



Staff Report to the Planning Commission

Application Number: **88-0593**

Applicant: Vern Packer, Cabrillo Sand and Gravel

Owner: Ray Roeder Trustee
APN: 108-031-25

Agenda Date: February 24, 2010

Agenda Item #: 8
Time: After 9:00 a.m.

Description: Review of mining operations at Cabrillo Sand and Gravel for compliance with conditions of approval of Mining Certificate of Compliance and Reclamation Plan Approval 88-0593.

Location: 5035 Freedom Blvd, Freedom

Supervisory District: Second District (District Supervisor: Ellen Pirie)

Permits Required: None (Review of existing permit only)

Environmental Determination: None, not a project under CEQA

Conclusion: Mining operations at Cabrillo Sand and Gravel are in compliance with conditions of approval of mining Certificate of Compliance and Reclamation Plan Approval 88-0593.

Staff Recommendation:

- Conduct a public hearing and review of Mining Certificate of Compliance 88-0593 for compliance with conditions of approval
- Accept and file this report

Exhibits

- A. Permit Review
- B. Vicinity Map
- C. Assessor's Parcel Map
- D. Revegetation Plan
- E. Drainage Plan
- F. General Plan and Zoning Maps
- G. Comments & Correspondence

County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor, Santa Cruz CA 95060

Parcel Information

Parcel Size:	24 acres (Approximate)
Existing Land Use - Parcel:	Mineral quarry, landscape supply business
Existing Land Use - Surrounding:	Rural/Mountain residential, small scale agriculture
Project Access:	Freedom Boulevard
Planning Area:	Aptos Hills
Land Use Designation:	R-M (Mountain Residential), Q (Quarry)
Zone District:	SU (Special Use)
Coastal Zone:	<input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside
Appealable to Calif. Coastal Comm.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Environmental Information

Geologic Hazards:	Possible fault trace mapped, not a mapped fault zone
Soils:	Pits-Dumps Complex, Elkhorn-Pfeiffer Complex
Fire Hazard:	Moderate fire hazard mapped over wooded portion of parcel
Slopes:	0-50% +
Env. Sen. Habitat:	Not mapped/no physical evidence on site
Grading:	Reclamation grading
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource
Drainage:	Existing drainage adequate
Archaeology:	Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:	<input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside
Water Supply:	Central Water District
Sewage Disposal:	Individual septic system
Fire District:	Cal Fire
Drainage District:	N/A

History

Mining operations at the site began in 1949. In 1961 Use Permit 703-U was issued to construct and conduct a business of sale of crushed rock products, screening and classifying, and storing of material. The only condition attached to the Use Permit limited the hours of operation. Pursuant to the State Surface Mining and Reclamation Act of 1975 (SMARA) and the Santa Cruz County Mining Regulations in 1988 the operator of the mine submitted an application (88-0593) to the County Planning Department for approval of a Certificate of Compliance and Reclamation Plan (COC). Approval of a Certificate of Compliance verifies compliance of the existing mine with the provisions of the County's Mining Regulations, General Plan/LCP, Zoning Ordinance, SMARA and other State or Federal laws and authorizes the continuation of mining. A

Reclamation Plan Approval authorizes and requires the reclamation of mined lands. In 1990 the Planning Commission approved the COC and imposed a new set of conditions on the mining operation, including a requirement that the Planning Commission periodically review the mining operation for compliance with conditions of approval of the COC. The Planning Commission conducted such a review in 1996, finding that the mining operation was being conducted in compliance with the COC. At the time of the 1996 review it was reported that the washing and screening process had ceased and the sand was being used primarily as an ingredient to create landscape soil amendment products. By 2005 all onsite excavation of sand had ceased. Although the landscape supply business has operated on the site since the mid 1960's, it has gradually become the primary activity on the parcel as mining activity faded out. Based on the low level of mining activity on the site and a number of other priorities regarding more extensive mining operations, a full review of this mining operation has been delayed until now.

Project Setting

Cabrillo Sand and Gravel is located at 5025 Freedom Boulevard, approximately 200 feet west of the intersection of Hames Road and Freedom Boulevard, in the Aptos Hills Planning Area (Exhibit B, Vicinity Map). The Quarry is located on a single parcel encompassing an area of approximately 24 acres (Exhibit C, Assessor's Parcel Map). Under the COC, mining has occurred on a slope in the southwest portion of the parcel encompassing an area of approximately four acres. Other sloping areas of the parcel are densely vegetated with redwood, pine, oak and fir trees as well as understory shrubs and groundcover. The central portion of the parcel contains the landscape supply business known as Aptos Landscape Supply, which includes buildings, outdoor bins and soil amendment stockpiles. Other improvements on the parcel include a small, older single-family dwelling located along the entrance road and an adjacent area, including a storage building, which is used as a contractor's storage yard by Porter Construction.

The mining operation was a small-scale operation, especially when compared to other operations in the County. The quarry slope is approximately 150 feet in overall height. Final slope gradient on the upper portion is approximately 3:1 (horizontal to vertical), and the final slope gradient on the lower portion will be approximately 2:1 when completed. Vegetation has become well established on the upper portion of the slope while some backfilling and revegetation is still underway on the lower portion of the slope. Several interim benches are included to break up the slope and provide access, drainage and erosion control. The underlying geologic formation is the Aromas Formation, consisting primarily of sand and gravel. The mined material was used for fill sand and road base, and was processed in a washing and screening plant to create concrete sand and drain rock. As noted above, the washing and screening process ceased approximately 20 years ago and excavation of sand ceased around 2005. Although the landscape supply business has operated incidental to the quarry operation on the site since the mid 1960's, it has gradually become the primary activity on the parcel as mining activity decreased.

Reclamation

The approved Reclamation Plan includes a Revegetation Plan, which specifies a native species vegetative cover on the reclaimed slope (Exhibit D, Revegetation Plan Map). The operator has

implemented the plan by establishment of groundcover and planting of seeds and seedlings of native tree and shrub species. Natural recruitment from surrounded wooded areas has also contributed to natural revegetation of the slope. These combined processes have been successful at establishing a native species vegetative cover suitable for the proposed end use. Vegetative cover is sufficient to stabilize the surface against effects of long-term erosion and vegetation density, and species-richness is similar to naturally occurring habitats in the surrounding area. Ultimately, revegetation must be capable of self-regeneration without continued dependence on irrigation. A drip irrigation system is currently in use, therefore, the operator must demonstrate that the vegetation has been self-sustaining without irrigation for a minimum of two years prior to release of the financial assurance. The current amount of the financial assurance is \$38,432.00.

As noted, the lower portion of the mined slope is being backfilled to achieve an appropriate final grade. This is because the lower portion of the slope was mined to a slope gradient too steep for establishment of vegetation making it necessary to backfill, or buttress the slope with a wedge of fill material that can be revegetated and reclaimed. This is shown in the approved Reclamation Plan (Exhibit E, Drainage Plan). This is not an unusual mining practice and, in this case, provided an additional opportunity. As directed by the Board of Supervisor's in 2002 the Department of Public Works conducted a search of potential sites in the County for disposal of soil generated from public works maintenance activities. In 2004 the Department gained permission from Cabrillo Sand and Gravel to dispose of excess soil and slide material from county roads. Only clean fill is accepted at the site and the material is placed and tested for proper compaction to ensure stability. The required buttress fill slope is nearly complete and revegetation efforts are well underway on recently complete final slope areas.

