

### Staff Report to the Planning Commission

Application Number: 171041

**Applicant:** Resource Conservation District

Owner: Edward Kelly APN: 051-241-34

Agenda Date: April 26, 2017

Agenda Item #: 7 Time: After 9:00 a.m.

**Project Description**: Proposal to grade approximately 80,000 cubic yards of material to create a recharge pond and sediment basin. The project requires Preliminary Grading Approval.

**Location**: The Pajaro Valley Groundwater Recharge Project site is located at 959 Riverside Road near the intersection of Carlton Road and Highway 129 in Watsonville, California, approximately 900 feet north of the Pajaro River in the Pajaro River Watershed, Santa Cruz County, California (see Figures 1 and 2).

Supervisoral District: 4th District (District Supervisor: Greg Caput)

Permits Required: Preliminary Grading Approval, Grading Permit (>8,000 Cubic Yards)

Technical Reviews: Geotechnical Report Review and Hydrological Report Review.

### Staff Recommendation:

- Adoption of the Mitigated Negative Declaration pursuant to the California Environmental Quality Act.
- Approval of Preliminary Grading Permit Application No. 171041, based on the attached findings and conditions (Exhibits B & C).

### **Exhibits**

A. Project plans

B. Findings

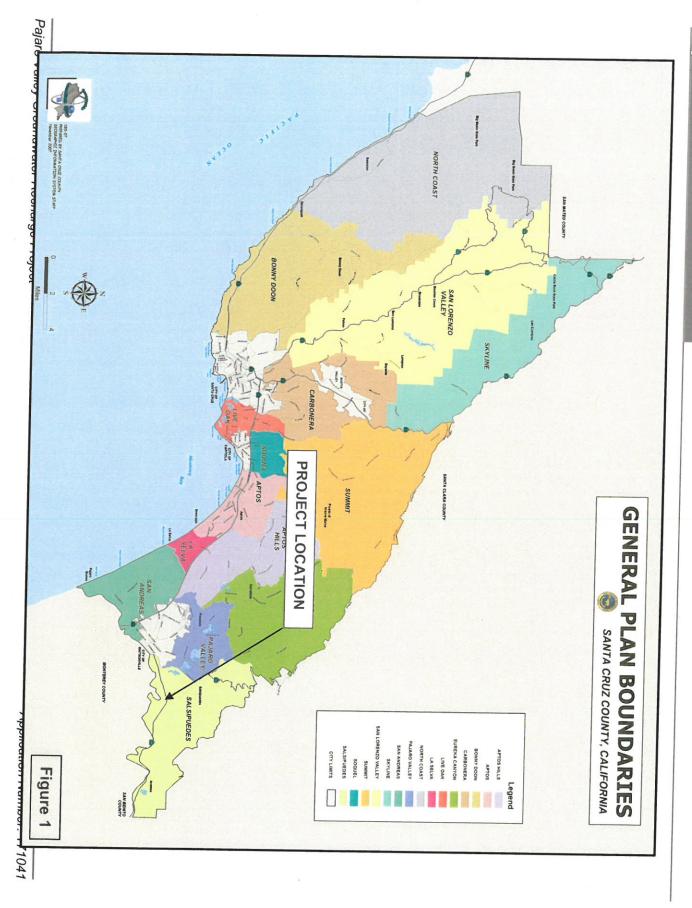
C. Conditions of Approval

D. Mitigation
Monitoring & Reporting Program

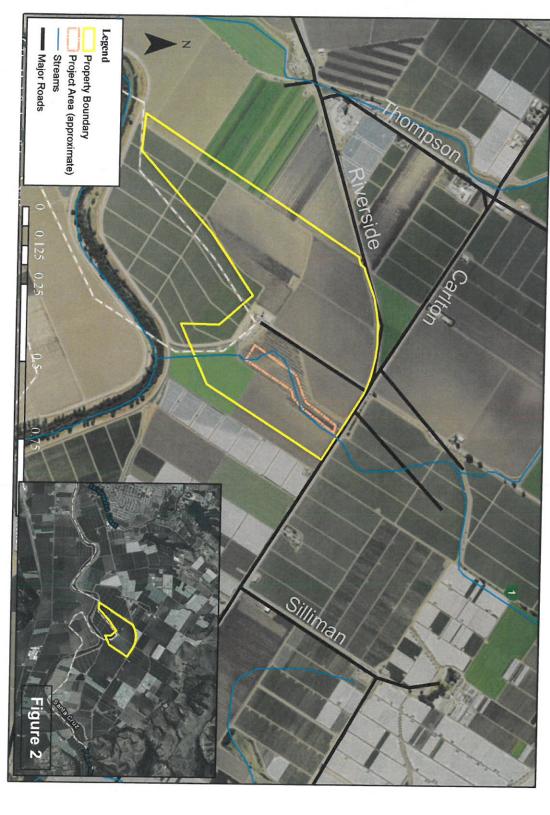
E. Assessor's, Location, Zoning and

General Plan Maps

F. Comments & Correspondence



## Pajaro Valley Recharge Project



### **Parcel Information**

Parcel Size:

157.99 acres

Existing Land Use - Parcel:

Agriculture

Existing Land Use - Surrounding:

Agriculture

Project Access:

Riverside Road (Hwy 129)

Planning Area:

Salsipuedes

Land Use Designation:

AG (Agriculture)

Zone District:

CA (Commercial Agriculture)

Coastal Zone:

\_\_\_ Inside \_\_X\_Outside

Appealable to Calif. Coastal

Yes

X\_No

Comm.

### **Environmental Information**

Geologic Hazards:

Not mapped/no physical evidence on site

Soils:

Conejo clay loam (122) and Conejo loam (121)

Fire Hazard:

Not a mapped constraint

Slopes:

0-2% slope

Env. Sen. Habitat:

Not mapped/no physical evidence on site

Grading:

84,636 cubic yards of cut, 12,435 cubic yards of fill and 72,201 cubic

yards of export.

Tree Removal:

No trees proposed to be removed

Scenic:

Yes (Highway 129)

Drainage:

Existing drainage adequate

Archeology:

Not mapped/no physical evidence on site

### **Services Information**

Urban/Rural Services Line:

Inside

X Outside

Water Supply:

Well Septic

Sewage Disposal: Fire District:

Pajaro Fire District

Drainage District:

Zone 7

### History

The Pajaro Valley is intensively cropped, predominantly in caneberries, while the rangeland is used for cattle. Water is conveyed through a series of un-vegetated, ditches in an attempt to reduce flooding and crop damage. The ditches provide little to no habitat for wildlife migration, as they are devoid of vegetation and consistently eroding. Peak surface flows during rainfall events are conveyed, with little to no treatment, through this ditch system and are quickly lost to the Pajaro River and the Pacific Ocean. The Pajaro River is listed on the California Impaired Waters list for poor nutrients, sediment and pathogens.

Over the past several decades, groundwater pumping for agricultural and municipal use has led to an overdraft of the Pajaro Valley Groundwater Basin (Basin), a condition that is expected to worsen with climate change. Recent measurements indicate that groundwater elevations across the basin are below sea level, and seawater intrusion, which has been detected in coastal wells, is an immediate and direct threat to Pajaro Valley agriculture and ecosystem as well as to the drinking water supply for over 50,000 residents of the City of Watsonville.

In March, 2016 the Board of Directors for the Pajaro Valley Water Management Agency adopted a 5-year pilot study of the Recharge Net Metering (ReNeM) Program. The goal the ReNeM program is to provide financial incentives to landowners to build recharge facilities by offsetting some of the on-the-ground costs associated with operation and maintenance. The proposed project would be implemented under the ReNeM program, and is consistent with the Pajaro Valley Groundwater Basin Management Plan Update and the Pajaro Watershed Integrated Regional Water Management Plan.

