program contains several provisions that do not allow the elimination of a riparian corridor and wetland seep or the alteration of the area's scenic agricultural vistas, as does the subject stockpile project. Second, even if these policies could somehow be interpreted as possibly condoning such a use on the subject site, the County has not convincingly demonstrated that there are no alternatives, which is a prerequisite under the local coastal program. Finally, even were such proof forthcoming, it is not apparent that the County has done all that it can to retain and maximize agriculture and enhance habitat in the area. **This substantial issue analysis may be found on pages 19 - 28 of this report.**

The proposed project is a response to an identified, undisputed County need to soon excavate over one million cubic yards of earth at its only landfill site in order that it can continue to accept refuse. Analysis of the project presents a challenge, as it would fill for 20 years a riparian ravine with wetland seep and 20 acres of agricultural land on a scenic County road. On the one hand, the stockpile can be viewed as an urgent, necessary public works project. On the other hand, a reading of all the relevant, governing local coastal program policies suggests that it would be very difficult, at the least, to approve such a project, which appears to be prohibited. While there are some exception and special findings available in the local coastal program, the County has not made a convincing case that they apply or justify approval of this project. For example, to allow an exception to the riparian protection policies, the riparian corridor in question must still be preserved, not eliminated and mitigated with an enhancement elsewhere, as this project will do.

Additionally, before an approval could be crafted that attempted to satisfy the policies, the local coastal program requires a finding of no feasible alternatives. The County record includes some analysis of alternatives, but it is too dismissive. It does not address how noted obstacles may be removed nor how alternatives may be adjusted to overcome the constraints. The County has since provided additional input on alternatives, which, on one hand, constitutes some further justification of its conclusions; but, on the other hand, suggests that further analysis and brainstorming are in order, given the magnitude of the impacts at issue. As of this writing, it appears that there is not one complete, feasible alternative to the proposed project, but it is premature to rule out all other approaches. It is likely, as the appellants suggest, that a combination of measures might allow for reducing the scope of the proposed project (and maybe even the entire need for it). From the County's perspective, as long as the subject site needs to be used for some stockpile, how

much is not crucial. This is because site preparation costs (e.g., drainage system, conveyor) will be similar in all cases, hence, making no sense to spend additional money on other approaches that would just reduce the proposed project's scope. At this time, it is unclear whether such a conclusion is inescapable. Clearly, there can be environmental benefits in a project significantly reduced in size so that the wetland and possibly the riparian corridor are not filled or not filled for so long a time period. Thus, at this time there is no staff recommendation as to where and under what conditions the excavated material should be sited.

This analysis focuses on significant policy issues. The appellants contend that the project approval violates some 40 local coastal program provisions. To avoid excessive length, this report groups the contended policies into the four noted issue areas and does not address them all individually. While the project approval may be consistent with some of these policies, it takes only one inconsistency to give rise to a substantial issue. It should also be noted that there are many other relevant local coastal program policies and that the County has imposed several conditions to address them that are not in contention. In some respects, the County approval is quite thorough. Once more information on alternatives is made available and analyzed, the nature and location of any off-site improvements that the Commission might approve would be formulated and would dictate what conditions of the County approval would have to be changed and what new conditions would need to be added.

TABLE OF CONTENTS

I. SUMMARY OF APPELLANTS' CONTENTIONS	4
II. LOCAL GOVERNMENT ACTION	5
III. APPEAL PROCEDURES	5
IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE	6
V. RECOMMENDED FINDINGS AND DECLARATIONS	7
A. BACKGROUND	7
B. ANALYSIS OF CONSISTENCY WITH LCP	9
1. APPELLANTS CONTENTIONS	9
2. LOCAL COASTAL PROGRAM PROVISIONS	12
3. COUNTY FINDINGS AND CONDITIONS	17
4. SUBSTANTIAL ISSUE ANALYSIS AND CONCLUSION	19
EXHIBITS	
1. LOCATION MAPS	
a. Vicinity	
b. Nearby Land Uses	
c. General Plan designations	
d. Site Habitats	
e. Area Wetlands & Riparian Corridors	
2. COUNTY PERMIT	
a. Conditions and Findings	

- b. Code Section 13.10.639 & Analysis
- 3. PROPOSED PROJECT PLANS
 - a. Stockpile
 - b. Conveyor
 - c. Riparian Mitigation
 - d. Wetland Mitigation
- 4. CURRENT LANDFILL
 - a. Current Modules
 - b. Proposed Stockpile
- 5. ALTERNATIVE SITES
- 6. COMMUNITY APPELLANTS' CONTENTIONS
- 7. CORRESPONDENCE: County, Appellants, Barlow, Farm Bureau

I. SUMMARY OF APPELLANTS' CONTENTIONS

There are two groups of appellants: Commissioners and Community. There are two Commissioner appellants who believe agricultural and habitat issues are raised. In part they state, "The coastal permit allowing the proposed stockpile on agricultural land does not meet all of the Local Coastal Program County Code Section 13.10.639 requirements for interim use of agricultural land for sanitary landfill purposes." Also,

The coastal permit allowing the proposed stockpile to completely fill a riparian corridor and wetland seep does not meet all of the Local Coastal Program County Code Section 16.30.060 exception requirements. The objectives of the Land Use Plan do not extend to condoning complete removal of a wetland and riparian corridor and if they could be so interpreted would require more comprehensive restoration planning and mitigation assurances than contained in the permit.

Their full contentions are quoted in finding #B.1 below.

The community group appellants contend that the proposed soil stockpile project is in conflict with some 40 Local Coastal Program Goals, Objectives, Policies and Programs. For some of the policies they elaborate on what they believe are inconsistencies. They contend that the project is not a priority for use of the site, as under the local coastal program agricultural use and riparian habitat are priorities. Beyond the specific agricultural and habitat policies, the community appellants contend more generally that the proposed project is in conflict with other siting and land use priority policies of the Local Coastal Program. They argue that the stockpile should be sited in an area where public roadways and drainages are adequate (pursuant to policy 2.1.4) and where orderly, balanced utilization of coastal resources is assured (pursuant to objective 2.23). They argue that the proposed soil stockpile project is in basic contrast to the purpose of the Conservation and Open Space Element of Santa Cruz County in that it will negatively impact biological, water, visual, open space, coastal agricultural land, and air

quality resources as well as result in noise, traffic, endangered species and riparian habitat impacts within the Coastal Zone. They believe that the project does not comply with Conservation Element provisions under the following categories:

- Element Goals
- Natural and Cultural Resources Protection Goals
- Open Space Protection Goal
- Biological Resources
- Water Resources
- Hydrological, Geological and Paleontological Resources
- Visual Resources
- Scenic Roads
- Open Space
- Agriculture

Their full contentions are shown in Exhibit 6. They have also elaborated on some points in letters contained in Exhibit 7.

II. LOCAL GOVERNMENT ACTION

The Santa Cruz County Board of Supervisors approved a coastal permit with 38 conditions and a mitigation monitoring and reporting plan for the proposed stockpile project and took related actions on June 9, 1998 (see Exhibit 2a). The Board made coastal zone permit, development permit, riparian exception, development on agriculturally-zoned properties, and California Environmental Quality Act (CEQA) findings. Previous hearings were held by the County Planning Commission on June 25, 1997, August 13, 1997, October 8, 1997, and December 10, 1997. The County's final action was received by the Coastal Commission on June 11, 1998, triggering an appeal period running from June 12, 1998 through June 25, 1998.

III. APPEAL PROCEDURES

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits.

Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea. Furthermore, developments approved by counties may be appealed if they are not the designated "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by a city or county (Coastal Act Section 30603(a)). This project is appealable because it is located in a county and is not a principal permitted use and it is a major public works project.

For projects not located between the sea and the first public road paralleling the sea, which is the case for this project, the grounds for an appeal shall be limited to an allegation that the development does

not conform to the certified LCP (Coastal Act Section 30603(b)(I)). For projects located between the sea and the first public road paralleling the sea, the grounds for appeal to the Coastal Commission can also include an allegation that the development does not conform to the public access and recreation policies of the Coastal Act.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If the staff recommends "substantial issue," which is the case here, and no Commissioner objects, the substantial issue question will be considered moot, and the Commission will proceed directly to a de novo public hearing on the merits of the project.

If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project. However, since there is no recommendation available regarding the merits of this project, this hearing will be continued to a subsequent meeting. If the Commission conducts a de novo hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program.

In addition, for projects located between the sea and the first public road paralleling the sea, Section 30604(c) of the Coastal Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.

The only persons qualified to testify before the Commission on the substantial issue question are the applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo stage of an appeal.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that substantial issue exists with respect to the grounds on which the appeal was filed, pursuant to Coastal Act Section 30603.

MOTION: Staff recommends a "NO" vote on the following motion:

"I move that the Commission determine that Appeal No. A-3-SCO-98-055 raises **no** substantial issue with respect to the grounds on which the appeal has been filed."

A majority of the Commissioners present is required to pass the motion.

