



# County of Santa Cruz

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## PLANNING DEPARTMENT

701 OCEAN STREET - 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
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TOM BURNS, DIRECTOR

March 30, 2004

Agricultural Policy Advisory Commission

### AGENDA ITEM #8

Application # **02-0339**; Assessor's Parcel #: **110-201-02& -03, Soda Lake**

Dear Commissioners:

On March 20, 2003 representatives of Graniterock Company gave a comprehensive presentation on a proposal to expand the Soda Lake facility at 2325 Riverside Drive in Watsonville. Since that time, a Draft Environmental Impact Report has been prepared and distributed to your commission at the March APAC meeting for review and comment at the scheduled April meeting.

At least four options are available to the County of Santa Cruz:

1. Support the proposed project, which includes a Quarry "Q" overlay and General Plan amendment to allow quarry-related activities on the parcels. The " Q overlay would be removed upon reclamation of the site back to non-irrigated grazing land, assuming that decision-makers don't choose to do something different in the 20 to 50-year expected life of the project.
2. Advocate that the County revise the General Plan to allow quarry-related activities only on these two specific parcels. The Surface Mining and Reclamation Act (SMRA) would still require reclamation, but the parcels would not return to the current AG designation.
3. Recommend that the County revise the requirements for the Findings to be changed to remove a CA, Type 1A designation. Again, SMRA would require reclamation of the affected parcels.
4. Recommend denial of the project proposal.

Please review the attached Land Use and Policy Consistency materials and the Draft EIR so that APAC comments can be forwarded on to the Planning Commission.

Sincerely,

Joan **Van** der Hoeven  
Project Planner  
Development Review

## CONVERSION OF COMMERCIAL AGRICULTURAL LANDS

### 5.13.20 Conversion of Commercial Agricultural Lands

(LCP) Consider development of commercial agricultural lands to **non-agricultural** uses only under the following circumstances:

- (a) It is determined that the land is not viable for agriculture and that it is not likely to become viable in the near future (See policy 5.13.21);
- (b) Findings are made that new information has been presented to demonstrate that the **conditions** on the land in question do not meet the criteria for commercial agricultural land; and
- (c) The conversion of such land will not impair **the** viability of, or create potential conflicts with, other commercial agricultural **lands** in **the area**.

### 5.13.21 Determining Agricultural Viability

(LCP) **Require** a viability study conducted in response to an application which proposes to convert agricultural land to non-agricultural land to include, but not be limited to, an economic feasibility evaluation which contains at least:

- (a) An analysis of the gross revenue from the agricultural products **grown** in **the area** for **the** five years immediately preceding **the date of filing the** application.
- (b) An analysis of **the operational** expenses, excluding **the cost** of land, associated with the production of the **agricultural** products grown in **the area** for **the** five years immediately preceding the date of **filing** the application.
- (c) **An** identification of the geographic area used in the analyses. The area **shall** be of sufficient size to provide an accurate evaluation of **the economic feasibility** of agricultural **uses** for the land stated in **the** application.

Recommendations regarding viability shall be made by the Agricultural Policy Advisory Commission based on evaluation of **the** viability study and **the** following criteria: parcel **size**, **sizes** of adjacent parcels, degree of non-agricultural development in **the area**, inclusion of **the** parcel in utility assessment districts, **soil** capabilities and topography, water availability and quality, and proximity to other **agricultural use**,

### 5.13.22 Conversion to Non-Agricultural Uses Near Urban Areas

(LCP) Prohibit the conversion of agricultural lands (changing the land use designation from Agriculture to non-agriculture **uses**) around the periphery of urban areas except where it can be demonstrated that the viability of existing agricultural use is **already** severely limited by **conflicts with the urban uses**, where the conversion of land would complete a **logical and** viable neighborhood and **contribute** to the establishment of a stable limit to **urban** development and where the conversion of **such** land would not impair the viability of other agricultural lands in the area. Within **the** Sphere of Influence of the City of Watsonville, no conversion of **agricultural land** is allowed which would adversely affect the **city's General Plan** affordable housing goals, **unless** determined to be of an overriding public **benefit**. (See policy 2.1.5.)