The project site was identified through a project funded by the Coastal Conservancy that mapped areas highly suitable for groundwater recharge. Suitability was confirmed by conducting a series of push tests at various spots on the farm to determine if storm water collection and infiltration goals could be met through the construction of a recharge basin. NOTE: Push tests were completed in order to catalog subsurface soil characteristics (sand, silt, clay content) which allowed assumptions to be made on permeability rates and appropriately locate the proposed recharge basin.

Given the large drainage area and large surface flows during peak storm events, this project would provide a unique opportunity to infiltrate up to 350 Acre-Feet per Year (AFY) and improve water quality before it reaches the Pajaro River.

### **Project Setting**

The proposed project site is located at 959 Riverside Road near the intersection of Carlton Road and Highway 129 in Watsonville, California, in the Pajaro River Watershed. The proposed 158 acre project area is situated within the 460-acre Kelly-Thompson Ranch, LLC property, which is in the lower reach of the Pajaro River Basin in southern Santa Cruz County. The site topography is generally flat, and the land is currently farmed for the production of strawberries and lettuce. Approximately 1,550 acres of agricultural land and rangeland drain to the project site through two (2) 10 foot (ft) by 10 ft concrete box culverts (under Highway 129). Surface water flows 3,000 linear feet (LF) through the farm. In the past, the onsite irrigation ditch flowed through and bisected the entire project site, but presently the irrigation ditch has been reduced to approximately 400 feet in length. A large portion of the parcel is identified on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) as being within the designated 100-year flood zone. Due to the history of flooding in the immediate vicinity of the project, the area cannot be cropped year-round.

### **Detailed Project Description**

The Resource Conservation District of Santa Cruz County (RCD) proposes to excavate up to 80,000 cubic yards of soil to create a one-acre sediment basin (base elevation of 44.5-feet) and an adjacent four-acre managed groundwater recharge basin (base elevation of 30-feet and berm elevation of 53-feet). The goal of the proposed project is to collect and infiltrate an estimated 350 afy of storm water runoff into the Pajaro Valley Groundwater Basin. The two basins would be connected with a new 36-inch diameter high-density polyethylene (HDPE) culvert, situated at a 2.3% slope. At the sediment basin outlet the RCD would install a gabion overflow weir and water would flow down the slope to a new rocked outlet located in the recharge basin.

The RCD would implement a water treatment system into the sediment and recharge basins and an overflow bypass channel would be established. The existing ditch south of the project site would function to contain overflow through this bypass channel. Within the four-acre groundwater recharge basin the RCD would construct a new drainage ditch with a four-foot base width.

All excavated soil would temporarily be stockpiled outside of the mapped 100-year floodplain in windrows near the project site adjacent to the existing farm. Soil temporarily stockpiled in windrows would not exceed 10 feet in height. The stockpiled soil would be used on nearby farmland (APNs 110-131-05 and 051-241-34) to build up existing agricultural fields located outside of the mapped 100-year floodplain area.

Other components of the proposed project include preparing a storm water pollution prevention plan (SWPPP) for submittal to the Regional Water Quality Control Board and collaborating with University of California Santa Cruz (UCSC) personnel to instrument the project site to measure flows, infiltration rate, and water quality resulting in a report of project effectiveness to be developed annually by UCSC with input from the RCD.

### **Zoning & General Plan Consistency**

The subject property is approximately 158 acres in size, located in the CA (Commercial Agriculture) zone district, a designation which allows uses such as commercial agriculture, farm buildings, and agricultural infrastructure, including flood control work and the establishment of reservoirs and ponds. The proposed retention/sediment basin is an allowed use within the zone district and the project is consistent with the site's AG - Agriculture General Plan designation.

### **Grading Review**

The proposed grading plan has been reviewed by the Civil Engineer for Environmental Planning, as well as the Department of Public Works Stormwater Management and found to be consistent with County Code requirements pertaining to grading and drainage.

### **Environmental Review**

Environmental review has been required for the proposed project per the requirements of the California Environmental Quality Act (CEQA). The project was reviewed by the County's Environmental Coordinator on March 9, 2017. A preliminary determination to issue a Negative Declaration with Mitigations (Exhibit D) was made on March 9, 2017. The mandatory public comment period expired on April 10, 2017, with comments received from: Monterey Bay Unified Air Pollution Control District, County of Santa Cruz Office of the Agricultural Commissioner and Neighborhood Meeting Summary (Exhibit F).

The environmental review process focused on the potential impacts of the project in the areas of Air Quality, Biological Resources and Cultural Resources.

NOTE: The project area is directly visible from Highway 129. The Initial Study incorrectly states that Highway 129 is not designated as a scenic road. This section of Highway 129 is, in fact, identified in the County General Plan (1994) as a scenic road. The vast majority of both the sediment and recharge basins will be below current existing grade, with low berms running along the western edges of both basins. Due to the minimal vertical profile and plans to revegetate all disturbed/bare soils after construction, the project will be visually consistent with surrounding agricultural land uses and will not result in significant visual impacts.

The Environmental Coordinator recommended mitigation measures that will reduce potential impacts from the proposed development. Please see the attached: Initial Study and Mitigation Monitoring and Reporting Program (Exhibit D) for a complete analysis of these issues. Project mitigation measures have been incorporated into the Mitigation Monitoring and Reporting Program.

### Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please refer to Exhibit B for a complete listing of findings and evidence related to the above discussion.

### Staff Recommendation

- **ADOPTION** of the Mitigated Negative Declaration pursuant to the California Environmental Quality Act.
- **APPROVAL** of Application Number **171041**, based on the attached findings and conditions.

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: <a href="https://www.co.santa-cruz.ca.us">www.co.santa-cruz.ca.us</a>

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Robert Loveland

Santa Cruz County Planning Department

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Phone Number: (831) 454-3163

E-mail: Robert.Loveland@santacruzcounty.us

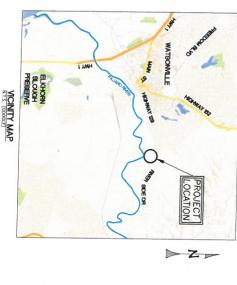
### Report Reviewed By:

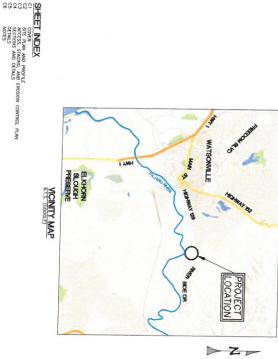
Steven Guiney, AICP Principal Planner Development Review

Santa Cruz County Planning Department

# KELLY-THOMPSON RECHARGE BASIN

## 90% DESIGN SUBMITTAL







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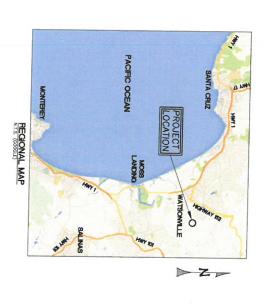
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AFFECTED APN: 05-124-134 TOPOGRAPHIC MAPPING WAS PERFORMED WATERWAYS CONSULTING, INC. 508 SWIFT STREET, UNIT A SANTA CRUZ, CA 95060 SURVEY DATE; MARCH 15, 2016.