End Use

The original Use Permit 703-U, approved in 1961, allowed construction of buildings and the conduct of a business of sale of crushed rock products. The retail structures for Aptos Landscape Supply were constructed under Use Permit 703-U and the business has been operating at the site since at least the mid 1960's. The 1990 COC approval authorizes the continuation of mining operations and recognizes and allows the continuation of the pre-existing landscape supply business. The COC approval additionally allows the continuation of other uses deemed incidental to the mining operation, including two trucking businesses, but prohibits expansion of the trucking businesses and requires these uses to cease operation when the quarry operation ceases, unless the appropriate Conditional Use Permit or permits are obtained (Condition III.M.1.b). The Conditions of Approval further require the submittal of an application for the approval of uses subsequent to the mining operation at least 6 months before termination of mining activities (Condition III.M.4).

Considering the cessation of mining operations, and significant progress on reclamation of the mined area, uses subsequent to the mining operation are no longer considered incidental to a mining operation. Accordingly, the conditions of the mining permit require approval of a separate Conditional Use Permit for these ongoing uses. The trucking businesses mentioned in the permit, K&T Trucking and Larry's Dumpster Service, ceased operating on site a number of

years ago and Porter Construction, a local building contractor, now occupies their former location. This highlights the issue of changes of use, which would be properly addressed in a Conditional Use Permit.

The Quarry (Q) overlay General Plan designation for this site applied to the mining operation and is therefore not applicable to subsequent uses. The underlying General Plan designation is Mountain-Residential (R-M), which provides for very low-density residential development (Exhibit F, General Plan and Zoning Maps). In order to approve a Conditional Use Permit for uses subsequent to the mining operation specific findings are required, including that the proposed uses are consistent with the General Plan designation for the site. In the present case, a contractor's storage yard would not be consistent with the underlying General Plan designation of R-M. There are essentially two ways to address this issue: discontinue the use or change the General Plan designation such that existing and ongoing uses become consistent with the new designation. The property owner has considered the situation and informed the Planning Department he is not interested in changing the General Plan designation for the parcel.

It therefore became necessary to determine an appropriate period of time after which Porter Construction's use of the site must cease. As noted, the quarry operation has ceased, but reclamation continues. Although the COC indicates the use must cease when the quarry operation ceases, based on Planning Department staff's observations it appears that a grace period would not be detrimental. There have been no reported complaints and there does not appear to be any neighborhood conflict. The contractor's storage yard is not visible from the road or any adjacent properties or residences, and appears to be adequately buffered by both vegetation and topography to minimize any potential noise impacts to neighboring parcels. To provide adequate time to find a new location and to minimize economic impacts of relocation, it seems appropriate to allow the balance of 2010, until January 1, 2011, before Porter Construction's use of the site must cease.

Status of Aptos Landscape Supply

This use is considered to be a legal, significantly non-conforming use. The use was legally established under a permit in the 1960's, does not conform to the present General Plan land use designation, and has not lost its nonconforming status due to cessation of use for a continuous period of more than six months. Therefore the use may continue subject to the regulations regarding non-conforming uses found in Santa Cruz County Code Sections 13.10.260, 13.10.262 and 13.10.265. The use may not be intensified or expanded. Only ordinary maintenance and repair in kind not involving structural repairs may be made to the buildings. If any of the buildings or structures associated with the business are involuntarily damaged reconstruction or repair of the structure is limited. Other regulations can be found in the code sections cited above. As long as Aptos Landscape Supply is in compliance with these regulations the business may continue operating in its current capacity.

Conclusion

Mining operations at Cabrillo Sand and Gravel are in compliance with conditions of approval of

Mining Certificate of Compliance and Reclamation Plan Approval 88-0593. Mining has ceased and reclamation is well underway. All indications are that the site will be successfully reclaimed in the near future on the order of several years. End use issues have been addressed and a mutually acceptable timeline has been established for cessation of the contractor's storage yard use pursuant to requirements of the COC.

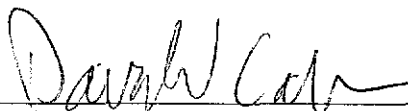
Recommendations

- Conduct a public hearing and review of Mining Certificate of Compliance 88-0593 for compliance with conditions of approval.
- Accept and file this report.

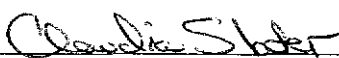
Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

Report Prepared By:


David Carlson, Resource Planner
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3173
E-mail: david.Carlson@co.santa-cruz.ca.us

Report Reviewed By:


Claudia Slater
Principal Planner
Santa Cruz County Planning Department

**Review of Mining Operations for Compliance with Conditions of Approval
Cabrillo Sand and Gravel Quarry
Certificate of Compliance 88-0593**

Note: Conditions of Approval are listed in original outline format with staff review comments enclosed in boxes.

I. Exhibits

Quarry operations shall conform to the following exhibits, which are specifically incorporated as conditions of this Certificate of Compliance except where modified. All exhibits are on file with the County Planning Department.

- A. Site Plan, Cabrillo Sand and Gravel Quarry, Mid Coast Engineers, May 12, 1988. Existing contours and site plan.
- B. Drainage Study, Mid Coast Engineers, September 19, 1988. Prepared for Cabrillo Sand and Gravel Quarry.
- C. Reclamation Plan, Cabrillo Sand and Gravel Quarry, Certificate of Compliance Application, 1988, Final contour plan.
- D. Finished Slope, Cabrillo Sand and Gravel, Profiles "A" and "B," Certificate of Compliance Application, 1988, Final contour cross-sections.
- E. Revegetation Plan; Cabrillo Sand and Gravel Quarry, Thomas Scherer, Landscape Architect (Revised as per conditions of approval)

Mining and reclamation has occurred in conformance with the approved Exhibits.
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II. General Provisions

- A. The conditions of this Certificate of Compliance shall augment, and supersede where in conflict with, the provisions of Use Permit 703-U.

There are no conflicts between the COC and the Use Permit conditions.

- B. This permit is for the extraction, processing, storage, and shipping of the sand and gravel resources obtained from the property in accordance with the descriptions in the exhibit documents and as modified by the conditions of this permit.

Extraction, processing, storage, and shipping of the sand and gravel resources obtained from the property has ceased.

- C. Minor variations to this permit requested by the applicant or staff and which do not change the general concept of use and operation, and which do not adversely affect the environment, may be approved by the Planning Director following review and recommendation of the Environmental Coordinator and written approval of the applicant.

No minor variation has been requested or granted.

- D. This permit is subject to enforcement pursuant to Section 16.54.085 and Section 16.54.130 or subject to revocation pursuant to Section 18.10.136 of the Santa Cruz County Code if the Planning Commission determines that the conditions of the permit are not being complied with.

The Quarry operation is in compliance with conditions of the permit.

- E. Compliance with the permit conditions and regulations of the following regional agencies as they apply to the operation on this property shall be a condition of this permit. The applicant shall provide updated copies of the applicable permits and conditions to the Planning Department in the event of any changes.

1. Central Coast Regional Water Quality Control Board
2. Monterey Bay Unified Air Pollution Control District

There are no known non-compliance issues with these agencies.

- F. This Certificate of Compliance shall be subject to review by the Planning Commission every 5 years from its date of issuance for compliance with operating conditions and for possible amendment for mitigation of environmental and community impacts. Earlier review by the Planning Commission may be required if the Quarry is not in compliance with the conditions of their mining permit, Certificate of Compliance and the County's Mining Ordinance.