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Title 16 ENVIRONMENTAL LAND RESOURCE PROTECTIONChapter 16.50 AGRICULTURAL LAND PRESERVATION AND PROTECTION"**16.50.050** Amendment of designations.

(a) Amendments to the designations of agricultural land types may be initiated by an applicant, the Board of Supervisors, the Planning Commission or the Planning Department. Consideration of such proposals for the addition, removal or change of agricultural land type designations shall be limited to instances where new information has become available regarding the appropriateness of specific designations based on the criteria set forth under Section 16.50.040.

(b) Applications for approvals granted pursuant to this Chapter shall be made in accordance with the requirements of Chapter 18.10, Level VII.

(c) Applications to amend the designations of agricultural land types shall be reviewed on an annual basis timed to coincide with the Land Conservation Act/Agricultural Preserve application review process. All proposed amendments shall be subject to a report and environmental review by the Environmental coordinator, a hearing and recommendation by the Agricultural Policy Advisory Commission, and pursuant to Chapter 18.10, Level VII, a public hearing and recommendation by the Planning Commission and a public hearing and final decision by the Board of Supervisors.

(d) The Board of Supervisors, after a public hearing, may approve a proposed amendment, consisting of either the removal or change of a Type 1 or Type 2 designation if it makes the following findings:

(1) That there has been new information presented, which was not available or otherwise considered in the original decision to apply a particular designation, to justify the amendment. Such new information may include, but not be limited to, detailed soils analysis, well output records, water quality analysis, or documented history of conflicts from surrounding urban land uses.

(2) That the evidence presented has demonstrated that conditions on the parcel(s) in question do not meet the criteria, as set forth in Section 16.50.040 of the Santa Cruz County Code, for the existing agricultural land type designation for said parcel(s).

(3) That the proposed amendment will meet the intent and purposes of the Agricultural Land Preservation and Protection Ordinance and the Commercial Agriculture Zone District Ordinance.

(e) The Board of Supervisors may, after a public hearing, approve amendments to remove a Type 3 designation and the subsequent conversion (changing the land use designation from agriculture to nonagriculture uses) of agricultural lands, only if it makes the following findings:

(1) That there has been new information presented, which was not available or otherwise considered in the original decisions to apply a particular designation, to justify the amendment. Such new information may include, but not be limited to, detailed soils analysis, well output records, water quality analysis, or documented history of conflicts from surrounding urban land uses; and

(2) That the evidence presented has demonstrated that conditions on the parcel(s) in question do not meet the criteria, as set forth in Section 16.50.040 of the Santa Cruz County Code, for the existing agricultural land type designation for said parcel(s); and

(3) That the proposed amendment will meet the intent and purposes of the Agricultural Land Preservation and Protection Ordinance and the Commercial Agriculture Zone District Ordinance; and

(4) That the viability of existing or potential agricultural use is already severely limited by conflicts with the urban uses; the evaluation of agricultural viability shall include, but not be limited to an economic feasibility evaluation which contains at least:

(A) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of filing the application.

(B) Analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of filing application.

(5) That the conversion of such land around the periphery of the urban areas (as defined by the Urban Services Line or Rural Service Line) would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development: and

(6) That the conversion of such land would not impair the viability of other agricultural lands in the area.

(9) Any amendment to eliminate or add a Type 1, Type 2 or Type 3 agricultural land designation constitutes a change in the County General Plan and must be processed concurrent with a General Plan amendment. Any amendment of a Type 3 designation also constitutes a change in the Local Coastal Program Land Use Plan which must be processed concurrently with a Land Use Plan amendment subject to approval by the State Coastal Commission. (Ord. 4753 § 3 (part), 12/9/03)

# ENVIRONMENTAL ANALYSIS

## 4.1 LAND USE AND POLICY CONSISTENCY

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**This** EIR section addresses the following issues:

- The Project's consistency with the County of Santa Cruz General Plan and **zoning** designations;
- The Project's compatibility with land uses on the surrounding properties; and
- The Project's consistency with other relevant plans and policies.