V. RECOMMENDED FINDINGS AND DECLARATIONS

402

The Commission finds and declares as follows:

A. Backaround**1. Setting****a. Vicinity**

The 70 acre subject site is located on Buena Vista Drive across from Santa Cruz County's current landfill in the southern coastal part of the County (see Exhibit 1a). The primary land use in the vicinity is agriculture, and most of the area is designated for agricultural uses (see Exhibit 1c). Other land uses include single family residences, landfills, a jail, and farm worker housing (see Site and Surrounding Uses Map, Exhibit 1 b). The current active landfill site is approximately 72 acres (of which 56 are permitted for landfilling) (see Exhibit 4a). The adjacent, pre-1986 landfill area is 62 acres (of which 37 were used for landfill purposes). One of these County-owned parcels also includes an additional 93 acres containing a County jail (see A-3-SCO-90-85).

b. Subject Site

According to a County staff report describing the location subject to this appeal, "at least 90% of the parcel has been cultivated in recent years. About 9% supports riparian habitat and a eucalyptus grove. A single-family dwelling and accessory buildings are located near the center of the property." A biologic report prepared for the project enumerates uses on the 70-acre site as: 63 acres of commercial agriculture, 2 acres of improved and unimproved drainages and wetland, 4 acres of eucalyptus grove, and 1 acre of structures. The site is designated "Agricultural" on the *Santa Cruz County General Plan* and *Local Coastal Program* land use map with an "Agricultural Resource" overlay and is zoned "CA" (Commercial Agriculture) (see Exhibit 1c). The sloping site contains three riparian corridors: a seasonal stream (referred to as the East Channel) and two tributaries (referred to as the North and South Channels); which in turn are tributary to Gallighan Slough, which is part of the Watsonville Slough system emptying into the Pajaro River mouth. (see Exhibits 1d and e)

The actual proposed project area is about 20 acres consisting of a ravine, recently farmed on both sides, with a remnant riparian corridor (the South Channel) in the center. Additionally, an area by one of the other riparian corridors (East Channel) on the site would be subject to restoration (see Exhibit 3c). Also, an area on adjacent County property is proposed for wetland restoration (see Exhibit 3d).

This is a County-sponsored project. The 70 acre parcel is currently owned by Mr. and Mrs. John Rocha and leased to farmers. If the Commission acts favorably toward the County on the appeal, the County would conclude negotiations to purchase the entire site. Once

purchased, an Open Space easement covering the site would be extinguished, pursuant to State law.

2. Subject Permit Reauest

The proposed project is described in the County staff report as a temporary stockpile of approximately 1.25 million cubic yards of material on 20 acres of the subject site. The material would come from the approved, active landfill operating across the street (pursuant to County coastal permit #83-1503). Under that permit, sand and rock are being excavated to create pits (identified as modules) in which to deposit refuse. Under the current proposal, the excavated material would be sent overhead across the road to the subject site on a conveyor that will be temporarily installed for about two years (see Exhibit 3b). This stockpile would include drainage facilities and other erosion control, utilizing surface drainage ditches, a buried underdrain system, a sedimentation basin, and revegetation (see Exhibit 3a). The material would then be gradually trucked back across the road to the landfill site to be used as cover. Once all the stockpile is removed from the subject site (in 20 years), it will be graded to a gentler contour to be available as farmland once again.

The proposed project also includes riparian and wetland restoration at two locations (see finding #3b below for a fuller description of this project component and Exhibits 3c and d).

3. Previous Permit and LCP Amendment

The current active landfill was approved by the County in May 1985 (County coastal permit 83-1503). (An appeal, A-3-SCO-85-42, of the County's coastal permit was withdrawn before any hearing, rendering the County action final.) The 72 acre land area was designated in part "Quarry" and in part "Agriculture," and in fact contained both a quarry and farmland, in addition to riparian and wetland vegetation. In order to facilitate that project, the Coastal Commission approved a local coastal program amendment (#1-85) to redesignate the quarry portion to "Public Facilities" and to allow interim sanitary landfills on agricultural land (see County Code Section 13.10.639 in Exhibit 2b).

The land was purchased from Granite Construction Company. The purchase agreement allows the company to continue mining the sand and gravel until May 2002. However, according to the County, this stockpile project is needed because Granite Construction has not excavated sufficient material from the existing landfill; to date only .2 million cubic yards out of approximately 1.7 million. Therefore, since Granite has not taken the material away, the County must find a place to store it.

B. Analysis of Project Consistency with Local Coastal Program**1. Appellants' Contentions**

The appellants' contentions can be categorized into four issues: agricultural, habitat, general siting, and visual. Following are quotes or paraphrases of their contentions:

a. Agricultural Issues

With regard to agricultural issues, the Commissioner appellants contend:

The coastal permit allowing the proposed stockpile on agricultural land does not meet all of the Local Coastal Program County Code Section 13.10.639 requirements for interim use of agricultural land for sanitary landfill purposes; specifically there is not evidence (and findings were not made) that the maximum amount of agricultural land is being maintained through "[d1] phasing the non-agricultural use, [d2] utilizing any non-agricultural areas available first, ..[and d5] rehabilitating other areas such as former landfill sites for agricultural use." Although the permit is for twenty years, there is a lack of specificity about how the site will be returned to agricultural use and the mechanisms for ensuring it.

The community appellants contend that the project is not a priority for use of the site; under the local coastal program agricultural use is a priority. Thus, they cite a conflict with objective 2.22 and policy 2.22.1, as follows:

LCP Objective No. 2.22 (Coastal Dependent Development)

This proposed project is in conflict with the objective within the LCP to ensure that priority for coastal-dependent and coastal-related development is given over other development. This project would remove approximately 20 acres of coastal strawberry production as well as a riparian habitat area and would degrade and otherwise compromise other such similar properties and their related activities in the vicinity, in favor of a 20 acre stockpile of soil. This is in direct contrast to the intent of the above noted objective because the project would actually displace rather than give priority to coastal-related and coastal-dependent uses. With the approval of this project, priority has been given to development that is neither coastal-related nor coastal-dependent and in fact may be considered an undesirable use within the coastal zone.

LCP Policy No. 2.22.1 (Priority of Uses within the Coastal Zone)

The proposed project is in conflict with the policies within the LCP which maintain a hierarchy of land uses priorities within the Coastal Zone, categorizing agriculture as a first priority. This project would displace and negatively impact coastal agricultural and therefore does not support the intent of this policy.

These appellants also contend that the County permit approval violates the following local coastal program policies:

- LCP Objective No. 5.13 (Commercial Agriculture Land)
- LCP Policy No. 5.13.5 (Principally Permitted Uses on Commercial Agricultural (CA) Zoned Land)
- LCP Policy No. 5.13.6 (Conditional Uses on Commercial Agricultural (CA) Zoned Land)
- LCP Policy No. 5.13.20 (Conversion of Agricultural Land)
- LCP Policy No. 5.13.23 (Agricultural Buffers required)
- LCP Policy No. 5.13.26 (Windbreaks)
- LCP Program (c) (Oppose expansions . . . in Coastal Zone)

b. Habitat Issues: Wetlands and Riparian Corridors

With regard to habitat issues the Commissioner appellants contend:

The coastal permit allowing the proposed stockpile to completely fill a riparian corridor and wetland seep does not meet all of the Local Coastal Program County Code Section 16.30.060 exception requirements; specifically there is not convincing evidence that [d4] the riparian corridor is not being reduced or adversely impacted” and that there is no feasible less environmentally damaging alternative” and [d5] that the objectives of the Local Coastal Program Land Use Plan are being met. The objectives of the Land Use Plan do not extend to condoning complete removal of a wetland and riparian corridor and if they could be so interpreted would require more comprehensive restoration planning and mitigation assurances than contained in the permit. Again, although the permit is for twenty years, there is a lack of specificity about how the filled wetland and riparian area will be restored.

The community appellants contend that the project is in basic contrast to the Conservation and Open Space Element and its goals of Natural and Cultural Resources protection and Open Space protection. As noted above, they contend it is not a priority use, implying riparian habitat is a higher priority. The appellants also contend that the project approval violates the following provisions:

Biological Resources

- LCP Objective No. 5.1 (Biological Diversity)
- LCP Policy No. 5.1.1 (Sensitive Habitat Designation)
- LCP Policy No. 5.1.2 (Definition of Sensitive Habitat)
- LCP Policy No. 5.1.3 (Environmentally Sensitive Habitats)
- LCP Policy No. 5.1.4 (Sensitive Habitat Protection Ordinance)
- LCP Policy No. 5.1.6 (Development within Sensitive Habitat)
- LCP Policy No. 5.1.7 (Site Design and Use Regulations)
- LCP Policy No. 5.1 .10 (Species Protection)

- LCP Objective No. 5.2 (Riparian Corridors and Wetlands)
- LCP Objective No. 5.2.2 (Riparian Corridor and Wetland Protection Ordinance)
- LCP Objective No. 5.2.3 (Activities within Riparian Corridor and Wetlands)
- LCP Program (a) (Maintain and Enforce a Riparian and Wetland Protection ordinance...)
- LCP Program (b) (Coordinate with CDFG)

Water Resources

- LCP Objective 5.7 (Maintain Surface Water Quality)
- LCP Policy No. 5.7.5 (Protecting Riparian Corridors . . .)

Hydrological, Geological and Paleontological Resources

- LCP Policy No. 5.9.2 (Protecting Significant Resources throughout Easements and Land Dedications)

c. General Siting Issues

Beyond the specific agricultural and habitat policies, the community appellants contend more generally that the proposed project is in conflict with other siting and land use priority policies of the Local Coastal Program. They argue that the stockpile should be sited in an area where public roadways and drainages are adequate (pursuant to policy 2.1.4) and where orderly, balanced utilization of coastal resources is assured (pursuant to objective 2.23), as follows:

LCP Policy No. 2.1.4 (Siting of New Development)

This proposed project is in conflict with siting of new development policies for the coastal zone because this type of project is most suitably sited where public roadway and drainage systems are adequate rather than where they are degraded, as is the condition in the project vicinity. Additionally, this project will have significant adverse effects, both individually and cumulatively, on environmental and natural resources, including coastal resources.

LCP Policy No. 2.23 (Conservation of Coastal Land Resources)

This proposed project is in conflict with the objective within the LCP to ensure orderly, balanced utilization and conservation of Coastal Zone resources because it would eliminate, negatively impact and compromise Coastal Zone resources rather than conserve them. The removal of the open space easement on this property (rezoned from CA-O to CA) is also in direct conflict with this policy because it undermines an established conservation plan for the area.