The last review of this permit by the Planning Commission occurred in 1996. At the time of the 1996 review it was reported that the washing and screening process had ceased and the sand was being used primarily as an ingredient to create landscape soil amendment products. By 2005 all onsite excavation of sand had ceased. Although the landscape supply business has operated on the site since the mid 1960's, it has gradually become the primary activity on the parcel as mining activity faded out. Based on the low level of mining activity on the site and a number of other priorities regarding more extensive mining operations, a full review of this mining operation has been delayed until now.

III. Operating Requirements

The establishment, operation, and maintenance of this quarry facility shall be in compliance with the requirements of Chapter 16.54 of the Santa Cruz County Code except where modified below.

A. Noise

1. Maximum operating noise at the site boundaries (not including haul trucks or construction activities) shall not exceed the limits of Section 16.54.060(c)l of the County Zoning Ordinance. Average noise levels at the site boundaries shall be no greater than 60 dBa for a cumulative period of 15 minutes in any hour of operation.

Based on the natural sound-buffering site conditions and the low level of site activities it is very unlikely that sound levels at the property boundaries would approach these levels. The Planning Department has received no noise complaints regarding this site.

B. Air Quality

1. All operations shall be conducted in compliance with all the requirements of the Monterey Bay Unified Air Pollution Control District.

There are no known non-compliance issues with this agency.

2. All mining operations shall be carried out so as to minimize dust and effects of wind erosion.

The mining area has been revegetated for the most part and is therefore no longer a potential source of fugitive dust. Roads on the site are either paved or "rocked" to minimize generation of fugitive dust. Watering facilities exist on site to apply water to areas as needed.

3. All roads within the mining site shall be treated or watered frequently enough to insure that wind and traffic generated dust will not present a nuisance to adjacent properties or public roads.

Road treatments, including pavement or rock, are effective and are the primary means of limiting fugitive dust. Water is applied as needed. There have been no complaints regarding dust from adjacent properties.

4. Entrance roads shall be maintained reasonably free of dust and debris resulting from the site operations and trucks shall be loaded in such a manner as to minimize spillage on haul routes.

The entrance road is maintained reasonably free of dust and debris.

5. Exposed slopes shall be watered or treated in some other approved manner as necessary during periods of wind to minimize off-site dust nuisance to adjacent properties.

The mining area has been revegetated for the most part and is therefore no longer a potential source of fugitive dust.

6. Unvegetated disturbed areas, including interim slopes which do not meet final contours, but are not actively involved in mining activities shall be revegetated or treated by the start of the rainy season each year by a method approved by the Planning Director as necessary to minimize off-site dust nuisance and erosion.

The mining area has been revegetated for the most part and is therefore no longer a potential source of fugitive dust.

C. Hydrology

1. All catchment basins, drainways, culverts, pumps, pipelines, etc. shall be maintained on a regular basis to insure proper functioning free of breakage, siltation deposits, or malfunction. Pond depths shall be maintained at depths recommended in the Drainage Study prepared by Mid Coast Engineers, September 19, 1988. Measurement devices to verify dredging of the ponds may be required.

The drainage system is maintained on a regular basis to ensure it functions as designed to detain storm water runoff on site. Adequate capacity is maintained in multiple small detention basins to allow sediment to settle out and remain on site. This is verified by inspection on at least an annual basis.

2. All petroleum products shall be disposed of properly to ensure that no contamination of groundwater or surface waters shall occur.

Petroleum products, including oil and diesel fuel, are used and stored on site to support the trucks and loaders associated with the landscape supply business. On site practices with regard to storage, use and disposal of petroleum products are in compliance with applicable standards. The Environmental Health Department will conduct inspections in the future to verify ongoing compliance with an approved Hazardous Materials Management Plan (HMMP).

3. Within six months of issuance of this Certificate of Compliance, a Final Drainage Plan for the benches shall be submitted incorporating recommendations included in the Haro, Kasunich and Associates April, 1989 report, for review and staff approval.

A Final Drainage Plan has been approved by the Planning Department. Site drainage conforms to the approved plan.

4. Site drainage from all disturbed areas, including mining, processing, or stockpile areas, shall be directed to detention and settling basins prior to release from the property. All drainage facilities shall be designed for a fifty-year storm.

Site drainage from mining and stockpile areas is directed to detention basins where sediment is allowed to settle out and remain on site. Drainage facilities are designed for a fifty-year storm.

5. Runoff leaving the site shall meet the requirements of the Regional Water Quality Control Board. Monitoring of runoff discharge by an independent laboratory during periods of discharge shall be required. The results of the monitoring shall be submitted to the Planning Director or his or her designee at the time of quarterly mining inspections.

In 1997 the RWQCB made a formal determination that the site is no longer required to conduct water quality monitoring. Accordingly, RWQCB Order 87-163 was rescinded. This was primarily due to the cessation of the washing and screening process, which eliminated the onsite storage and recycling of silt-laden "process water", and a low level of concern regarding discharge of storm water from the site.

6. The requirements of RWQCB Order 87-163 are hereby incorporated by reference.

As noted RWQCB Order 87-163 was rescinded in 1997.

D. Days and Hours of Operation

1. All mining and processing activities at the site shall be confined to between the hours of 7:00 a.m. to 5:00 p.m., Monday through Saturday.

Mining operations were confined to these hours. The landscape supply business maintains these hours, as well.

E. Insurance

1. Verification of insurance coverage in compliance with the County's Mining Ordinance shall be provided within three (3) months of the issuance of this Certificate of Compliance and with each annual report.

The requirement for liability insurance coverage is a relic of quarry regulation from the early 1970's. The requirement was eliminated from the County's Quarry Regulations in the mid-seventies. However, as a business practice the operator has maintained liability insurance coverage.

F. Revegetation, Screening, and Erosion Control

1. All unvegetated disturbed areas not actively involved in excavation shall be seeded with an appropriate erosion control mixture at the start of the rainy season each year to reduce erosion potential.

All of these areas have been properly seeded and mulched to reduce erosion. Only minor erosion has occurred in the mining area.

2. Within six (6) months of the issuance of this Certificate of Compliance, the applicant shall submit for staff review and approval, a revised Revegetation Plan. This plan shall include recommendations of reviewing agencies. These shall include:
 - a. An amendment to the proposed secondary liner planting to include native shrub species documented to occur in the area (a list of these species is found in Appendix III, Biotic Survey of the 1976 EIR). Liners shall be grown from native stock at a local nursery or on site. Other trees shall include coast live oak (*Quercus agrifolia*) and madrone (*Arbutus menziesii*).

The Planning Department approved a revised Revegetation Plan that includes native shrub and tree species.

- b. The schedule for planting shall be from mid-October to Mid-November for the planting of wood liners. The schedule for bare root stock shall remain the same as proposed in the Revegetation Plan.

Timing of planting is in conformance with the recommendations in the Revegetation Plan.

- c. The revised plan shall investigate punched straw to be used on the upper slopes to stabilize loose sand surfaces rather than hydromulch alone.

Slope surfaces have been stabilized with the proper application of seed and mulch.

- d. The revised plan shall investigate maintenance of riparian areas within settlement basins and associated areas.

The settlement basins have been adequately maintained (cleaned out) while maintaining riparian vegetation surrounding the basins.

- e. The revised plan shall develop a program for native seed collection for distribution on finished slopes.

Natural recruitment of native vegetation from surrounding wooded areas has resulted in the establishment and reseeded of native species on the mined slope.

- f. The Plan shall include a statement of responsibility for the removal of all buildings associated with quarry activities and for maintenance of settlement basins and associated riparian areas.