GENERAL NOTES

1. PREPARED AT THE REQUEST OF:
KELLY-THOMESON RANCH, LLC.
959 RATSONVILLE, CA 95076





KELLY-THOMPSON RECHARGE BASIN 90% DESIGN SUBMITTAL

COVER

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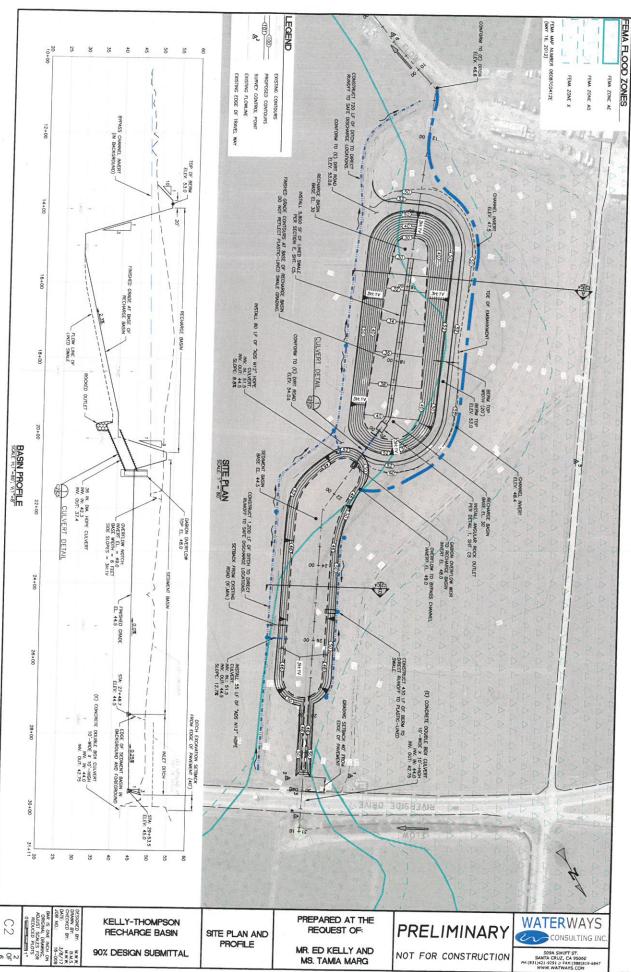
PROJECT DESCRIPTION

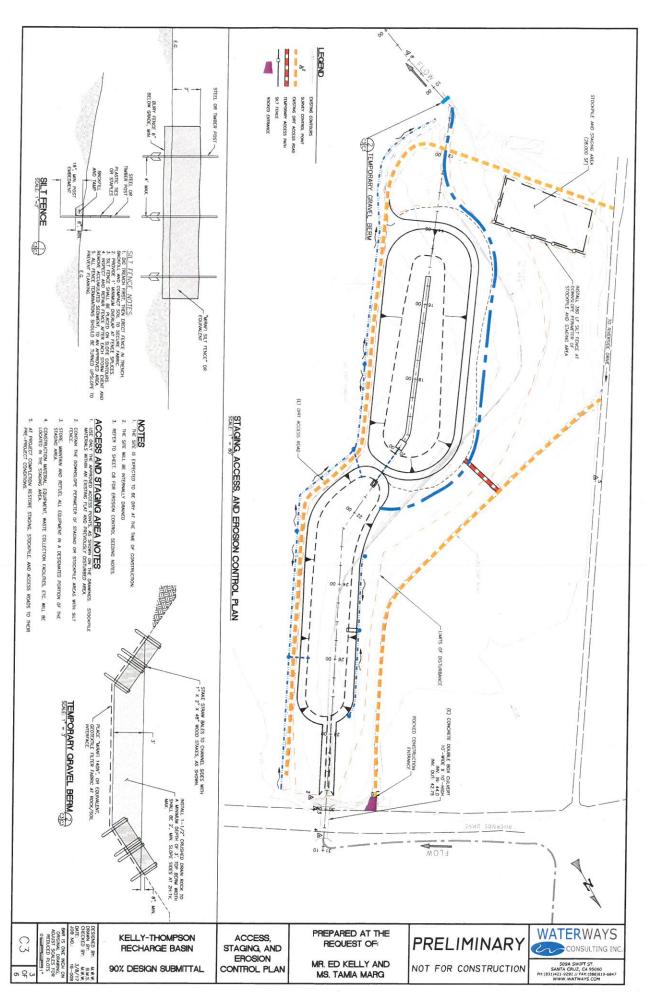
PREPARED AT THE REQUEST OF: MR. ED KELLY AND

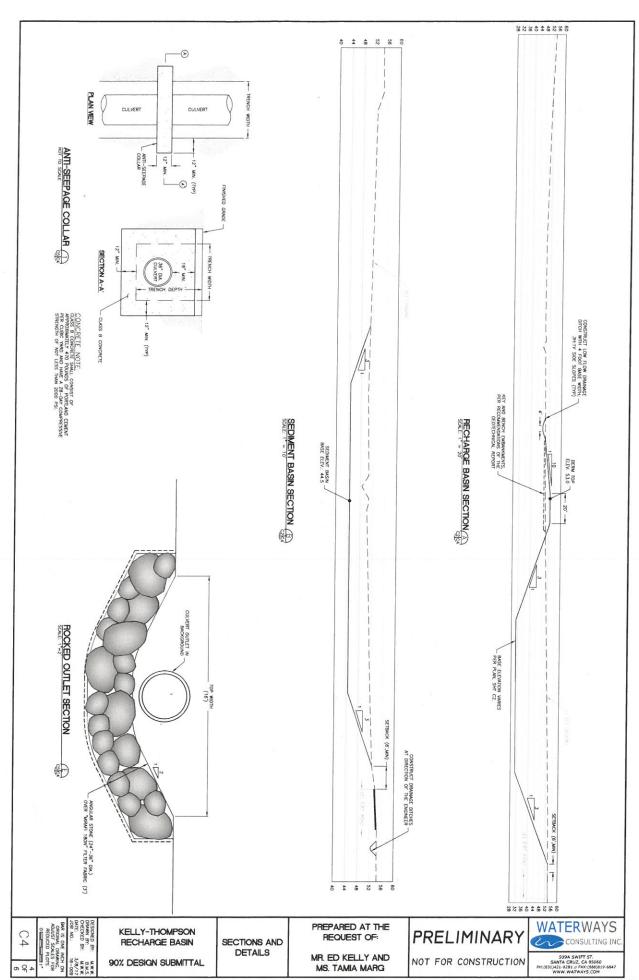
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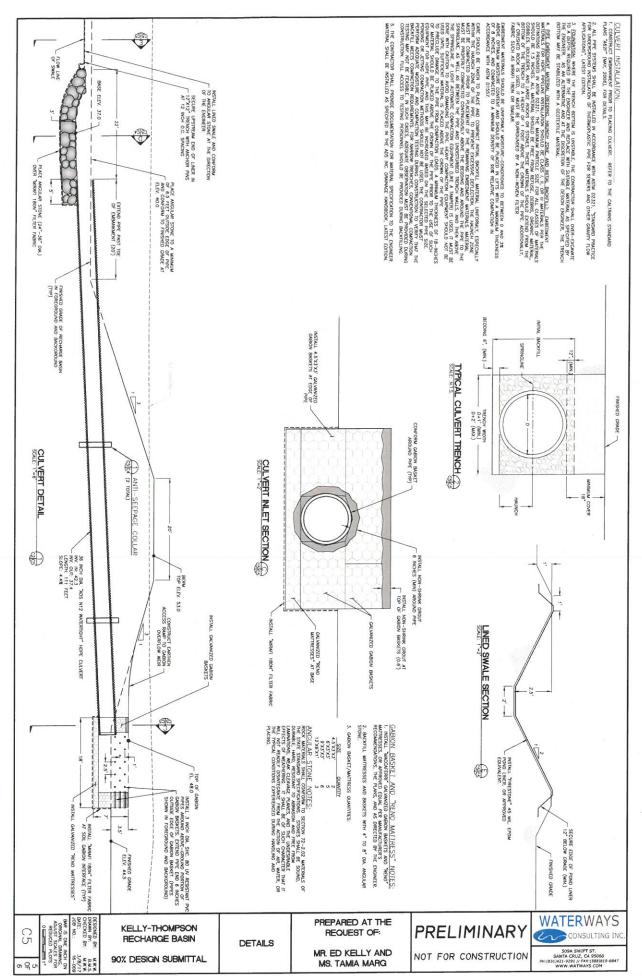
**PRELIMINARY** NOT FOR CONSTRUCTION