Information in this section was obtained through review of the County of Santa Cruz General Plan (General Plan), review of the Zoning Ordinance and other applicable chapters of the County Code, review of aerial photographs, and a site inspection.

### PHYSICAL SETTING

#### Surrounding Land Uses

The area surrounding the existing Soda Lake storage facility consists primarily of agricultural land uses. The subject property is mainly used as a settling pond and for cattle grazing, which also occurs on properties to the east, north, and west of the site. Scattered rural residential development with some agriculture occurs to the south along the Pajaro River. Beyond the agricultural land uses are areas of undeveloped land to the north and mining operations (Wilson Quarry) to the southwest. The majority of the land surrounding the site is used for dry grazing due to water quality and quantity limitations. Therefore, the surrounding land has a variety of uses including agriculture, open space, residential, and mining. The Project site is located over one mile from highly productive commercial agricultural lands, although all adjacent parcels and parcels within the extended vicinity are designated for agriculture in the Santa Cruz County General Plan, and zoned for commercial agriculture.

#### Project Site

The Project is located at 2325 Riverside Road (S.R. 129) in the Pajaro River Valley in Santa Cruz County (Salsipuedes Planning Area), nine miles east of Watsonville and two miles northeast of Aromas. The proposed Project site is located on parcels 110-201-02, a part of which is currently used as a settling pond for **quarry fines** derived from mining operations at Graniterock's Wilson Quarry, and 110-201-03. **Both** parcels (totaling 489 acres) are located within the approximately 1,000-acre Rocha Ranch property. Graniterock currently leases 300 acres of this agricultural rangeland from Rocha Ranch. Of the 300 acres of leased land, **about 92** acres are used for mining deposition (**Le.**, as a **quarry** fines settling pond). Cattle ranching (*i.e.*, grazing land, roads, and residential and maintenance areas) occurs on the remainder of the Rocha Ranch property, including the remaining area within the 300-acre lease that is not currently used for the Soda Lake Facility. Approximately 85 cow-calf pairs graze on the **surrounding** rangeland. Supplemental feed is also grown on a portion of the site.

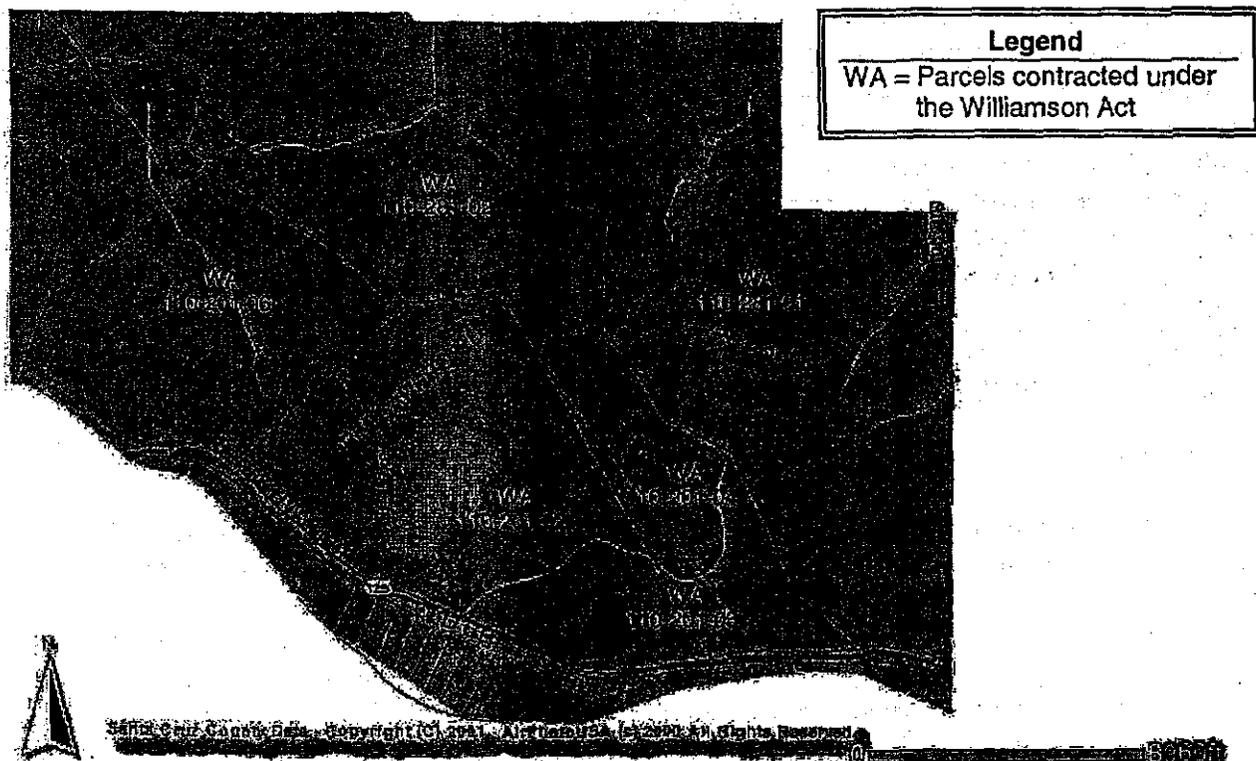
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Since 1967, the Project site has been used as a storage area for Wilson Quarry fines materials. Use of the site has expanded in three phases, raising the levees twice to accommodate additional fines. Although the materials deposited on the site are a result of mining, no actual mining activity occurs on the site. Materials are deposited and the site maintained, but the materials are not then transported elsewhere or disturbed and used for another activity. Thus, other than grazing, the Project site is used as a settling pond for fines and a storage reservoir for recycled water.