The community appellants, furthermore, argue that the proposed project is in basic contrast to the purpose of the Conservation and Open Space Element of Santa Cruz County in that it will negatively impact biological, water, visual, open space, and air quality resources, as well as result in noise and traffic (in addition to the agricultural and habitat impacts discussed above.) Specifically, they contend, "the removal of the open space easement on this property (rezoned from CA-O to CA) is also in direct conflict with this policy [2.23] because it undermines an

established conservation plan for the area." They also cite conflict with policy 5.9.2 and Open Space program "a."

d. Visual Resource Issues

With regard to this final issue, the community appellants contend that the project is in conflict with the following visual resource and scenic road policies:

Visual Resources

- LCP Objective 5.10a (Protection of Visual Resources)
- LCP Objective No. 5.10b (New Development within Visual Resource Areas)
- LCP Policy No. 5.10.2 (Development within Visual Resource Areas)
- LCP Policy No. 5.10.3 (Protection of Public Vistas)
- LCP Policy No. 5.10.5 (Preserving Agricultural Vistas)

Scenic Roads

- LCP Policy No. 5.10.10 (Designation of Scenic Roadways)
- LCP Policy No. 5.10.11 (Development Visible from Rural Scenic Roads)
- LCP Policy No. 5.10.13 (Landscaping requirements)
- LCP Policy No. 5.10.23 (Transmission Lines and Facilities)

2. Local Coastal Program Provisions

There are two relevant governing local coastal program components certified by the Coastal Commission: the coastal land use plan which is the 1994 *General Plan and Local Coastal Program for the County of Santa Cruz* and the implementation plan which includes portions of the *County Code* and the zoning maps. A project must be consistent with all relevant provisions of the local coastal program in order for it to be permitted. The following are quotations or paraphrases of the provisions which the appellants contend are not being following with regard to the proposed stockpile.

a. Agricultural Provisions

The 1994 *General Plan and Local Coastal Program for the County of Santa Cruz* is strongly supportive of agriculture as follows:

- Objective 2.22 is, "to ensure priority for coastal-dependent and coastal-related development over other development on the coast."
- Policy 2.22.1 says to "maintain a hierarchy of land use priorities within the Coastal Zone: First Priority: Agriculture and coastal-dependent industry...."
- Policy 2.22.2 states, "Prohibit the conversion of any existing priority use to another use, except for another use of equal or higher priority."

The subject site is designated "Commercial Agriculture" in the *Santa Cruz County General Plan and Local Coastal Program*. The purpose of this land use category is to maintain such designated lands for exclusive agricultural use. (*General Plan* objective 5.13) Landfills are not listed as a principal permitted use under policy 5.13.5. Interim public uses are conditionally allowed under policy 5.13.6, if sited to avoid conflicts with principal agricultural activities in the area and sited to avoid or otherwise minimize removal of land from production. The *County Code* amplifies this by specifically allowing sanitary landfills as interim uses that meet the following criteria:

- ⇒ the site is rehabilitated upon cessation of the landfill use;
- ⇒ water quantity and quality available to the area is not diminished;
- ⇒ land use conflicts with adjacent agriculture are prevented; and
- ⇒ the maximum amount of agricultural land as is feasible is maintained in production by:
 - ⇒ phasing the non-agricultural use,
 - ⇒ utilizing any non-agricultural areas available first,
 - ⇒ utilizing lower quality soils (e.g., Class III) instead of or before higher quality soils (e.g., Classes I or II),
 - ⇒ employing means of reducing the area necessary for the interim public use such as resource recovery, and
 - ⇒ rehabilitating other areas such as former landfill sites for agricultural use (*Code* Section 13.10.639; see Exhibit 2b).

Additionally, discretionary uses (such as interim landfills) on CA-zoned land must:

- ⇒ enhance or support continued agriculture;
- ⇒ not restrict or adversely affect current agriculture;
- ⇒ be ancillary to the agricultural use or be a non-agricultural use only if no other agricultural use is feasible;
- ⇒ not conflict with on-site or area agriculture;
- ⇒ remove no land or as little land as possible from production (*Code* Section 13.10.314).

Other agricultural policies cited by the appellants as relevant include:

- Policy 5.13.20: sets strict circumstances for allowing conversions to non-agricultural uses, including: that the land is not viable for agriculture, that the land does not meet the criteria for commercial agriculture, and that conflicts with nearby agriculture will not be created.
- Policy 5.13.23: generally requires a 200 foot buffer area between commercial agricultural and non-agricultural land uses.
- Policy 5.13.26: requires buffers to include windbreaks.

- Program (c): opposes expansion of municipal boundaries which would include commercial agricultural land.

b. Wetlands and Riparian Corridor Provisions

The Local Coastal Program provisions in question include the following: Objective 5.1 is,

to maintain the biological diversity of the County through an integrated program of open space acquisition and protection, identification and protection of plant habitat and wildlife corridors and habitats, low-intensity and resource compatible land uses in sensitive habitats and mitigations on projects and resource extraction to reduce impacts on plant and animal life.

The Local Coastal Program has provisions requiring protection of riparian areas and wetlands; which are defined as environmentally sensitive habitats (under policies 5.1.2 and 5.1.3). They must be delineated and biotic reports must be prepared. Sensitive habitat provisions include:

- Policy 5.1.3 allows only uses dependent on resources in these habitats unless:
 - ⇒ other uses are consistent with habitat protection policies and beneficial to the public;
 - ⇒ the project approval is legally necessary to allow a reasonable economic use of the land;
 - ⇒ any adverse environmental impact will be completely mitigated; and
 - ⇒ there is no feasible less-damaging alternative.
- Policy 5.1.4 requires complying with the Sensitive Habitat Protection ordinance (Chapter 16.32 of the *County Code*).
- Policy 5.1.6 states in part,

Sensitive habitats shall be protected against any significant disruption of habitat values; and any proposed development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat. Reduce in scale, redesign, or, if no alternative exists, deny any project which cannot sufficiently mitigate significant adverse impacts on sensitive habitats...

- Policy 5.1.7 contains the following provisions relevant to a stockpile:
 - 3 (c) "require easements, deed restrictions or equivalent measures to protect that portion of a sensitive habitat on a project parcel which is undisturbed by a proposed development activity,"
 - ⇒ (e) "limit vegetation removal to the minimum amount necessary; prohibit landscaping with invasive or exotic species."
- Policy 5.1.10 states in part, "Recognize that habitat protection is only one aspect of maintaining biodiversity and that certain wildlife species,...may not utilize

specific habitats. Require protection of these individual rare, endangered and threatened species. . .”

The following 1994 *General Plan and Local Coastal Program for the County of Santa Cruz* provisions specifically address riparian corridors and wetlands:

- Objective 5.2 is “to preserve, protect and restore all riparian corridors and wetlands for the protection of wildlife and aquatic habitat, water quality, erosion control, open space, aesthetic and recreational values and the conveyance and storage of flood waters.”
- Objective 5.7 is “to protect and enhance surface water quality in the County’s streams, coastal lagoons and marshes by establishing best management practices on adjacent land uses.”
- Policy 5.2.2 says to follow the Riparian Corridor and Wetland Protection ordinance (Chapter 16.30 of the *County Code*) to ensure no net loss of riparian corridors and riparian wetlands.
- Policy 5.2.3 states that “development activities, land alteration and vegetation disturbance within riparian corridors and wetland required buffers shall be prohibited unless an exception is granted per the Riparian Corridor and Wetlands Protection ordinance.”

The County has to make Riparian Exception findings of:

- ⇒ special circumstances affecting the property,
- ⇒ necessity for proper function of an existing or permitted activity;
- ⇒ not being injurious to downstream or other nearby property;
- ⇒ not reducing nor adversely impacting the riparian corridor;
- ⇒ there being no less environmentally damaging alternative;
- ⇒ and meeting local coastal program objectives (*County Code* Section 16.30.060).

LCP programs “a” and “b” call for funded programs to protect, revegetate, restore and increase acres of riparian corridors and wetlands. Policy 5.7.5 requires drainage facilities to protect water quality for all new development within 1,000 feet of riparian corridors.

c. General Siting Provisions

The 1994 *General Plan and Local Coastal Program for the County of Santa Cruz* provisions that the appellants contend are not followed state in part:

- 2.1.4: Locate new residential, commercial, or industrial development within, next to, or in close proximity to existing developed areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on environmental and natural resources, including coastal resources,

- 2.23: To ensure orderly, balanced utilization and conservation of Coastal Zone resources, taking into account the social and economic needs of the people of Santa Cruz County.
- 5.9.2: Encourage and obtain where possible Open space Easements or other forms of land dedication to conserve as open space those areas containing hydrological, geological, or paleontological features of significant scenic or scientific value.
- Open Space program a: Continue using open space and conservation easements and other methods to help preserve urban and rural open space areas...

d. Visual Resources

The following 1994 *General Plan* and *Local Coastal Program for the County of Santa Cruz* provisions address scenic protection in general:

- Objective 5.10b is to ensure that new development is appropriately designed and constructed to have minimal to no adverse impact upon identified visual resources.
- Policy 5.10.2 requires projects to be evaluated against the context of their unique environment to protect these resources (e.g., agricultural fields).
- Policy 5.10.3 requires protection of significant public vistas “from all public roads by minimizing disruption of landform and aesthetic character caused by grading operations. . . Provide necessary landscaping to screen development which is unavoidably sited within these vistas,..”
- Policy 5.10.5 requires preserving the aesthetic value of agricultural vistas and encourages development to be consistent with the agricultural character of the community.

The following 1994 *General Plan* and *Local Coastal Program for the County of Santa Cruz* provisions address scenic roads:

- Policy 5.10.10 designates Buena Vista Drive as a scenic road.
- Policy 5.10.11 requires new development in the viewsheds of rural scenic roads to be sited out of public view, obscured by natural landform and/or existing vegetation.
- Policy 5.10.13 requires all grading and land disturbance projects visible from scenic roads to blend contours of the finished surface with the adjacent natural

terrain and landscape and incorporate only appropriate characteristic or indigenous plant species.

- Policy 5.10.23 requires transmission facilities to minimize impacts on significant public vistas and to avoid locations which are on or near sensitive habitat, whenever feasible.