### GENERAL NOTES

- NOTIFY THE ENGINEER AT LEAST 48 HOURS PRIOR TO CONSTRUCTION. THE ENGINEER OR A DESIGNATED CONSTRUCTION PROCESS, AS NECESSARY TO ENSURE PROPER INSTALLATION PROCEDURES. REPRESENTATIVE SHALL OBSERVE
- CALL UNDERGROUND SERVICE ALERT (1-800-842-2444) TO LOCATE ALL UNDERGROUND UTILITY LINES PRIOR TO COMMENCING CONSTRUCTION
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CMAG ENGINEERING, INC. 62 HANGAR WAY, SUITE A WATSONVILLE, CA 95076 (831) 475-1411 PROJECT NO. 16-135-SC

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### SEEDING NOTES

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VULGARE (CEREAL ANNUAL BARLEY)

ESTUCA RUBRA (RED FESQUE)

SEED APPLICATION RATE 200 LB/ACRE (5 LBS/1,000 SQ.FT.)

18 LB/ACRE (0.5 LBS/1.000 SQ.FT.)

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ENOSION CONTROL NOTES

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- IMPLEMENTATION OF SWPPP MEASURES SHALL BE THE FIRST ORDER OF BUSINESS UPON SITE MOBILIZATION PRIOR TO COMMENCIAC WORK, ARCES TO REMAIN LYNDSTURBED SMALL BE PROTECTED WITH ESA-TENCING, WHERE SHOWN DAI THE DRAWNICS. ADDITIONAL FENCING MAY BE REQUIRED AT THE DIRECTION OF THE ENGINEER.
- CONTRACTOR SHALL UTILIZE ONLY THE APPROVED HAUL ROADS AND ACCESS POINTS (AS SHOWN THE DRAWINGS) FOR TRANSPORT OF MATERIALS AND EQUIPMENT.
- BETWEEN OCTOBER 15 AND APRIL 15, EXPOSED SOIL SHALL BE PROTECTED FROM EROSION AT ALL TIMES. DURHAC CONSTRUCTION, SUCH PROTECTION MAY CONSIST OF MULCHAG AND/OR PADULET, BETORE CONSTRUCTION, CONCENTRATION OF THE PROJECT ANY EPPOSED SOIL ON DISTURBED SLOPES SHALL BE PERMANENTLY PROTECTED FROM EROSION. A STANDBY CHEW FOR EMERCENCY WORK SMALL BE ANNURBE AT ALL THATS DURING THE RAWN SUKSIN (OCTOBER 15 THROUGH APRIL 15). MECESSARY MITERIALS SMALL BE ANNURBE AND STOCKPHEES. AT COMPARENT LOCATIONS TO FACULATE RAPIO CONSTRUCTION OF TEMPORARY DEPOCES.
- CONSTRUCT TEMPORARY EROSION CONTROL MEASURES AS SHOWN ON THIS FLAN AND/OR AS DIRECTED BY THE ENGINEER TO CONTROL DRAWNOE WHICH HAS BEEN AFTECTED BY GRAUNIC AND/OR TEXCHING DEPENATOR.
- THE CONTRACTOR SHALL INCORPORATE ADEQUATE DRAINAGE PROCEDURES DURING THE CONSTRUCTION PROCESS TO ELIMINATE EXCESSIVE PONDING AND EROSION.
- CONSTRUCT AND MANTAIN EROSON CONTROL MEASURES TO PREVENT THE DISCHARGE OF EARTHEN MATCHALS TO THE PALAPO PREFE FROM DISTURBED AREAS UNDER CONSTRUCTION AND FROM COMPLETED CONSTRUCTION AREAS.
- AFTER A RAINSTORM, ALL SILT AND DEBRIS SHALL BE REMOVED FROM CHECK BERMS, FIBER ROLLS, AND SILT FENCES. NETAL, ALL PROTECTINE EDINESS AT THE END OF EACH WORK DAY WHEN THE FIRE-DAY GAIN PROBABILITY COLASS ON EXCERDS 50 PERCENT AS DETERMINED FROM THE MITIONAL WEATHER SERVICE FOREIGNS FORCE: WWW.SRIV.POM.A.GOV.
- THE EDISON CONTROL DISESS ON THIS FAIL ASSEARCE REPRESENTATION OF WAIL MAY RECOVERED ERRORMSD ERRORMSD CONTROL LEVELS AND RE RECOURED. ERRORMSD ERRORMSD CONTROL LEVELS AND RE RECOURED ERRORMSD CONTROL LEVEL AND RECOVERED ERRORMSD CONTROL LEVEL AND RECOVERED AND THE DESCRIPTION OF THE ENGINEER PROPERTY OF THE CHARLESS.
- THE CONTRACTOR SHALL MONITOR THE EROSION CONTROL DEVICES DURING STORMS AND MODIFY THEM IN ORDER TO PREVENT PROGRESS OF ANY ONGOING EROSION. THE CONTRACTOR IS RESPONSIBLE TO KEEP IN FORCE ALL EROSION CONTROL DEVICES AND TO MODIFY THOSE DEVICES AS SITE PROGRESS DICTATES.
- THE CONTRACTOR SHALL CONTACT THE ENGINEER IN THE EVENT THAT THE EROSION CONTROL PLAN AS DESIGNED REQUIRES ANY SUBSTANTIAL REVISIONS. THE CONTRACTOR IS RESPONSIBLE FOR CLEANING ANY EROSION OR DEBRIS SPILLING ONTO A PUBLIS STREET.
- CONTRACTOR SHALL BE FAMILIAR WITH THE CONDITIONS OF APPROVAL OF ALL REQUIRED PROJECT PERMITS AND SHALL IMPLEMENT ALL REQUIRED BMP'S PRIOR TO COMMENCING GRADING OPERATIONS

- DUST CONTROL. NOTES

  1. THE CONTRACTOR SMAL BE RESPONSIBLE FOR CONTRIBUDES DUST CONTROL. THROUGHOUT THE CONTRACTOR SMAL BE RESPONSIBLE FOR CONTRIBUTION OF CONTRACTOR SMAL BE CONTROLLED FOR CONTRACTOR SMAL BE CONTROLLED FOR CONTROLL
- ALL DISTURBED AREA, RULDIAN UNIANDE ACCESS ROAGS OR STRIAGE PLES, MOT BENG ASTRIAT I UNIZZEJ DAN CONSTRUCTION PURPOSES, SAML AR L'INTECTIONEY STRIAUTED OF DUST EMISSIONS USING MUER, DIEMONL STABULTER/SUPPRESSANT, OR VEGETATINE ORIOUND COMER.
- ALL MATERIALS TRANSPORTED OFFSITE SHALL BE COVERED OR EFFECTIVELY WETTED TO LIMIT DUST EMISSIONS. ALL GROUND-DISTURBING ACTIVITIES (E.G., CLEARING, GRUBBING, SCRAPRIG, AND EXCANATION) SHALL RETECTIFICE, CONTROLLED OF FUGITIVE DUST EMISSIONS UTILIZING APPLICATION OF WATER OR BY PRE-SQUARIG.

