## Findings for Certificate of Compliance and Reclamation Plan Amendment Graniterock Wilder Quarry Boundary Expansion Project and Reclamation Plan

Note: Underline strikethrough version Amendment

 That the proposed location of the mining site and access thereto and the conditions under which it would be operated are not detrimental to the public health, safety, or welfare, or significantly injurious to the environment.

The proposed location of the project site, which consists of an expansion of an existing mine and an amendment to the Reclamation Plan for the entire mine, and the conditions under which it would be operated will not be detrimental to the public health, safety, or welfare in that mining operations and reclamation would be conducted in compliance with all applicable federal, state and local regulations. These regulations are designed to protect public health, safety and welfare while recognizing that extraction of minerals is important to the economic well-being of the County and the needs of society. The project, as conditioned, would comply with standards to limit excessive emissions of dust, noise and vibration; protect water resources and sensitive habitats; and prevent unauthorized access. Reclamation of the site will involve combined processes of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from mining operations so that mined lands are reclaimed to a usable conditon which is readily adaptable for alternate land uses, and which create no danger to public health or safety. In this case the proposed end use is "open space" consisting of a native species vegetative cover capable of self regeneration without continued dependence on irrigation, soil amendments or fertilizer. Vegetative cover and species diversity will be sufficient to stabilize soils surfaces from long-term efffects of erosion and will be similar to naturally occurring habitats in the surronding area.

The Graniterock Wilder Quarry Boundary Expansion Project and Reclamation Plan Amendment Mitigated Negative Declaration (MND) identifies potentially significant impacts related to planning policies and biology. However, mitigation has been included that clearly reduces these effects to a level below significance. As a result of this evaluation, there is no substantial evidence that, after mitigation, significant effects associated with this project would result.

2. That the proposed mining operation complies with each of the applicable provisions of the Santa Cruz County Mining Regulations and all applicable State and/or Federal law.

The proposed mining operation would comply with each of the applicable provisions of the Santa Cruz County Mining Regulations and all applicable State and Federal law. The County Mining Regulations have been certified by the State as complying with the requirements of the State Surface Mining and Reclamation Act (SMARA), therefore, the County is designated as the SMARA lead agency. The proposed expansion of the existing mine and the amendment to the Reclamation Plan for the entire mine, and the conditions under which it would be operated would comply with SMARA and the County Mining Regulations in terms of noise and vibration, air pollution, water, drainage and erosion control, setbacks, sensitive habitat protection, days and hours of operation, off-street parking, screening, haul routes, posting of signs and contruction of fencing, construction of buildings and processing plants, timing of mining operation and reclamation, and reclamation access. Inspections, quarterly, annual or as needed, by County Planning Department staff will verify compliance with performance standards described in the SMARA and County Mining Regulations. In

addition, the existing Financial Assurance payable to both the County of Santa Cruz and the State Department of Conservation will be updated so that the amount is adequate to conduct and complete reclamation on the mined lands in accordance with the approved reclamation plan. In the event that the operator is financially incapable of performing reclamation in accordance with the approved Reclamation Plan or has abandoned the mining operation without commencing reclamation, either the Planning Director or the Director, Department of Conservation, would use the proceeds from the forfeited financial assurances to conduct and complete reclamation in accordance with the approved Reclamation Plan.

The existing mine operates pursuant to permits from other state and federal agencies as follows: Central Coast Regional Water Quality Control Board General Storm Water Permit for Industrial Activities; Monterey Bay Unified Air Pollution Control District Permits to Operate existing emissions-producing equipment and; U. S. Fish & Wildlife Service Incidental Take Permit for California red-legged frogs due to operation of settlement basins. In addition, the mine is periodically inspected by the federal Mine Safety Administration (MSHA) and the Occupational Health and Safety Administration (OSHA) for compliance with worker health and safety regulations.

### 3. That the proposed mining operation complies with any applicable specific plan, the County's General Plan and the Local Coastal Plan Land Use Element (if applicable).