The Reclamation Plan includes a Statement of Responsibility.

G. Bonding

1. Within three (3) months of the issuance of this Certificate of Compliance, the applicant shall furnish to the County a faithful performance bond in the amount of \$50,000 or other securities in lieu thereof to insure compliance with the laws and conditions relating to this Certificate of Compliance, and to guarantee rehabilitation of the property in conformance with the exhibits and conditions of this Certificate of Compliance. The bonding instrument shall be drawn up and submitted to the Planning Department for staff approval prior to its formal acceptance by the County. Evidence of bond renewal shall be submitted at the start of each calendar year.

Known as the financial assurance, the amount is updated annually to account for inflation and new mining areas or mining areas that have been reclaimed. Because no new mining areas have been created and mined areas are being reclaimed, the required amount of financial assurance is declining. The current amount of the financial assurance, in the form of a letter of credit, is \$38,432.00.

H. Excavation and Grading

1. All conditions regarding slope stability as outlined in the April 4, 1989, Haro, Kasunich and Associates Geotechnical Investigation shall be implemented in the development of the final slopes.

The recommendations of the geotechnical report have been incorporated into the final slope design.

2. Overburden storage areas shall be placed so as not to interfere with riparian corridors.

Overburden storage has not interfered with any riparian corridor.

3. All recontouring and revegetation efforts shall be phased to commence immediately upon completion of quarrying activities in any given area.

Mining is complete and revegetation has been substantially initiated throughout the mined area.

4. Areas of the mining site which have not been successfully revegetated must be maintained and evaluated at yearly intervals for a minimum of 5 years after cessation of operations and shall continue until revegetation is successful and excessive erosion has stopped as determined by the Planning Director. The bond required by this Certificate of Compliance shall remain in effect after cessation of operation or until the required maintenance operation is complete, but not less than five years.

Revegetation efforts on the upper slope have resulted in the establishment of a native species vegetative cover suitable for the proposed end use. Vegetative cover is sufficient to stabilize the surface against effects of long-term erosion and vegetation density, and diversity is similar to naturally occurring habitats in the surrounding area. The revegetation must be capable of self-regeneration without continued dependence on irrigation. Because an irrigation system is used the Reclamation Standards in the County Mining Regulations require the operator to demonstrate that the vegetation has been self-sustaining without irrigation for a minimum of two years prior to release of the financial assurances by the Planning Director.

5. In the event that significant paleontological or archaeological finds are made on the quarrying site, all operations shall be halted within 200 feet of the find and the Planning Director shall be notified. Operations may be resumed in three working days following notification of the Planning Department unless specific request is made to allow additional time for proper excavation of fossils or artifacts in accordance with the provisions of the County's Native American Cultural Sites Ordinance.

No paleontological or archaeological finds have been made on the Quarry site.

I. Fencing

1. A control fence shall be provided at the periphery of the property in those areas where steep working faces are located or where benched final slopes are created. This final fencing of steep slopes shall require a survey of boundaries unless the boundaries have already been monumented by previous surveys.

The site is appropriately fenced.

J. Reporting and Review

1. Each January an annual report shall be prepared by a professional determined by the County to be qualified to prepare such report in consultation with independent consultants and submitted by the operator to the Planning Department. The report shall include:
 - a. A report on compliance with each of the conditions of the Certificate of Compliance
 - b. An analysis of any change in environmental or operational conditions which were not anticipated in the Certificate of Compliance
 - c. A landscape rehabilitation monitoring report prepared by a qualified biologist, horticulture or landscape architect
 - d. Verification of renewal of bond or other equivalent security coverage

Each year the operator submits the required annual report. The operator is deemed qualified to prepare the report and attaches any consultant reports as necessary. A geotechnical consultant prepares a report on compaction testing of the backfill to create the lower slope, for example. The quarry operator, who has also been the long-time proprietor of Aptos Landscape Supply, is deemed qualified to conduct and monitor revegetation activities in this particular site.

K. Posting of Signs

1. Within 90 days after the approval of this Certificate of Compliance, and continuously thereafter, the outer boundaries of the property shall be continuously posted with signs in compliance with Section 16.54.0609(d)10

Appropriate signage has been posted.

L. Other Requirements

1. Operation of K&T Trucking and Larry's Dumpster Service shall continue as an incidental use at the quarry site subject to the following conditions:
 - a. Within six months of issuance of this Certificate of Compliance, the trucking services shall provide verification of filing for a Hazardous Materials Management Plan with the County of Santa Cruz Environmental Health Department.

The trucking services made the appropriate filings with the Environmental Health Department.

- b. Operations and hours shall remain as existing with no expansion of use and shall cease operation when the quarrying operation ceases unless the appropriate Conditional Use permit or permits are obtained.

The trucking businesses have ceased operating on site. However the former site of these businesses is now occupied by Porter Construction and is used as a contractor's storage yard. In the absence of a use permit for this business, it will cease as explained in the staff report.

2. Applicant shall provide verification of a building permit (s) for the retail buildings at the Quarry site within 6 months from the issuance of the Certificate of Compliance.

A building permit was obtained and the final inspection has been signed off.

3. Within 90 days of issuance of this Certificate of Compliance, applicant shall furnish to the Planning Department a notarized Statement of Responsibility as provided by the Department.

The notarized Statement of Responsibility was provided to the Planning Department.

4. An application for the approval of uses subsequent to the mining operation should be made at least 6 months before termination of mining activities.

As noted in the staff report, due to difficult permitting issues an application to approve uses subsequent to the mining operation will not be submitted. This means that use of the site by Porter Construction must cease. The business known as Aptos Landscape Supply may continue as a legal non-conforming use.

