Staff Report to the Zoning Administrator

Application Number: **07-0602**

Applicant: Rachel Lather
Owner: Cemex Inc.
APN: 058-071-04

Agenda Date: **1/18/08**
Agenda Item #: **4**
Time: After 10:00 a.m.

Project Description: Proposal to construct a 600 square foot addition to an existing Davenport Sanitation District water treatment building, 265,000 gallon water tank and 1,500 gallon settling basin. This project will install a new surface water treatment facility consisting of pre-treatment filter system and membrane filter system for final filtration and needed site improvements to meet State water quality requirements.

Location: The project site is located in the North Coast Planning Area within the Coastal Zone and is located within the CEMEX plant (formerly RMC Lonestar) on Highway 1, north of the town of Davenport at 700 Highway 1.

Supervisoral District: Third District (District Supervisor: Neil Coonerty)

Permits Required: The project requires a Coastal Development Permit.

Staff Recommendation:

- Certification of **the** attached Negative Declaration with mitigations, under the California Environmental Quality Act.
- Approval of Application 07-0602, based on the attached findings and conditions.

Exhibits

A.	Project plans	E.	Assessor's parcel map
B.	Findings	**F.**	Zoningmap
C.	Conditions	***G.***	General Plan map
D.	Negative Declaration with Mitigations (CEQA determination)	H.	Comments and Correspondence

Parcel Information

Parcel Size:	109 Acres
Existing Land Use - Parcel:	Cement Manufacture
Existing Land Use - Surrounding:	Commercial Agriculture
Project Access:	Highway 1

Planning Area:	North Coast
Land Use Designation:	Agriculture, Pu c Facility, Public Utility, Mountain Residential
Zone District:	"M-2-L" (Heavy Industrial) and "CA" (Commerical Agriculture), "PF" (Public and Community Facility)
Coastal Zone:	_x_ Inside __ Outside
Appealable to Calif. Coastal Comm.	_x_ Yes __ No

Environmental Information

An Initial Study has been prepared (Exhibit D) that addresses the environmental concerns associated with this application.

Services Information

Urban/Rural Services Line:	__ Inside _x_ Outside
Water Supply:	Davenport Sanitation District
Sewage Disposal:	Septic
Fire District:	Santa Cruz County Fire Service Area #48
Drainage District:	Outside County Drainage District

History

The Davenport County Sanitation District provides treated water to Davenport and New Town residents at a treatment facility located on the Cemex cement plant property. The District also provides water to *the* plant for industrial purposes. **The** water supply is surface water from San Vicente and Mill Creeks. Water is diverted at **a** constant rate and a maximum amount of withdrawal has been established by the Department of Fish and Game. Some water is diverted for industrial use prior to treatment and storage; the remainder is treated and stored in the existing 135,000-gallon tank. Storage capacity will increase by 130,000 gallons as a result of the project; however, this will not result in an increase in water diverted to the plant, as the water that is currently used by CEMEX will be treated and stored in the new tank. Total water usage will not be affected, only the amount set-aside in storage. The town of Davenport has been receiving water from the same collection system provided by the owners of the Cement Plant property since before 1914. The existing water treatment facility is out of compliance with recent State regulations for surface water treatment and for turbidity levels in the winter. In addition, the water storage tank is not large enough to provide adequate fire flow storage and is severely deteriorated.

District staff have applied for a grant and a loan from the State Revolving Fund program in order to upgrade the treatment plant.

Project Setting

The project site is located in the North Coast Planning area. The parcel is within mapped Biotic, Archaeological and Scenic **Resource** Areas and is located within the Coastal Zone. The CEMEX (formerly RMC Lonestar) property is approximately 109 acres in size and generally slopes from

the northeast coastal mountains to **the** southwest property boundary at Highway 1. The parcel contains several buildings, parking areas, and roadways that make up the industrial campus of the cement plant. The parcel is located within the unincorporated town of Davenport on the County's north coast. Residential and commercial areas of the main part of Davenport area located southeast of the plant. The residential "New Town" area is located directly northwest of the plant. The land to the north of the plant, and northwest and southeast of the Davenport area is an expansive area of open space, some of which is used for crop and livestock agriculture. State Route 1 is located south of the plant. The landscape of the surrounding area is comprised mainly of rolling hills vegetated with northern maritime scrub species, mixed forest species (dominated by pine, Douglas fir, redwood and oak) and large expanses of coastal grasslands.

The site improvement area is located on the northeasterly portion of the cement plant property, approximately 300 to 400 feet from nearby property lines to the north and east. The existing improvements consist of a small water treatment building, approximately 500 square feet and an existing 135,000 gallon water tank, approximately 35 feet in diameter. These structures are located approximately 35-40 feet from an existing water reservoir. These improvements are located within an already significantly disturbed and expansive cement plant service road area comprised of gravel and hardpacked soil. Otherwise, this area is surrounded to the south and southwestwest by shrubs (coyote bush).

Detailed Project Description

The project consists of adding a multi-stage sand filter system and spin-disc filter system, in series, and a Strainrite bag filter system for final filtration to the current water treatment facility. This will require a small increase in the footprint of the existing treatment facility of 600 square feet.

The project will also construct a new 265,000-gallon water tank to replace the existing 135,000-gallon tank. It is proposed to continue use of the existing tank while constructing the new tank at a location to the north of **the** existing tank. The existing tank will **be** rehabilitated and used as a settling basin in the winter when turbidity problems are encountered with the surface water source. **The** increase in developed area to accommodate the new tank is approximately 1520 square feet.

Zoning & General Plan Consistency

The area proposed for the treatment facility addition and water tank is zoned "M-2-L" (Heavy Industrial and containing a structure designated on **the** historical registry). Although the site contains a "L" designation, which usually identifies that the site contains a historic structure on the State Historic Registry. In this case, the proposed facility improvements **are** not identified as the identified Historic Resource or located within close proximity to this historic structure and do not in any way affect this historic building. The proposed water treatment facility addition and new 265,000 gallon water storage tank is a permitted use within the "M-2" zone district and is consistent with the site's Mountain Residential General Plan designation. In particular, the project is setback a minimum of 300 feet from the nearest agriculturally zoned property, far in excess of **the** required 100 (foot) yard setback and 200 foot agricultural setback established by the code. In addition, the proposed water tank is approximately 23 feet in height and falls within the

maximum 35 foot height allowed within the M-2 zone district.

Local Coastal Program Consistency

The proposed water treatment facility addition and water tank are in conformance with the County's certified Local Coastal Program. The Local Coastal program requires that structures are sited and designed to be visually compatible, in scale with, and integrated with the character of the existing property and surrounding uses. In this case, the proposed water tank and water treatment facility is industrial site and do not otherwise affect surrounding agricultural uses. Furthermore, while the site is identified within a Scenic Resource area, the location of the improvements are not visible from the Highway 1 Scenic Comdor. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Design Review

The proposed water treatment facility addition and water tank meet the design review criteria under County Code 13.11. The proposed project is located in an active industrial area, and proposed improvements will be located suit the industrial character of the site by location in an area that is mostly disturbed &om cement plant operations, in ***an*** area comprised of compacted road surface adjacent to the existing treatment facility. Furthermore, the proposed improvements will not be visible to the Highway 1 Scenic Corridor, a public view-shed. And while the water tank may be visible from surrounding agricultural fields to the northeast, the natural color proposed for the tank will minimize impacts to private views

Environmental Review

Environmental review has been performed pursuant to the requirements of the California Environmental Quality Act (CEQA). The project was reviewed by the County's Environmental Coordinator on September 26,2005. A preliminary determination to issue a Negative Declaration with Mitigations (Exhibit D) was made on December 13,2005. The mandatory public comment period expired on December 12,2005, with no comments received.

It should be noted that the proposed tank size and treatment facility expansion differ slightly from that reviewed under Environmental Review. The tank has been increased in size from 250,000 gallons to 265,000 gallons and the treatment facility expansion has been increased from 400 to 600 square feet in size. While the volume of the water tank size has increased, the footprint of the tank has not changed. Environmental Planning staff finds that these modifications do not require additional environmental review because they will not affect the identified environmental impacts or require revision to the mitigation measures.

The environmental review process focused on the potential impacts of the project in the areas ***of*** Hydrology/Water Supply/Water Quality, Biological Resources, and Growth Inducement. The environmental review process generated mitigation measures that will reduce potential impacts from the proposed development and adequately address these issues:

Erosion Control

Some potential for erosion exists during the construction phase of the project, however, this potential is minimal because the disturbance area is flat and compacted, with minimal grading required, and standard erosion controls are a required condition of the project. Prior to approval of a grading or building permit, the project must have an approved Erosion Control Plan, which will specify detailed erosion and sedimentation control measures. The plan will include provisions for disturbed areas that are not in use by quarry vehicles to be planted with ground cover and to be maintained to minimize surface erosion.

Biological Resources

Protection of Red legged Frog Sensitive Habitat

The proposed project is within 350 feet of a known breeding pond for the federally listed red-legged frog(RLF) (*Rana* ***aurora*** *draytonii*) (Ecosystems West, 1999). Prior to any disturbance of the site, a qualified biologist, approved by the US Fish and Wildlife Service to handle RLFs will conduct preconstruction surveys for frogs and for Southwestern Pond Turtle *(Clemmys* ***marmorata),*** a California Species of Special Concern. The biologist will also provide an educational session for all contracted workers involved in this project and will conduct monitoring during all disturbance activities. If individuals **are** found they will be relocated away from the project area and excluded from return. The biological monitor shall conduct morning surveys to ensure the work area is free of any protected species prior to each day's disturbance.

Riparian Protection

The pond adjacent to the treatment facility is also considered a riparian area even though it was not naturally created. The pond contains cattails in the water and along the very edge of the pond as well. However, there is not any riparian vegetation between the pond edge and the building addition. In any case, the project contains mitigation measures requiring that prior to any construction activities, the overflow pond be fenced off to ensure that no disturbance takes place along the edge of the pond. This is needed to protect the potential red legged frogs in this area. **A** minimum 20 foot setback has been established by Environmental Planning staff for this purpose. The proposed plans reflect this detail. It should be noted that the code does not identify a minimum setback for this type of water feature because this pond is not a natural feature. Environmental Planning staff finds a 20 foot setback appropriate for this project. The plans also call out for removal of some coyote bush along the northeastern edge of the proposed water treatment facility building expansion. Environmental planning staff has verbally requested that the contractor minimize removal of this vegetation to ensure that a vegetative buffer is maintained between the building expansion and existing pond. **A** condition has been added to ensure that during the pre-construction meeting, Environmental Planning staff, in consultation with the contractor, determine how much of the area shown as "proposed removal and/or trimming" actually be removed and/or trimmed.

Archaeological Resource Protection

According to the Santa ***Cruz*** County Archeological Society site assessment, dated 7/21/99

(Attachment 2), there is no evidence of pre-historic cultural resources in this location. However, pursuant to Section 16.40.040 of the Santa Cruz County Code, if archeological resources are uncovered during construction, the responsible persons shall immediately cease and desist from all further site excavation and comply with the notification procedures given in County Code Chapter 16.40.040.

Conclusion

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

Staff Recommendation

- Certification of the Negative Declaration as determined by Environmental Review under the California Environmental Quality Act.

- **APPROVAL** of Application Number 07-0602, 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: www.co.santa-cruz.ca.us

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Coastal Development Permit Findings

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

This finding can be made, in that the property is zoned "M-2-L" (Industrial), a designation which allows utility uses. The proposed 600 square foot addition is a permitted **use** within the zone district, consistent with the site's MR (Mountain Residential) General Plan designation. The improvements comply with **the** development standards including, but not limited to, setbacks and height requirements as well as setbacks to agricultural operations beyond the property.

The "L" designation specifies location of a structure listed on the Historic Registry. This structure is not located at this part of the site and will not be affected.

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

This finding can be made, in that the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such easements or restrictions are known to encumber the project site.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.

This finding can be made, in that the proposed project is located on an operational cement plant site; and as such, the proposed improvements will be located in an area that is compacted road surface area, but separated enough so as not to infringe upon the cement plant operation. Furthermore, the proposed improvements will not be visible to the Highway 1 Scenic Corridor, a public view-shed. The development will be partially screened from private views (from surrounding agricultural fields) by existing vegetation (coyote bush) and the tank color shall be natural in appearance and complementary to the site; and the development site is not on a prominent ridge, beach, or bluff top.

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, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter **3** of the Coastal Act commencing with section 30200.

This finding can be made, in that the project site is not located between the shoreline and the first public road. Consequently, the utility structures will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. That the proposed development is in conformity with the certified local coastal program.

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the industrial site and surrounding agricultural fields by use of natural color, as encouraged by Policy 8.5.2. Additionally, utilities are allowed uses in the "M-2" (Industrial) zone district, as well as the General Plan and Local Coastal Program "MR" (Mountain Residential) land use designation.

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 Industrial Uses and other utilities and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed 600 square foot utility structure addition and 265,000 gallon water tank will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structures meet all current setbacks and height requirements that ensure access to light, air, and open space in the neighborhood.

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 utility structure and water tank and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the "M-2" (Industrial) zone district in that the utility use of the property will meet all site standards for the zone district.

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 the proposed utility structure addition and water tank are consistent with the use and density requirements specified for the "MR' (Mountain Residential) land use designation in the County General Plan.

The proposed Utility Structure and Water Tank will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.2 (Design Review Ordinance), in that the utility structure addition and water tank will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed utility structure addition and water tank will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed utility structure addition and water tank will comply with the site standards for the "M-2" zone district (including setbacks, lot coverage, floor area ratio, height, and number of stones) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

The proposed project is not located within a special community or subject to a specific plan for this portion of the County.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed utility structure addition and water tank is to be constructed on an existing cement plant site. The proposed building expansion is not expected to generate additional traffic because it is a water treatment facility; and, therefore will not adversely impact existing roads and intersections in the surrounding area.

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 located on an existing industrial site containing a cement plant site disturbed by cement operations and surrounded by agricultural fields. Also, the proposed utility structure addition and water tank is consistent with the land use intensity and will not affect the development density of the surrounding uses.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections **13.1**1.070 through **13.1**1.076), and any other applicable requirements of this chapter.

This finding can **be** made, in that the proposed utility structure addition and water tank will be of an appropriate scale and type of design that will not significantly affect the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area by provision of natural color. Furthermore, the structures will be partially screened by existing vegetation so that visual impacts to surrounding agricultural property will be minimized.

Conditions of Approval

Exhibit **A:** Project Plans, dated December 2007, prepared by Fall Creek Engineering, Inc.

I. This permit authorizes the construction of a 600 square foot addition to an existing utility structure and a 265,000 gallon water tank. 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 Building Permit from the Santa Cruz County Building Official.

C. Obtain a Grading Permit from the Santa Cruz County Building Official.

II. Prior to issuance of a Building Permit the applicant/owner shall:

A. Submit proof that these conditions have been recorded in the official records of the County of Santa **Cruz** (Office of the County Recorder).

B. Submit final architectural plans 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 Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include **the** following additional information:

1. One elevation shall indicate materials and colors, and the applicant shall supply a color and material board in 8 ½" x 11" format for Planning Department review and approval. **The** water tank shall be muted earth tone in color and shall be reviewed and approved by Planning Staff.

2. All mitigation measures shall be listed on the building plans, consistent with the approved project mitigations, with the location of construction fencing and an erosion control plan graphically represented on the building plans.

3. Submit grading, drainage, and detailed Erosion Control plans for review and approval by Resource Planning staff and Public Works Drainage staff. The erosion control plan shall include a clearing and grading schedule, clearly marked disturbance envelope, revegetation specifications, temporary road surfacing and construction entry stabilization and details of temporary drainage control. Grading quantities shall include over-

excavation and re-compaction quantities, and should be listed as a separate line item in the grading volume table. Grading plans shall provide additional contour data (minor contour lines). These should be dashed and should extend through the proposed structures. Also, the grading plans shall provide proposed contour lines, in solid linetype. Drainage plans shall show existing site drainage patterns and any changes as a result of this project. Drainage plans shall provide construction details of all drainage features associated with this project on site. Drainage plans shall indicate how new runoff from the structures will be handled in a safe manner.

4. Building plans shall indicate a minimum 7 foot separation between water tanks, consistent with the soils report recommendation.

5. The applicant shall submit a plan review letter from the soils engineer This letter shall state that the project plans conform to the recommendations of **the** report.

6. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.

C. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.

D. Meet all requirements of and pay drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.

E. Meet all requirements and pay any applicable plan check fee of the California Department of Forestry.

III. Prior to any site disturbance or physical construction on the subject property the following condition(s) shall be met:

A. Riparian Protection: In order to prevent inadvertent encroachment of material, equipment, or **people** into the riparian area, a sturdy construction fence shall be erected around the riparian vegetation, at least five feet from the edge of the vegetation.