Both parcels 110-201-02 and 110-201-03 are restricted by Williamson Act contracts. Williamson Act lands are shown on Figure 4.1-1. Of the 489 acres of Williamson Act land on parcels 110-201-02 and 110-201-03, most is classified as grazing land or is unclassified by the Department of Conservation. About 30 acres on the west side of parcel 110-201-02, a portion of which would be occupied by the Western Basin Wetlands Mitigation Site, is classified as farmland of local importance.

**Figure 4.1-1: Williamson Act Lands**



The parcels were used for grazing prior to 1967, when a portion of parcel 110-201-02 was modified for use as the Soda Lake settling pond. A lease between Graniterock and the property landowners was entered into in 1967 to allow for [redacted] of the Soda Lake Facility. The [redacted] were originally enrolled in Williamson Act contracts in 1968 and renewed in 1971. [redacted] portion of the [redacted] been used as a settling pond while under Williamson Act contract, and the County authorized grading permits for levee-heightening projects in 1976, 1991, and 1996. These projects also increased the settling pond footprint, as heightening the levee requires a larger base area to stabilize the expanded volume.

## REGULATORY SETTING

### Santa Cruz County General Plan and Policies

Santa Cruz County's 1994 General Plan regulates the Project site and has been reviewed to determine the Project's consistency with relevant policies. The General Plan was adopted by the County on May 24, 1994, and became effective after it was certified by the California Coastal Commission on December 19, 1994. The General Plan incorporates the County's Local Coastal Program. Among other objectives, the General Plan contains policies to protect natural and agricultural resources and to maintain the rural character of that portion of the County outside of the Urban Services Line. The General Plan contains the following subsections that are applicable to the Project: Biological Resources, Hydrological Resources, Visual Resources, Agriculture, Air Quality, Slope Stability, and Erosion. Policies relevant to these topics are considered in subsequent sections of Chapter 4.

### General Plan and Zoning Designations

The site is designated as Agriculture (AG) in Santa Cruz County's 1994 General Plan and Commercial Agriculture (CA) under the Santa Cruz County Zoning Code. The application to the County proposes placing a Quarry (Q) overlay designation on the property and development of a General Plan policy to allow for an interim use of the property as a quarry-related facility. The Quarry overlay designation would be removed upon reclamation of the site.