The proposed expansion of the existing mine and the amendment to the Reclamation Plan for the entire mine, and the conditions under which it would be operated will comply with the County's General Plan and the Local Coastal Plan Land Use Element (GP/LCP) in that the site is designated as a Mineral Resource Area and the mining operation, as conditioned, will be consistent with all General Plan and LCP Land Use Plan policies, including resource protection policies as described in the MND for the project. The project meets the objective of the General Plan to allow the orderly economic extraction of minerals with a minimal adverse impact on environmental and scenic resources and surrounding residential land uses; to require reclamation of quarry sites concurrently with the extraction of the mineral resource and the completion of quarry operations in any specific area to the greatest extent feasible; and to ensure that the rehabilitation and future use of quarry sites are in accordance with safety, conservation, habitat preservation, restoration and open space values and state mining laws.

The project is in conformance with the GP/LCP Biotic Resources Policies in that impacts to sensitive habitats and species will be mitigated to a less than significant level and these impacts are unavoidable because of the site-specific nature of the mining operation. The project is in conformance with GP/LCP Water Resources Policies, including surface waters, groundwater, and stream flows, in that potential impacts to water resources will be mitigated to a less than significant level through implementation of drainage and erosion control measures to protect quality and quantity of surface and groundwater resources, and additional monitoring to ensure protection of groundwater resources. The project is in conformance with GP/LCP Air Quality Policies in that the project will comply with the Monterey Bay Unified Air Pollution Control District's Air Quality Management Plan. The project is in conformance with GP/LCP Noise Policies in that continuation of the mining

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operation is not expected to significantly increase noise levels along property lines. Monitoring has shown that the current operation meets County Mining Regulations noise standards. The project is in conformance with GP/LCP Slope Stability and Erosion Policies in that the final quarry slopes meet minimum standards for long-term stability; and erosion will be minimized through implementation of erosion and drainage control measures during mining and revegetation to achieve long-term soil stability.

Santa Cruz County General Plan/Local Coastal Plan (GP/LCP) Policy 5.1.2 and County Code 16.32.040 list the types of habitats defined as sensitive habitat. Grassland in the coastal zone is included in the list of sensitive habitats. Pursuant to GP/LCP Policy 5.1.6 sensitive habitats shall be protected against any significant disruption of habitat values; and any proposed development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat. GP/LCP Policy 5.1.3 lists the types of habitats defined as Environmentally Sensitive Habitat (ESHA) per the California Coastal Act and allows only uses dependent on those habitats. Grassland in the coastal zone is not included in the list of ESHA. Therefore, grassland in the coastal zone is a sensitive habitat, but it is not ESHA.

The property is located in an area that is mapped as Grassland in the Coastal Zone according the General Plan and Local Coastal Plan (GP/LCP) Resources and Constraints Maps. According to GP/LCP Policy 5.1.2 and County Code Section 16.32.040 areas mapped Grassland in the Coastal Zone are defined as sensitive habitat. However, changes to the GP/LCP Resources and Constraints Maps can be made in accordance with Figure 1-7 in Chapter 1 of the GP/LCP. The column titled "Parcel Specific Overriding Information" in Figure 1-7 lists criteria under which an individual property may be evaluated. The overriding information for mapped sensitive habitats is a biotic (biological) report prepared by a qualified biologist. Individual reports prepared under the criteria do not change the overall maps, but may "override" the policies relating to the specific resource or constraint for an individual property.

A biological report was prepared for this project (Exhibit A, Attachment 4). The report has been reviewed and approved by the County Environmental Coordinator. The report found that the mapped grassland in the proposed expansion area contains mostly annual, nonnative grassland, which the County does not consider as meeting the definition of a sensitive habitat. Specifically, annual, nonnative grassland is not a locally unique biotic community. The biological report does find that a linear patch of native, perennial grassland called coastal prairie grassland exists <u>partially</u> within the proposed expansion area. Coastal prairie grassland is a locally unique biotic community based on the following criteria described in the biological report.