B. Prior to the Pre-Construction Meeting: In order mitigate potential impacts to Red Legged Frogs (Rana aurora draytonni) (RLF) and Southwest pond turtles (Clemmys marmorata pallida) (SWP) the applicant shall assume these animals may be present in the work area and shall implement preconstruction surveys, worker training, and periodic site inspection by a consulting biologist approved to handle the animals, according to U.S. Fish and Wildlife Service protocol and the following:

1. Prior to the pre-construction meeting, the biologist shall submit a letter detailing the strategy for excluding protected animals from the site and for redirecting individuals away from the site, for review and approval by the Resource Planning Staff;

2. Pre-construction surveys shall **be** performed by a qualified biologist no closer than one week to the beginning of construction. Prior to beginning construction the applicant shall submit the results of the survey to Environmental Planning staff for review;

3. Riparian Protection: A sturdy construction fence shall be erected around the riparian vegetation, at least five feet from the edge of the vegetation.

C. Pre-Construction Meeting: In order to ensure that the mitigation measures are communicated to the various parties responsible for constructing the project, prior to any disturbance on the property **the** applicant shall convene a pre-construction meeting on the site. The following parties shall attend: applicant, grading contractor supervisor, Santa Cruz County Resource Planning staff, and project biologist. At this meeting, the following shall be addressed:

1. Riparian Protection: Temporary construction fencing demarcating the riparian "no disturbance" area will be inspected by the Resource Planner.

2. Results of the pre-construction biotic surveys will also be collected by the Resource Planning Staff.

3. The project biologist shall conduct a training session for workers and equipment operators to inform them of **the** Endangered Species Act regulations as they apply to these species and to train them to property identify the species in the field.

4. The biologist shall inform the grading contractor supervisor that morning biotic surveys will be completed to ensure that the work area is **free** of any protected species prior to each day's disturbance.

5. Environmental Planning Staff, in consultation with the Contractor, will determine the minimum vegetation required to be removed and/or trimmed for construction of the 600 square foot treatment facility expansion.

IV. Construction shall **be** performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet **the** following conditions:

A. All site improvements shown on the final approved Building Permit plans shall be installed.

B. All inspections required by the building permit shall he completed to the satisfaction of the County Building Official.

C. Biotic Protection: The biologist/monitor shall conduct morning surveys to ensure that the work area is free of any protected species prior to each day's disturbance.

D. The project must comply with all recommendations of the approved soils reports.

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.

V. 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.

VI. 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.

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

(a) COUNTY defends the action in good faith

B. Settlement. 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.

C. Successors Bound. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

D. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement, which incorporates the provisions **of** this condition, or this development approval shall become null and void.

VII. Mitigation Monitoring Program

The mitigation measures listed under this heading have been incorporated in the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, a monitoring and reporting program for the above mitigation is hereby adopted as a condition of approval for this project. This program is specifically described following each mitigation measure listed below. The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to section 18.10.462 of the Santa Cruz County Code.

A. Mitigation Measure: Biotic and Riparian Protection: Pre-Construction Meeting (Condition III. C.1., III. C.2.)

1. Monitoring Program: The Santa **Cruz County** Resource Planning Staff shall attend the pre-construction meeting and do the following:

a. Inspect the temporary construction fencing demarcating the riparian "no disturbance" area.

a. Collect the pre-construction biotic surveys.

B. Mitigation Measure: Biotic Protection: Pre-Construction Meeting Training and Information Session (Condition III.C.3., III.C.2, IJI.C.3, III.C.4.)

1. Monitoring Program: The Santa Cruz County Resource Planning Staff shall attend the pre-construction meeting and ensure that the following has occurred:

EXHIBIT C

a. The biologist shall submit a letter detailing the strategy for excluding protected animals from the site and for redirecting individuals away from the site, for review and approval by Resource Planning Staff.

b. Resource planning staff shall collect the results of the biotic survey completed by the biologist.

c. Resource planning staff shall verify that the project biologist conducted a training session for workers and equipment operators to inform them of the Endangered Species Act regulations **as** they apply to these species and to train them to property identify the species in the field.

d. Resource planning staff shall verify that **the** biologist informed the grading contractor supervisor that morning biotic surveys will be completed to ensure that the work area **is free** of any protected species **prior** to each day's disturbance.

C. Mitigation Measure: Riparian Protection (Conditions III.A, III.C.1.)

1. Monitoring Program: Prior to construction, the applicant shall install the construction fencing. This fencing shall be inspected by the Resource Planning Staff at the pre-construction meeting.

D. Mitigation Measure: Erosion Control (Condition II.B.3.)

1. Monitoring Program: Prior to issuance of the building permit, the applicant shall submit an erosion control plan for review and approval by the Resource Planning Staff.

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 **two** years from the effective date **on** the expiration date listed below unless **you** obtain the required permits **and** commence construction.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey	Sheila McDaniel
Zoning Administrator	Project Planner

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

COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT
701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX (831) 454-2131 TDD (831) 454-2123
TOM BURNS, PLANNING DIRECTOR

NEGATNE DECLARATION AND NOTICE OF DETERMINATION

Application Number: OS-OS70

Rachel Lather of Davenport Sanitation District, for Lone Star Cement Corporation

This project will install a new surface water treatment facility consisting o fpretreatment using multi-stage sand filter system and spin-disc filter system in series and Strainrite bag filter system for final filtration and needed site improvements. In addition, the project will construct a new 250,000-gallon water tank to replace the existing 135,000-gallon tank. The project is located at the cement plant on Highway 1, just north of the town of Davenport, California.

APN: 058-071-04

Matthew Johnston, Staff Planner

Zone District: CA, m-2-L, PF, NC

ACTION: Negative Declaration with Mitigations
REVIEW PERIOD ENDS: October 24, 2005
This project will be administratively considered by Environmental Planning Principal Planner after October 24,2005.

Findings:
This project, if conditioned to comply with required mitigation measures or conditions shown below, will not have significant effect on the environment. The expected environmental impacts of the project are documented in the Initial Study on this project attached to the original of this notice on file with the Planning Department, County of Santa Cruz. 701 Ocean Street, Santa Cruz, California.

Required Mitigation Measures or Conditions:
_____ None
__XX__ Are Attached

Review Period Ends **Extended to December 12,2005**

Date Approved By Environmental Coordinator **December 13. 2005**

KEN HART
Environmental Coordinator
(831) 454-3127

If this project is approved, complete and file this notice with the Clerk of the Board:

NOTICE OF DETERMINATION

The Final Approval of This Project was Granted by _____

on _____. No EIR was prepared under CEQA.

Exhibit D

THE PROJECT WAS DETERMINED TO NOT HAVE SIGNIFICANT EFFECT ON THE ENVIRONMENT.

Date completed notice filed with Clerk of the Board: _____

COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT
701 OCEAN STREET. 4TH FLOOR. SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
TOM BURNS, PLANNING DIRECTOR

NOTICE OF ENVIRONMENTAL REVIEW PERIOD

SANTA CRUZ COUNTY

APPLICANT: **Rachel Lather of Davenport Sanitation District, for Lone Star Cement Corporation**

APPLICATION NO.: **05-0570**

APN: **058-071-04**

The Environmental Coordinator has reviewed the Initial Study for **your** application and made the following preliminary determination:

XX Negative Declaration
(Your project will not have a significant impact on the environment.)

XX Mitigations will be attached to the Negative Declaration.

_____ No mitigations will be attached.

_____ Environmental Impact Report
(Your project may have a significant effect **on** the environment. An EIR must be prepared to address the potential impacts.)

As part of the environmental review process required by the California Environmental Quality Act (CEQA), this is your opportunity to respond to the preliminary determination before it is finalized. Please contact Paia Levine, Environmental Coordinator at (831) 454-3178, if you wish to comment on the preliminary determination. Written comments will be received until 5:00 p.m. on the last day of the review period.

Review Period Ends: **EXTENDED END OF REVIEW PERIOD TO DECEMBER 8, 2005**

Matthew Johnston
Staff Planner

Phone: **454-3174**

Date: **November 3, 2005**

NAME: Davenport Sanitation District
APPLICATION: 05-0570
A.P.N: 058-071-04

NEGATIVE DECLARATION MITIGATIONS

A. In order to ensure that the mitigation measures **B** – **D** (below) are communicated to the various parties responsible for constructing the project, prior to any disturbance on the property the applicant shall convene a pre-construction meeting on the site. The following parties shall attend: applicant, grading contractor supervisor, Santa Cruz County Resource Planning staff, and project biologist. The temporary construction fencing demarcating the riparian "no disturbance" area will be inspected at that time. Results of pre construction biotic surveys will also be collected.

B. In order to mitigate potential impacts to Red legged frogs (Rana aurora *draytonii*) (RLF) and Southwestem pond turtles (Clemmys *marmorata pallida*) (SWP) the applicant shall assume these animals may be present in the work area and shall implement pre-construction **surveys,** worker training, and periodic site inspection by a consulting biologist approved to handle the animals, according to **U.S.** Fish and Wildlife Service protocol and the following:

1) Prior to the pre-construction meeting, the project biologist shall submit a letter detailing the strategy for excluding protected animals from the site and for redirecting individuals away from the site, for review and approval;

2) Pre-construction surveys shall be performed by a qualified biologist no closer than one week to the beginning of construction. Prior to beginning construction the applicant shall submit the results of the survey to Environmental Planning staff for review;

3) Biologist/monitor shall conduct morning surveys to ensure that the work area is free of any protected species prior to each day's disturbance;

4) Project biologist shall conduct a training session for workers and equipment operators to inform them of the Endangered Species Act regulations **as** they apply to these species and to train them to properly identify the species in the, field.

C. In order to prevent inadvertent encroachment *of* material, equipment, or people into the riparian area, a sturdy construction fence shall be erected around the riparian vegetation, at least five feet from the edge of the vegetation.

D. In order to prevent erosion, off site sedimentation, and pollution of creeks, prior to start of site work the applicant shall submit a detailed erosion control plan for review and approval by Resource Planning staff. The plan shall include a clearing and grading schedule, clearly marked disturbance envelope, revegetation specifications. temporary road surfacing and construction entry stabilization and details of temporary drainage control.

Environmental Review
Initial Study

Application Number: 05-0570

Date: September 26th, 2005
Staff Planner: Matthew Johnston

I. OVERVIEW AND ENVIRONMENTAL DETERMINATION

APPLICANT: Davenport Sanitation District

APN: 058-071-04

OWNER: County of Santa Cruz

SUPERVISORAL DISTRICT: *3*

LOCATION:
Water treatment plant at the cement plant on Highway 1, just north of the town of Davenport.

SUMMARY PROJECT DESCRIPTION:

This project will install a new surface water treatment facility consisting of pre-treatment using multi-stage sand filter system and spin-disc filter system in series and Strainrite bag filter system for *final* filtration and needed site improvements. In addition, the project will construct a new 250,000-gallon water tank to replace the existing 135,000-gallon tank.

ALL OF THE FOLLOWING POTENTIAL ENVIRONMENTAL IMPACTS ARE EVALUATED IN THIS INITIAL STUDY. CATEGORIES THAT ARE MARKED HAVE BEEN ANALYZED IN GREATER DETAIL BASED ON PROJECT SPECIFIC INFORMATION.

____ Geology/Soils	____ Noise
__X__ Hydrology/Water Supply/Water Quality	____ Air Quality
__X__ Biological Resources	
____ Energy & Natural Resources	____ Public Services & Utilities
____ Visual Resources & Aesthetics	____ Land Use, Population & Housing
____ Cultural Resources	____ Cumulative Impacts
____ Hazards & Hazardous Materials	__X__ Growth Inducement
____ Transportation/Traffic	____ Mandatory Findings of Significance

DISCRETIONARY **APPROVAL(S)** BEING CONSIDERED

____ General Plan Amendment	____ Use Permit
____ Land Division	____ Grading Permit
____ Rezoning	__X__ Riparian Exception
____ Development Permit	____ Other:
__X__ Coastal Development Permit	

NON-LOCAL APPROVALS
Other agencies that must issue permits or authorizations:
LAFCO – Extraterritorial Service to provide water to CEMEX for domestic use, approved in August of 2005.

ENVIRONMENTAL REVIEW ACTION
On the basis of this Initial Study and supporting documents:

___ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

__x__ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the attached mitigation measures have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Paia Levine — October 19, 05

1 Paia Levine — Date

For: Ken Hart
Environmental Coordinator

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable

II. BACKGROUND INFORMATION

EXISTING SITE CONDITIONS
Parcel Size: 109 acres
Existing Land Use: Manufacturing concrete and quarry
Vegetation: Riparian vegetation adjacent to existing facilities.
Slope in area affected by project: _X_ 0 - 30% ___ 31 – 100%
Nearby Watercourse: Farmer's pond, San Vicente Creek
Distance To: 350 feet, 2500 feet

ENVIRONMENTAL RESOURCES AND CONSTRAINTS

Groundwater Supply: No
Water Supply Watershed: Yes
Groundwater Recharge: No
Timber or Mineral: No
Agricultural Resource: Yes
Biologically Sensitive Habitat: Yes
Fire Hazard: Yes
Floodplain: No
Erosion: No
Landslide: No
Liquefaction: No
Fault Zone: No
Scenic Corridor: Yes
Historic: No
Archaeology: Yes
Noise Constraint: No
Electric Power Lines: No
Solar Access: NA
Solar Orientation: NA
Hazardous Materials: NA

SERVICES

Fire Protection: County Fire
School District: Pacific Elementry
Sewage Disposal: Davenport San. Dist.
Drainage District: None
Project Access: Highway 1
Water Supply: San Vicente and Mill Creeks

PLANNING POLICIES

Zone District: "M-2" (Heavy Industrial) and "C A (Commercial Agriculture)
General Plan: Industrial, Agriculture, and Mountain Residential
Special Designation: Special Coastal Community, Davenport

Urban Services Line:	___ Inside	_X_ Outside
Coastal Zone:	X_ Inside	___ Outside

PROJECT SETTING AND BACKGROUND:

The project site is located in the North Coast Planning area. The parcel is within mapped Biotic, Archeological and Scenic Resource Areas and is located within the Coastal Zone. The CEMEX plant (formerly RMC Lonestar) property is approximately 104 acres in size and generally slopes from the northeast coastal mountains to the southwest property boundary at Highway 1. The parcel contains several buildings, parking areas, and roadways that make up the industrial campus of the cement plant. The parcel is located within the unincorporated town of Davenport on the County's north

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable

coast (Attachment 1). Residential and commercial areas of the main part of Davenport are located southeast of the plant. The residential "New Town" area is located directly northwest of the plant. The land to the north of the plant, and northwest and southeast of the Davenport area is an expansive area of open space, some of which is used for crop and livestock agriculture. State Route 1 is located south of the plant. A marine terrace and sandy beach are located south and southwest of the highway. The landscape of the surrounding area is comprised mainly of rolling hills vegetated with northern maritime scrub species, mixed evergreen forest species (dominated by pine, Douglas fir, redwood and oak) and large expanses of coastal grasslands.

The Davenport County Sanitation District (District) has been providing treated water to Davenport and New Town residents at a treatment facility located on the Cement Plant property since taking over the water system. The district also provides water to the plant for industrial purposes. The water supply is surface water from San Vicente and Mill Creeks. Water is diverted at a constant rate and a maximum amount of withdrawal has been established by the Department of Fish and Game. Some water is diverted for industrial use prior to treatment and storage; the remainder is treated and stored in the existing 135,000-gallon tank. Storage capacity will increase by 115,000 gallons as a result of the project: however, it will not result in an increase in water diverted to the plant, as the water that is currently used by CEMEX will be treated and stored in the new tank. Total water usage will not be affected, only the amount set-aside in storage. The town of Davenport has been receiving water from the same collection system provided by the owners of the Cement Plant property prior to 1914. The existing water treatment facility is out of compliance with recent State regulations for surface water treatment and for turbidity levels in the winter. In addition the water storage tank is not large enough to provide adequate fire flow storage and is severely deteriorated.

District staff have applied for a grant and a loan from the State Revolving Fund program in order to upgrade the treatment plant. In order to have a complete application, the project is required to have a completed environmental review.

DETAILED PROJECT DESCRIPTION:

The project consists of adding to the current water treatment facility a multi-stage sand filter system and spin-disc filter system in series and Strainrite bag filter system for final filtration. This will require a small increase in the footprint of the existing treatment facility of *400* square feet (Attachment 2).

In addition, the project will construct a new 250,000-gallon water tank to replace the existing 135,000-gallon tank. It is proposed to continue use of the existing tank while constructing the new tank at a location to the north of the existing tank. The existing tank will be rehabilitated and used as a settling basin in the winter when turbidity problems are encountered with the surface water source. The increase in developed area to accommodate the new tank is approximately 1520 square feet.

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable

III. ENVIRONMENTAL REVIEW CHECKLIST

A. Geology and *Soils*

Does the project have the potential to:

1. *Expose people* or *structures* to *potential adverse effects, including the risk* of *material* loss, *injury, or death involving:*

A.	*Rupture of* a *known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or as identified by other substantial evidence?*		X	
B.	*Seismic ground shaking?*		X	
C.	*Seismic-related ground failure, including liquefaction?*		X	
D.	*Landslides?*		X	

All of Santa Cruz County is subject to some hazard from earthquakes. However, the project site is not located within or adjacent to a county or State mapped fault zone, therefore the potential for ground surface rupture is low. The project site is likely to be subject to strong seismic shaking during the life of the improvements. The improvements will be designed in accordance with the Uniform Building Code, which should mitigate the hazards of seismic shaking and liquefaction to a less than significant level. There is no indication that land sliding is a significant hazard at this site.