KELLY-THOMPSON

RECHARGE BASIN

- FOLLOWING THE ADDITION OF MATERIAS TO, OR THE REMOVAL OF MATERIAS FROM THE SUPFACES OF OUTDOOR STOPAGE FALES, SAID PILES SAIL BE FEREFREYES TRANSLED OF FACILITIES DUST EMISSIONS UNILLIANS SUPFICIENT WATER OR CHEMICAL STABILIZER/SUPPRESANT.
- ONSITE VEHICLE SPEED ON UNPAVED SURFACES SHALL BE LIMITED TO 15 MPH.
- DISTURBED AREAS SHALL BE SEEDED PRIOR TO OCTOBER 15TH OR EARLIER AS REQUIRED BY THE APPLICABLE PERMIT CONDITIONS.

90% DESIGN SUBMITTAL

NOTES

PREPARED AT THE REQUEST OF

MS. TAMIA MARG

MR. ED KELLY AND

PRELIMINARY



14

### **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.

This finding can be made, in that the project is located in an area designated for agricultural uses and is not encumbered by physical constraints to development. Construction will comply with the approved grading plan to ensure the optimum in safety and the conservation of energy and resources. The proposed basins will not deprive adjacent properties or the neighborhood of light, air, or open space, and the structure meets all current setbacks.

2. That 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 zone district in which the site is located.

This finding can be made, in that the proposed location of the basins and the conditions under which they would be operated and maintained will be consistent with all pertinent County ordinances and the purpose of the CA (Commercial Agriculture) zone district in that the primary use of the property will be two basins that meet all current site standards for the zone district and serve to benefit agriculture by increasing the productivity of the surrounding agricultural lands.

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.

This finding can be made, in that as well as being consistent with the County General Plan overall and the General Plan Visual Resource policies, the proposed recharge/sediment basins are consistent with General Plan Policy 5.3.16 (b) in that they are ancillary, incidental, or accessory to the principal agricultural use of the parcel.

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.

This finding can be made, in that the proposed detention/sediment basin project will not affect utilities, and will result in only temporary traffic increases during construction that will not cause the Level of Service at any nearby intersection to drop below Level of Service D, consistent with General Plan Policy 3.12.1.

5. 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, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed structure is consistent with county Design Standards for Agricultural Grading (Section 16.20.195(D)). The basins will primarily be excavated below the ground surface, with excess soils placed in low windrows on adjacent parcels prior to distribution on farm fields. All disturbed and/or bare soils will be seeded at the completion of construction and will be visually consistent with the surrounding agricultural land uses.

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.

This finding can be made, in that the proposed basins will be of an appropriate scale and will not reduce or visually impact available open space in the surrounding area.

### **Agricultural Development 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 resources, or the economic viability of commercial agricultural operations, of the area.

This finding can be made in that the proposed sediment basin and groundwater recharge basin are located within an existing drainage way on the subject property and are intended to improve water quality and groundwater quantity by prevention of water and sediment transport from the agriculture field and adjoining fields, a common agricultural issue resulting in reduced agricultural productivity of the land over time. Concentrated and improved percolation of surface water into the groundwater aquifer will act to improve the viability of the agricultural land on site and in the area, sustaining agricultural viability into the future.

2(a). That the use or structure is ancillary, incidental or accessory to the principal agricultural use of the parcel; or

The agricultural sediment basin and groundwater recharge detention basin is proposed to be located within an existing drainage way on the agricultural field and addresses natural drainage across the site and from adjoining agricultural properties located to the north of the subject property. The proposed improvements provide improved water quality and flood control on the site, thereby improving field management, as well as increased water percolation into the groundwater aquifer that supports agricultural viability in the area.

2(b). NA

Agricultural uses are feasible on the property and therefore this finding does not apply.

- 2(c). NA
- 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 does not include a residential use and therefore this finding does not apply.

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 if this is not possible, to remove as little land as possible from production. (Ord. 4094, 12/11/90).

An existing drainage way currently flows through the agricultural field, and results in marginal agricultural land in the project vicinity due to soil saturation. The proposed sediment basin and groundwater recharge detention basin are located within this channel and concentrate the drainage in one area of the field and improve the viability of the remaining agricultural land on the property and in the area. Therefore, the proposed improvement will remove as little land as possible from production.

### **Conditions of Approval**

- I. This permit authorizes the construction of one retention basin and one sediment basin. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Grading Permit from the Santa Cruz County Building Official.
  - C. Obtain an Encroachment Permit from the Department of Public Works for all offsite work performed in the County road right-of-way.
  - D. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Grading Permit the applicant/owner shall:
  - A. Submit a final grading plan (100% Design Submittal) for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked "Exhibit A" on file with the Planning Department. Any changes from the approved "Exhibit A" for this development permit on the plans submitted for the Grading Permit must be clearly called out and labeled by standard engineering methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Grading Permit that is issued for the proposed development. The final plans shall include the following additional information:
    - 1. Detailed drainage and erosion control plans.
    - 2. A "Plan Review Letter" from the project geotechnical engineer.
  - B. Submit 2 copies of a soils reported prepared by a licensed geotechnical engineer.
  - C. Contact Environmental Planning Staff member (48 hour notice) to schedule a Pre-Construction meeting prior to commencement of any construction activity.
  - D. Submit a Stormwater Pollution Control Plan (SWPPP) completed by a licensed professional for review and approval. Include the Wastewater Discharge Identification (WDID) Number on the plan set.

- E. Provide a copy of a water rights permit from the State Regional Water Quality Control Board (SRWQCB), if required.
- F. Submit two copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal.
- G. Complete all requirements made by the County's Department of Public Works, Stormwater Management Section and pay all required fees.
- III. All construction shall be performed according to the approved plans for the Grading Permit. Prior to final grading inspection, the applicant/owner must meet the following conditions:
  - A. All site improvements shown on the final approved Grading Permit plans shall be installed.
  - B. All inspections required by the grading permit shall be completed to the satisfaction of the Environmental Planning staff inspector.
  - C. The project must comply with all recommendations of the approved soils reports. A "Final Observation Letter" from the project geotechnical engineer shall be provided for review and approval.
  - D. The project must conform to the approved grading/drainage plan and a "Final Observation Letter" from the project civil engineer shall be provided for review and approval.
  - E. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.

### IV. Operational Conditions

A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, it officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
  - A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
  - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
    - 1. COUNTY bears its own attorney's fees and costs; and
    - 2. COUNTY defends the action in good faith.
  - C. <u>Settlement</u>. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
  - D. <u>Successors Bound</u>. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires three years from the effective date listed below unless the conditions of approval are complied with and the use commences before the expiration date.

Approval Date:	·	_
Effective Date:		
Expiration Date:	·····	

Robert Loveland Resource Planner Environmental Planning Section

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Planning Commission, may appeal the act or determination to the Board of Supervisors in accordance with chapter 18.10 of the Santa Cruz County Code.