Although no official threshold value has been established by resource agencies in determining how much cover by native grasses constitutes native grassland, this study used a threshold of 10% as the deciding factor. Areas with greater than 10% cover by native perennial grasses were classified coastal prairie. This cover value threshold is consistent with classification of perennial grasslands presented by scientists Todd Keeler-Wolf, Julie M. Evens, Ayzi K I. Solomeshch, V. L. Holland, and Michael G. Barbour in Manual of California Vegetation (2nd Edition, CNPS).

The linear patches mapped as prairie on Figure 2 meet this threshold. The prairie patches are linear in their configuration and appear to be associated with previous land disturbances (old road?). The wet-tolerant oatgrass was observed growing within manmade depressions (tire tracks/depressed soil areas) on the knoll. No other oatgrass prairie was observed within the proposed mining area.

The linear patch of coastal prairie <u>partially</u> within the proposed expansion area that would be eliminated by mining is approximately 73 feet in length and amounts to an area of approximately 769 square feet (0.02 acre). This area abuts a larger area of coastal prairie located on the property, outside the proposed mining area between the mining area and the northern property line. The northern property line abuts more extensive prairie habitat on Wilder Ranch State Park.

Santa Cruz County General Plan Local Coastal Plan (GP/LCP) Policy 2.19.2 Operation of Existing Quarries states:

Allow continued operation of existing quarries and allow expansion within areas designated as Mineral Resources, including those located in the Coastal Zone, where impacts of environmental and scenic resources and surrounding residential uses can be mitigated. Require that all existing quarries meet the requirements of the County's Mining ordinance. Require that all mining operations maintain and implement a County approved reclamation plan as required under the California Surface Mining and Reclamation Act (SMARA), and ensure that the rehabilitation and future uses of depleted quarry sites are in accordance with conservation and open space values.

This policy allows mining in this area because the property is designated as Mineral Resource, and impacts on environmental resources can be mitigated. The mitigation as proposed involves implementing coastal prairie grassland management/enhancement activities within the northern property setback area to mitigate impacts to the small patchesportion of coastal prairie that will be affected by mining. These mitigation activities are recognized management/enhancement activities in coastal prairie grassland habitat, and Graniterock has installed test plots to demonstrate their ability to accomplish these activities including seeding, propogating and transplanting coastal prairie species in on site test plots as described in their letter dated January 8th, 2014 in Exhibit H.

Environmentally Sensitive Habitat Area. as defined by the Coastal Act, is any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. The County GP/LCP defines these habitats in Santa Cruz County in General Plan Policy 5.1.3. As a locally unique biotic community the coastal prairie grassland does not meet the definition of Environmentally Sensitive Habitat Area (ESHA) in the GP/LCP. As a result, the more restrictive policies that apply to ESHA, allowing only resource dependent uses, do not apply to coastal prairie grassland. Rather, the coastal prairie grassland shall be protected against any significant disruption of habitat values; and any proposed development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat. Based on the mitigation measures outlined in the biological report, and detailed in the Amended Revegetation Plan, including implementation

of coastal prairie grassland management/enhancement and transplanting activities within the northern property setback area, the impacts involving the small patchesportion of coastal prairie grassland that will be affected by mining would be reduced to a less than significant level. These mitigation measures ensure that no significant disruption of habitat values occurs as a result of the proposed mining expansion, and that the functional capacity of the habitat is maintained and enhanced.

The Sensitive Habitat Ordinance (16.32) includes Table 3 in Section 16.32.090 that lists permitted uses and minimum permit conditions that apply to Habitat of Locally Unique Species, including Grassland in the Coastal Zone (coastal prairie). While Table 3 does not include mining in the list of permitted or discretionary uses in Grasslands in the Coastal Zone (coastal prairie), GP/LCP Policy 2.19.2 allows mining because the area is designated as a Mineral Resource, and environmental impacts can be mitigated. Allowable uses shall be consistent with, and implement, GP/LCP policies as stated in County Code Section 13.10.170.