3. Local Government Action:

Santa Cruz County approved the proposed stockpile project with conditions on June 9, 1998. The Board of Supervisors made coastal zone permit, development permit, riparian exception, development on agriculturally-zoned properties, and California Environmental Quality Act (CEQA) findings (see Exhibit 2a). The County approval addresses each of the issues raised in this appeal in the following ways.

a. County Agricultural and General Siting Findings and Conditions

The County approval is for twenty acres of agricultural land to be used for stockpiling fill from the adjacent landfill site over the next 20 years. Conditions allow fill removal from the site without loss of native topsoil. The stockpile must be removed after 20 years. The County approved the project as similar enough to a landfill to fall under the category “publicly owned and operated landfill, as an interim use.” The County made the four findings necessary under Section 13.10.314 of the *County Code* to allow development on property designated “CA” as well as addressed the specific findings required under Section 13.10.639 to allow interim landfills (see Exhibit 2b). The gist of the County’s findings is that 40 acres of the 70 acre site will continue in farming, that nearby agricultural will not be impacted, and that after 20 years farming will return to the 20 acre stockpile area after the area is recontoured to a more level topography and native topsoil is put back in place, thus resulting in improved agricultural viability and less potential erosion (see Attachment 2 of Exhibit 2a).

County acquisition of the subject site will result in termination of the Open Space Easement now covering it. Thus, the County will be rezoning the site to eliminate the “O” overlay district which is placed on parcels with open space easements (the “CA” Commercial Agricultural district remains; this does not constitute a local coastal program amendment because certification of the County’s zoning map did not include the “O” overlays). In making the rezoning findings (technically, distinct from the coastal permit findings subject to this appeal), the County states that the, “soil management project was not foreseen when the property was placed under Open Space Easement contract...The project is now necessary for the use of Modules 4 and 5 of the Buena Vista landfill...” The project EIR found no cumulative impacts on agricultural land in the area, because the proposed use is temporary. Specific findings to the general siting policies cited by the appellants were not made.

b. County Wetlands and Riparian Corridor Findings and Conditions

The County conditionally approved the project which involves filling a .29 acre, 1,020 foot-long drainage swale with a .5 acre freshwater seep at its head (see Exhibits 1d and 2a). This area is considered jurisdictional wetlands under the U.S. Army Corps of Engineers' guidelines. The County findings justify allowing the project in wetlands and riparian areas by saying that the requisite exception findings can be made based on the following: the subject riparian area is degraded; it splits property constraining use that could be made of property; the stockpile needs an amount of area that encompasses the riparian corridor; higher quality riparian area on the parcel is preserved (not impacted by the stockpile); new habitat is created along an historical drainage course and three new wetland ponds are created resulting in a doubling of the existing habitat acreage; the functional capacity of main stream channel is maintained; and the habitat's functional capacity will increase (see Attachment 2 of Exhibit 2a).

No federally-listed endangered species have been discovered at the project site to date, but their presence must be surmised in the absence of undertaking more extensive biologic study. Thus, the County is requesting an "incidental take permit" from the U. S. Fish and Wildlife Service. Along with the project EIR and its Supplement, a *Biological Assessment for Santa Cruz Long-Toed Salamander and California Red-legged Frog* (November 1997) was prepared which delineates the possible habitat, calculates the loss, and includes a mitigation plan (mitigation at 2:1; resulting in 1.65 acres of new habitat as well as native species buffers to them; measures to save any salamanders or frogs that may be in the area and prevent them from entering the work site). The east channel will be enhanced by widening, lessening the gradient with a series of check dams, modifying the course to allow it to meander, and being vegetated (see Exhibit 3c). Also, three small seasonal ponds (totaling 0.4 acres) will be created on County-owned property adjacent to the subject site (see Exhibit 3d).

The coastal permit as conditioned by the County requires: following the mitigation plan; undertaking the restoration prior to any stockpiling occurring, under the supervision of a wetland specialist; and placing each restoration area under a biotic preservation easement. Other conditions include obtaining necessary approvals from the California Department of Fish and Game, U.S. Army Corps of Engineers, and U.S. Fish and Wildlife Service. There is already evidence in the County permit file of consultation with Fish and Game and the Army Corps, although those agencies' approvals are not yet final. Other permit conditions address impacts from adjacent uses on the habitats: remaining agriculture on-site is to be set back at least 30 feet from the channel bank; sedimentation into the channel is to be prevented; protection is to occur during closure operations; and fencing is allowed.

The County approval also allows for a replacement culvert under Buena Vista Drive if necessary.

c. County Visual Resource Findings and Conditions

The County approval is for a stockpile project that would essentially transform a ravine into a mound for 20 years. The maximum height would be 164 feet (existing grade is about 50 to

140 feet elevation). The approval also includes an enclosed 20 foot high, 300 foot long conveyor structure over Buena Vista Drive for a two year period, with attached stationary sections. Policy consistency is covered in the EIR for the project; but only two of the seven policies cited by the appellants are explicitly addressed. The EIR finds the proposed project, with the riparian planting and revegetation of the stockpile, consistent with policy 5.10.3 and with policy 5.10.11, if the conveyor facility includes an “old covered bridge’ style facade.” The EIR also concludes, “although the project is located within a designated scenic roadway, the road segment in the project area is not of the character and quality of the defining visual elements that resulted in the scenic designation.” County permit findings indicate that “the project is consistent with the Coastal Zone Design Criteria in that it will not create a significant visual impact,. . .no ocean views nor important vista will be affected.. and the entire site will be restored at the termination of this 20-year project.” Development permit findings indicate that “the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects...of the neighborhood in that the soil stockpile will retain the open space nature which occurs on the surrounding agricultural and public facility properties.”

4. Substantial Issue Analysis and Conclusion

The County approval raises a substantial issue on three levels. First, the local coastal program contains several provisions that simply do not sanction a stockpile that eliminates a riparian corridor and wetland seep and/or alters the area’s scenic agricultural vistas (see section a below). Second, even if these policies could somehow be interpreted as possibly condoning such a use on the subject, the County would first, at a minimum, have to prove that the site in question is the only possible location for the stockpile and that it can be no smaller nor be in place for a shorter duration; i.e., the County must demonstrate that there are no feasible, less impacting alternatives. As described below (see section b), that proof is lacking. Finally, even were such proof forthcoming and convincing, it is not clear that the County has done all that it can to retain and maximize agriculture and/or enhance habitat in the area. For this subject case, there appear to be additional measures the County could have and should have taken (see section c below).

a. Integrity of the Riparian Corridor, Wetland, and Scenic Vista

Riparian and Wetland: The County has taken liberties with its Riparian Exception provisions in order to approve this project. Almost all of the local coastal program riparian and wetland policies cited above call for preservation of these habitats and limit uses to those that will preserve the habitats, echoing Coastal Act mandates. The one deviation is the Riparian Exception provision which allows for exceptions to these policies to be granted. However, the Riparian Exception is limited in its application. Required Exception finding 4 states in part, “that the granting of the exception...will not reduce or adversely impact the riparian corridor.” This suggests, for example, that a project could be approved that intrudes into a required riparian or wetland buffer, but not adversely into the riparian corridor or wetland itself. And required Exception finding 5 states in part, “that the granting of the exception is in accordance

is no feasible less environmentally damaging alternative,” and the provisions to allow interim use of agricultural land for landfills require using any non-agricultural areas available first. Additionally, this site is protected by an Open Space Easement, whose integrity should be upheld if possible under cited Open Space Program “a.”

As described below, the County did examine some alternatives, but the analysis is incomplete and not yet convincing that the subject project is the only feasible solution to the problem of where to put the material to be excavated for landfill purposes. There are possible ways to reduce the need to use this scenic agricultural land with its riparian corridor for a stockpile for some 20 years. These include reducing the volume to be stockpiled, storing more material on-site, and/or stockpiling on an alternative site.

Reducing the Volume to be Stockpiled: The County record indicates that up to 1.6 million cubic yards of material has to be excavated, (minus whatever amount will have been used for cover and taken by Granite since that early 1997 estimate). As noted, Granite Construction has the right to this material until the May 2002. Granite has indicated that the material is not of high quality and its use is limited to subbase. The company indicates that it has tried to maximize mining and selling the material over the years; therefore, there appears to be no way to accelerate removal of the material. Since the current landfill has been in operation beginning in 1985, .207 million cy were taken for an annual average of .015 million cy. The amount removed varies annually; last year for example, 0.34 was used, due to a major levee repair project. The County acknowledges that Granite may continue to take material, but asks to be permitted to stockpile an amount assuming Granite will not take any more.

The County permit could address ways to divert excess material beyond 2002 so it does not have to be stockpiled in an inappropriate location. Since the County needs to excavate only one module immediately, the amount of future excavation and hence stockpiling could be reduced if Granite’s contract is extended to allow the company to take more material in the interim. Even allowing Granite to take material once it is stockpiled may prove beneficial in reducing the temporal or physical extent of the stockpile. As a rejoinder, the County indicated that it did not want to part with any more material because it is needed for landfill cover. The current estimate is a surplus of only .15 million cy and any surplus could simply be added to the final cover layer. The County has indicated that it needs about 50,000 cubic yards per year for cover, which would translate into about 1 million cy over the life of the landfill, plus about .36 million cy for final cover. However, the County has also indicated that over time it has been and plans to continue reducing the amount of material needed for interim cover (e.g., by daily covering the refuse with tarps instead of soil). Also, over the course of the next twenty years the County may receive excess fill from construction sites that could be used for cover. Thus, pursuit of a program to periodically recalculate cover material needs and aggressively seek to dispose of excess is worthy.