Return recorded form to:

Planning Department County of Santa Cruz 701 Ocean Street, 4<sup>th</sup> Floor

Attention: Robert Loveland Application #: 171041

### **Notice**

Recording requested by:

COUNTY OF SANTA CRUZ

When recorded, return to: Planning Department Attn: Robert Loveland County of Santa Cruz 701 Ocean Street Santa Cruz, CA 95060

### **Conditions of Approval**

Development Permit No. 171041 Property Owner: Edward Kelly Assessor's Parcel No.: 051-241-34

- I. This permit authorizes the construction of one retention basin and one sediment basin. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Grading Permit from the Santa Cruz County Building Official.
  - C. Obtain an Encroachment Permit from the Department of Public Works for all offsite work performed in the County road right-of-way.
  - D. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Grading Permit the applicant/owner shall:
  - A. Submit a final grading plan (100% Design Submittal) for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked "Exhibit A" on file with the Planning Department. Any changes from the approved "Exhibit A" for this development permit on the plans submitted for the Grading Permit must be clearly called out and labeled by standard engineering methods to indicate such changes.

Any changes that are not properly called out and labeled will not be authorized by any Grading Permit that is issued for the proposed development. The final plans shall include the following additional information:

- 1. Detailed drainage and erosion control plans.
- 2. A "Plan Review Letter" from the project geotechnical engineer.
- B. Submit 2 copies of a soils reported prepared by a licensed geotechnical engineer.
- C. Contact Environmental Planning Staff member (48 hour notice) to schedule a Pre-Construction meeting prior to commencement of any construction activity.
- D. Submit a Stormwater Pollution Control Plan (SWPPP) completed by a licensed professional for review and approval. Include the Wastewater Discharge Identification (WDID) Number on the plan set.
- E. Provide a copy of a water rights permit from the State Regional Water Quality Control Board (SRWQCB), if required.
- F. Submit two copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal.
- G. Complete all requirements made by the County's Department of Public Works, Stormwater Management Section and pay all required fees.
- III. All construction shall be performed according to the approved plans for the Grading Permit. Prior to final grading inspection, the applicant/owner must meet the following conditions:
  - A. All site improvements shown on the final approved Grading Permit plans shall be installed.
  - B. All inspections required by the grading permit shall be completed to the satisfaction of the Environmental Planning staff inspector.
  - C. The project must comply with all recommendations of the approved soils reports. A "Final Observation Letter" from the project geotechnical engineer shall be provided for review and approval.
  - D. The project must conform to the approved grading/drainage plan and a "Final Observation Letter" from the project civil engineer shall be provided for review and approval.

E. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

### IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, it officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
  - A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
  - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
    - 1. COUNTY bears its own attorney's fees and costs; and
    - 2. COUNTY defends the action in good faith.

- C. <u>Settlement</u>. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. <u>Successors Bound</u>. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

By signing below, the owner agrees to accept the terms and conditions of approval of Application 171041 and to accept responsibility for payment of the County's cost for inspections and all other action related to noncompliance with the permit condition. The approval of Application 171041is null and void in the absence of the owner's signature below.

Executed on	<u>,                                    </u>
(date)	
Property Owner(s) signatures:	
(Signature)	(Print Name)
(Signature)	(Print Name)
(Signature)	(Print Name)
SHALL B STATE OF CALIFORNIA, COUNTY OF SA	
instrument and acknowledged to me that he/sl	, Notary Public, , who proved to me on the basis s) whose name(s) is/are subscribed to the within he/they executed the same in his/her/their authorized are on the instrument the person(s), or the entity upon the instrument.
I certify under PENALTY OF PERJURY und foregoing paragraph is true and correct.	der the laws of the State of California that the
Witness my hand and official seal.	
Signature (Signature of Notary Public)	)
This form must be reviewed and approved be notarization and prior to recordation.	by a County Planning Department staff person after
Dated:	*
COUNTY OF SANTA CRUZ	
By: Planning Department Staff	

## County of Santa Cruz

MITIGATION MONITORING AND REPORTING PROGRAM

Ide	NUN		MIND THE CALL OF T	ALL ON THE	MENDONIO
ANA COR	TYOF	PLANNING DEPARTMENT 701 OCEAN STREET, 4 <sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060 (831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123 KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR	<b>for the</b> Pajaro Valley Groundwater Recharge Project Application No. 171041, March 9, 2017	<b>YALLEY GROUNDWATER RECHARGE F</b> Application No. 171041, March 9, 2017	PROJECT
No.	Environmental Impact	Mitigation Measures	Responsibility	Method of	Timing of
Biolog	Biological Resources		ioi compilarice	compliance	Compliance
Califor	California Red-legged Frog				D.
BIO-1	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game, or U.S. Fish and Wildlife Service?	Conduct Preconstruction Survey:  • Preconstruction surveys will be conducted by a qualified biologist immediately prior to the initiation of any ground disturbing activities and vegetation clearing. All suitable aquatic and upland habitat within the vicinity of the project site, including refugia habitat such as dense vegetation, small woody debris, refuse, burrows, etc., should be thoroughly inspected.  • A qualified biologist will be on-site or available by phone to respond in a timely manner throughout the project duration. This biologist will have the ability to stop construction if a special-status amphibian is encountered during construction. If an amphibian matching the description of a special-status amphibian is discovered at the project site, all work that may harm the animal will be stopped until the animal is able to leave the construction zone.	The Resource Conservation Jist District, Contractor, and Project Biologist the be red a hat he he het	To be monitored by the County Planning Department, the Land Trust, Contractor, and the Project Biologist.	To be implemented prior to and during project construction.
Cultura	Cultural Resources				
CUL-1	Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	Pursuant to Section 16.40.040 of the Santa Cruz County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this project, archaeological or human remains are uncovered during construction, the responsible persons shall immediately cease and desist from all further site excavation and notify the sheriff-coroner and the Planning Director. If the coroner determines that the remains are not of recent origin, a full archeological investigation shall be conducted and representatives of the local Native California Indian group shall be contacted. Disturbance shall not resume until the significance of the archeological resource is determined and appropriate mitigations to preserve the resource on the site are established.	any The Resource conservation are District and stelly contractor the l be out	To be implemented by a qualified archaeologist.	To be implemented during project construction.
7 2					



ō.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
ransp	ransportation/Traffic				
ra-1	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<ul> <li>A Right-of-Way Encroachment Permit shall be acquired from Caltrans District 5 to enter and exit Highway 129 during hauling of excavated material to the receiving site.</li> <li>A traffic control plan shall be prepared and approved by both Caltrans District 5 and the County of Santa Cruz Department of Public Works.</li> <li>Any truck access points shall include advance warning signage. Flaggers shall be used on Highway 129 in both directions to control traffic, allowing trucks to enter and exit both the construction site and material receiving site. Two-way traffic shall be maintained on Highway 129 at all times.</li> <li>When needed, paved access roads will be swept and cleared of any residual dirt reculting from the construction.</li> </ul>	The Resource Conservation District and Contractor	To be enforced by Caltrans District 5 Right-of-Way	To be implemented prior to and during project construction.
		Constant of the second of the			