2.	*Subject people* or *improvements* to *damage* from *soil instability as a result*		X	

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or *No* Impact	Not Applicable
of on- or off-site landslide, lateral spreading, to *subsidence, liquefaction,* or *structural collapse?*				

Following a review of mapped information and a field visit to the site, there is no indication that the development site is subject to a significant potential for *damage caused by any of these hazards.*

3.	*Develop land with* a *slope exceeding* 30%?			x

There are slopes that exceed 30% on the property. However, no improvements are proposed on slopes in excess of 30%.

4.	*Result in* soil *erosion or the substantial* loss *of topsoil?*		x	

Some potential for erosion exists during the construction phase of the project, however, this potential is minimal because the disturbance area is flat and compacted, with minimal grading required, and standard erosion controls are a required condition of the project. Prior to approval of a grading or building permit, the project must have an approved Erosion Control Plan, which will specify detailed erosion and sedimentation control measures. The plan will include provisions for disturbed areas that are not in use by quarry vehicles to be planted with ground cover and to be maintained to minimize surface erosion.

5.	*Be located on expansive soil, as defined in Table* 18-1-B of *the Uniform Building* Code(1994), *creating substantial risks* to *property?*		x	

There is no indication that the development site is subject to substantial risk caused by expansive soils.

6.	*Place sewage disposal systems in areas dependent upon soils incapable* of *adequately supporting the use of septic tanks, leach fields,* or *alternative waste water disposal systems?*			x

7.	*Result in coastal cliff erosion?*		x	

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable

B. Hydrology, Water Supply and Water Quality

Does the project have the potential to:

1.	Place development within a 100-year flood hazard area?		X	

According to the Federal Emergency Management Agency (FEMA) National Flood Insurance Rate Map, dated April 15, 1986, no portion of the project site lies within a 100-year flood hazard area.

2.	Place development within the floodway resulting in impedance or redirection of flood flows?		X	

According to the Federal Emergency Management Agency (FEMA) National Flood Insurance Rate Map, dated April 15, 1986, no portion of the project site lies within a 100-year flood hazard area.

3.	Be inundated by a seiche or tsunami?			x

4.	Deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit, or a significant contribution to an existing net deficit in available supply, or a significant towering of the local groundwater table?		x	

No groundwater will be used for water supply.

5.	Degrade a public or private water supply? (Including the contribution of urban contaminants, nutrient enrichments, or other agricultural chemicals or seawater intrusion).			

This project is designed to improve water quality to the town of Davenport and the Cemex cement plant.

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
6. Degrade septic system functioning?			X	

There is no indication thaf existing septic systems in the vicinity would be affected by the project.

7. Alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which could result in flooding, erosion, or siltation on or off-site?			X	

The proposed project is not located near any watercourses, and will not alfer the existing overall drainage pattern of the site. The amount of water usage is limited to existing uses. The project will increase the storage capacity only. Water drawn from the streams will nof change from historic levels.

8. Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems, or create additional source(s) of polluted runoff?			x	

9. Contribute to flood levels or erosion in natural water courses by discharges of newly collected runoff?			X	

The area proposed for development is currently compacted road surface. No new impervious surfaces outside ofthe roadway area are proposed as part of the project, thus there will be no additional storm water runoff that could contribute to flooding or erosion.

10. Otherwise substantially degrade water supply or quality?			X	

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable

C. *Biological Resources*
Does the project have the potential to:

1. *Have an adverse effect 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* US. *Fish and Wildlife Service?* ___ X ___

The proposed project is within 350 feet of a known breeding pond for the federally listed red-legged frog(RLF) (Rana aurora draytonii) (Ecosystems West, 1999). *Prior to any disturbance of the site, a qualified biologist, approved by fhe US Fish and Wildlife Service to handle RLFs will conduct preconstruction surveys for frogs and for the Southwestern Pond Turtle (Clemmys marmorata), a California Species of Special Concern. If individuals are found they will be relocated away from the project area and excluded from return. The biological monitor shall conduct morning surveys to ensure the work area is free of any protected species prior to each day's disturbance. The biologist will also provide for an educational session for all contracted workers involved in this project and will conduct monitoring during all disturbance activities.*

2. *Have an adverse effect on a sensitive biotic community (riparian corridor), wetland, native grassland, special forests, intertidal zone, etc.)?* ___ X ___

The overflow pond from the treatment facility is considered a riparian area, and contains riparian vegetation. Prior to any disturbance, the sensitive habitat will be fenced off to ensure no disturbance takes place. Riparian setbacks set by Code will be met and no exceptions are required.

3. *Interfere with the movement* of *any native resident or migratory fish or wildlife species, or with established native resident* or *migratory wildlife corridors,* or *impede the use* of *native* or *migratory wildlife nursery sites?* ___ X ___

The proposed project does not involve any activities that would interfere with the movements or migrations of fish or wildlife, or impede use of a known wildlife nursery site. It does not increase the amount of water that is taken out of either creek.

4. *Produce nighttime lighting that will* ___ X ___

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less Ihan Significant Or NO Impact	*Not* Applicable
illuminate animal habitats?				

No change in nighttime lighting will result from this project.

5. Make a significant contribution to the reduction of the number of species of plants or animals?			X	

Refer *to* **C-7** and C-2 above.

6. Conflict with any local policies or ordinances protecting biological resources (such as the Significant Tree Protection Ordinance, Sensitive Habitat Ordinance, provisions of the Design Review ordinance protecting trees with trunk sizes of *6* inch diameters or greater)?			X	

The project will not conflict with any local policies or ordinances. The existing system is within the industrialized area of the parcel. Options for locating the new tank are either towards the riparian pond area or away from it. The location chosen will not infringe upon the riparian area and will not create any disturbance to previously undisturbed land.

7. Conflict with the provisions of an adopted Habitat Conservation Pian, Biotic Conservation Easement, or other approved local, regional, or state habitat conservation plan?				X

D. Energy and Natural Resources

Does the project have the potential to:

1. Affect or be affected by land designated as "Timber Resources" by the General Plan?				X
2. Affect or be affected by lands currently utilized for agriculture, or designated in the General Plan for agricultural use?			X	

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable

The project parcel is designated for agricultural and industrial uses. The proposed project is located entirely in the industrial portion of the parcel, and will not affect any agricultural resource or access to harvest the resource in the future.

3.	*Encourage activities that result in the use of large amounts of fuel, water,* or *energy, or use of these in a wasteful manner?*		X	

The proposed project will encourage no new activities. It will provide adequate treated water for the existing community and a water source for emergency use for fire suppression.

4.	*Have a substantial effect on the potential use, extraction,* or *depletion* of *a natural resource* (i.e., *minerals or energy resources)?*			x

E. *Visual* **Resources and Aesthetics**
Does the project have the potential to:

1.	*Have an adverse effect on a scenic resource, including visual obstruction* of *that resource?*			x

The project will not directly impact any public scenic resources, as designated in the County's General Plan (1994), or obstruct any public views of these visual resources. This facility is not visible from Highway 1, a designated scenic highway.

2.	*Substantially damage scenic resources, within a designated scenic corridor or public view shed area including, but not limited* to, *trees, rock outcroppings, and historic buildings?*			x

Although this parcel is located on Highway One, a designated scenic resource, the only views that will be affected by the project are those from private property. County visual resource protection regulations only apply to public view sheds.

3.	*Degrade the existing visual character* or *quality* of *the site and its surroundings, including substantial*			x

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less Ihan Significant Or NO Impart	not Applicable
change in topography or ground surface relief features, and/or development on a ridge line?				

The proposed project will expand an existing building and place a tank adjacent to an existing tank. There will be no removal of vegetation or change in topography. Further, this is an industrial setting and offers no visual resource.

4.	*Create a new source of light* or *glare which would adversely affect day or nighttime views* in *the area?*			X
5.	*Destroy, cover, or modify any unique geologic* or *physical feature?*			X

There are no unique geological or physical features on or adjacent to the site that would be destroyed, covered, or modified by the project.

F. Cultural Resources

Does the project have the potential to:

1.	*Cause an adverse change in the significance* of *a historical resource as defined in CEQA Guidelines* 15064.5?			X

The existing structure(s) on the property is not designated as a historic resource on any federal, State or local inventory.

2.	*Cause an adverse change in the significance of an archaeological resource pursuant* to *CEQA Guidelines* 15064.5?		X	

According to the Santa Cruz County Archeological Society site assessment, dated 7/21/99 (Attachment 2), there is no evidence of pre-historic cultural resources in this location. However, pursuant to Section 16.40.040 of ihe Santa Cruz County Code, if archeological resources are uncovered during construction, the responsible persons shall immediately cease and desist from all further site excavation and comply with the notification procedures given in County Code Chapter 16.40.040.

3.	*Disturb any human remains, including those interred outside of formal cemeteries?*			X

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable

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, human remains are discovered, 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 report shall be prepared 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.

4.	*Directly or indirectly destroy a unique paleontological resource or site?*			X	

G. Hazards and Hazardous Materials
Does the project have the potential to:

1.	*Create a significant hazard* to *the public or the* environment *as* **a** *result* of *the routine transport, storage, use, or disposal of hazardous materials, not including gasoline or other motor fuels?*		X		

Chemicals used in water treatment will continue to be stored on site under the existing permitted use.

2.	*Be located on a site which* is *included on a* list *of hazardous materials sites compiled pursuant* to *Government Code Section* 65962.5 *and, as a result, would* it *create a significant hazard* to *the public or the environment?*			X	

The project Site is included on the 7/12/2005 list of hazardous sites in Santa Cruz County compiled pursuant to the specified code. However, this project will have no impact on the 1989 diesel spill and will not create any significant hazard to the public or environment.

3.	*Create a safety hazard for people residing or working in the project area as a result* of *dangers from aircraft*			X	

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
using a public or private airport located within two miles of the project site?				
4. Expose people to electro-magnetic fields associated with electrical transmission lines?			X	
5. Create a potential fire hazard?			X	

The larger capacity water tank and extra storage it provides is a benefit to fire suppression.

6. Release bio-engineered organisms or chemicals into the air outside of project buildings?				X

H. Transportation/Traffic

Does the project have the potential to:

1. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	

There will be no impact because no additional traffic will be generated.

2. Cause an increase in parking demand which cannot be accommodated by existing parking facilities?				X
3. Increase hazards *to* motorists, bicyclists, or pedestrians?			X	

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
4. Exceed, either individually (the project alone) or cumulatively (the project combined with other development), a level of service standard established by the county congestion management agency for designated intersections, roads or highways?			X	

See response *H-1* above.

I. Noise

Does the project have the potential to:

1. Generate a permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	

The project will not create an increase in the existing noise environment

2. Expose people to noise levels in excess of standards established in the General Plan, or applicable standards of other agencies?			X	

Continuation of an existing activity.

3. Generate a temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	

Noise generated during construction will increase the ambient noise levels for adjoining areas. Construction will be temporary, however, and given the limited duration of this impact it *is* considered to be less than *significant*.

J. Air Quality

Does the project have the potential to:
(Where available, the significance criteria established by the MBUAPCD may be relied upon to make the following determinations).

1. Violate any air quality standard or contribute substantially to an existing			X	

	Significant a Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
or projected air quality violation?				
2. Conflict with or obstruct implementation of an adopted air quality plan?			x	

The project will not conflict with or obstruct implementation *of* the regional air quality plan. See *J-1* above.

3. Expose sensitive receptors to substantial pollutant concentrations?			x	
4. Create objectionable odors affecting a substantial number of people?			x	

K. Public Services **and** Utilities
Does the project have the potential to:

1. Result in the need for new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
a. Fire protection?			x	
b. Police protection?			x	
c. Schools?			x	

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
d. Parks or other recreational activities?			X	
e. Other public facilities; including the maintenance of roads?			X	
2. Result in the need for construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
3. Result in the need for construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
4. Cause a violation of wastewater treatment standards of the Regional Water Quality Control Board?			X	

The project's wastewater flows will not violate any wastewater treatment standards.

5. Create a situation in which water supplies are inadequate to serve the project or provide fire protection?			X	

This project will be a positive impact on water availability.

6. Result in inadequate access for fire protection?			X	

One lane will remain open at all times. Fire trucks, ambulances and other emergency

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable

vehicles will not be blocked from using the road at any time.

7.	Make a significant contribution to a cumulative reduction of landfill capacity or ability to properly dispose of refuse?		X	
a.	Result in a breach of federal, state, and local statutes and regulations related to solid waste management?		X	

L. Land **Use,** Population, and Housing

Does the project have the potential to:

1.	Conflict with any policy of the County adopted for the purpose of avoiding or mitigating an environmental effect?		X	

The proposed project does *not* conflict with any policies adopted for the purpose *of* avoiding or mitigating an environmental effect. See C-6.

2.	Conflict with any County Code regulation adopted for the purpose of avoiding or mitigating an environmental effect?		X	

The proposed project does not conflict with any regulations adopted for the purpose of avoiding or mitigating an environmental effect. See *C-6.*

3.	Physically divide an established coinmunity?		X	

The project will not include any element that will physically divide an established community.

4.	Have a potentially significant growth inducing effect, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?		X	

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable

The proposed project will nof affect the existing level of diversion set in the agreement between CEMEX and the departmenf of Fish and Game.

5.	*Displace* substantial numbers of people, or amount of existing housing, necessitating the construction of replacement housing elsewhere?		X	

M. Non-Local Approvals

Does the project require approval of federal, state, or regional agencies? Yes x No

N. Mandatory **Findings of** Significance

1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant, animal, or natural community, or eliminate important examples of the major periods of California history or prehistory? Yes ___ No x

2. Does the project have the potential to achieve short term, to the disadvantage of long term environmental goals? (A short term impact on the environment is one which occurs in a relatively brief, definitive period of time while long term impacts endure well into the future) Yes ___ No x

3. Does the project have impacts that are individually limited, but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, and the effects of reasonably foreseeable future projects which have entered the Environmental Review stage)? Yes No x

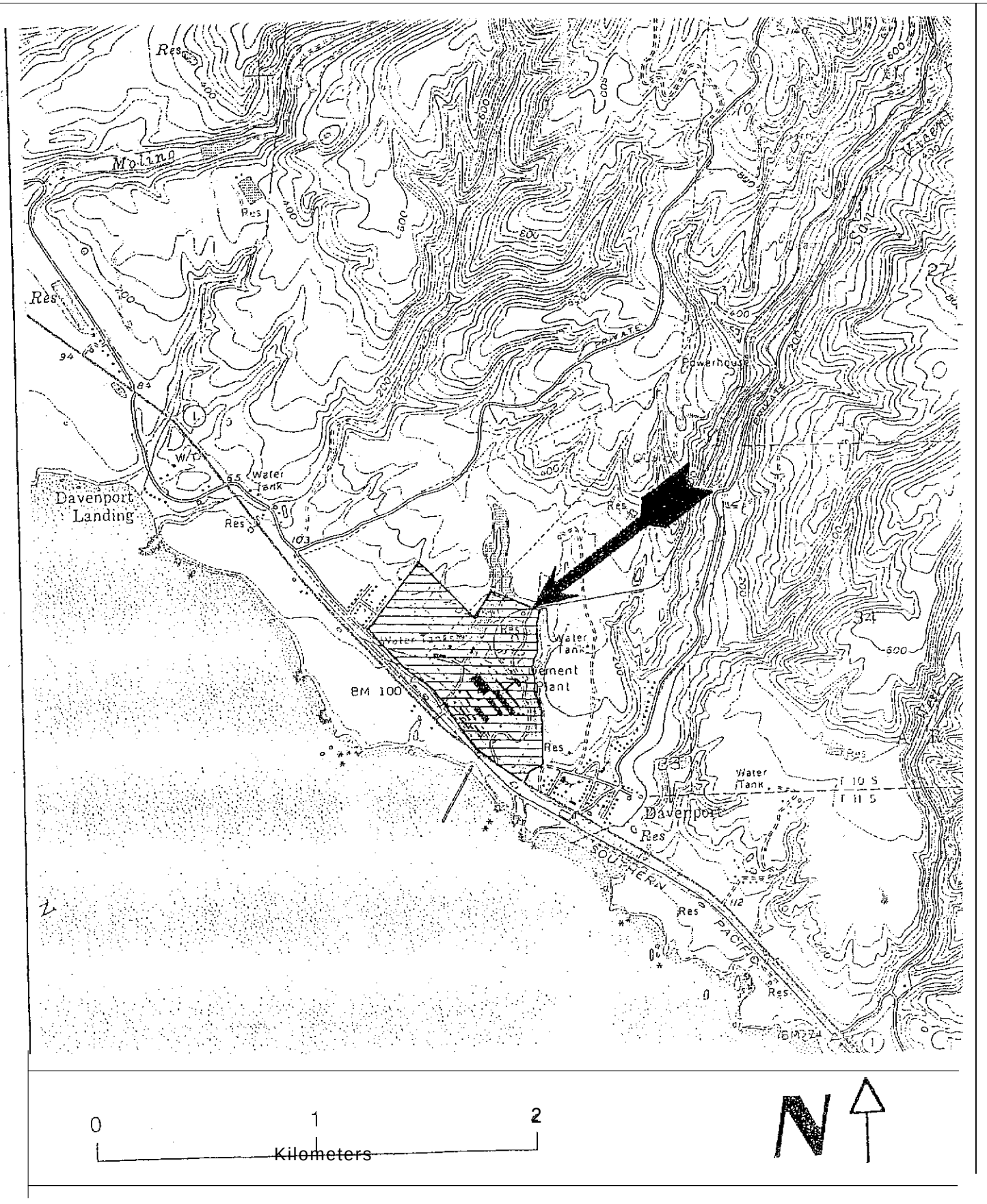
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? Yes No x