The CA Zone allows all agricultural uses as well as flood reservoirs and ponds, with approval. Chapter 13.10.311(a) of the Santa Cruz County Code defines Commercial Agriculture as follows:

'The purposes of the "CA" Commercial Agriculture Zone District are to preserve the commercial agricultural lands within Santa Cruz County which are a limited and irreplaceable natural resource, to maintain the economic integrity of the economic farm units comprising the commercial agricultural area of the County, to implement the agricultural preservation policy of Section 16.50.010 of the Santa Cruz County Code, and to maintain and enhance the general welfare of the county as a whole by preserving and protecting agriculture, one of the County's major industries. Within the "CA" Commercial Agriculture Zone District, commercial agriculture shall be encouraged to the exclusion of other land uses which may conflict with it.'

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With the AG and CA zones of the General Plan and County Code, the Project site is also designated as Type 1A - Viable Agricultural Land. According to the Santa Cruz County General Plan Glossary of Terms and Section 16.50.040 (a)(1), Type 1A is defined as follows:

“Type 1A agricultural lands comprise areas of known high productivity lands which are not located in any utility assessment district for which bonded indebtedness has been incurred. These lands essentially meet the US. Department of Agriculture Soil Conservation Service and the California Department of Food and Agriculture criteria for ‘prime’ and ‘unique’ farmland and ‘prime’ rangeland.” (General Plan, page G-1 and Zoning Code Section 16.50.040(a)(1)).

**SIGNIFICANCE CRITERIA**

The following significance criteria have been developed according to the Environmental Checklist Form contained in Appendix G of the CEQA Guidelines, and the Santa Cruz County General Plan.

**Table 4.1-1**

**Significance Criteria – Land Use and Policy Consistency**

Potential Impact	As Measured by	Significance Threshold	Justification
1. Will the Project be inconsistent with Santa Cruz County Agricultural policies?	Inconsistency with agricultural policies.	Any inconsistency.	Santa Cruz County General Plan Objective 5.13 CEQA Guidelines, Appendix G
2. Will the Project result in incompatible land uses?	Acres of incompatible use.	One or more acres.	Santa Cruz County General Plan Policy 5.13.5 CEQA Guidelines, Appendix G
3. Will the Project be inconsistent with other applicable County planning and zoning policies?	Inconsistency with policies.	Any inconsistency.	santa Cruz county General Plan and County Code CEQA Guidelines, Appendix G

**IMPACTS AND MITIGATION MEASURES**

**POTENTIAL**

**IMPACT:** LU-1: Will the Project be inconsistent with Santa Cruz County Agricultural policies?

Analysis: Significant

Objective 5.13 of the 1994 Santa Cruz County General Plan is: "To maintain for exclusive agricultural use those lands identified on the **County** Agricultural Resources Map **as** best suited to the commercial production **of** food, fiber and ornamental crops and livestock and to prevent conversion of commercial agricultural land to non-agricultural uses. To recognize that agriculture is a priority land use and to resolve policy conflicts in favor of preserving and promoting agriculture on designated commercial agricultural lands."

Use of the site for nonagricultural purposes reduces the amount of available and viable agricultural land in the County. Although reclamation would return the site to agricultural use, an adverse impact occurs during the time the property is not available for agriculture. The acreage of land that would be withdrawn from agricultural use for the life of the Project (up to **50** years) is provided in Table 4.1-2. In addition, Table 4.1-2 identifies 34 acres of farmland that would be permanently altered **as** a result of the development of roads and one of the wetland mitigation sites (Western Basin).

Of the 489 acres of farmland on parcels 110-201-02 and 110-201-03, approximately 110 are within the borders of the existing facility (about 20 percent of the acreage on the two parcels). The Project's expanded levees, additional settling pond area and Windy Pass Wetlands Mitigation Site would occupy 150 acres, roads would occupy six additional acres, the topsoil stockpile would occupy 16 acres, and Western Basin Wetlands Mitigation Site would occupy 28 acres—a total of 200 acres. Of these 200 acres, the 28 acres within the Western Basin site are classified **as** farmland of local importance by the Department of Conservation; the remainder is classified as grazing land or is unclassified.