On-site Retention: The County landfill area already comprises 134 acres consisting of 62 acres of previous closed landfill and 72 acres of current landfill, of which 56 acres are actually for refuse disposal (the remaining perimeter area includes the landscaped slopes to the landfill and the entry recycling area). The current landfill consists of five modules: #1 and #2 are

filled, #3 is active and expected to be filled by 2000, and #4 and #5 remain to be excavated and filled in the future (see Exhibit 4a). As of October 1997, an estimated 1.54 million cubic yards of material has to be excavated from future modules #4 and 5 at the existing landfill. Of this excavated material, the County has maintained that, based on safety factors, only .35 million cy can be stored on-site on modules #1- 3, after module #3 is closed (see Exhibit 4b). This leaves up to 1.19 million cubic yards to stockpile off-site (1.1 million cy from #4 and .09 million cy or less from #5).

However, it may be that more material can be stored on modules #1- 3 and/or material could be stored on part of #3 while the remainder is still active, on module # 5, or the previously closed part of the landfill, thereby reducing off-site stockpiling. Parts of these closed areas are already graded to final contours, but some level space on top remains. Another option may be to make module #4 smaller (e.g., separate it into two modules or excavate the smaller module #5 first). Another scenario would be to return some material sooner to stockpile back on the landfill (e.g., on module #4 after it is filled). This may involve consolidating or relocating the other activities that occur on closed areas of the landfill, as described below.

In response, the County asserts that excess material can be stockpiled on-site only after module #3 is closed, which cannot occur until module #4 is excavated. They would not take a chance on stockpiling material on the part of #3 already at intermediate grade in case they needed to keep placing refuse on it beyond 2000. Also, the County indicated that splitting module #4 into two modules would cost an extra \$300,000 (for engineering and liner installation) and would be problematic in an emergency (if large amounts of material needed to be processed). As for constructing module #5 first, the County indicated that it is the site of a stormwater retention system and a stockpile of clay material and would involve just as much excavation as doing module #4 first would. As for the closed landfill, that is already being used for wood, concrete, and scrap metal waste processing. The County indicated that it could bring back some stockpiled material earlier, but not the final cover material. Overall the County has indicated that some space is needed for operational flexibility and that there just is not room on the current landfill to stockpile more material. While there are definite constraints and costs might increase, some costs associated with off-site stockpiling may be commensurately reduced. Thus, maximizing on-site stockpiling is worthy if it is at all feasible. Further evaluation of the indicated constraints is necessary before a definite conclusion as to feasibility can be made.

Alternative Sites: Assuming that there is some amount of material that still needs off-site storage, after Granite takes its material and/or on-site stockpiling is maximized, the question as to whether there is another, less problematic site (or combination of sites) on which to stockpile remains. The County did prepare an alternatives analysis (see Exhibit 5 for site locations). Some sites that the County examined are as problematic as the subject site (and since they are farther away it would be more costly to use them). These include the Harkins Slough Road site (also designated agricultural and used for grazing) and the San Andreas Road site (also designated for and in agricultural use). However, other alternatives can not be as easily dismissed.

For example, the **Trabing Road** site has possibilities. It is out of the coastal zone, designated "Rural Residential," and not in agricultural production. Unfortunately, there has not been a detailed analysis of this site's suitability. And, if found suitable, potential riparian issues would have to be addressed. Although the EIR concludes, "the level of significance of these impacts [from stockpiling on the Trabing Road site] would be similar to biological impacts identified for the proposed project [stockpiling on the Rocha site]," a full biotic evaluation has not been prepared. Also, transport costs are estimated to be significantly higher because of the greater distance involved (estimated cost of \$13.5 million to \$8.5 million for Rocha).

Another potential site is the **Watsonville City -- Gilbertson Site**. This was rejected by the County because it is only 12 acres with an estimated storage space for only .45 million cubic yards of soil, existing liability as an illegal dump site, high cost of longer transport route. and the City's lack of a firm time schedule for its current remediation efforts. The City does need .08 million cubic yards of material for the planned remediation. A County permit has been issued to the City for this work; it is currently on appeal to the Coastal Commission (A-3-SCO-98-77). This site poses some riparian/wetland issues as well, which may result in a scaling back of the amount of material needed for remediation and the maximum amount of additional material that could be stockpiled there. Nevertheless, since this site is already degraded and needs remediation, stockpiling (or permanent disposal of excess material from the County landfill) should not be so readily dismissed.

Another City of Watsonville possibility is referred to as the **City Landfill "expansion"** site. The City requested a coastal permit to expand landfill operations over this entire site. A coastal permit was granted for only part of the site at that time (originally under appeal A-3-SCO-90-98, now under County coastal permit 96-0216). The remainder of the site serves as an agricultural and habitat buffer and contains a riparian ravine. The City is required to examine consolidation and alternative locations for waste disposal operations before a permit can be considered for landfill expansion over this remainder (see below). If stockpiling could occur without disturbing the riparian area a case may be made for allowing it to occur on this part of the site instead of on Rocha in keeping with the mandate of City-County cooperation. The rest of the Watsonville site is already approved for City landfill expansion. It is currently being partially used for a detention basin and stockpiling; the part not being used may be also be available to the County at least for the short-term. The County rejected this site as being too steep and conflicting with the City's plans. Since, the City's plans are contingent on cooperation with the County and require leveling the site, it should also not be so readily dismissed.

The Community appellants have expressed support for the **Miyashita** site across the street (Harkins Slough Road) from the current landfill and currently for sale. The County concluded that the 26-acre Miyashita site was not a viable alternative because it was too small (it could accommodate only .76 million cubic yards of material). The County also is concerned that more nearby residents would be impacted by a stockpile on this site than on the Rocha site. If the amount of material that needed to be stockpiled could be reduced (see above), then this site may be viable, alone or in combination with the adjacent Love site (see appellant's proposal in Exhibit 7, Barlow letter). From an agricultural and visual resource perspective, this

site poses similar issues to the Rocha site. The special findings for interim landfill use on agriculturally-zoned lands would have to be made as it too is designated "Agriculture." Its soil types and hence agricultural capability, at least according to the Soil Survey, are similar to the Rocha site's, although it is more level and hence not as susceptible to erosion. Part of the site is in greenhouses, but the remainder has reportedly not been farmed in the last decade. The site would also be in the scenic view corridor of Buena Vista Drive. From a habitat perspective, this site is less sensitive and valuable than the Rocha site, according to California Department of Fish and Game personnel. A map in the 1983 EIR for the current landfill shows a riparian corridor extending onto this site, but its presence is no longer in evidence, possibly due to the fact that the landfill removed the rest of the corridor. The Rocha site is considered more biologically valuable for its potential wildlife corridor links. It is located on the (western) side of Buena Vista Road where endangered species habitat occurs and, hence, the side more favorable to species migration than the disturbed (eastern) side of Buena Vista Road (where the landfill and the Miyashita properties are located).

Conclusion: There are definite costs and constraints associated with any of these alternatives and, as noted, the dismissal of some is justified. It is also likely that there is no single; viable alternative that would substitute for the proposed stockpile. But it may be possible to combine a series of measures that would either serve as an alternative to the project or result in significantly reducing its duration or the amount of area covered. For example, were Granite to take more material and the on-site stockpile size to be increased, then the adjacent Miyashita site may be large enough to accommodate the proposed stockpile. Lacking in the County record is a thorough examination of the ways to overcome noted constraints; alternatives are too readily dismissed, given the clear intent and strength of the local coastal program's riparian and agricultural policies. The County has since provided additional input on alternatives which, on one hand, constitutes some further justification for its site rejections, but, on the other hand, still suggests some further analysis and brainstorming is in order. At this juncture, there is not yet convincing evidence to make the findings of no viable alternatives, Hence, the County approval raises a substantial issue as to conformance with the cited local coastal program provisions requiring such findings.

c. Adequacy of Measures to Maximize Farming, Maintain a Rural Area, and Preserve and Enhance Habitat

Even assuming that there are no viable alternatives to the subject project, a substantial issue is also raised because the greatest amount of land is not being kept or placed in production pursuant to *Comfy Code* Section 13.10.639 and the riparian corridor is being reduced in conflict with Section 16.30.060. In this permit, the County comes up short by not removing the stockpile as soon as possible and guaranteeing a return to agricultural and/or habitat use and/or not returning closed landfill or other areas to production as compensatory mitigation.

If agricultural land is to be used for sanitary landfill purposes, two measures need to be considered under the *Code*: phasing the non-agricultural use and rehabilitating other areas such as former landfill sites for agricultural use. These specific requirements are reinforced by the cited provisions to use open space easements to preserve land in open space and the

overall intention of the County's Local Coastal Program to maintain the subject area in agricultural use (see Exhibit 1c). These policies are intended to avoid an incremental loss of agricultural land, and unless strictly observed can compromise the entire area's agricultural economy. The site's setting is a rural, agricultural area where nearby the County (along with the City of Watsonville) has expanded intensive public uses over the last two decades; namely, a detention center, a farm workers housing complex, and two landfills. Each project has been approved separately with any necessary exception or other special findings being made and site-specific mitigations being required. The approval of the stockpile (and the associated County acquisition of the 70 acre subject site) is another incremental step toward more intensive public facility use in an area that should stay in an open space, agricultural use, according to the County's land use plan. With each new, non-agricultural use in the area, no matter if "temporary" (especially when "temporary" can mean decades), the more susceptible the area becomes to additional conversions to non-agricultural uses, and the less likely the sites housing the "temporary" uses can or will be returned to agricultural use (e.g., methane gas recovery and cover requirements likely preclude completed landfill sites from ever being cultivated again). This concern is illustrated by noting the circumstances which give impetus to the proposed project. The County will need more landfill space in 20 or so years, and the County Public Works Director has indicated that the subject site is a candidate. Although the time needed to open a new landfill is 12 to 15 years from the start of the process, the County has yet to begin such a planning process. The County may also need more space for materials recovery. One of the reasons given for not being able to stockpile more material on site is that it is being used for some waste recovery. The subject Rocha site was considered for such a facility in 1991 (*Santa Cruz Materials Recovery Facility Final Conceptual Design Report*, October 1991). More recently the County considered other sites, also on prime agricultural land (the preferred projects took up 43 acres) (*Integrated Waste Management Facility Draft EIR*, 1996). Although those projects were dropped, the reality is that over time the County will need more room for such public utility facilities, most likely in rural areas that are overwhelmingly designated as "Agriculture." Using the Rocha site for the proposed project, absent some additional mitigation measures, sets an adverse precedent for the cumulative conversion of the area to non-agricultural uses. This is contrary to the overall approach of the local coastal program. In short, the cumulative effect of such a process is the expansion of a non-agricultural use zone in a scenic, rural, agricultural area.