TECHNICAL REVIEW CHECKLIST

	REQUIRED	COMPLETED*	N/A
Agricultural Policy Advisory Commission (APAC) Review			X
Archaeological Review		7/21/1999	
Biotic Report/Assessment		3/31/1999	
Geologic Hazards Assessment (GHA)			X
Geologic Report			X
Geotechnical (Soils) Report			X
Riparian Pre-Site Visit		6/10/04	
Septic **Lot** Check			X
Other:			X

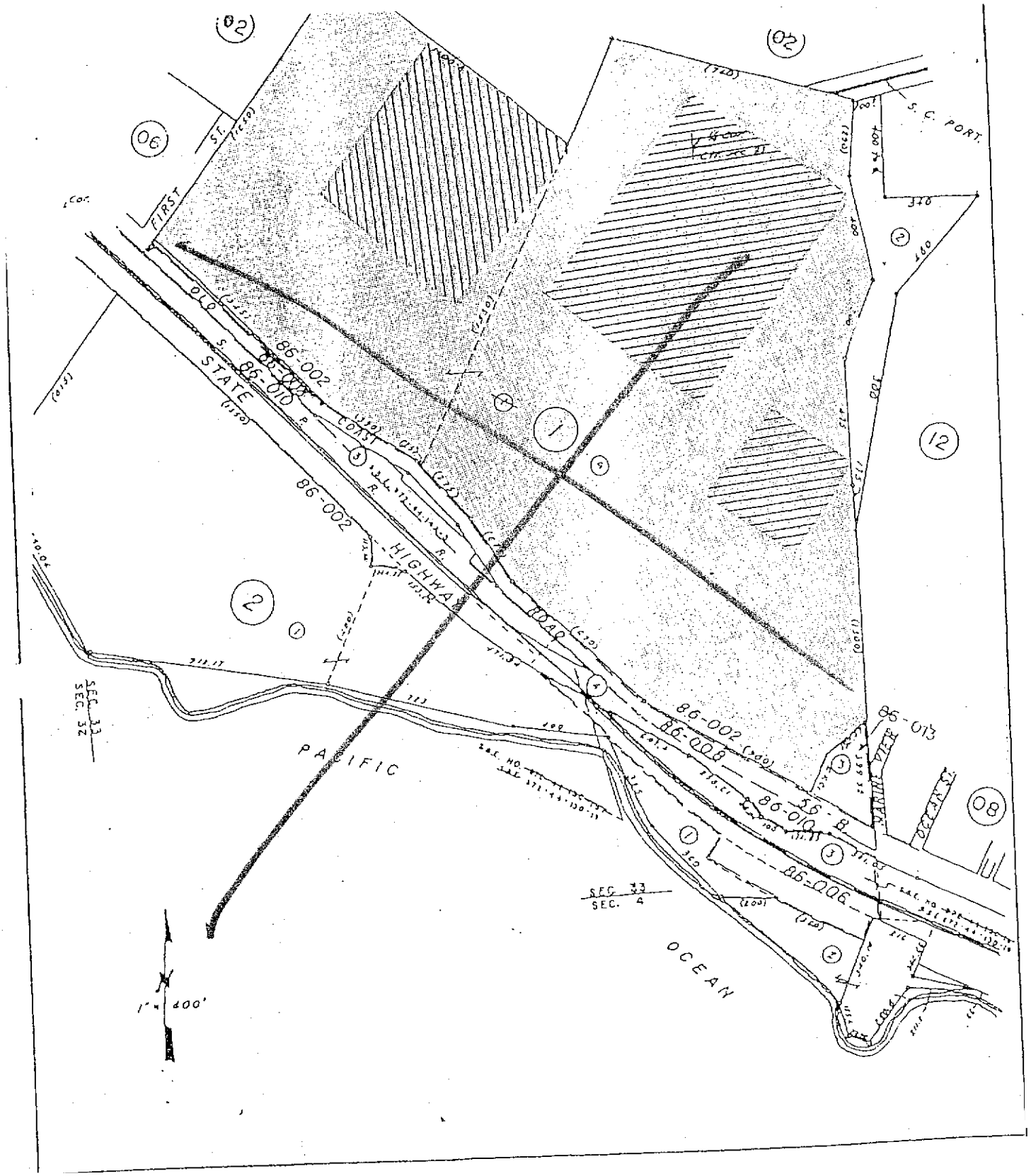
Attachments:

1. Vicinity Maps and Site Photos
2. Building plans.
3. Archeological Reconnaissance Survey Letter, Archaeological Consulting, 4/21/1999
4. Summary of Biotic Report, Ecosystems West, 3/13/1999
5. Surveys for California Red-Legged Frogs at the Davenport Cement Plant, 7/7/1999



Map 1. Project Location.

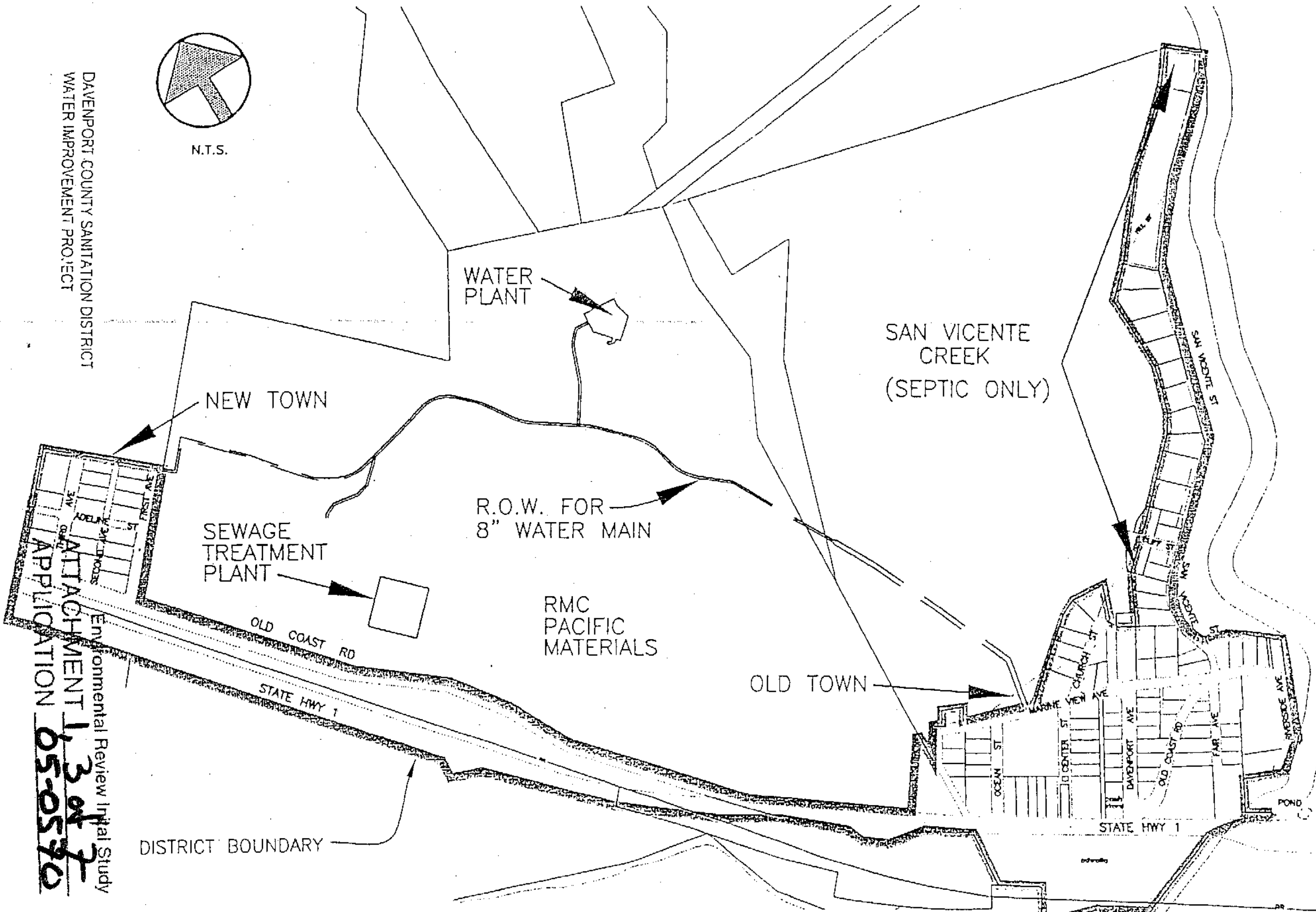
Environmental Review Initial Study
ATTACHMENT 1, 1 of 7
APPLICATION 05-0570



Map 2. project Location.

Environmental Review Initial Study
ATTACHMENT 1, 2 of 2
APPLICATION 05-0570

DAVENPORT COUNTY SANITATION DISTRICT
WATER IMPROVEMENT PROJECT



Environmental Review Inital Study
ATTACHMENT 1, 3 of 7
APPLICATION 05-0570

DAVENPORT

VICINITY MAP

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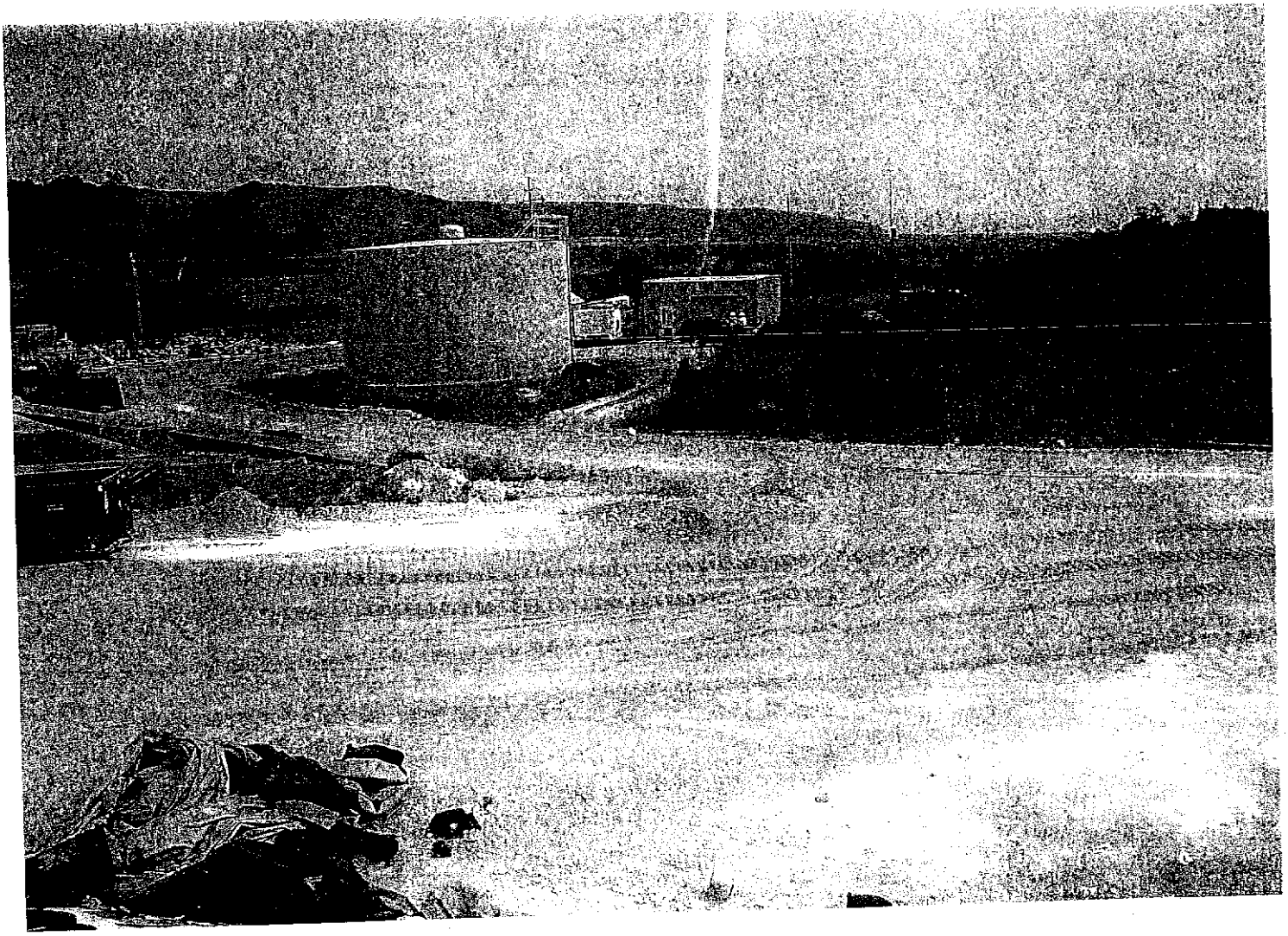
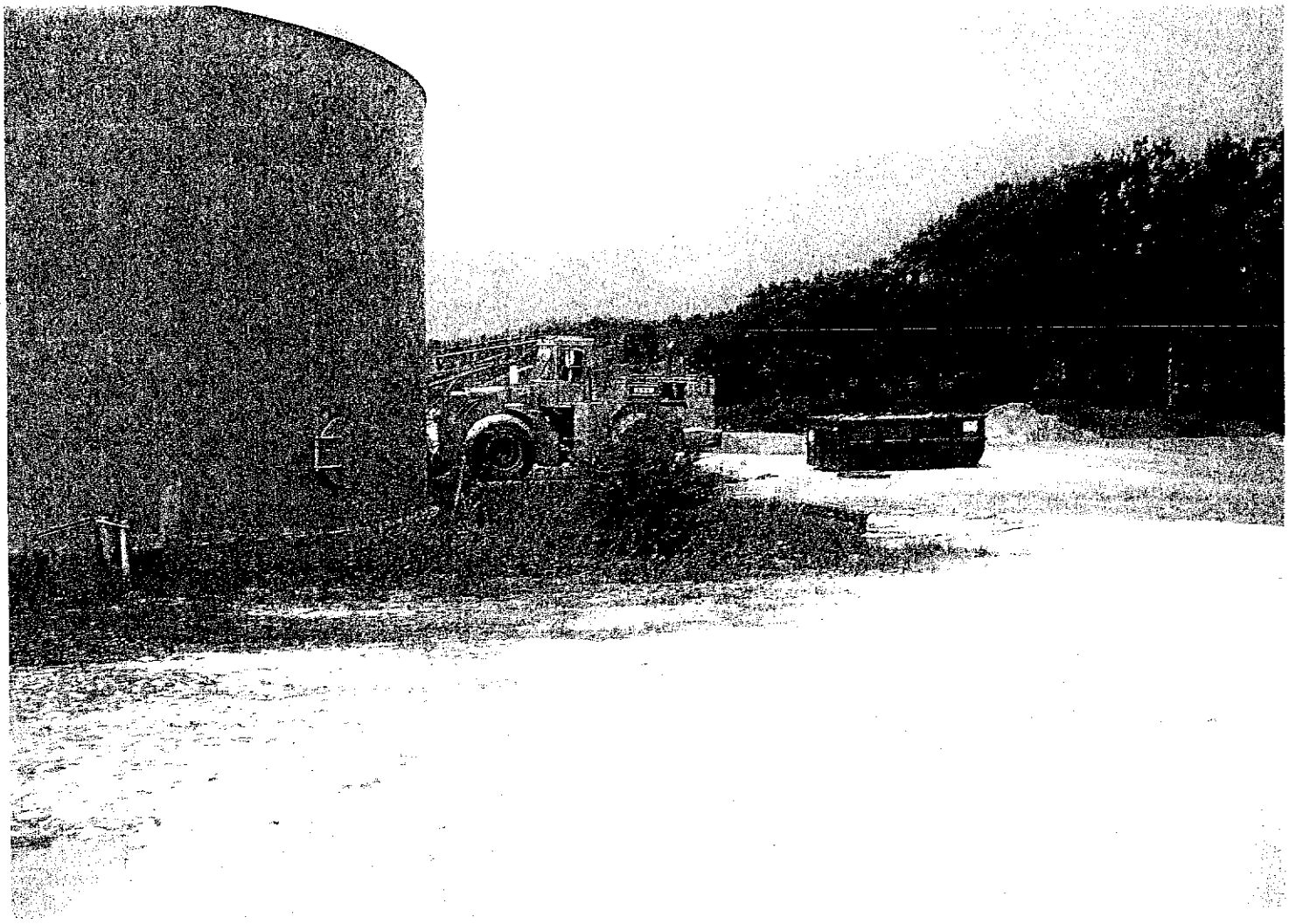
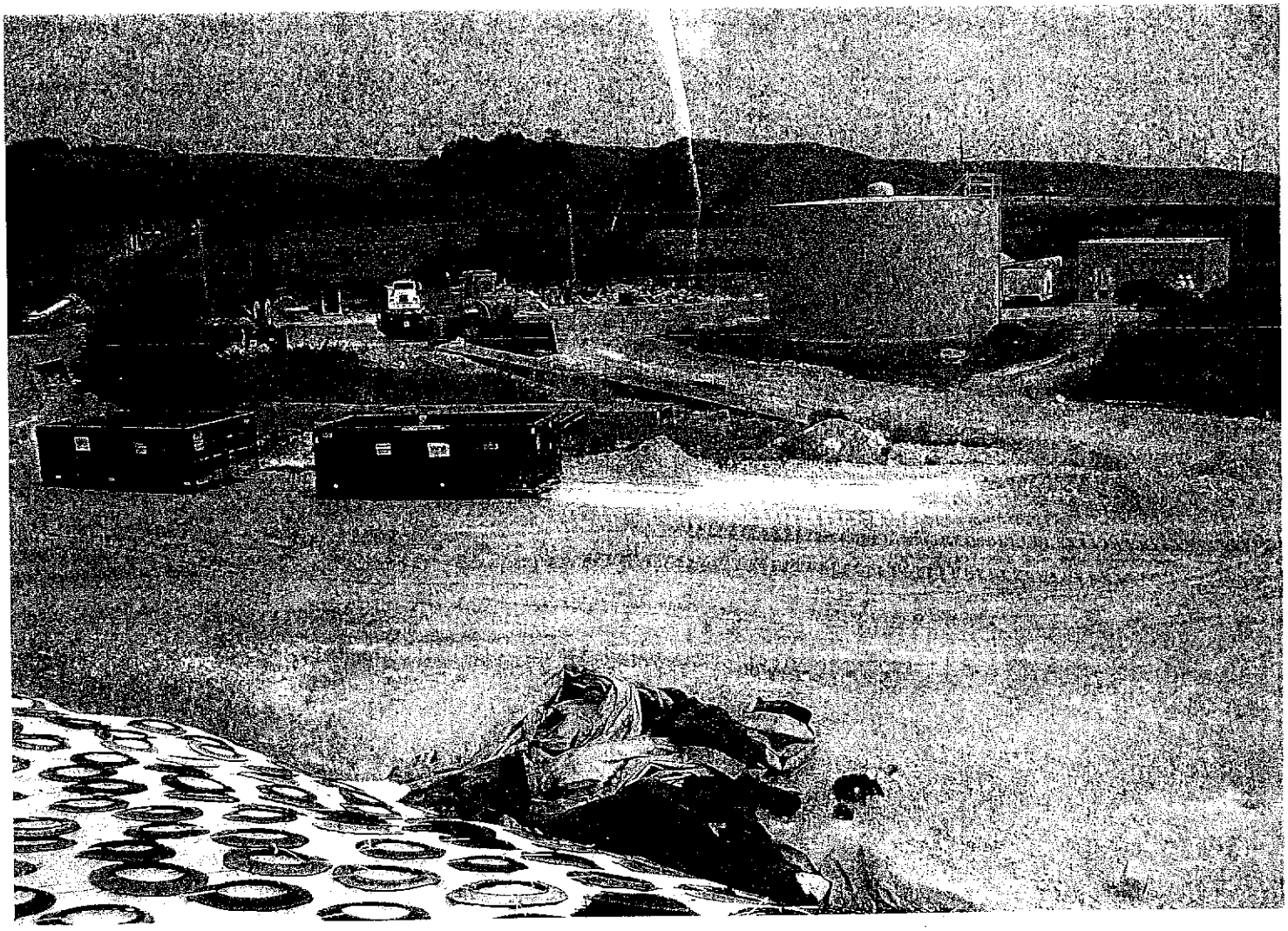