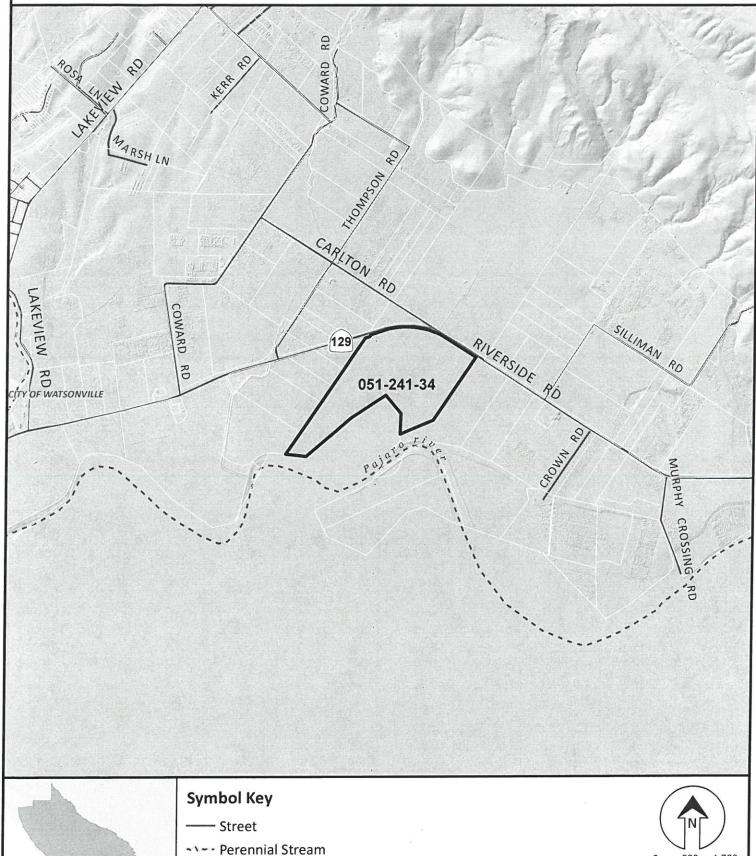




### Parcel Location Map

Santa Cruz County Planning Department

Parcel Number **051-241-34** Apr. 11, 2017



City Jurisdiction

E A

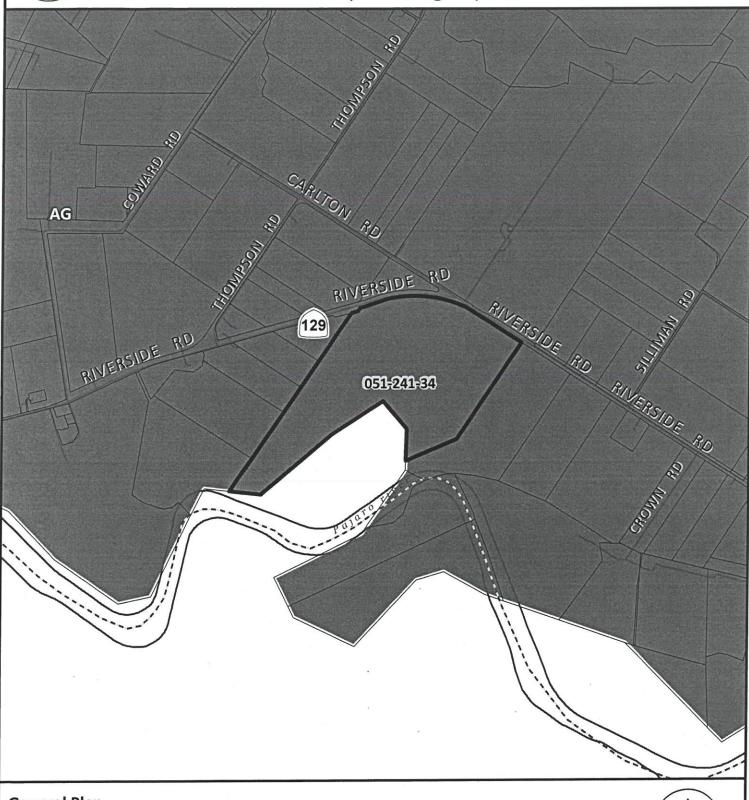
Location Overview



### Parcel General Plan Map

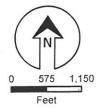
Santa Cruz County Planning Department

Parcel Number 051-241-34 Apr. 11, 2017



**General Plan** 

AG - Agriculture

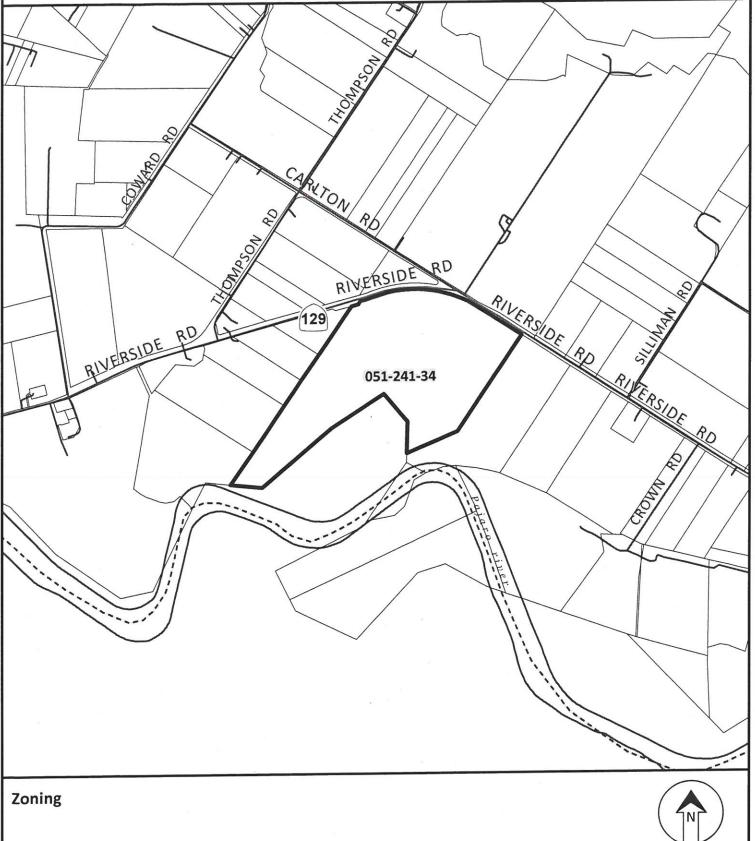


### OF SALES

### Parcel Zoning Map

Santa Cruz County Planning Department

Parcel Number **051-241-34** Apr. 11, 2017





### **County of Santa Cruz**



### Office of the Agricultural Commissioner Mosquito and Vector Control CSA 53

640 Capitola Road, Santa Cruz, California 95062 (831) 454-2590 Fax (831) 464-9161 Internet <a href="https://www.agdept.com">www.agdept.com</a> Juan Hidalgo, Agricultural Commissioner Paul L. Binding, Manager

March 10, 2017

To: Planning Department - Robert Loveland

### Comments on Development Application - 959-960 Riverside Road, Watsonville APN 05124134

Thank you for the opportunity to comment on this project. As you know, Mosquito Abatement and Vector Control (MAVC) reviews development plans that may contribute to or be affected by mosquito breeding. This review is a pro-active element of our Integrated Mosquito Management practices, and it is hoped that these comments will assist the County, the Resource Conservation District and the property owner in reducing nuisance to neighboring properties through preliminary design and maintenance planning.

Mosquito breeding and standing water are significant impacts that require mitigation effecting environmental factors IX.(b) Land Use and Planning and XVIII.(c) Mandatory findings of Significance of the CEQA IS checklist, and may potentially invoke abatement through nuisance violation of the CA Health &Safety Code.

Structures that meet NPDES Best Management Practices to properly manage stormwater and agricultural runoff should be designed to drain within a 96-hour time period, in order to avoid standing water that can breed mosquitoes that can spread diseases such as West Nile virus and be a biting nuisance. Mosquitoes can complete their aquatic stages and emerge as adults within a week. The flight range of some mosquitoes produced by the development could exceed five miles.