On-Site (Rocha stockpile site): With regard to this site, the County is planning to purchase the whole 70 acre parcel, after which the open space easement currently on it will disappear, which is of concern to the community appellants. The Coastal Commission does not have direct authority over these actions through this coastal permit appeal process (i.e., land purchase is not subject to a coastal permit). However, the coastal permit can be a vehicle to ensure that farming is given the opportunity to continue. Although the County says it will lease the remaining part of the parcel for farming, there is no requirement to do so in the permit and no comparable restrictions to those that are in the open space easement. There is no map in the record showing where the lease area will be and hence how large it will be.

To its credit, the permit does call for the stockpile to be removed in the planned 20 years. However, recycling, new compaction technology, or other measures could extend the life of

the landfill and, hence, the date all the stockpiled material is to be returned. Extending the 20 year limit could easily be accomplished by a future permit amendment. The proposed sequencing would have the County use the material left on-site for cover before using the off-site stockpile, meaning it will remain totally in place for at least seven years. Then, the stockpile is allowed to be reduced on a daily basis as needed for cover, rather than required to be removed in phases (e.g., having a whole section removed by a date certain and restoring that segment to agricultural use). Thus, there will be substantially more site activity and alteration for about a ten-year period than would normally occur on a farm. Finally, the permit condition only requires the site to be "restored for agricultural uses;" it does not explicitly commit the County to lease or sell the land to a farmer in 20 years. The restoration consists of removing the topsoil, recontouring the site to gentler slopes, and replacing the topsoil. However, having the topsoil buried for 20 years (out of contact with organic materials) and then upsetting the soil profiles through regrading would normally be detrimental to agricultural production.

Complicating factors in this case are that the soils on the sloping Rocha site are not the most productive (they are Class IV) and the site suffers from soil erosion due to poor farming practices. Whether the site can be restored to some productive agricultural use is problematic; the recent strawberry production is not recommended for such steep slopes and marginal soils. The County record does not contain an analysis of agricultural viability of the subject site, which would logically be a prerequisite to developing a restoration plan.

Given the riparian resources on site, the open space easement and the impending County purchase, the permit should have given more attention to habitat restoration as well. The *County Code* does not give detailed guidance as to appropriate compensatory mitigation measures (e.g., no mitigation ratios are offered) if a riparian exception were to be granted. There is good reason for this. Since, as noted above, the policies do not condone habitat elimination, the need for compensatory mitigation was not anticipated in the local coastal program. Policy 5.2.2 does state that there shall be no net loss of riparian corridors, and policy 5.2.3 requires that riparian exceptions show evidence of approval from California Department of Fish and Game and U.S. Army Corps of Engineers. Thus, the proposed mitigation of 2:1 is what the County has been led to believe will be acceptable to these other agencies. This 2:1 ratio is not strictly in kind; a freshwater wetland seep will be replaced by three wetland ponds at .8 to 1, while riparian vegetation will be replaced at a little over 2:1. The riparian enhancement is of an existing degraded channel; thus while the riparian woodland acreage is doubled, the actual length of corridor will be diminished. Other factors that suggest a more substantial mitigation may be in order include: the riparian and wetland to be removed should normally be protected with 100 and 300 foot buffers, riparian vegetation on the site has been adversely affected by County maintenance actions; activities associated with the soil transport may have adverse habitat impacts beyond the direct acreage loss; and a culvert widening under Buena Vista Drive is allowed which could affect the site's hydrology. Additionally, policy 5.1 .12 requires "as a condition of development approval, restoration of any area of the subject property which is an identified degraded sensitive habitat." The North Channel next to the Rocha driveway is a degraded habitat which is not addressed by the subject permit; either in terms of enhancement or of being protected by a biotic conservation

easement. Furthermore, as noted, this property has habitat value by virtue of enhancing it as wildlife corridor.

This information suggests that perhaps more of the Rocha site should be restored as a habitat area, rather than for agriculture. Also, given that erodible slopes and riparian areas exist beyond the project area, a more comprehensive restoration program makes sense. Phasing and/or integrating some excess stockpiled soil permanently into site restoration are further possibilities. The County should have explored the information and issues raised in this discussion more thoroughly and devised a mitigation/ restoration plan accordingly.

“Off-site” (Closed Landfill or other sites): With regard to nearby property, no former landfill has yet been returned to agricultural use. The previous County permit (83-1503) for the current active landfill allowed 37 acres of land to be taken out of agricultural use (20 acres of row crops and 17 of unirrigated pasture) pursuant to a concurrent Local Coastal Program amendment to allow sanitary landfills as temporary uses on “CA” (Commercial Agricultural) land. The permit **was** not explicitly conditioned for a return to agriculture. However, this land remains zoned “CA.” This landfill has an estimated 20 more years life before it will be completely closed and available for return to agricultural use. A staff report at the time noted, “25 to 40 acres of the [then] existing landfill site could also be made available for unirrigated pasture, once fill operations in that area are completed.” But, that County permit (83-1503) was not conditioned for this area to actually be returned to agricultural use. As noted, the top, level portion of that previous landfill is now used for a variety of waste processing activities. The slopes, however, have been vegetated with grasses and could possibly support some limited grazing. Thus, such a condition to at least explore a return to grazing could now be placed on the current permit to serve as compensatory mitigation for the 20 acres to be “temporarily” lost to the proposed stockpile.

Alternatively, as compensation for the temporary loss of the subject 20 acres, the County could put back into production or enhance some production on other nearby land, if not on the remainder of the Rocha site, as suggested above. For example, the adjacent vacant Miyashita land that the community appellants prefer for a stockpile could be evaluated by the County for renewed agricultural use.

The other way to ensure preservation of agricultural land is to reduce the impetus to use these lands for public purposes. The County has an agreement with the City of Watsonville to participate in cooperative planning studies regarding source reduction, recycling, composting, other landfill diversion programs, materials recovery, integrated waste management operations including unified landfill disposal and materials and energy recovery operations; a joint methane recovery system, and interim joint landfill diversion recycling programs. In partially approving an expansion of the City of Watsonville’s landfill, the County required that the City cooperate with the County in combined resource recovery efforts and all other phases of landfill operation to reduce the need to use all of the expansion site and for additional landfill sites (County coastal permit 96-0216). Furthermore, the City is required to identify a consolidated site for each of the above listed operations that, if possible, utilizes non-agricultural areas first and then lower quality agricultural soils second and then seek

agreement with the County on ways to retain and/or return public land in the area not needed for landfill and related operations to agricultural use (with appropriate habitat buffers). While the County is continuing to cooperate with the City, the stockpile permit could have included a similar, updated condition to help ensure that the enumerated principles are following in the cooperative efforts and that the temporary facility will not become a permanent one due to any lack of City-County cooperation and alternatives analysis.

d. Conclusion

In conclusion, a substantial issue is raised at three levels. First, because the County has not preserved the integrity of the riparian corridor and wetland seep and current landform. Second, because, even if findings could be made that such preservation was not necessary, the County has not fully demonstrated that there are no less environmentally damaging alternatives. Third, because, even if such a demonstration is acceptable, the County has not maintained the maximum amount of agricultural land in production and/or maximized habitat enhancement. This would suggest that after finding substantial issue, the Commission go on to deny the coastal permit. In fact if on-site (or out-of-coastal zone) alternatives are available, no new coastal permit would be necessary. The County already has a coastal permit for operation the landfill, which includes moving material among modules. However, if on-site measures do not fully reduce the need for some off-site stockpile, then another permit would be needed. In the interest of expediency this appealed permit could possibly be conditioned for an alternative (or alternative approaches). (The Commission notes that whether this could be accomplished depends on the nature of the alternatives; some might require further deliberation or CEQA analysis first at the County level). Therefore, the Commission would leave the final permit determination to a subsequent meeting, if necessary, after more information on alternatives is made available and analyzed. The nature and location of the off-site improvements that the Commission might approve would dictate what conditions of the County approval would have to be changed and what new ones would have to be added.

**COUNTY OF SANTA CRUZ
DEPARTMENT OF PUBLIC WORKS
SOLID WASTE DIVISION**

ATTACHMENT 8

424

MEMORANDUM

DATE: September 17, 1998
TO: Kim Tschantz, Planning Department
FROM: Patrick Mathews, Public Works *PPM*
SUBJECT: BUENA VISTA LANDFILL SOIL MANAGEMENT PROJECT, APPLICATION
NUMBER 97-0309

This memo is to confirm our department's previous verbal request to amend conditions approved by the Board of Supervisors on June 9, 1998, for application No. 97-0309 for the Buena Vista Landfill Soil Management Project. A Board of Supervisors hearing has been set for October 6, 1998 at 10:45 am to hear this request for amendment to conditions for the subject project. This request for condition amendments is necessary to address concerns raised by California Coastal Commission staff and others in the appeal of approval for the subject project noticed on June 30, 1998. Staff from Public Works and the County Counsel's office, in consultation with County Planning, have met on several occasions with Coastal Commission staff and counsel to discuss modifications to project conditions that would satisfy concerns addressed in appeal. All conditions as recommended the Coastal Commission have been reviewed and approved by the applicant, Public Works.

Please call if you need any additional information or clarification on this issue, please contact the above at x2377.