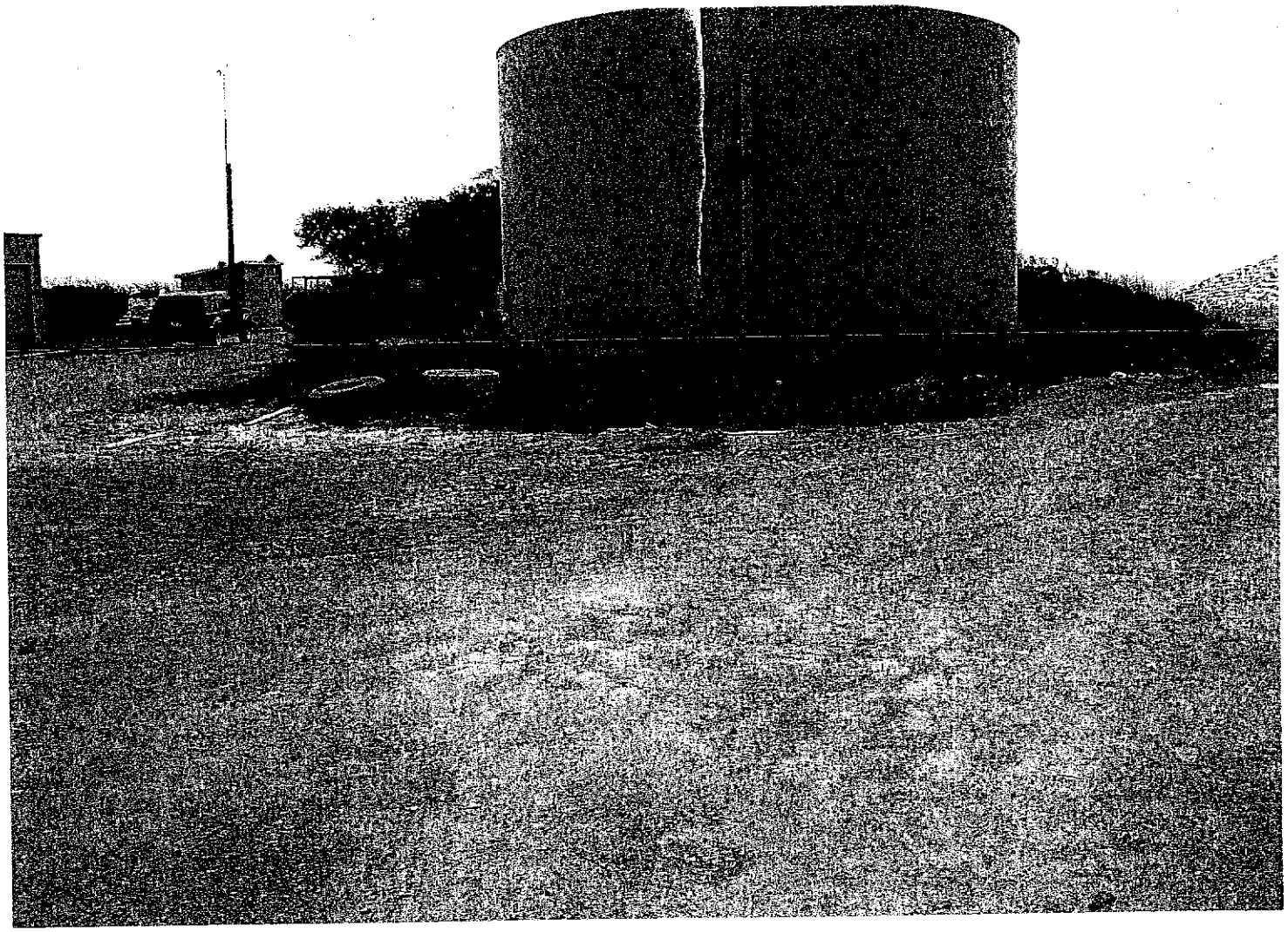
Environmental Review Inital Study
ATTACHMENT 1 4 of 7
APPLICATION 05-0570



Environmental Review Inital Study
ATTACHMENT 1, 5 of 7
APPLICATION 05-05-70



Environmental Review Inital Study
ATTACHMENT 1, 6 of 7
APPLICATION 05-05-20



Environmental Review Inital Study
ATTACHMENT 4, 7 of 7
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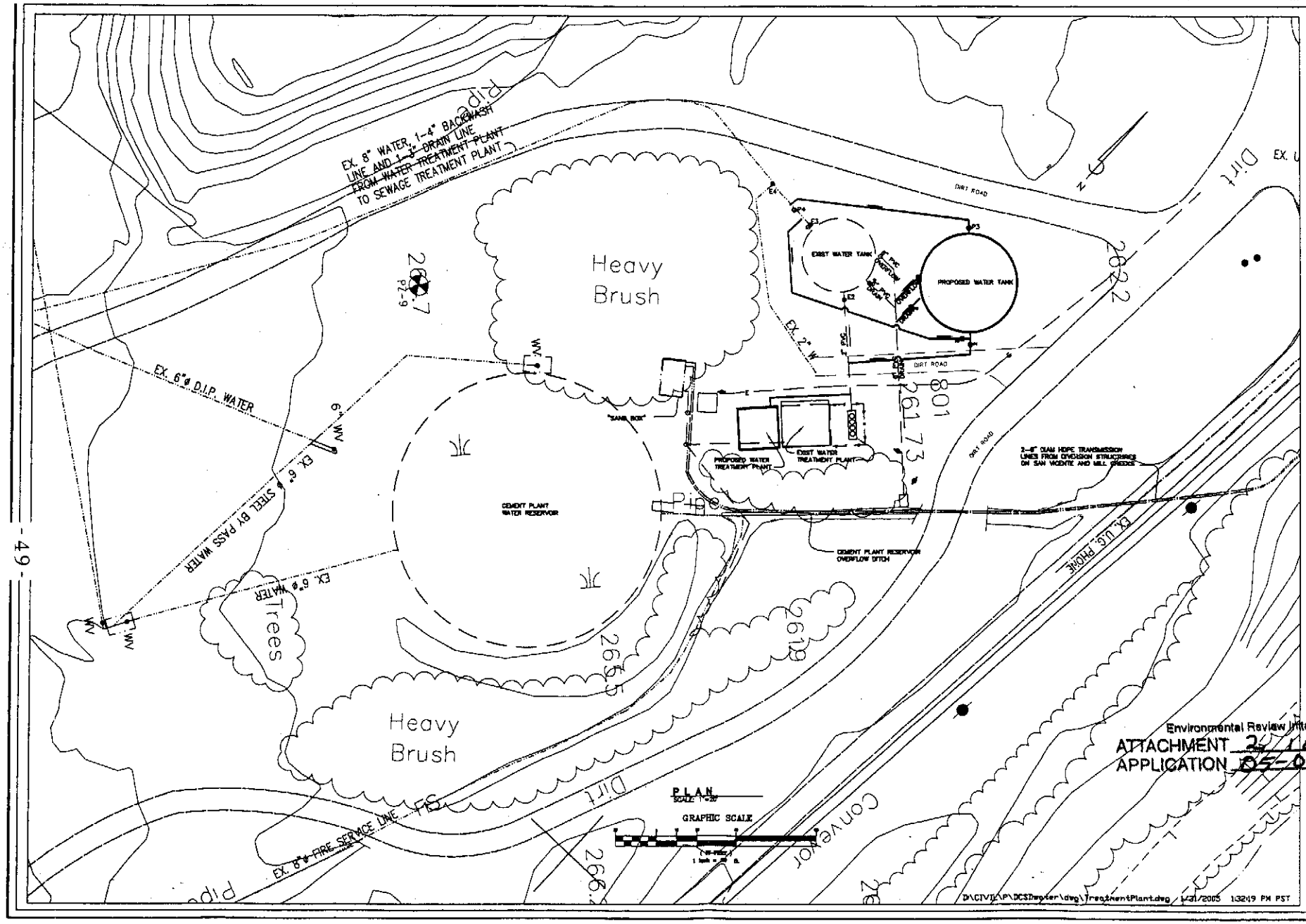


Environmental Review Initial Study
ATTACHMENT 2
APPLICATION 05-0570

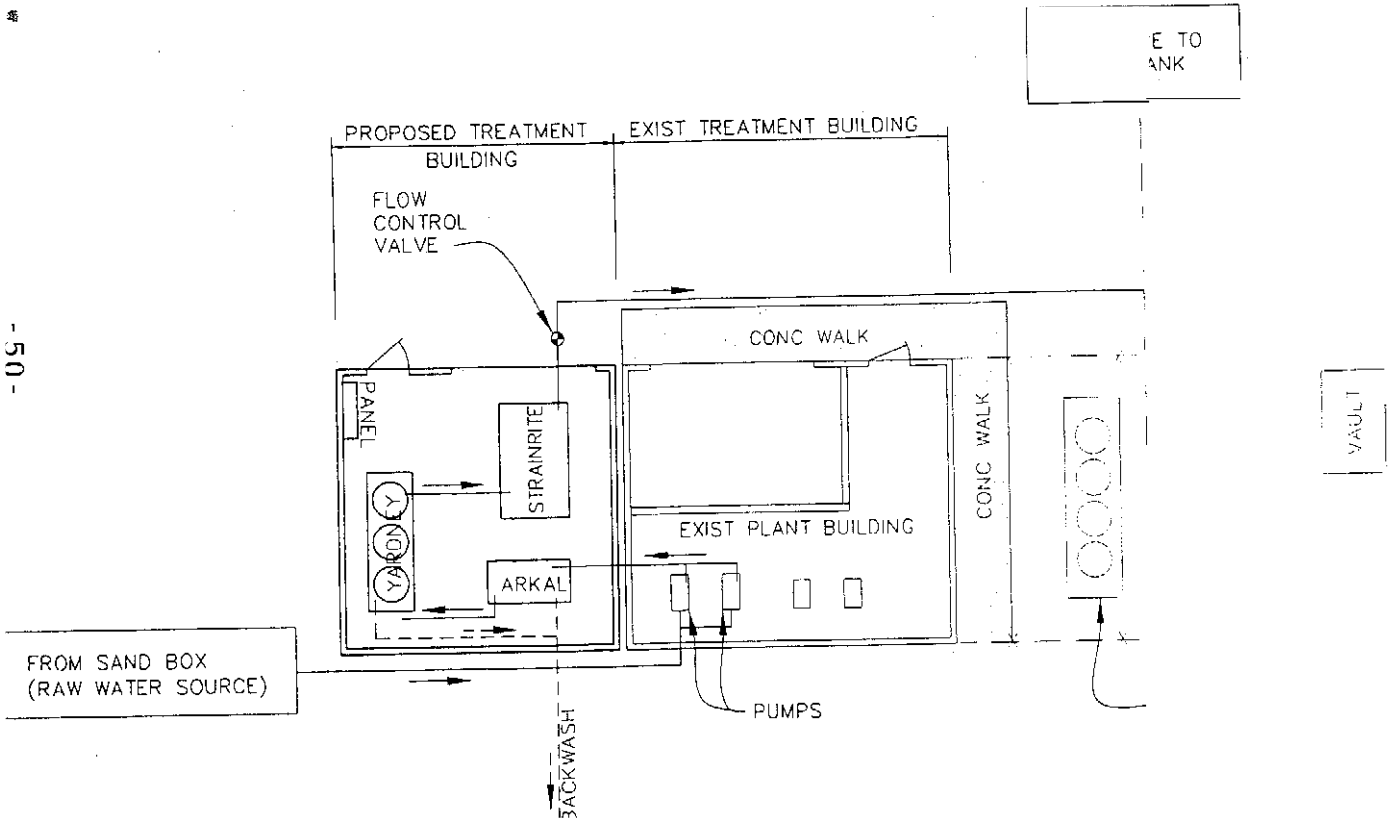
BY	REVISION	DATE

DAVENPORT COUNTY SANITATION DISTRICT

WATER TREATMENT PLANT REPLACEMENT & WATER TANK PROJECT

SITE PLAN

DRAWN: DB	
CHECKED: ***	
DATE: JAN 2005	
SCALE: AS SHOWN	
JOB NO: 51818	
SHEET	1 or 1



PROPOSED BUILDING LAYOUT
SCALE: 1"=4'

Environmental Review Inital Study
ATTACHMENT 2, 2 of 2
APPLICATION 05-0570

ARCHAEOLOGICAL CONSULTING

P.O. BOX 3377
SALINAS, CA 93912
(831)422-4912

PRELIMINARY ARCHEOLOGICAL RECONNAISSANCE OF CURRENT PROJECT AREAS OF ASSESSOR'S PARCEL NUMBER 058-071-04, DAVENPORT, SANTA CRUZ COUNTY, CALIFORNIA

by

Mary Doane, B.A., and Trudy Haversat, *RPA*

July 21, 1999

Prepared for

Bill Snell
RMC Lonestar

SUMMARY: PROJECT 274.3
RESULTS: NEGATIVE
ACRES: ~20
SITES: NONE
UTMG: W 5.7088/40.9700; N 5.7110/40.9730; NE 5.7165/40.9710; SE 5.7165/40.9640
MAP: USGS 7.5 MINUTE DAVENPORT QUADRANGLE

Certification by the Society of Professional Archaeologists.

INTRODUCTION

In July 1999 Archaeological Consulting was authorized by Mr. Bill Snell of RMC Lonestar to prepare a Preliminary Archaeological Reconnaissance report for the current project areas of the RMC Lonestar parcel in Davenport, Santa Cruz County, California.