The area mapped **as** farmland of local importance within the Western Basin site has been designated **as** such by the Department of Conservation since 1988; however, it does not meet the County's current definition of such land, which is:

"Soils used for Christmas tree farms and nurseries, and that do not meet the definition **of** Prime, Statewide or **Unique.**"

The Department of Conservation has indicated that much of the land has been characterized **as** "fallow" in three subsequent mapping updates and will be reclassified (most likely to "grazing") if it remains fallow during the **2004** update.

**Table 4.1-2**

**Agricultural Land Classification on the Project Parcels<sup>1</sup>**

	Farmland of Local Importance	Grazing Land or Unclassified	Total
	(acres)		
Existing Facility <sup>1</sup>	0	92	92
Existing Roads <sup>3</sup>	0	18	18
<b>Existing Totals</b>	<b>0</b>	<b>110</b>	<b>110</b>
Expansion of Facility <sup>4</sup>	0	150	150
Additional Roads	0	6	6
Topsoil Stockpile	0	16 <sup>5</sup>	16 <sup>5</sup>
Western Basin Mitigation Site	28	0	28
<b>Expansion Totals<sup>6</sup></b>	<b>28</b>	<b>172</b>	<b>200</b>
<b>Project Totals<sup>7</sup></b>	<b>28</b>	<b>282</b>	<b>310</b>
<b>Parcel Totals<sup>8</sup></b>	<b>50</b>	<b>439</b>	<b>489</b>

Source: Resource Design Technology, Department of Conservation

1. Values are rounded to the nearest whole acre.
2. Includes existing levee embankments and fines storage area, but not roads, which may also be used for cattle ranching.
3. Roads and maintenance areas within the footprint of the proposed Project. Some may be used for cattle ranching as well as for access to the settling pond facility.
4. Includes acreage of Windy Pass Wetlands Mitigation Site.
5. The topsoil stockpile area would be lost from production only during part of the first three years of construction.
6. Expansion totals include expanded levees and pond, roads, topsoil stockpile, and mitigation sites but not the existing facility.
7. Sum of existing and expansion totals.
8. Total acreage for parcels 110-201-02 and 110-201-03.

While most of the 200 acres would be removed from agricultural use for the life of the Project, the 16-acre topsoil stockpile would be only partly removed from use during the summers of the first three years of construction (about eight acres per year). Each year during construction, the stockpile would be seeded in the fall and grazed during the spring once grasses have become re-established. Thus, about 184 acres could be removed from agricultural production for the life of the Project. The loss of these 184 acres of agricultural land for up to 50 years (i.e., until the facility is closed and the reclamation process is completed) would be a significant impact because this change is not consistent with Objective 5.13 of the County's General Plan.

Of the 184 acres that would be removed from agricultural use for the life of the Project, 156 acres within the expanded facility are used for grazing and 28 acres in the Western Basin are used for grazing or to produce hay. If grazing were allowed on the 16 acres of seasonal wet grassland in the Western Basin Wetlands Mitigation Site the net loss of agricultural land use would be reduced to 168 acres.

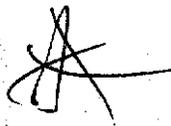
reclamation, 12 acres of the Western Basin Wetlands Mitigation Site and 6 acres of new roads would continue to be unavailable for agricultural use. However, reclamation of the existing facility (some of which is not currently in agricultural use) would compensate for this permanent loss of agricultural land.

Mitigation Measures LU-1a, LU-1b and LU-1c are proposed to reduce the significant impacts on agricultural land to a less than significant level.

Mitigation: LU-1a: Graze Grassland in Western Basin Wetlands Mitigation Site



Prior to the start of construction, the applicant shall amend Section IV.D.2 of the Comprehensive Mitigation and Monitoring Plan to indicate that grazing of the seasonal wet grassland in the Western Basin mitigation site is a proposed future use. No grazing shall be allowed during the first three years after wetlands are constructed in order to allow the vegetation to become established. Thereafter, the wet seasonal grassland shall be managed to allow grazing from April 1 until November 1 (to avoid usage during the time of the year when the soils are most likely to be saturated). Fencing to exclude cattle shall be erected to protect the adjacent shallow freshwater marsh, deep freshwater marsh, and willow riparian habitat **as** required by Mitigation Measures BIO-6a and BIO 6b.