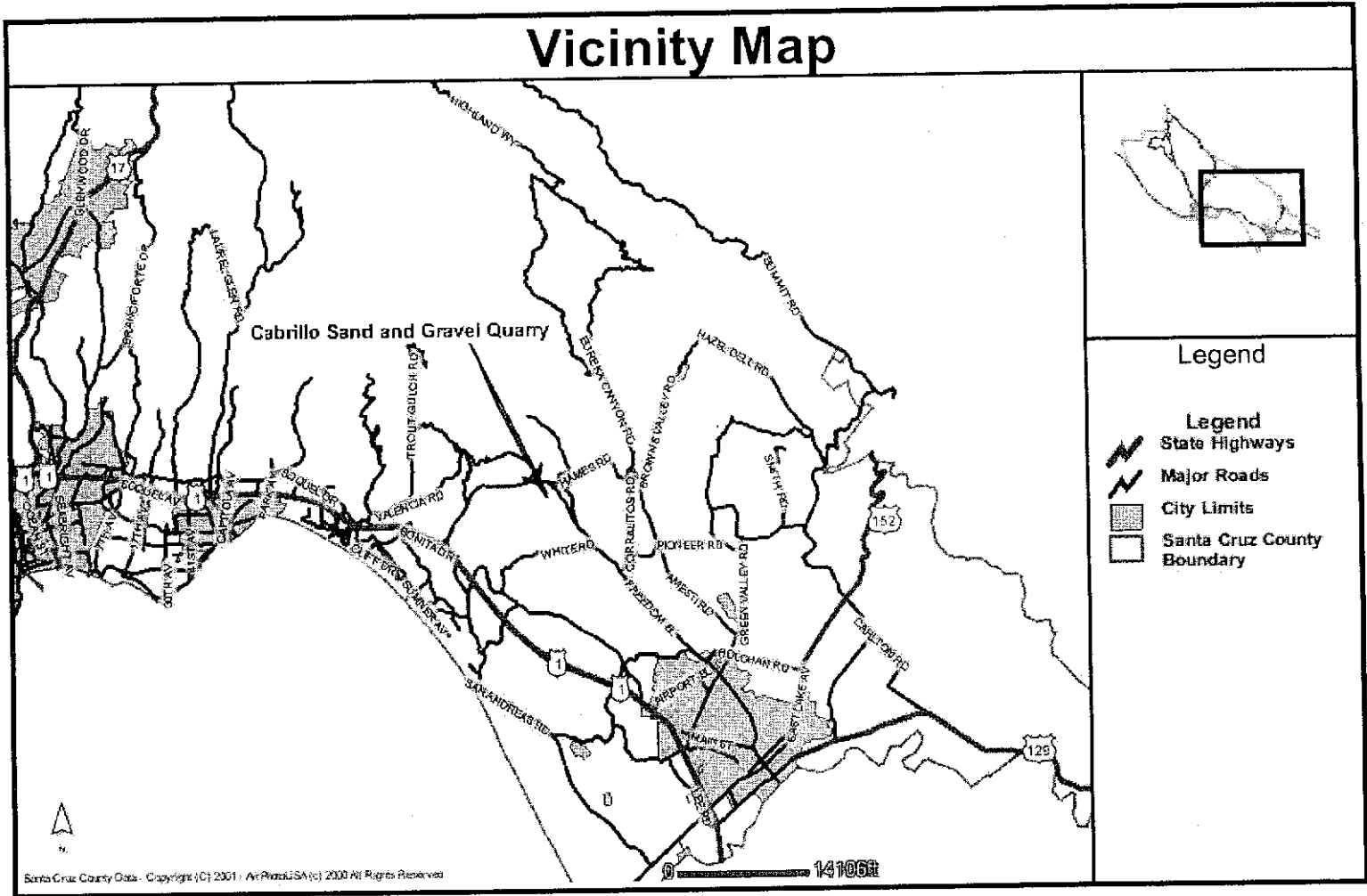


EXHIBIT B

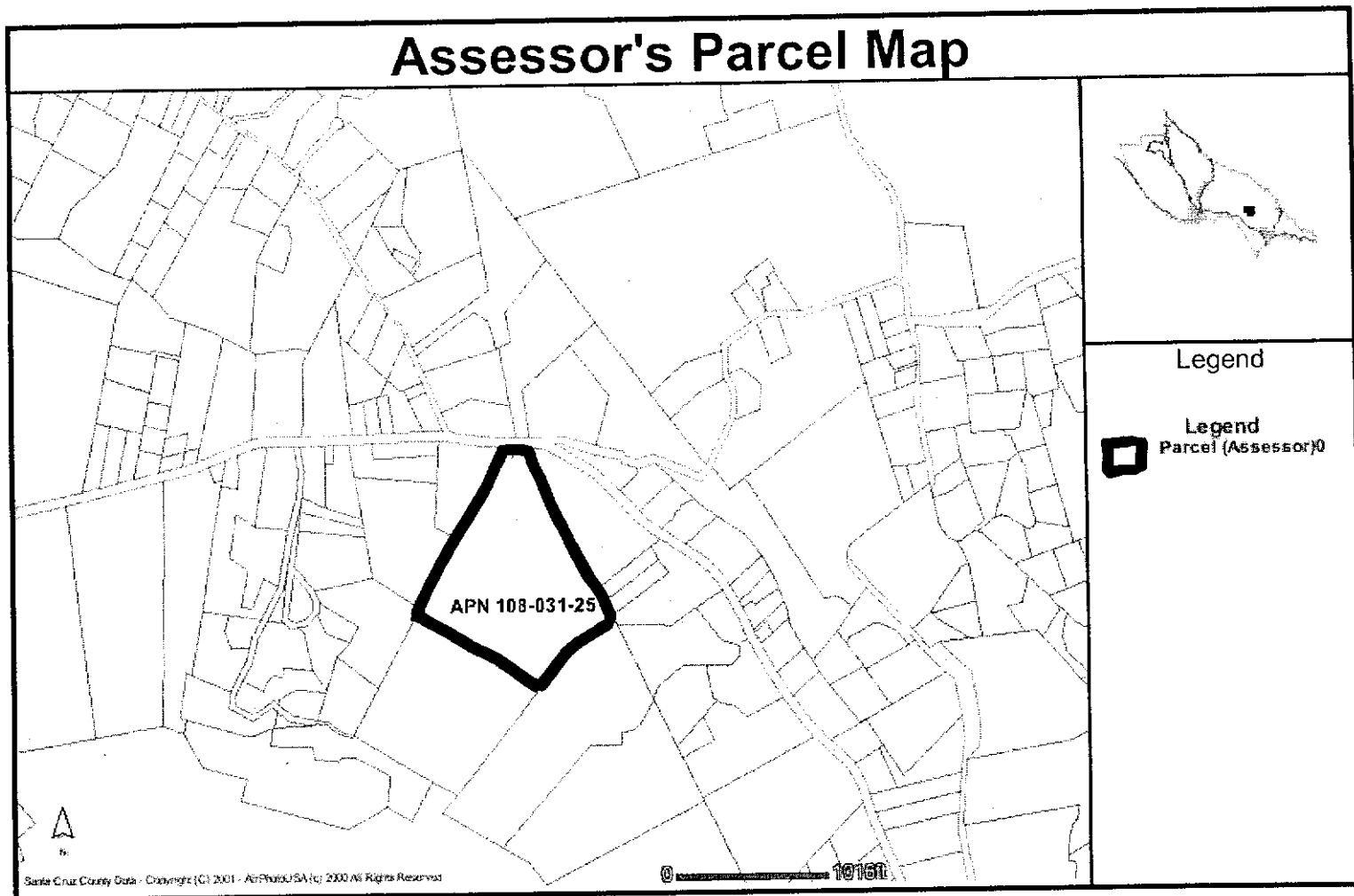


EXHIBIT C



REVEGETATION SLOPE KEY:

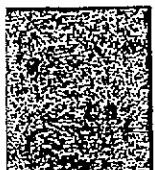
- A. Apply at the rate of 131lbs/acre:
1. Blando briar 131lbs.
2. rose clover, inoculated 12lbs.
3. creeping red fescue 5lbs.
4. zorro annual fescue 5lbs.
B. Wood fiber mulch 1,500lbs/acre
C. Fertilizer (8-8-16) 500lbs/acre

TREE AND SHRUB PLANTING:

The following native trees and shrubs shall be incorporated into the slope planting as part of the revegetation process:

- TREES:**
1. *Quercus agrifolia* (Coast live oak)
2. *Arbutus menziesii* (Madrone)
3. *Pseudotsuga menziesii* (Douglas fir)
4. *Sequoia sempervirens* (Coast Redwood)
SHRUBS:
1. *Rhamnus californica* (Coffeeberry)
2. *Ceanothus thyrsiflorus* (Blueberry)
3. *Arctostaphylos crataegifolia* (Toyon)
4. *Leucodermis laevis* (Brittle-leaved Manzanita)
5. *Sambucus mexicana* (Mex. ex DC.) (Blue-berried Elder)
6. *Diplopappus aurantiacus* (Curtis) Jeps. (Silkwey Monkey Flower)
7. *Baccharis pilularis* DC. var. *consanguinea* (DC.) Kuntze (Coyote brush)

NOTE: All trees and shrubs indicated above shall be planted from liners grown from local nursery stock of on the site. Schedule for planting shall be from mid-October to mid-November, for planting of all wood liners. The schedule for bare-root stock shall remain the same as proposed on the revegetation plan. Plant seedlings using random 8'-0" on center spacing. Use one plant tablet ("Agriform" 20-10-5 or equal) per plant.