As part of our methodology in the preparation of this report, we have conducted: 1) a background records search at the Northwest Regional Information Center of the California Archaeological Inventory, located at Sonoma State University, Rohnert Park; and 2) a field reconnaissance of the project areas. The following report contains the results of these investigations as well as our conclusions and recommendations.

PROJECT LOCATION AND DESCRIPTION

The project parcel is located at 700 Coast Highway 1 in Davenport, Santa Cruz County, California (see Maps 1 & 2). The Assessor'sParcel Number (APN) is 058-071-04, and the Universal Transverse Mercator Grid (UTMG) coordinates for the approximate corners of the project parcel are: W 5.7088/40.9700; N 5.7110/40.9730; NE 5.7165/40.9710; SE 5.7165/40.9640 on the Davenport Quadrangle (1955, photorevised 1968). The areas surveyed are approximately twenty acres in size.

The archaeological reconnaissance surveyed the areas proposed for the raw material system site, the shale storage site, the engineered fill site, and the construction staging area. The undeveloped fill site in the northwestern pasture provided good soil visibility from rodent burrows in the tall dry grasses . The construction staging area also provided fair soil visibility in an undisturbed area. The project areas for shale storage, and building construction presented fill and highly disturbed imported soils on the surface, Soil stratigraphy was visible in cut banks in parts of the raw materials site, Overall, soil visibility was considered marginally adequate for the purposes of the reconnaissance.

PROJECT METHODOLOGY

The methodology used in the preparation of this report included two primary steps, as follows:

Background Research

The background research for this project included an examinatidn of the archaeological site records, maps, and project files of the Northwest Regional Information Center of the California Archaeological Inventory, located at Sonoma State University, Rohnert Park, California In addition, our own extensive personal files and maps were examined for supplemental information, such as rumors of prehistoric resources within the general project area.

The Regional Information Centers have been established by the California Office of Historic Preservation as the local repository for all archaeological reports which are prepared under cultural resource management regulations. The background literature search at the appropriate Regional Information Center is required by state guidelines and current professional standards. Following completion of the project, a copy of the report also must be deposited with that organization.

These literature searches are undertaken to determine if there are any previously recorded archaeological resources within the project area, and whether the area has been included within any previous archaeological research or reconnaissance projects.

Field Reconnaissance

The field reconnaissance was conducted by Mary Doane, B.A. on July 20, 1999. The survey consisted of a "general surface reconnaissance" of all areas which could reasonably be expected to contain visible cultural resources, and which could be viewed without major vegetation removal or excavation. All areas included in the current project proposal were examined, but only the engineered fill site and the construction staging area provided good soil visibility.

Background Research

The record search of the files at the Northwest Regional Information Center showed that there are five sites recorded within one kilometer of the project parcel but none are recorded on the parcel. The nearest recorded site is CA-MNT-169, located across the highway at the south end of Cement Rd. There were records of three previous archaeological reconnaissances having been conducted on portions of the project parcel but not within the current project areas.

The project parcel lies within the currently recognized ethnographic territory of the Costanoan (often called Ohlone) linguistic group. Discussions of this group and their territorial boundaries can be found in Breschini, Haversat, and Hampson (1983), Kroeber (1925), Levy (1978), Margolin (1978), and other sources. In brief, the group followed a general hunting and gathering subsistence pattern with partial dependence on the natural acorn crop. Habitation is considered to have been semi-sedentary and occupation sites can be expected most often at the confluence of streams, other areas of similar topography along streams, or in the vicinity of springs. These original sources of water may no longer be present or adequate. Also, resource gathering and processing areas, and associated temporary campsites, are frequently found on the coast and in other locations containing resources utilized by the group. Factors which influence the location of these sites include the presence of suitable exposures of rock for bedrock mortars or other milling activities, ecotones, the presence of specific resources (oak groves, marshes, quarries, game trails, trade routes, etc.), proximity to water, and the availability of shelter. Temporary camps or other activity areas can also be found along ridges or other travel corridors.

The soil on the undeveloped northwest pasture, the engineered fill site, and on the construction staging area was light gray fine clay. Darker gray soil was visible in eroded areas of the gully. Native surface soil was obscured or absent in most other areas of impact for the current project. The proposed shale storage site is covered by fill on both sides of the row of concrete towers. Likewise the proposed raw materials system site is largely covered by imported materials. However cut banks in several parts of this area reveal a thin tan soil overlaying bedded mudstone and shale.

None of the materials frequently associated with prehistoric cultural resources in this area (dark midden soil, shell fragments, broken or fire-altered rocks, bone or bone fragments, flaked or ground stone, etc.) were noted during the survey.

CONCLUSIONS AND RECOMMENDATIONS

Based upon the background research and the surface reconnaissance, we conclude that there *is* no surface evidence of significant prehistoric archaeological resources in the current project areas areas of the RMC Lonestar parcel. Because of this we make the following recommendations:

- The proposed project should not be delayed for archaeological reasons.

Because of the possibility of unidentified (e.g., buried) cultural resources being found during construction, we recommend that the following standard language, or the equivalent, be included in any permits issued within the project area:

- If archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 50 meters (150 feet) of \$he find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.

REFERENCES

Breschini, G S., T Haversat, and R. P. Hampson
1983 A Cultural Resources Overview of the Coast and Coast-Valley Study Areas [California]. Coyote Press, Salinas.

Dietz, S. A.
1977 "An Archaeological Reconnaissance of the proposed locations of the four settling ponds to be associated with the Lone Star Industries cement plant operations at Davenport, California." Letter report on file at NRIC, California State University, Sonoma.

Kroeber, A. L.
1925 Handbook of the Indians of California Bureau of American Ethnology Bulletin 78.

Levy, R
1978 Costanoan. Pp. 485-495 in Handbook of North American Indians, Vol. 8, California. Smithsonian Institution, Washington, D.C.

Margolin, M.
1978 The Ohlone Way. Heyday Books, Berkeley

ECOSYSTEMS WEST
CONSULTING GROUP

March 31, 1999

Ms. Suzanne Smith
Planning Department
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Re: RMC Lonestar Cement Plant Improvements Project Biotic Assessment No 98-0550-EBS

Dear Suzanne:

This letter reports the findings of a "biotic assessment" of the RMC Lonestar Materials Handling Improvements project areas (Assessor's Parcel No. 58-071-04) located within the existing Lonestar Cement Plant located on the west side of the town of Davenport, adjacent to State Highway 1 in the north coastal area of Santa Cruz County, California. The applicant, Lonestar Cement Corporation, is seeking County approval to construct a 35,200 sq. A. materials storage building, a 47,120 sq. A. blending storage dome, truck unloading station, extension of overload conveyor belt and relocation of municipal water lines, fill disposal site, topsoil stockpile area, and shale storage site. All these activities would take place with the exception of the waste storage site within the confines of the existing plant facilities operations.

Soils on the parcel are classified as Bonnydoon loam, 5 to 50 percent slopes by the U.S. Soil Conservation Service Soil Survey of Santa Cruz County (1980). The Bonnydoon loam soil type is characterized as a shallow, excessively drained soil formed mainly on south-facing slopes of hills and mountains. Bonnydoon loam exhibits moderate permeability, medium to rapid runoff, and moderate to high erosion hazard. On the parcel, the soil profile is highly disturbed and compacted due to continued deposition of dust, spoil materials and heavy equipment. The soils on the pasture area proposed for the spoil stock pile supports powdery soils with little humus content.

A field survey was conducted in early January 1999. During the coarse of our site visit, we walked all the areas of the plant proposed for future construction of facilities or stock piling of waste rock and cement manufacturing core materials. The following discussions will describe the habitat conditions at each of the proposed facility sites associated with this application. The useable shale storage area is located on the east side of the plant adjacent to the paved upper stockpile access road and was primarily devoid of vegetation with the exception of scattered clumps of ruderal weeds such as white sweet clover (*Melilotus albus*), wild radish *(Raphanus sativus*), and common sow thistle (*Sonchus oleraceus*), and bull thistle (*Cirsium vulgare*). The large materials storage building will be built where the current waste storage pile exists. There is no significant vegetation found in this area at present. Along the east side of the storage pile between the pile and the paved access road is a rectangular patch of disturbed scrub habitat with a circular, sealed bottom pond supporting a dense stand of California bulrush (*Scirpus californicus*) in the middle. Surrounding the pond is dense patches of shrubs featuring poison oak *(Toxicodendron diversilobum*), California coffeeberry

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ATTACHMENT 4, 1 of 3
APPLICATION 05-0570

7909 HARVARD DRIVE • BEN LOMOND, CA 95005
PHONE 406 336-4556 • FAX 336-9539

(Rhamnus californicus), and coyote brush *(Baccharis pilularis)*. **A** small stand of tree-sized red willows (*Salix laevigata*) occurs on the northwest edge of the pond. Other associative herb and grass species observed in this area include poison hemlock *(Conium maculatum)*, bull thistle, English plantain (*Plantago lanceolata*), coastal gum plant *(Grindelia latifolia)*, common groundsel *(Senecio vulgare)*, California bee plant (*Scrophularia californica*), wild cucumber (*Marah fabaceus*), and rabbit's-foot grass (*Polypogon monspessulanus*). This area was of particular interest because of the siting of frogs in the pond. This pond is within the known distribution of California red-legged frog *(Rana aurora draytonii)*. The southern edge of this habitat will contain the extension of the overload conveyor belt. The construction of this belt extension and the access road adjacent to the building will result in some minor loss of existing vegetation. The proposed blending storage dome will be placed on a disturbed terrace and steep-sloped bank just north of the Main Precipitation and Burner Buildings. This site is highly disturbed and fractured. The steep slopes supports a scattered remnant of coastal terrace scrub plant species characterized by coyote brush, lizard-tail (*Eriophyllum staechadifolium*), coast sagebrush *(Artemisia californicus)*, and mock heather (*Ericameria ericoides)*. The terrace supports a similar array of weedy vegetation cover including bristly ox-tongue (*Picris echioides*), white sweet clover, cut-leaf plantain *(Plantago coronopus)*, wild radish, rabbit's-foot grass, and pampas grass (*Cortideria selloana*).

Lonestar proposes to move the existing spoils disposal area to a shallow gradient, south-facing hillside on the west edge of the property. This slope is fenced and has been heavily grazed. At the time of our survey, this pasture supported an open, clumpy plant cover of introduced annual grasses and herbs. Prominent among these life-forms was slender wild oat grass *(Avena barbata)*, soft chess brome grass (*Bromus hordeacus*), common sow thistle, wild radish, cut-leaf plantain, English plantain, and bull thistle. **A** linear stand of Monterey pine (*Pinus radiata*) occurs adjacent to the barbed-wire fence on the southeast comer. Lonestar plans to stockpile the topsoil removed from the spoils stockpile site on the eastern edge of the spoils pile. This site supports a moderately dense cover of coyote brush and introduced annual grasses and herbs.

Due to the highly disturbed nature of the plant site and adjacent pasture there is no habitat for special-status plants with known occurrences in the vicinity of the Cement Plant. Potential breeding habitat does exist for the Federal listed Threatened California red-legged frog within the pond and drainage on the northeastern side of the parcel. This species has been documented in the vicinity of the plant. No other wildlife species of special concern are expected to utilize this portion of the plant.

Due to the observed presence of a frog species in the pond during the time of our survey, we recommend a field assessment for this species be conducted prior to any removal or pruning of vegetation adjacent to the pond. The adjacent drainage comdor may provide good breeding habitat for red-legged frog. Consultation with the California Department of Fish and Game and U. S. Fish and Wildlife Service should occur prior to approval of final development proposals in this area.

The landscaping and tree screening plan shown on Sheet L-1 should be compatible with native plant communities in the vicinity of the parcel. The proposed use of Lombardy poplar as a screen species should be replaced with coast redwood or Douglas fir or both. Erosion control measures should be implemented to prevent sedimentation into adjacent stream comdors or the pond.

Based on this preliminary assessment, it is my professional opinion that this development proposal may result in a significant impact on those specific biotic resources discussed above. Focused studies should be conducted to assess the potential presence of red-legged frog prior to final approval of the development.

Should you require further information or clarification, please don't hesitate to contact me

Sincerely,

Bill Davilla
Principal/Senior Botanist

Environmental Review Inital Study
ATTACHMENT 4 3 of 3
APPLICATION 05-0520

SURVEYS FOR CALIFORNIA RED-LEGGED *FROGS* AT THE DAVENPORT CEMENT PLANT, SANTA CRUZ COUNTY, CALIFORNIA

Prepared for:

RMC Lonestar
6601 Koll Center Parkway
P.O Box 5252
Pleasanton, CA 94566
(510) 426-2278

Prepared by:

Biosearch Wildlife Surveys
P.O. Box 8043
Santa Cruz, CA 95061
(831) 662-3938

7 July 1999

SURVEYS FOR CALIFORNIA RED-LEGGED FROGS AT THE DAVENPORT CEMENT PLANT, SANTA CRUZ COUNTY. CALIFORNIA

INTRODUCTION

This document reports the results of a focused survey and evaluation of habitat for California red-legged frogs (*Rana aurora draytonii*) at the Davenport Cement Plant in coastal Santa Cruz County, California. RMC Lonestar is seeking approval from the County of Santa Cruz to construct a Materials Handling Improvement project within the existing Plant area. The project would involve construction of a 35,200 square foot materials storage building, a 47,120 square foot blending storage dome, a truck tinloading station: conveyor belts, and the creation of a topsoil stockpile area. A biotic assessment performed in January 1999 identified the presence of an unidentified frog in the water reservoir, and recommended a field assessment for California red-lsgged frog prior to any vegetation removal in the vicinity of the pond (Ecosystems \Vest *1999).* The purpose of the present study was to determine the presence of the federally-threatened California red-legged Frog in aquatic habitats in the vicinity (within 300') of the propoi-ti project.

SITE DESCRIPTION

The Davenport Cement Plant is located northwest of the town of Davenport along Highway 1 in Santa Cruz County, California (Figure 1). The plant has been in operation since the early 1900's and covers approximately 40 acres. Elevations range from 100 to 275 feet above sea level. The site is highly disturbed antl native habitats have been graded, although patches of willow, coastal scrub and grassland persist in certain areas. Sun-ounding land uses include irrigated crops, cattle grazing, open space and relatively small, residential urban areas. The proposed project footprint is largely within the existing facilities with the exception of the topsoil stockpile area, which is situated in a grazed pasture to the northwest.

Eight ponds and/or basins are present on or adjacent to the site. Ponds C antl D, irrigation ponds immediately north of the plant, were occupied by red-legged frogs during a previous reconnaissance survey (Biosearch Wildlife Surveys 1996d). Pond E, a farm pond ¼ mile north of the site, was also occupisd by the species. Pond F, a large, permanent pond to the east of the plant, was identified as potential breeding and sheltering habitat. Pond G, a basin to the southeast of the Plant, was identified as potential sheltering habitat whenever contained water, but it did not hold water in 1996 or 1999. A water reservoir (hereafter referred to as Pond H) which is located within the existing Plant was not reviewed as part of the previous reconnaissance survey. This reservoir is fed with water diverted from San Vicente Creek, and feeds into Pond F via a ditch.

CALIFORNIA RED-LEGGED FROG

The California red-legged frog is the largest native frog in California, and can reach a head and body length of 5½". It historically occupied many of the Pacific drainage basins in California, but has been eliminated from 70-75% of its range (Jennings & Hayes, 1994; Miller, et al. 1996). The species requires still or slow-moving water during ths breeding season, where it deposits large egg masses, usually attached to submergent or emergent vegetation. Breeding typically occurs between December and April, depending on annual environmental conditions. Eggs require 6 to 12 days before hatching and metamorphosis occurs 3.5 to 7 months after hatching (Stebbins 1985), normally between July and September. Radio-telemetry data from a nearby study site indicates that during the breeding season, adults engage in straight-line movements irrespective of riparian corridors, and niay move up to two miles between non-breeding arid breeding sites (Bulger 1999). They may take refuge in small mammal burrows, leaf litter or other moist areas in order to avoid dessication (Rathbiin, et al. 1993; Jennings and Hayes 1994). Red-legged frogs emerge to forage soon after dark, and may regularly move up to 100 meters into surrounding uplands, especially following rains, when individuals may spend days or weeks in upland habitats (Bulger 1999). During the non-breeding season, a wider variety of aquatic habitats are used, including small pools in coastal streams (Bulger, pers. conini.; Allaback and Laabs, pers. observ.). Occurrence of this frog has shown to be negatively correlaied with presence of introduced bullfrogs (Moyle 1973; Hayes & Jennings 1986, 1988), although both species may be able to persist at certain locations (pers. obszrv.; Jennings, pers. comm.).

On 23 May 1996, the California rsd-legged frog was listed as threatened by the United States Fish and Wildlife Service (Miller, *et. al.* 1996). This listing became effective on 24 June 1996 and provides protection. tinder the Endangered Species Act (ESA).