RPM:rpm

copy to: Public Works
Dana McRae, County Counsel

PLANNING DEPARTMENT



COUNTY OF SANTA CRUZ 425

GOMRNMENTAL CENTER

701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060
(408) 454-2580 FAX (408) 454-2131 TDD (408) 454- 2123**BOARD OF SUPERVISORS AGENDA: 6/9/98**

May 28, 1998

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz CA 95060

SUBJECT: Consideration'of Application 97-0309 (Buena Vista Soil Management/Stockpile project) proposed by the County Public Works Department

Members of the Board,

INTRODUCTION

'On December 1, 1997 the County Planning Commission referred Application 97-0309 to your Board without making a recommendation on the project. This is a Level 7 project which requires action by your Board for approval. At their December meeting, the Commission directed staff to have a Supplemental Environmental Impact Report (SEIR) prepared for this project before scheduling a hearing date for your Board to consider the project. The Draft SEIR was released for public review on February 4, 1998 and the Final SEIR, which includes responses to all comments made on the Draft SEIR, was released on May 8, 1998. Both volumes of the SEIR were delivered to each Board member on the day they were released to the public.

This project was considered by the Planning Commission in four separate public hearings beginning on June 25, 1997. The Public Works Department also held two neighborhood meetings on the project during this time. One meeting was conducted at the La Selva Beach Clubhouse. A smaller meeting was held on the project site with neighbors and staff from various agencies. One of the reasons for the multiple hearings was the high amount of public interest in the project by people who reside near the project site.

The project site is on a 'CA-O' (Commercial Agriculture with an Open Space Easement) zoned parcel. County Counsel has advised Planning staff that if the property is purchased by the County for a public purpose, the Open Space Easement

will be automatically extinguished. However, to approve the project, your Board would still need to rezone the property to delete the "O" combining zoning that is now in effect (Attachment 1). Project approval would also require your Board to make the five sets of findings staff has prepared (Attachment 2). The findings are based in part on incorporating certain permit conditions into the project approval. The conditions recommended by staff (Attachment 3) contain these provisions, including all mitigation measures recommended in the EIR. Approval of the project is contingent upon the Board's approval of CEQA documents prepared for this project. These are the Draft and Final volumes of the EIR, the Draft and Final volumes of the SEIR and the Mitigation Monitoring and Reporting Program (Attachment 4).

Staff reports for each Planning Commission meeting are included as attachments. These reports and the EIR documents provide a detailed discussion of the various issues with the project. You will notice that in some cases the exhibits to the four reports have not been reproduced either because they are repeated as exhibits in later staff reports or they have been included as Attachments 1- 4 of this Board letter. The primary issues with the project are summarized below.

PURPOSE AND BACKGROUND OF THE PROJECT

The purpose of the project is to temporarily stockpile up to 1.25 million cubic yards of earth excavated from the Buena Vista landfill on 20 acres of a 70 acre agricultural parcel located on the opposite side of the road from the landfill. The soil would be excavated as part of the planned expansion of the landfill known as modules 4 and 5. Modules 1 and 2 have been filled to capacity and are permanently capped. Module 3 is currently being filled and is expected to reach capacity in the year 2001. Development Permit/Coastal Zone Permit 83-1 503 was approved by the Board of Supervisors on May 7, 1985 to allow the landfill to be expanded into the area now planned for modules 4 and 5. This land was purchased by the County from Granite Rock Company shortly thereafter. According to Public Works, there is not sufficient space at the landfill to stockpile most of the excavated soil before it is reused as landfill cover material. This situation has occurred in large part because the expected removal and use of most of this soil by Granite Rock Company never occurred as allowed in the purchase agreement between the County and Granite Rock. Public Works states that this project is imperative to allow the permitted landfill expansion to occur beginning in 1999.

In March 1995, after completion of module 3 construction, Public Works began a process of reviewing options for management of the soil overburden for modules 4 and 5. The project site was selected based on proximity, storage capacity and economics. The original EIR and the September 24 staff report evaluated several alternatives to the site selected by Public Works. The two evaluations concluded that all other evaluated sites would either not be large enough to accommodate the volume of material to be stockpiled or stockpiling activities would generate more impacts to the environment and surrounding residents than at the project site. However, one of the

on-site alternatives discussed in the original Draft EIR, known as the Overhead Conveyor System Alternative, became the basis for Public Works' revision of the project subsequent to the first Planning Commission hearing last June.

Originally, Public Works had proposed a project for the stockpiling of 1.6 million cubic yards of soil over 30 acres of the project parcel. Soil would be transported to and from the site under contract or by the large vehicles used at the landfill. The soil would have been stockpiled in two large ravines on the agricultural parcel. Riparian habitat, which is protected by County Ordinance, occurs at the bottom of each ravine. The revised project reduces the amount of soil that would be stored on the site to 1.25 million cubic yards. This is made possible by using the only available space remaining at the landfill to store up to 350,000 cubic yards of soil excavated from module 5.

The other significant change is the revised project will use an overhead conveyor system to transport all of the soil to the project site rather than using trucks. According to Public Works, a conveyor system could be leased for 2-2.5 years which would be enough time to construct the system, transport the soil and dismantle the system. Trucks would still be used to transport soil back to the landfill but return transport would only require an average traffic volume of 12 round truck trips/day. Because cover material could also be obtained from the 350,000 cubic yards stored at the landfill, return soil transport would not occur until year 7 of the project. Due to these two factors, and the need to purchase the conveyor if used for more than 3 years, the revised project does not include retaining the conveyor to transport soil back to the landfill.

The revised project has several advantages as compared to the original project. Only one of the two ravines (the south ravine) will now be used to stockpile soil. This results in 10 less acres of agricultural land taken out of production during the 20 year term of this project. In addition, only one of the two riparian habitats will now be affected. Mitigation of impacts to the single affected riparian corridor are discussed later in this letter. Elimination of stockpiling in the northern ravine will move the project area approximately 600 farther away from the closest dwelling. Extensive and costly drainage facilities necessary for stockpiling in the northern ravine are no longer needed. The use of a conveyor system greatly reduces the project equipment traffic crossing Buena Vista Drive. Both the reduced project area and use of the conveyor system will significantly reduce noise and dust generation during project activities as compared to the original project.

POLICY CONSISTENCY, AGRICULTURAL RESOURCE LAND AND OPEN SPACE EASEMENT

The General Plan designates the project parcel as "Agriculture" land use with an "Agricultural Resource" overlay. Such land is zoned "CA" (Commercial Agriculture). In this case, the property also has a combining "O" zoning since the property is

encumbered by an Open Space Easement. The Zoning Ordinance allows "publicly owned and operated sanitary landfills" as interim uses on "CA" land as long as it does not jeopardize the long-term agricultural viability of the site. The General Plan is silent on this type of use or any similar uses. General Plan policy 5.13.5 requires "uses in the CA zone district to include only agricultural pursuits for the commercial cultivation of plant crops, including flower and fiber crops and raising animals, including grazing and livestock production." The project is not an agricultural use as defined by this policy. The project is also not a sanitary landfill and therefore not definitively addressed by the Zoning Ordinance. While not a landfill, it is a major grading project that is necessary for the Buena Vista landfill to function and therefore is associated with the landfill. Grading is allowed in any zone district with a Grading Permit when the volume is 100 cubic yards of earth or greater. In staffs view, the project is similar enough to a landfill, which is conditionally permitted in the 'CA' zone, to allow for a determination that the project is consistent with both the Zoning Ordinance and policy 5.13.5. This issue is discussed in more detail in the Draft EIR and in the staff report labeled Attachment 9. Your Board will need to make a policy interpretation that the project is an allowable use on the property in order for the project to be approved. The findings include such a determination.

The project will remove 20 acres of land from agricultural production for 20 years. The project has been designed to convert the project back to arable land when the project ceases. To compensate for the temporary loss of crop land, the permit conditions include a requirement that conversion back to agricultural land be done in a manner that makes that land more viable for agricultural production than it is today. This would be accomplished by recontouring the steep slopes at the project site to lessen their gradient. This recontouring would be done in a way that retains the more productive topsoil as the top layer of the soil profile.

The Open Space Easement allows for various agricultural uses but prohibits the use proposed by this project. While the Easement will be extinguished by County purchase of the property, a rezoning would also need occur to remove the "O" combining zoning that identifies parcels as being governed by Open Space Easements. Such a rezoning would retain the underlying "CA" zoning. Therefore the property would continue to be designated for agricultural uses as it is currently. Public Works intends to lease the remainder of the parcel beyond the stockpile area to a grower for crop production during the entire term of this project.

BIOLOGICAL RESOURCES

Three riparian corridors traverse the 70 acre project parcel. The main corridor parallels Buena Vista Drive just a few feet from the edge of the right-of-way. This corridor contains a seasonal stream and a healthy riparian ecosystem and will not be impacted by the project. Two tributaries to this corridor occur at the bottom of the two ravines on the parcel. These are very narrow seasonal streams with degraded riparian plant

communities. These three corridors are mapped on Exhibit I of Attachment 92. Agricultural practices have removed much of the vegetation of the two tributaries and caused siltation of the narrow stream channels. The corridor in the south ravine will be removed when this ravine is used to stockpile soil. The U.S. Army Corps of Engineers designates most of the three riparian areas as jurisdictional wetlands where approval from the Corps is required for any filling. Biological surveys, conducted as part of the scope of work for the EIR, did not observe any federal or State listed animal or plant species on the site. However, the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game believe the three corridors may be suitable habitat for the Santa Cruz long-toed salamander (a federal and State listed endangered species) and the California red-legged frog (a federally listed threatened species). These two agencies did not make this determination until after the EIR was completed and the Planning Commission had held two public hearings on the project. At the December 10 hearing, the Planning Commission requested preparation of the SEIR primarily to address impacts to these two animal species.

The recommended permit conditions require the Public Works Department to mitigate the removal of the riparian habitat in the south ravine by creating new riparian habitat north of the higher quality riparian corridor that parallels Buena Vista Drive and on an adjoining smaller parcel owned by the County. This measure would actually recreate riparian and wetland habitat in two areas that historically supported such habitats and would be done according to an extensive mitigation plan contained in the Draft SEIR. This mitigation plan will also serve to mitigate any potential impacts to the two listed animal species which could use the habitat to be removed in the south ravine. Before the Corps will issue a permit for the filling, the USFWS must approve biological mitigations. An extensive plan to avoid direct impacts to the two animal species and mitigate for potential indirect effects is contained in the Biological Assessment the County has submitted to the USFWS. Attachment 11 and the Draft SEIR discuss these issues in more detail.