This sedimentation pond (one acre) and recharge basin (4 acres) as described to MAVC by the Resource Conservation District is unlikely to be a significant mosquito breeding source as it will be designed to percolate water within the 96-hour period and will be maintained free of accumulating vegetation. In addition, housing in the vicinity is limited.

However, the ponds should be designed to allow ready access for mosquito control ATV's and maintenance vehicles, such as a backhoe. Periodic and indefinite



maintenance should be required of the landowner to manage over-growth of vegetation in groundwater recharge structures that may reduce water flow-through and percolation. Standing water in a vegetated pond will breed mosquitoes and vegetation reduces the effectiveness of mosquito control efforts.

### Questions:

- 1. Will the vegetated recharge basin be designed to percolate within the 96-hour period to prevent mosquito breeding and dispersal?
- 2. Will the unlined ponds empty, or have adequate water movement through within a 96-hour period, or have pumps to remove standing water to discourage mosquito breeding?
- 3. Will the ponds be accessible to MAVC and of a narrow enough width (max. 50') so that an operator of a vehicle-mounted blower can drive the perimeter and distribute granular mosquitocides in a 25-foot swath and reach all areas? Can a backhoe have access to the ponds for vegetation maintenance?
- 4. Will ponds be maintained to remove vegetation and siltation which could compromise their performance as designed? Will cut vegetation be removed so that it doesn't add nutrients?

Nearby residents of the property should be on notice that although mosquito control services are available from the County, their proximity to these ponds and other nearby mosquito breeding wetlands may potentially result in a significant level of risk of mosquito-borne disease and biting risk. As a reminder, the landowner is ultimately responsible for mosquito control as described in the California Health and Safety Code (Division 3, Chapter 1, Section 2000 *et seq.*).

For more information please contact Steve Driscoll or Paul Binding at (831) 454-2590. Thank you in advance for your collaboration and continued cooperation.

Sincerely,
Paul L Binding
Manager
Santa Cruz County Mosquito Abatement / Vector Control
(831)454-2590
www.agdept.com/mvc.html

cc: Kelly-Thompson Ranch - Edward J Kelly III Resource Conservation District - Kelli Camara



### **Robert Loveland**

From:

Kelli Camara < kcamara@rcdsantacruz.org>

Sent:

Tuesday, April 11, 2017 10:23 AM

To:

Robert Loveland

Subject:

RE: Emailing: Vector Control Comments for the Pajaro Recharge Basin

Hi Bob,

Please find responses below. I'm not sure what to say about mosquitocides, item 3 below.

Thank you.

K

1. Will the vegetated recharge basin be designed to percolate within the 96-hour period to prevent mosquito breeding and dispersal?

Yes, the intent of the recharge basin is to capture peak storm flows, infiltrate captured runoff within a 96-hour period, and have full capacity available for the next storm event.

2. Will the unlined ponds empty, or have adequate water movement through within a 96-hour period, or have pumps to remove standing water to discourage mosquito breeding?

Soil investigations of the project site identified sandy to silty sandy material, which should have a water infiltration capacity that allows the water to drain within a 96-hour period. If the ponds do not drain within the anticipated 96-hour period, adaptive management measures will be evaluated and employed to increase the infiltrate rate. A pump will be used to drain the ponds, if needed, until a permanent solution can be installed.

3. Will the ponds be accessible to MAVC and of a narrow enough width (max. 50') so that an operator of a vehicle-mounted blower can drive the perimeter and distribute granular mosquitocides in a 25-foot swath and reach all areas? Can a backhoe have access to the ponds for vegetation maintenance?

The width of the basin will limit the distribution of mosquitocides from a vehicle-mounted blower and not all areas will be reachable. A backhoe will have access, and is the designated means along with mowing, for vegetation maintenance

4. Will ponds be maintained to remove vegetation and siltation which could compromise their performance as designed? Will cut vegetation be removed so that it doesn't add nutrients?

Yes, the ponds will be maintained as sediment and recharge basins. Vegetation and fine material, which would reduce infiltration, will not be allowed to accumulate through mowing (and removal) and dredging.

----Original Message----

From: Robert Loveland [mailto:Robert.Loveland@santacruzcounty.us]

Sent: Monday, April 10, 2017 6:29 PM

To: Kelli Camara

Subject: Emailing: Vector Control Comments for the Pajaro Recharge Basin

Hi Kelli,

There are four questions from the Ag. Commissioner's Office (see attachment) that I need answered. I need the answers by mid morning tomorrow.

Thanks

Bob

EXHIBIT F

### **Vector Control Comments**

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.



March 27, 2017

Bob Loveland Staff Planner County of Santa Cruz Planning Department 701 Ocean Street, 4th Floor Santa Cruz, CA 95060

Robert.Loveland@santacruzcounty.us

Re: Comments on MND for Pajaro Valley Groundwater Recharge Project

Dear Mr. Loveland,

Thank you for providing the Monterey Bay Air Resources District (Air District) the opportunity to comment on the above-referenced document. The Air District has reviewed the document and has the following comments:

- Construction Dust Best Management Practices, Pg. 19 The Air District appreciates inclusion of these standard BMPs for mitigation construction fugitive dust. We suggest that Mitigation Monitoring be added to this measure to assure that these practices are implemented.
- 2. Greenhouse Gas Emissions, Pg. 27/28 This section indicates that all construction equipment will comply with the Regional Air Quality Control Board emissions requirements for construction equipment and will therefore GHG emissions would be less than significant. Please note, we are not aware of any agency named the Regional Air Quality Control Board. If this refers to the Monterey Bay Air Resources District, it should be noted that the Air District does not regulate GHG emissions from construction equipment. Therefore, this would not be a viable mitigation measure. Please clarify this section and the mitigation measure being proposed.

Best Regards,

Robert Nunes

Air Quality Planner

Rabert Nunes

### Neighborhood Meeting Summary

### Application 171041

Meeting Date/Time/Location: April 18, 2017, 2:30 p.m. at the RCD Office, 820 Bay Ave. Ste. 136, Capitola

Meeting Notification Materials: 18 letters sent via first class mail (see notification, attached)

Invitees: See attached list of invitees

Attendees: No physical attendees; One phone call was received by RCD staff.

Concerns/Issues Raised by Neighbors: One phone call was received from a party wanting to learn more about the project. RCD staff explained to the caller that the project is being implemented to address groundwater overdraft in the valley, described the project's design, and the desired timeline for implementation; the caller expressed support for the project.

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April 14, 2017

NAME Address City, State, Zip

RE: Notice of Public Hearing

Dear Property Owner:

Pursuant to the County of Santa Cruz Code Sections 18.10.222 through 18.10.224, the Resource Conservation District of Santa Cruz County (RCD) is providing notice that a groundwater recharge project is proposed for implementation on APN 0951-241-34, located at 959 Riverside Drive, Watsonville, CA.

The project is in response to a county-wide effort aimed at address groundwater overdraft in the Pajaro Valley basin through groundwater recharge, as well as water conservation. The project entails the construction of a 1-acre sediment basin and 4-acre groundwater recharge basin to collect and infiltrate an estimated 350 acre feet per year (afy) of storm runoff.

A public meeting for adjacent landowners will be held at the RCD's office located at 820 Bay Avenue, Suite 136, Capitola, CA 95010 on April 18<sup>th</sup> at 2:30 PM. If you cannot attend the meeting and would like information about this project, please contact me at (831) 464-2950 X17.

Sincerely,

Chris Coburn
Executive Director