Pursuant to Sensitive Habitat Ordinance Section 16.32.090(C), mining in or adjacent to a sensitive habitat area shall conform to the types of permitted uses listed in Table 3 of that section of the code, unless the Planning Commission finds that the development will not affect the habitat based on a recommendation of the Environmental Coordinator following a biotic review. Although Table 3 in Section 16.32.090 does not include mining in the list of permitted uses, the proposed mine expansion is allowed pursuant to Section 16.32.090(C) in that coastal prairie grassland would not be affected by the project. The no affect determination is based on a finding that implementation of the proposed mitigation measures, including transplanting, managing, and enhancing coastal prairie grassland in the northern property setback area would maintain and enhance the functional capacity of the habitat.

4. That the proposed mining operation is consistent with all applicable County Ordinances, including without limitations Chapter 16.44, the Paleontological Resource Protection Ordinance.

The proposed project would be in compliance with all applicable County Ordinances, including the Paleontological Resource Protection Ordinance. The existing permit contains a Condition of Approval that addresses this issue, which will remain a Condition of Approval of the proposed project. If a significant paleontological find is made, all mining operations will be halted within a 200-foot radius of the location of the find and the quarry operator is required to notify the County immediately. A qualified paleontologist, as approve by the Planning Department, would then be retained to assess the significance of the find and implement mitigation measures recommended as a result of such assessment, consistent with the Paleontological Resource Protection Ordinance.

5. That significant surface and groundwater resources including springs and aquifers shall not be adversely affected as a result of the proposed mining operation.

Significant surface and groundwater resources including springs and aquifers will not be adversely affected as a result of the proposed mining operation in that existing drainage and erosion control measures, and surface and groundwater monitoring programs ensure the mining operation does not adversely impact these resources.

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County mining regulations stipulate that the lowest elevation of any mining operation at any time shall be 20 feet above the peak groundwater elevation. Based on groundwater level monitoring at the site, past mining activities have not intercepted the groundwater table and the 20-foot separation has been maintained. Based on the results of groundwater monitoring at the site, groundwater quality has not been affected by the mining operation. Surface water resources are protected by implementation of drainage and erosion control measures to prevent uncontrolled discharge of storm water and process water into natural water courses.

6. That the Reclamation Plan has been reviewed pursuant to CEQA and the County's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible.

The Reclamation Plan has been reviewed in the MND prepared for the project by the County Planning Department, and certified by the Planning Commission as part of the approval for the project. The proposed reclamation of the mined land will effectively prevent or minimize any deterioration of the environment if the mitigations identified in the MND are implemented and the Conditions of Approval are followed including the implementation of the approved Reclamation Plan. With the implementation of mitigation measures and project conditions all environmental impacts will be reduced to a less than significant level.

7. The project is compatible with available service infrastructure and surrounding uses.

The project as conditioned will be compatible with the service infrastructure, surrounding uses, and the local economy. The MND concludes that the surrounding land use (agricultural, state park and municipal landfill) will not be affected significantly by noise, aesthetics, traffic, air quality and slope stability if all recommended mitigations are followed. Furthermore, the Quarry has been in operation since the 1960s and the associated employment is beneficial to the local economy.

# Findings for Coastal Development Permit Graniterock Wilder Quarry Boundary Expansion Project and Reclamation Plan Amendment

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in Section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

The proposed expansion area is zoned Special Use (SU). See Exhibit A, Attachment 1 for Zoning, General Plan and Assessor's Parcel Maps. The existing and proposed mining operation is an allowed use in the SU zone districts consistent with the General Plan and Local Coastal Plan (GP/LCP) land use designations of Mountain Residential (R-M) and Industrial (Q) overlay.