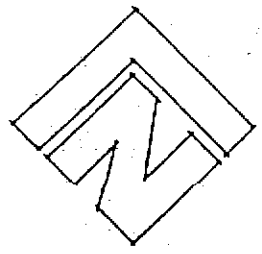


CABRILLO SAND & GRAVEL
aptos, ca.

Revegetation Plan
D.I.O.J.

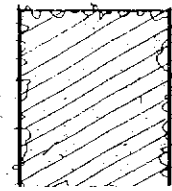
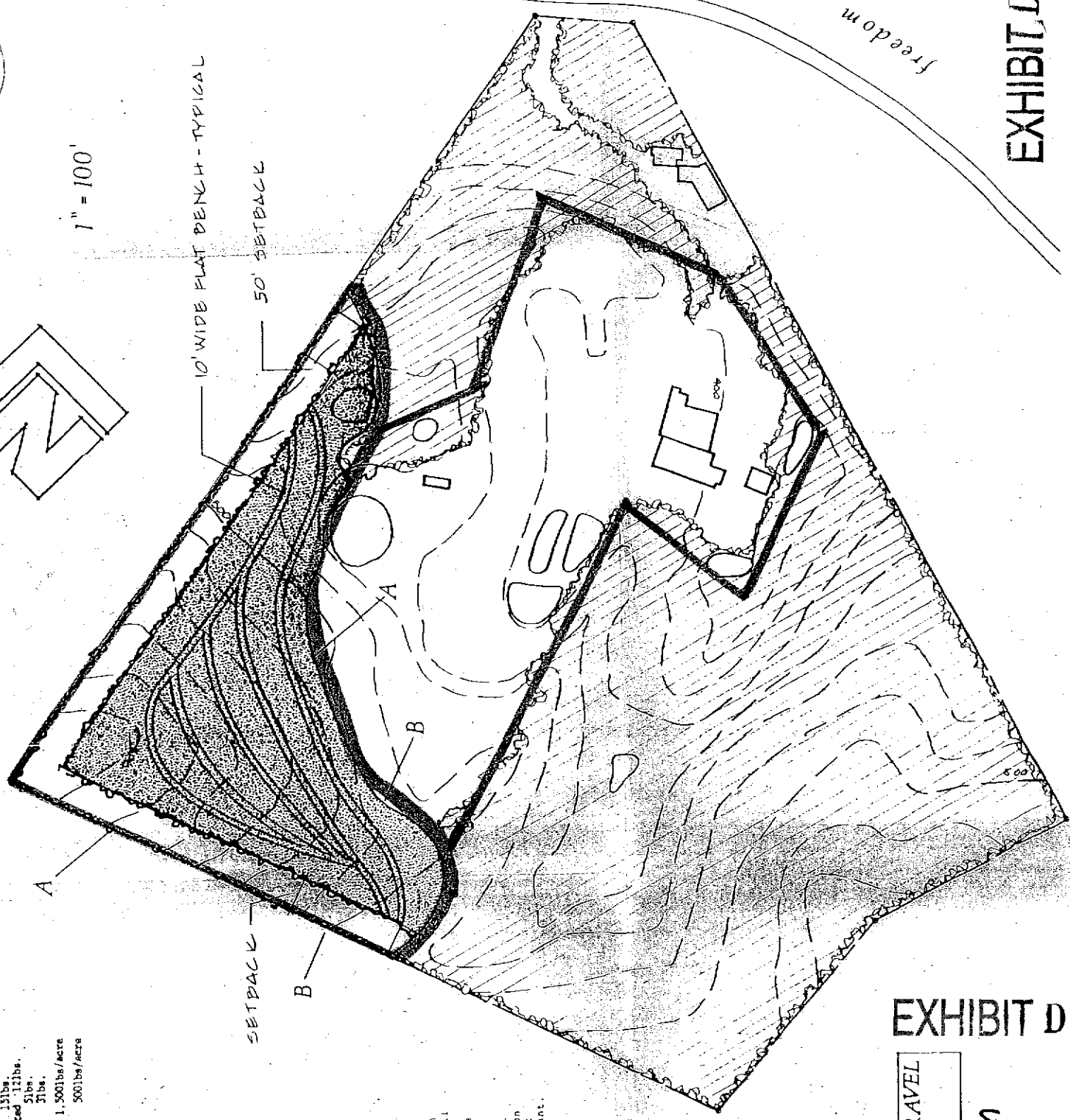
EXHIBIT D

EXHIBIT D

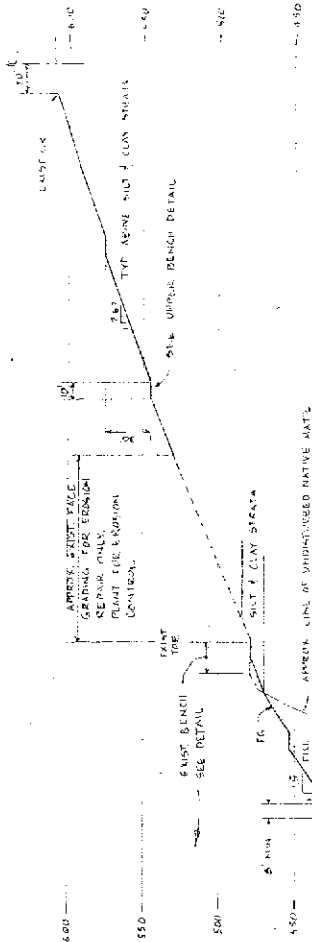


1" = 100'