LU-1b: **Compensate for Loss of Agricultural Land Use.**

Mitigation for use of the Project site for non-agricultural purposes can be accomplished **through** one or more off-site preservation mechanisms. Prior to the public hearing on Project approval, Graniterock shall submit a plan to the County Planning Department that identifies; 1) which of the following mechanisms (or combination of mechanisms) will be employed to mitigate for the loss of 168 acres of grazing land for up to 50 years, 2) the participating parties, 3) any specific agreements that are required to implement the mitigation, and 4) a schedule for executing the plan. All of the following mechanisms have been approved by the Department of Conservation, but some may not be feasible in Santa Cruz County.

**Agricultural Mitigation Banking.** According to the applicant (January 2003), the value of a 150-acre expansion area for raising (grazing) cattle over a 50-year period would be \$170,550 or \$3,411 per year. If **this** value is prorated to 156 acres in order to include roads that are included **as** part of the Project the values would be \$184,100 or \$3,682 per year. In addition, **12 acres in the Western Basin** mitigation site would be lost from grazing and hay production. The value of **this** production is estimated to be \$99,000 or \$1,980 per year. Under the agricultural mitigation banking option, Graniterock would pay \$283,100 into a mitigation bank administered by a non-profit organization that acquires and protects

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agricultural lands in Santa Cruz County. A ten percent deposit (\$28,300) would be paid to the non-profit organization prior to issuance of a development permit.

Lease. If this method is selected, Graniterock would lease another area not currently under apicultural use. The area would need to be at least 168 acres and used for agricultural purposes until the Project site is reclaimed for use. Leasing would be operated through a non-profit land trust, and the applicant would pay maintenance fees to the non-profit land trust based on the circumstances surrounding the leased site. As a variation, Graniterock could lease out use of an appropriate property under their ownership (either existing or to be purchased), for agricultural use. The area would need to be at least 168 acres and not currently used for agricultural purposes. Lease agreements would need to be established prior to the issuance of a development permit. Once the Project site is reclaimed for agricultural use, Graniterock could terminate the lease or sell the property.

Voluntary Agricultural Conservation Easement. If this method is selected, the applicant would pursue a compensation easement to maintain the amount of agricultural land in the area. Graniterock would need to enter into an agreement with a landowner to develop an agricultural conservation easement on the landowner's property. The land would need to be of equal or greater agricultural value and of equal size to the Project site. The easement would allow continued agricultural operations on the site, while preventing its conversion to non-agricultural uses for **50** years. In order to ensure that the site is properly maintained and that the terms of the easement are met, the applicant would fund a non-profit organization to periodically monitor operations on the land. This method would protect an area of agricultural land equal to the Project site for the lifetime of the Project.

LU-1c: Agricultural Land Restoration. Prior to the public hearing on the Project approval, Graniterock shall submit a revised Reclamation Plan that indicates that any roads no longer needed to serve the new end use of the property (e.g., grazing) or for access to the Windy Pass Wetlands Mitigation Site shall be recontoured to match the existing grade and reclaimed for rangeland use through soil preparation and revegetation.

After

Mitigation: *Less than Significant*

With implementation of the Reclamation Plan **and** Mitigation Measures LU-1a, LU-1b and LU-1c, impacts associated with the Project would be sufficiently mitigated.