Environmental Review Inital Stud
ATTACHMENT 5, 3 of 11
APPLICATION 05-0530

METHODS

Recent biological surveys in the vicinity of the projsct area were reviewed (Biosearch Wildlife Surveys 1996a, 1996b, 1997; McGinnis 1991; Ecosystems West 1999; Bulger 1999). Field surveys were performed by wildlife biologist David Laabs and followed guidelines provided by the U.S. Fish antl Wildlife Service to detect and/or assess habitat for red-legged frog (USFWS 1997). Two diurnal and two nocturnal surveys were performed at Ponds C, D antl H. Diurnal surveys were conducted on 15 June and 22 June 1999 by slowly walking the perimeter of each pond antl scanning tlie shoreline, water surface and adjacent upland areas with binoculars. The air temperature at the start of each diurnal survey was 70" antl 59° F, respectively. Ths wind averaged 5 mph on 15 June and there was no wind on 22 June. All frogs were identified to species if possible. Nocturnal surveys were carried out on 7 June and 22 June 1999 with flashlights (6-volt) and binoculars. The temperature at the start of each nocturnal survey was 52° and 55° F, respectively. A steady, 10 mph wind was blowing on the night of 7 Jane, while it was cairn on 22 lune.

Although Pond F is in close prosiniity to the project site, it was not the subject of a focused surveyed because of the difficulty in accessing the shoreline. A reconnaissance survey was made on 15 June 1999. Much of the pond's perimeter is steep-walled and covered in dense scrub cover. Only ~5% of the shoreline is directly accessible, and surveys would therefore be cursory only. For this reason, habitat characteristics of the pond were recorded in order io determine habitat suitability for the species.

RESULTS

Ponds C and D are irrigation ponds located on the north side of the Davenport Cement Plant. The ponds merge into a single pond during the winter, but form two separate ponds as they dry. At tlie time of tlie survey, Pond C measured 150' x 75', while Pond D was 200' by 100'. Pond C was approximately 2-3 feet deep, while Pond D was greater than 3 feet deep. Both ponds support emergent vegetation, and a stand of willows is present at Pond D. Pond C is bordered by a eucalyptus grove on one side. An active irrigated field is present to the north. Red-legged frogs were observed at both ponds in April 1996 (Aldenheysen, pers. comm.) and in February 1997 (Biosearch Wildlife Surveys 1997). On 22 June 1999, five red-legged frog were observed at Pond C, while 15 red-legged frogs and 6 unidentified frogs were observed at Pond D (Table 1). These were the highest numbers observed at Ponds C and D. Survey conditions on 22 June were better (no wind) than on 7 June. Pacific tree frogs were also occupied both ponds.

Pond F (also referred to as the Farmer's or Duckweed Pond) is in the drainage east of the cement plant. It measures 575' long and 75' at its widest. It holds water year-round and supports abundant emergent vegetation. Dense willows are present along the southern tip, while scattered stands of eucalyptus are present along both east and west sides. Most of the slopes immediately adjacent tu the pond are steep-walled and covered with dense coastal scrub, dominated by coyote brush and California sagebrush. The pond provides

sheltering habitat and potentially breeding habitat for California red-legged frogs. It may also support bullfrogs. As noted above, the presence or absence of frogs at this site was not determined due to difficulty of access.

Pond H, also referred to as the Water Reservoir, is located in the northeast part of the Plant. It measures 120' across and is circular. It is linsd with plastic, except along the bottom, where cattails are growing. Approximately 5% of the surface arsa is covered with cattails. Water for the reservoir is diverted from San Vicente Creek, and then fed through a "sand box" and treated with chlorine (Schipper, pers. comm.). As a result, the water is very clear. A stand of willows, with an understory of blackberry and poison oak, is situated to the west of the pond. Additional dense vegetation is present to the east, across the road into drainage that contains Pond F. Seven adult red-legzed frogs were observed in Pond H on 22 June 1999. This was the highest count for any of the surveys. All of the frogs except one were observed in the cattails.

	# California red-legged frogs / Unidentified frogs Observed			
	6/7/99	6/15/99	6122199	6/22/99
Pond	Nocturnal	Diurnal	Diurnal	Nocturnal
C	2/1	1/0	1/0	5/0
D	4/5	1/0	2/3	18/6
H	2/3	2/0	2/0	7/0

Table 1. Results of California red-legged frog surveys at the Davenport Cement Plant during the spring/summer of 1999.

DISCUSSION

California red-legged frogs inhabit thres ponds (Ponds C, D, and H) in the immediate vicinity of the propossd Materials Handling Improvement projsct site. A fourth pond nearby (Pond F) contains appropriate breeding habitat characteristics for the species. However, ths presence or absence of California red-legged frogs has not been determined at Pond F. Although surveys to determine the breeding status of these ponds have not been conducted, it is possible that red-legged frogs breed in some or all of these ponds, given their physical characteristics. It should be noted that no bullfrogs were observed at any ofthe ponds surveyed.

Ponds C, D, H and possible F provide habitat for California red-legged frogs whenever they hold water. Ponds C and D dry during the late summer, while Ponds F and H are perrnansnt. California red-legged frogs can make use of upland habitats in the vicinity of occupisd ponds to forage, sometimes for weeks or months at a time (Bulger 1999). The use of adjacent upland areas is expected to increase during the early winter following rains (Bulger 1999). Most of the activity in upland arms is expected to occur within 100 meters of occupied ponds (Bulger 1999). Much of the upland area in the vicinity of the occupisd ponds at the Davenport Plant are devoid of vegetation, but fragments of vegetative cover do exist (see Figure 2).

Construction of the Materials Handling Improvement projsct could affect California red-legged frogs if upland habitat adjacent to occupied ponds is removed and/or if traffic in the vicinity of occupied ponds increases. Consultation is recommended with the U.S. Fish and Wildlife Service and California Department of Fish and Game prior to proceeding with the proposed project.

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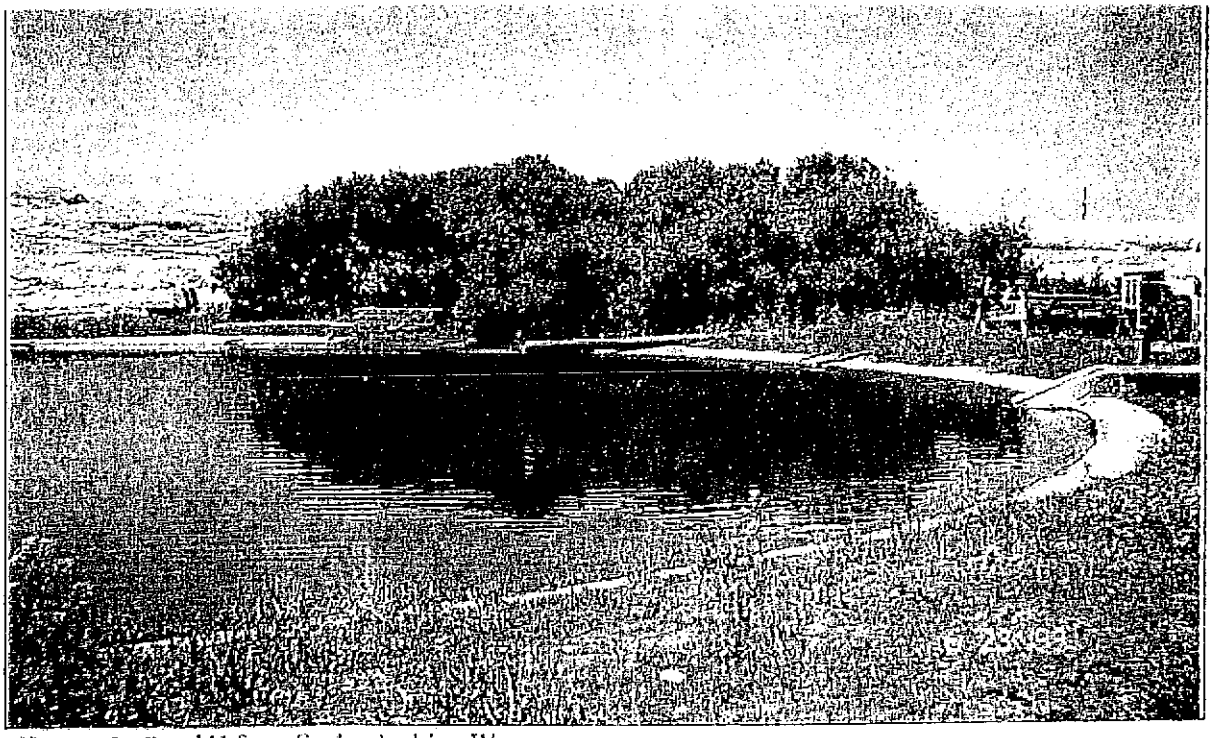


Figure 2. Pond H from E edge looking W.

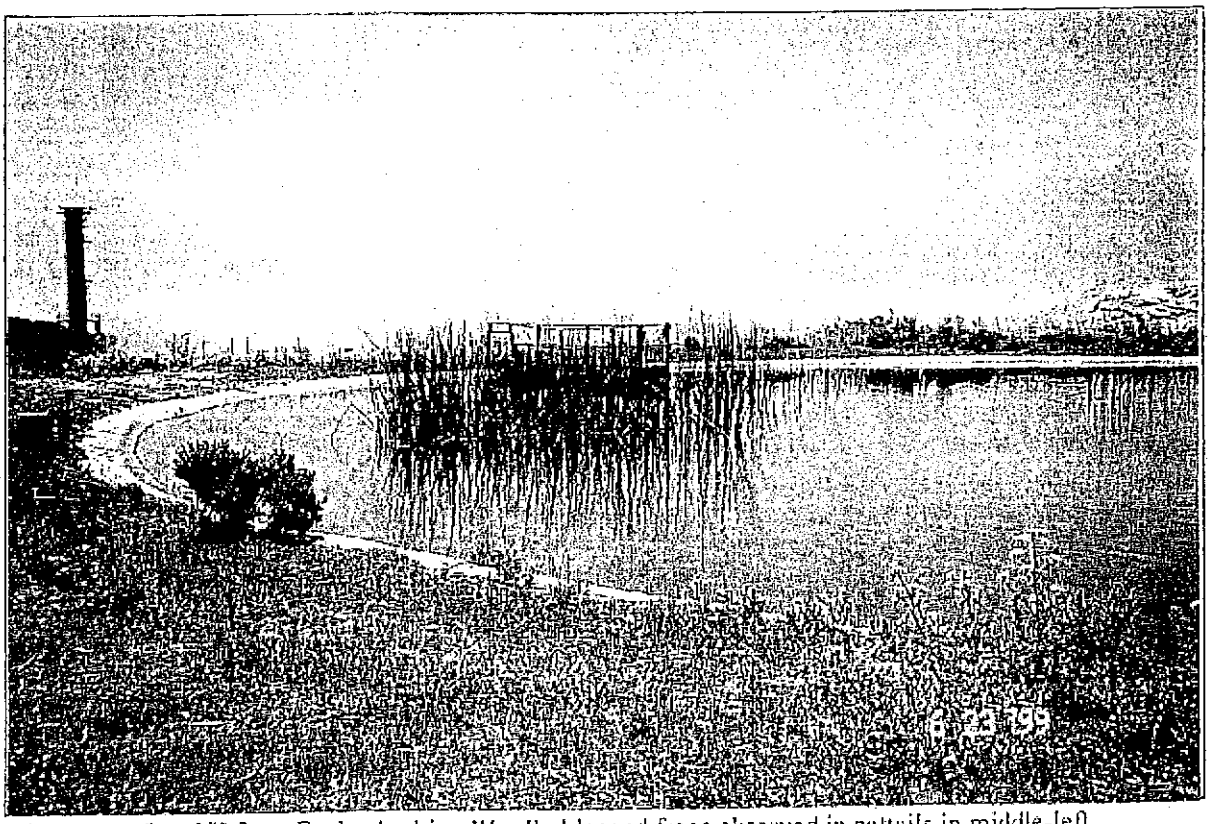


Figure 3. Pond H from E edge looking W -- Red-legged frogs observed in cattails in middle-left.

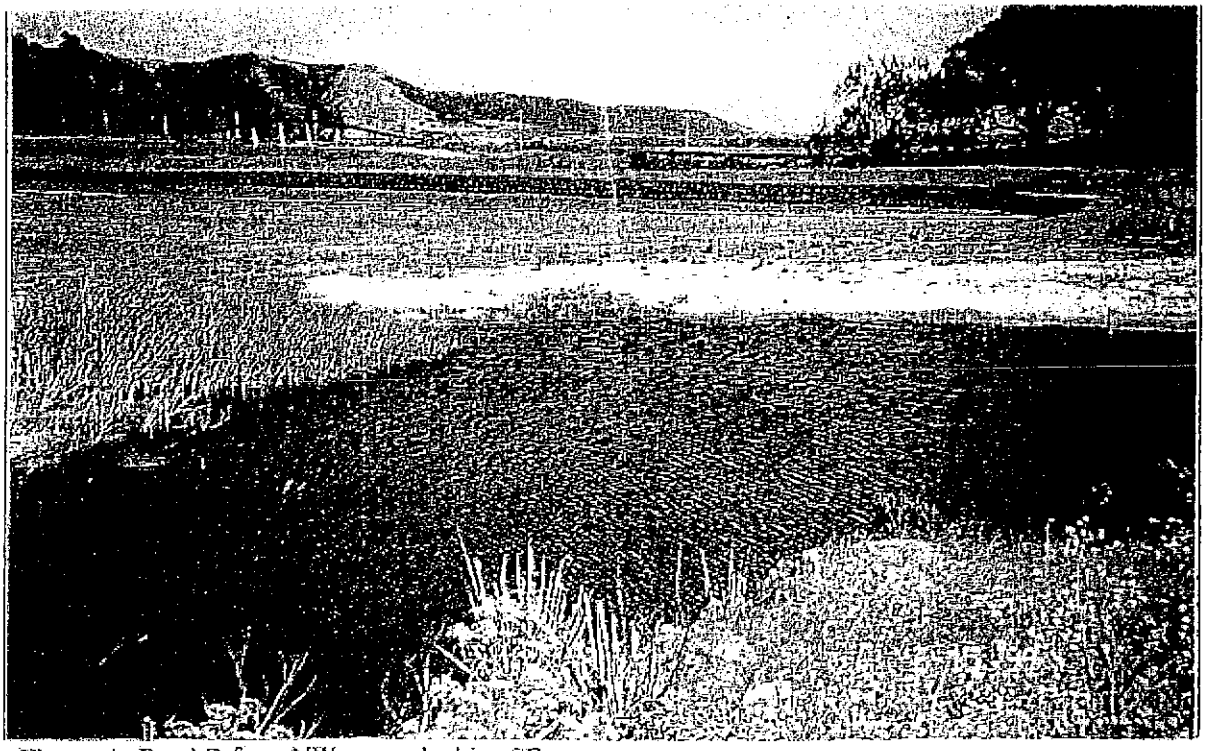


Figure 4. Pond D from NW corner looking SE.

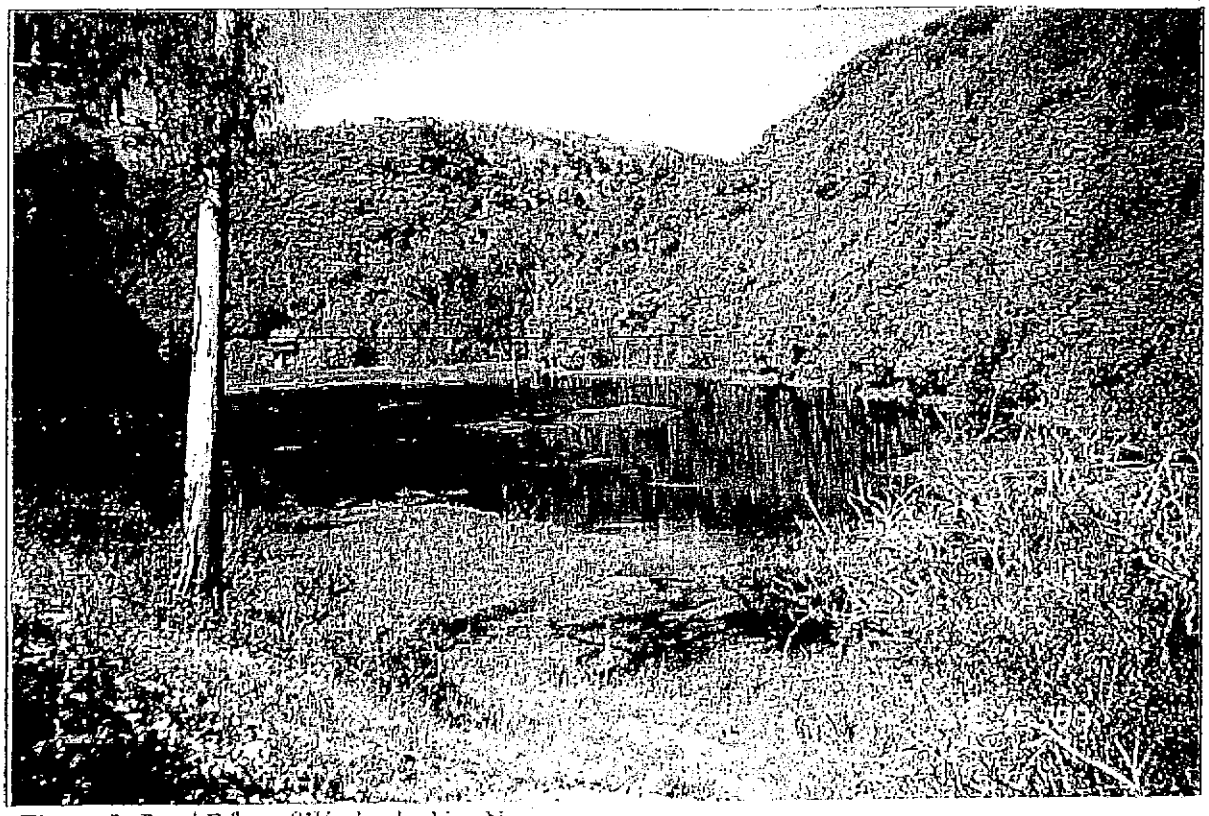


Figure 5. Pond F from SW edge looking N.