TRAFFIC

Under the revised project, an overhead conveyor system would be used to transport soil from the landfill during Phases I and II. Phase I is the excavation of 1.1 million cubic yards of material from module 4. Phase II is the excavation of module 5, which includes the transport of 150,000 cubic yards of soil via conveyor and stockpiling the remaining 350,000 cubic yards of material at the landfill. The soil stockpiled at the landfill would be the first soil used as cover material when landfilling begins in module 4. When the soil in this stockpile is completely exhausted (year 8 of the project), daily transfers of soil from the project site to the landfill would occur. This is known as Phase III of the project.

Phases I and II would occur during the first 2 years of the project. During this phase, equipment crossings across Buena Vista Drive would occur up to a maximum of 24

times/8 hour day (3 vehicles/hour). These vehicles would include heavy equipment used to spread the material being deposited by conveyor at the project site and smaller water trucks used to spray vehicle routes to minimize dust generation. Project traffic would be stop sign controlled where the landfill and project site roads intersect Buena Vista Drive. Project traffic would yield to Buena Vista Drive traffic which would not be stop sign controlled.

During years 3-9, when soil stockpiled at the landfill is used as cover material, the only traffic crossing Buena Vista Drive would be vehicles associated with maintaining erosion control and drainage facilities at the site. During Phase III equipment crossings would primarily consist of dump trucks hauling soil back to the landfill. Crossings would occur up to a maximum of 66 times/8 hour day (8.25 vehicles/hour or 1 vehicle every 7 minutes); however, average crossings would be 24 times/8 hour (12 round trips). The EIR and SEIR use maximum trips, or "worst case situation", to assess impacts. Under the worst case analysis, vehicles crossing will not result in significant reductions in traffic flow on Buena Vista Drive. Mitigation measures T-1 to T-4, which address traffic impacts, pertain to maintenance of the roadway crossing and adequate sight lines for equipment drivers.

AIR QUALITY AND NOISE

Air emissions will be generated from operation of the conveyor system, heavy equipment loading and unloading soil, movement of vehicles on paved and unpaved interior road routes and vehicle exhaust emissions. Dust will be the primary air emission. A "worst case analysis" was used in the EIR and the SEIR to determine the impact of the project on air quality. This analysis assumes the maximum number of vehicles traveling the maximum round trip distances would occur. In addition, the maximum amount of soil, 5,400 tons, would be transported and unloaded at the site each day during Phases I and II and up to 450 tons of soil would be transported during Phase III. Increases in regional air pollution as well as effects on the closest sensitive receptors (dwellings) were assessed using computer modeling. The 3 closest dwellings are located 2,500 feet, 1,300 feet and 1,500 feet from various edges of the project site. The project would generate a significant increase in air emissions if no mitigations were employed. However, the recommended permit conditions include the several operational measures to reduce dust specified by mitigation measure AQ-1. These measures include applying sprayed water to all exposed surfaces (loading site and unpaved road routes) each day there is no natural precipitation, watering at an intensity of 1 liter/square meter and limiting maximum vehicle speed to 15 MPH when vehicles are full of soil or water and 30 MPH when vehicles are empty. Base rock surfacing of the 2,200 foot long truck haul route on the project site would also be required to reduce dust generated by vehicular traffic. Incorporating these measures will keep project related emission below the threshold established by the Monterey Unified Air Pollution Control District for additional emissions generated by a single source and below maximum amounts that can reach a sensitive receptor. This issue is

discussed in more detail on pages 21-25 and Tables I-5 of the Draft SEIR and the staff reports labeled as Attachments 9 and 12.

Project related noise would be generated from the conveyor system (2 years only), earthmoving and scraping equipment and water trucks. The EIR and SEIR developed worst case scenarios to develop the maximum noise that could be generated by each phase of the project. The scenario for Phases I and II assume the conveyor system and three large equipment vehicles (a grader, loader and dozer) and one water truck would be all operating at the same time and vehicles would all be operating in the same location at the edge of the project site closest to dwellings. The scenario for Phase III was the same except noise from the conveyor system was not added. Actual noise measurements of an operating conveyor system and vehicular equipment were taken and then added together. Standard acoustical calculations were then performed taking distance to the nearest sensitive receptors into account. The worst case scenario would not generate a significant increase in noise as perceived by nearby residences. Noise would continue to be below the 60 decibel day/night average prescribed by the General Plan and increases in ambient daytime noise would be less than 10 decibels. This issue is discussed in more detail on pages 25-27 and Table 6 of the Draft SEIR and the December 1997 staff report (Attachment 12).

CONCLUSION AND RECOMMENDATION

The project has been substantially revised from that originally proposed to the Planning Commission in June 1997. The revised project reduces impacts to the natural environment and nearby residential areas as compared to the original project. Several other sites were evaluated for this project, but these other sites either did not contain adequate site area for the stockpiling or would generate greater impacts than conducting the stockpiling at the proposed project site. Approvals required from other agencies will be received before any site preparation work begins to commence the project. The project is for a public purpose that will benefit all residents who depend upon the continuing functioning of the Buena Vista landfill.

It is therefore RECOMMENDED that the Board of Supervisors take the following actions:

1. Adopt the ordinance provided in Attachment 1 to rezone A.P.N 46-121-03 from the "CA-O" (Commercial Agriculture with an Open Space Easement contract) to the "CA" (Commercial Agriculture) zone district and take related actions to extinguish Open Space Easement contract 75-1262
2. Make the findings in Attachment 2 to:
 - a. Approve Application 97-0309 based on the conditions in Attachment 3;

432

- b. Make a policy interpretation that this project is a conditionally permitted interim use in the "CA" zone district and therefore complies with General Plan policy 5.13.5; and
- C. Certify the Environmental Impact Report, Supplemental Environmental Impact Report and Mitigation Monitoring and Reporting Program (Attachment 4) prepared for this project

Sincerely,

ALVIN D. JAMES
Planning Director



RECOMMENDED:

SUSAN MAURIELLO
County Administrative Officer

Attachments:

- 1 - Rezoning Ordinance
- 2 - Findings to Approve Project
- 3 - Permit Conditions
- 4 - Mitigation Monitoring and Reporting Program
- 5 - Planning Commission Minutes of June 25, 1997
- 6 - Planning Commission Minutes of August 13, 1997
- 7 - Planning Commission Minutes of October 8, 1997
- 8 - Planning Commission Minutes of December 10, 1997
- 9 - Planning Commission Staff Report for June 25, 1997
- 10 - Planning Commission Staff Report for August 13, 1997
- 11 - Planning Commission Staff Report for September 24, 1997
- 12 - Planning Commission Staff Report for December 10, 1997
- 13 - Letters from Neighbors

cc: John and Violet Rocha, Property Owners
Patrick Mathews, Public Works
Sally Bull, Harding Lawson Associates
Interested Neighbors

with the purposes of this chapter...,” which are, pursuant to Section 16.30.010 of the County Code, “to eliminate or minimize any development activities in the riparian corridor in order to preserve, protect, and restore riparian corridors for: protection of wildlife habitat; protection of water quality; protection of aquatic habitat...” This suggests, for example, that a project could actually be approved within a riparian corridor or wetland, which does not compromise the habitat. However, these sections should not be read to allow a use to actually obliterate the habitat. In this case, the County has so interpreted these sections, as the subject permit allows the South channel riparian corridor and wetland seep to be totally eliminated. There is required mitigation to enhance a section of the degraded East channel riparian corridor, that, while worthy, allows the subject South channel corridor to be lost forever. A temporary drainage is to be placed alongside the stockpile, but it is not being designed with riparian vegetation. At project’s end, it will be removed and the entire area will be regraded. This action will also permanently destroy the wetland seep, unless it reemerges on its own. The seep is not required to be restored and no protection is built into the permit were it to reappear. Therefore, a substantial issue is raised as to compliance with the local coastal program’s riparian and wetland policies.

Scenic Vistas: The County has not made the case that the proposed project meets its local coastal program scenic protection policies. The applicable policies cited above call for maintaining agricultural vistas, minimizing landform alterations caused by grading operations, and siting new development in the viewsheds of rural scenic roads out of public view. While an exception to specific Coastal Zone Design Criteria can be granted (pursuant to Comfy Code Section 13.20.130(a)3, a finding must still be made that “the project will be consistent with the Visual Resource Policies of the General Plan and Local Coastal Program Land Use Plan.” The County made such a finding, but nevertheless the project EIR itself identifies a significant visual impact due to stockpile height, exposed soil, topographic change, and presence of heavy equipment. It goes on to indicate that the proposed riparian mitigation would result in screening vegetation and that the proposed erosion control would result in vegetation of the stockpile. However, that riparian planting would take several years to mature, and the stockpile, for most of its estimated 20 year life, will be subject to daily altering, thus, compromising the vegetation cover (first 2 to 2.5 years for depositing material, last 10 or so years for removing material). Thus, the “mitigations” fall far short of the policy direction which is against such a massive grading and landform alteration occurring at all. The EIR assertion that the area does not warrant the scenic protection afforded by the local coastal program suggests that a review of the LCP policies may be in order, but unless and until they are changed, they remain in effect. The Commission would have to be presented with convincing evidence in order to approve such an amendment. Thus, a substantial issue is raised as to compliance with the local coastal program’s scenic resource policies.

b. Alternatives to Stockpiling on Scenic Agricultural Land With Sensitive Habitat

A substantial issue is also raised regarding the consideration of possible alternatives. Assuming that the local coastal program could be interpreted to allow for the proposed project as a temporary use on the subject site, alternatives would first have to be found to be infeasible. The local coastal program Riparian Exception provisions require finding that “there