**POTENTIAL**

**IMPACT:** LU-2: Will the Project result in incompatible land uses?

Analysis: *Significant*

The applicant proposes placing a *Quarry* overlay designation on the property **and** development of a General Plan policy to allow for an interim use of the property **as** a quarry-related facility. Once the settling pond reaches capacity, the parcels

would be restored for agricultural use and the Quarry overlay would be removed under a reclamation bond. Therefore, the expanded quarry-related use although long-term (up to 50 years) would not be permanent and most of the site (94 percent) would eventually be reclaimed to agricultural use. Because of this, it is unlikely that the Project would induce conversion of adjacent parcels, as no land would be sold and no growth-inducing features would be developed. Designation of the Quarry overlay and development of the General Plan policy must be approved by the Board of Supervisors. Since the Project requires a Quarry overlay and subsequent change in the General Plan policy, it is considered a significant impact.

Mitigation: **LU-2: Quarry Overlay and General Plan Policy Change.**

The County shall implement a Quarry overlay on the portion of the property used for the Soda Lake Facility. This overlay shall be applied for the duration of the Project (expected to be up to 50 years) to reflect existing and proposed uses on the site. It shall be revoked once the site has been reclaimed for agricultural use and the conditions of the reclamation bond have been fully met. To implement this, the General Plan land use description must be amended to add a Quarry overlay designation on the Project site.

To allow for the interim use of the site for quarry-related activities, the County shall develop and implement a new General Plan policy for the subject parcels that will **allow** for quarry-related land uses.

Both of these actions must be approved by the Board of Supervisors to reduce the significance of this impact to a less than significant level.

After

Mitigation: *Less than Significant*

As noted above, approval of the Quarry overlay designation and change in General Plan policy by the Board of Supervisors **would** reduce this impact to a less than significant level.

#### **POTENTIAL**

**IMPACT:** **LU-3: Will the Project be inconsistent with other applicable County planning and zoning policies?**

Analysis: *Significant*

Table 4.1-3 lists the applicable General Plan policies and addresses the Project's consistency with them. Table 4.1-4 addresses the Project's consistency with pertinent regulations of the County Code. As shown in the tables, the Project requires the implementation of mitigation measures and the Reclamation Plan to be considered consistent. In addition, County Code requires "preservation" of sensitive habitat against non-resource dependent development. Ordinance 16.32.090 states, "Only resource dependent uses shall be allowed within any environmentally sensitive area" The Project is not dependant on the biological resources or environmentally sensitive habitats on the site. Consequently, development within the riparian/wetland corridor requires a Riparian Exception.

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The exception must comply with policies 5.2.3 and 5.2.5 of the General Plan and County Code Sections 16.30.040 and 16.30.060, and the following Findings must be made by the County Board of Supervisors (County Code of Ordinances Section 16.30.060):

1. That there are special circumstances or conditions affecting the property;
2. That the exception is necessary for the proper design and function of some permitted or existing activity on the property;
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;
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
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.

In regard to Items 1 and 2 above, the property leased by Graniterock already supports the Soda Lake Facility and additional fines storage capacity is necessary for continued operation of the Wilson Quarry. Granting the exception would not be detrimental to persons or property in the area as activities would be confined and would occur in a rural area. No settling fines would be released into the air or waterways to affect surrounding people and property. The Project site is not located within the Coastal Zone, and mitigation measures are recommended to reduce impacts to riparian resources (see Section 4.5, BIO-1 and BIO-6) to ensure compliance with policies 5.1.6, 5.1.7, 5.1.12, and 5.2.2. Granting the exception would not contradict any of the objectives of the General Plan. Based on these factors, Planning Department staff anticipate that the County would grant the Riparian Exception.

Mitigation: **LU-3: Obtain Riparian Exception**

Prior to Project construction, the applicant shall obtain a Riparian Exception as part of the Project approval to allow development within riparian and wetland habitats.

**After**

Mitigation: *Less than Significant.*

If the County grants a Riparian Exception, the Project would be consistent with the Riparian Comdor and Wetlands Protection Ordinance. Mitigation measures recommended in Section 4.5, Biological Resources of this EIR would reduce the impacts on sensitive habitat to a less than significant level. If these measures are implemented, the Project would be consistent with policies 5.1.6, 5.1.7, 5.1.12, 5.2.2, 5.2.3, and 5.2.5. Implementation of all mitigation measures listed in this document would also ensure consistency with other policies.