10' WIDE FLAT BENCH - TYPICAL
50' SETBACK



Existing Vegetation



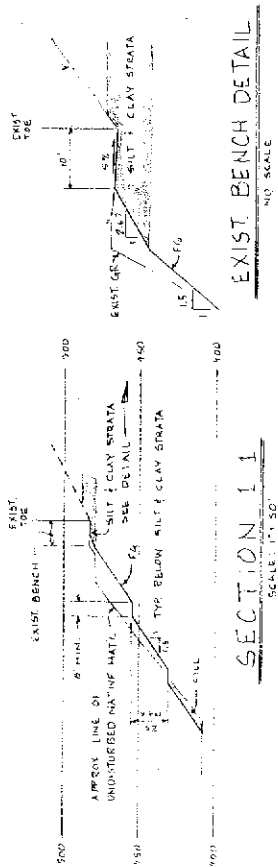
SECTION 2-2
SCALE: 1\"/>

NOTES

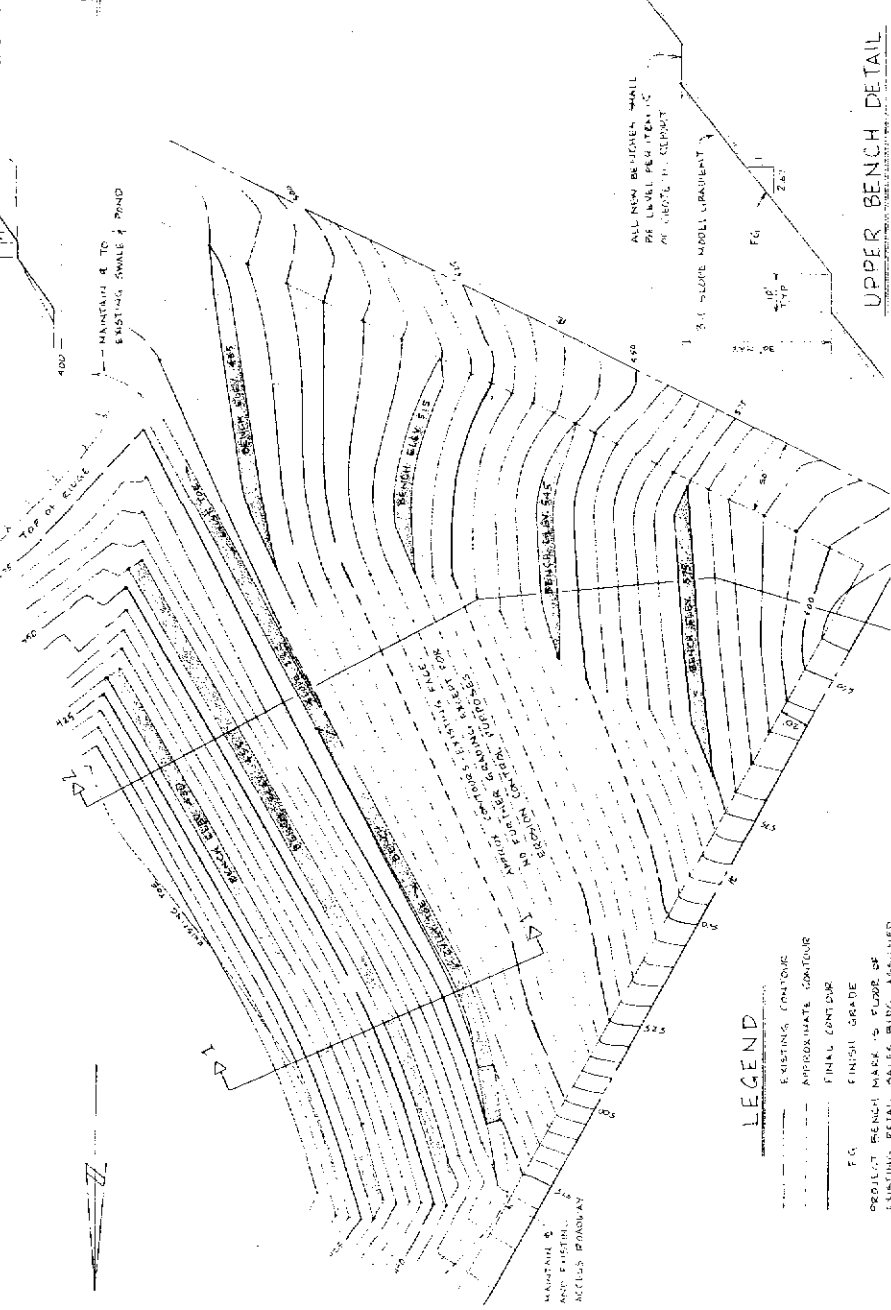
1. THIS DESIGN IS BASED ON THE SLOPE STABILITY ANALYSIS DESCRIBED IN THE GEOTECHNICAL REPORT. THE DESIGN IS BASED ON THE ASSUMPTIONS MADE IN THE REPORT. THE DESIGN IS BASED ON THE ASSUMPTIONS MADE IN THE REPORT. THE DESIGN IS BASED ON THE ASSUMPTIONS MADE IN THE REPORT.
2. THE EXISTING BENCH IN THE SILT AND CLAY STRATA SHALL BE MAINTAINED THROUGH FINISH GRADING, WITH A MINIMUM WIDTH OF 10 FEET AND A FINISH FLOW LINE GRADE OF APPROXIMATELY 2%.
3. THE EXISTING BENCH IN THE SILT AND CLAY STRATA SHALL BE MAINTAINED THROUGH FINISH GRADING, WITH A MINIMUM WIDTH OF 10 FEET AND A FINISH FLOW LINE GRADE OF APPROXIMATELY 2%.
4. THE EXISTING BENCH IN THE SILT AND CLAY STRATA SHALL BE MAINTAINED THROUGH FINISH GRADING, WITH A MINIMUM WIDTH OF 10 FEET AND A FINISH FLOW LINE GRADE OF APPROXIMATELY 2%.
5. THE EXISTING BENCH IN THE SILT AND CLAY STRATA SHALL BE MAINTAINED THROUGH FINISH GRADING, WITH A MINIMUM WIDTH OF 10 FEET AND A FINISH FLOW LINE GRADE OF APPROXIMATELY 2%.

DRAINAGE PLAN FOR QUARRY FACE	
Scale: 1"=50'	CABRILLO SAND & GRAVEL
Drawn by: E.W.	Mid Coast Engineers
Date: 11/15/11	

Mid Coast Engineers



SECTION 1-1
SCALE: 1\"/>



UPPER BENCH DETAIL
SCALE: 1\"/>

LEGEND

- EXISTING CONTOUR
- APPROXIMATE CONTOUR
- FINAL CONTOUR
- FINISH GRADE
- PROPOSED BENCH MARK TO FLOOR OF EXISTING DETAIL, MALES BLDG. LOCATED