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This policy allows mining in this area because the property is designated as Mineral Resource, and impacts on environmental resources can be mitigated. The mitigation as proposed involves implementing coastal prairie grassland management/enhancement activities within the northern property setback area to mitigate impacts to the small patchesportion of coastal prairie that will be affected by mining. These mitigation activities are recognized management/enhancement activities in coastal prairie grassland habitat, and Graniterock has installed test plots to demonstrate their ability to accomplish these activities including seeding, propogating and transplanting coastal prairie species in on site test plots as described in their letter dated January 8th, 2014 in Exhibit H.

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prairie grassland shall be protected against any significant disruption of habitat values; and any proposed development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat. Based on the mitigation measures outlined in the biological report, and detailed in the Amended Revegetation Plan, including implementation of coastal prairie grassland management/enhancement and transplanting activities within the northern property setback area, the impacts involving the small patchesportion of coastal prairie grassland that will be affected by mining would be reduced to a less than significant level. These mitigation measures ensure that no significant disruption of habitat values occurs as a result of the proposed mining expansion, and that the functional capacity of the habitat is maintained and enhanced.

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Pursuant to Sensitive Habitat Ordinance Section 16.32.090(C), mining in or adjacent to a sensitive habitat area shall conform to the types of permitted uses listed in Table 3 of that section of the code, unless the Planning Commission finds that the development will not affect the habitat based on a recommendation of the Environmental Coordinator following a biotic review. Although Table 3 in Sensitive Habitat Ordinance Section 16.32.090 does not include mining in the list of permitted uses, the proposed mine expansion is allowed pursuant to Section 16.32.090(c) in that coastal prairie grassland would not be affected by the project. The no affect determination is based on a finding that implementation of the proposed mitigation measures, including transplanting, managing, and enhancing coastal prairie grassland in the northern property setback area would maintain and enhance the functional capacity of the habitat.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

The project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

 That the project is consistent with the Design Criteria and special use standards and conditions of County of Santa Cruz Coastal Zone Regulations pursuant to Section 13.20.130 et seq.

The project is consistent with the Design Criteria and special use standards and conditions of Section 13.20.130 et seq. in that the proposed expansion of the mine and reclamation of the mine is an allowed use consistent with the GP/LCP and, if all Mitigation Measures and Conditions of Approval are followed, would comply with SMARA and the Mining Regulations. The project does not involve any new structures or create any new disturbance in designated rural scenic resource areas. The entire mine and the proposed expansion area are visible to some extent from various points along Highway One and within Wilder Ranch

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State Park. The site is adequately screened from Highway One pursuant to the requirements of the existing mining permit and the proposed expansion area would not be visible from Highway One. The small size of the expansion area (2.8 acres) relative to the size of the existing visible mining operation (approximately 60 acres) is less than significant (approximately 5%) with respect to impacts on existing views from with the State Park. Views from the State Park also include the Dimeo Lane Landfill, therefore the view shed includes a large mining operation, a large landfill, and agricultural and open space vistas, with coastal beach, cliff and ocean views. The small size of the expansion area in the overall context is determined to be less than significant. Reclamation of the site will involve a combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from mining operations so that mined lands are reclaimed to a usable conditon which is readily adaptable for alternate land uses, and which create no danger to public health or safety. In this case the proposed end use is "open space" consisting of a native species vegetative cover capable of self regeneration without continued dependence on irrigation, soil amendments or fertilizer. Vegetative cover and species diversity would be sufficient to stabilize soils surfaces from long-term effects of erosion and would be similar to naturally occurring habitats in the surronding area.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program Land Use Plan, specifically Chapter 2: Figure 2.5 and Chapter 7.

The site is not designated as a priority site in GP/LCP Chapter 2: Figure 2-5. The site is not designated for the provision of public service infrastructure in GP/LCP Chapter 7 Parks, Recration and Public Facilities.