EXHIBIT E

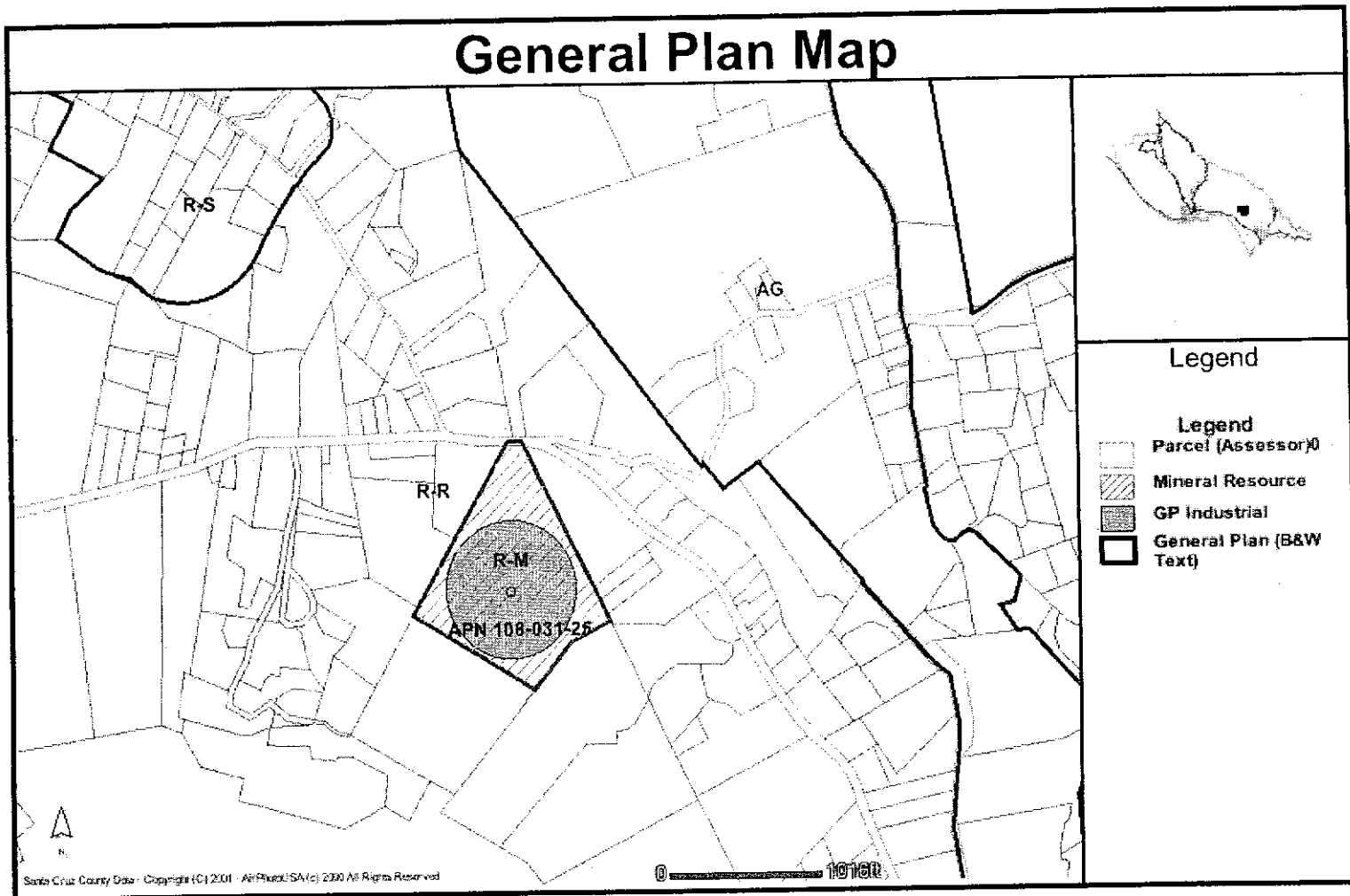


EXHIBIT F

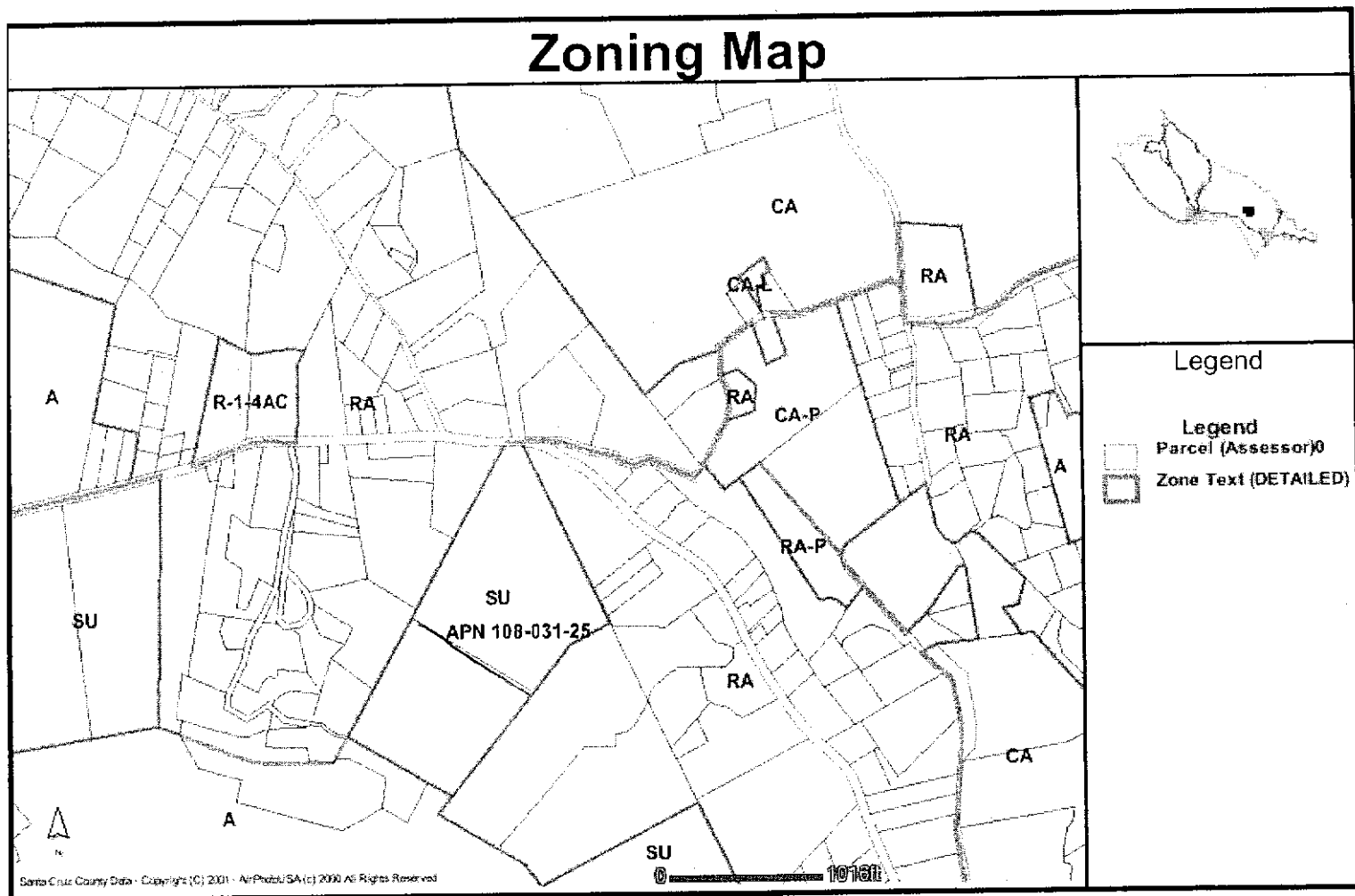


EXHIBIT F

Application Number: 88-0593

Staff Report to the Planning Commission

Exhibit G
Comments and Correspondence

2175 HAMES RD
ATYOS CA 95003

February 9 2010

Dear Mr Carlson

With reference of the meeting
regard sand & gravel mining
operation I strongly disagree
to any continuation of work
& all mining in this area.

I have lived here for 33 years
& I know what sand & gravel like
when the machines are working.
We had stopped once.

I hope will not continue again.
As we are dealing on that
complaint, I would like to
take this opportunity to point
out that the company is renting
a portion of land from the
owner of sand & gravel. so there
heavy drag sized & many
unusually materials in the area.
Construction Tel. 812 831 4261681.
I tried to call them but I
have not heard anything yet.
P.R.T.D

2

I thought I would let
you all know about
I propose to do about the
pools they have created in
front of the decking view.
Mr Carlson I hope you
will understand my
concerns. They had the
blocked my view with the
cable effect this company
has made. I welcome you
to see the view from my
house.

I thank you in advance

Sincerely William Barry
my address is 2175 HAMES RD
Attyos CA 95003

Thanks again

2175 Hames Rd.
Aptos, CA 95003

February 9th 2010

Dear Mr. Carlson,

With reference of the meeting regard sand and gravel mining operation I strongly disapprove to any continuation of work and all mining in this area. I have lived here for 33 years and I know what sounds like when the machines are working. We had stopped it once and I hope will not continue again.

As we are dealing on this complaint I would like to take this opportunity to point out that the company is renting a portion of land from the owner of sand and gravel to store heavy drag pipes and many unsightly materials in this area. Construction telephone number 426-1681. I tried to call them but have not heard anything yet. I thought it would be nice to tell them what I propose to do about the mess they have created in front of my decking view. Mr. Carlson I hope you will understand my complaint. They have blocked my view with the rubble that this company has made. I welcome you to see the view from my house.

I thank you in advance

Sincerely,
William Parry
2175 Hames Road
Aptos CA 95003

Thanks again.