ATTACHMENT 5, 10 of 11
APPLICATION 05-0570

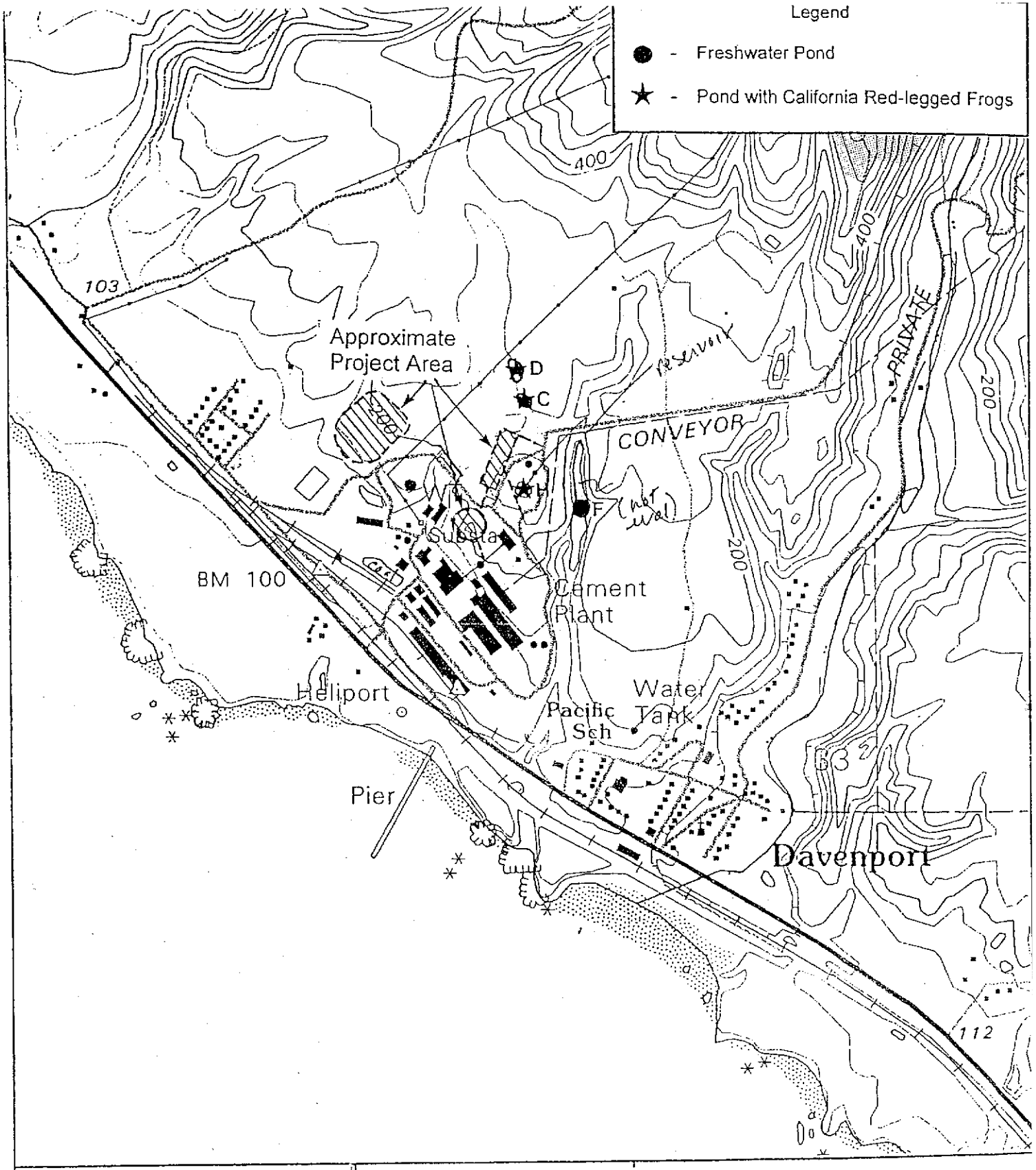
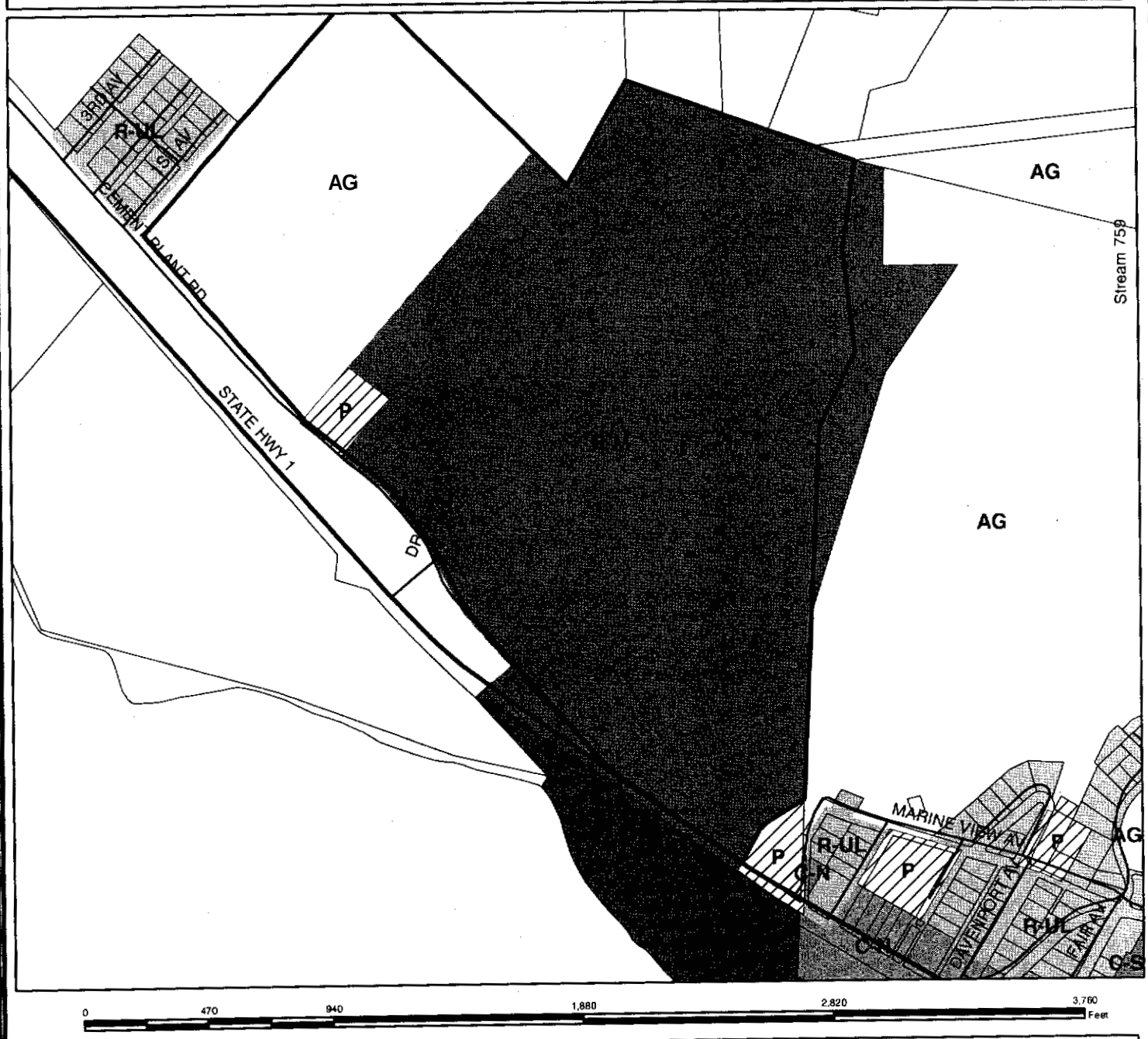


Figure 1. Davenport Cement Plant, Santa Cruz County,

Biosearch Wildlife Surveys
PO Box 8043
Santa Cruz CA 95061

Environmental Review Inital Study
ATTACHMENT 5, 11 of 11
APPLICATION 05-0570

General Plan Designation Map



LEGEND

- APN: 058-071-04
- Assessors Parcels
- Streets
- State Highways
- County Boundary

STREAMTYPE

- PERENNIAL
- INTERMITTENT

- Agriculture
- Commercial-Neighborhood
- Public Facilities
- Residential-Mountain
- Residential - Urban Low Density
- Parks and Recreation

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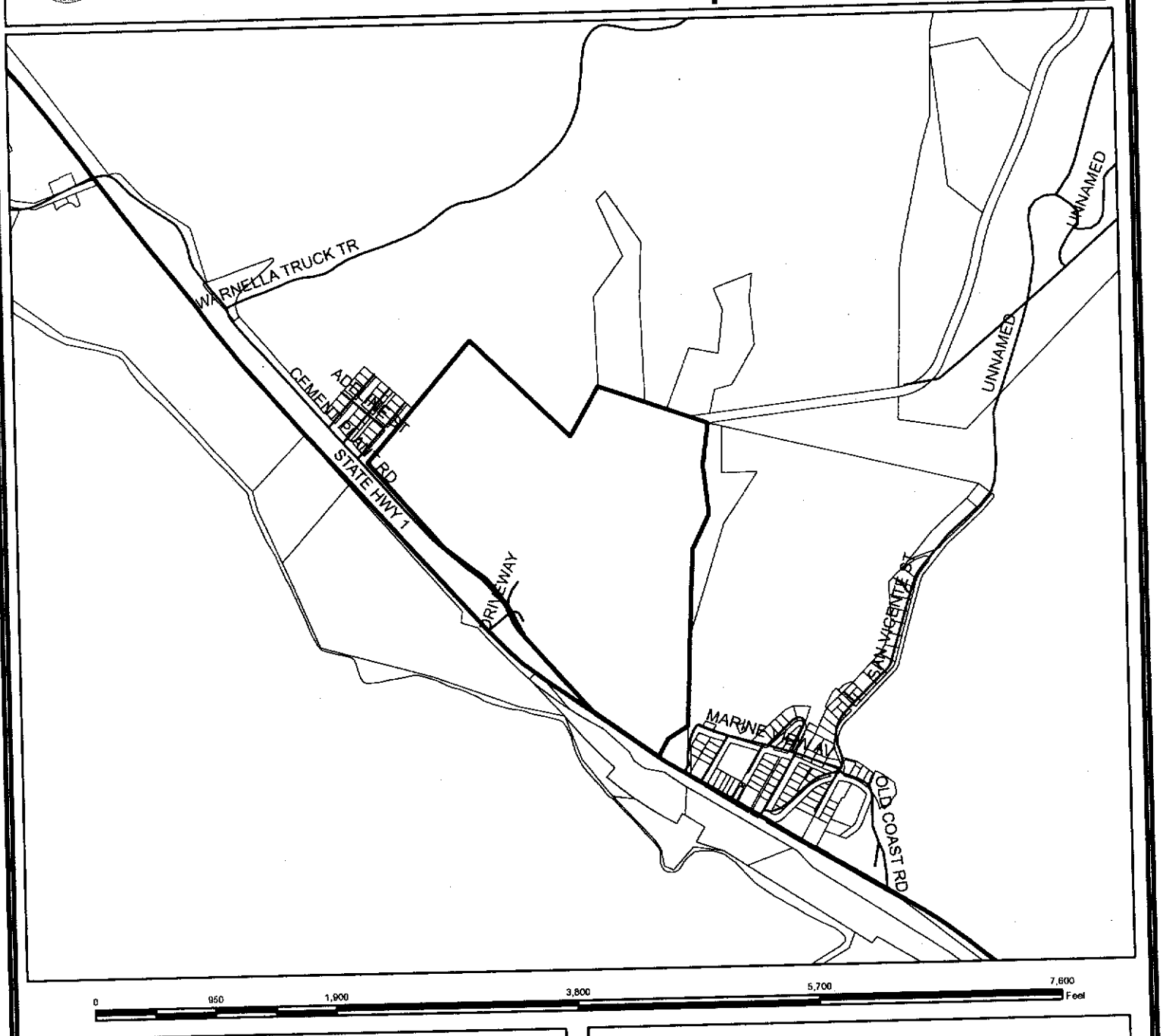
W E
S

Map created by
County of Santa Cruz
Planning Department
August 2007

Location Map



LEGEND

- APN: 058-071-04
- Assessors Parcels
- Streets
- State Highways
- County Boundary

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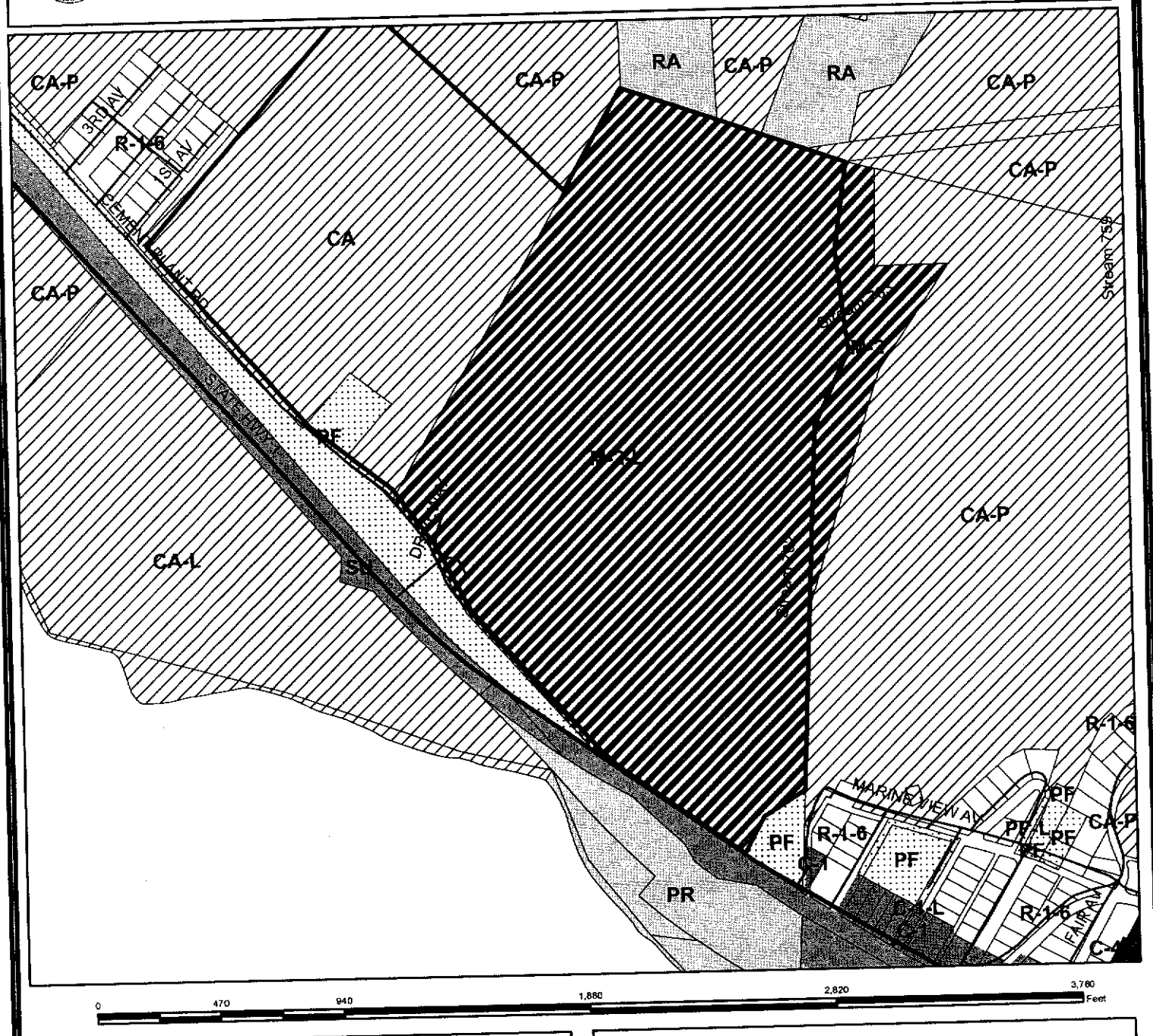
Exhibit E

Zoning Map



LEGEND

APN: 058-071-04

- Assessors Parcels
- Streets
- State Highways
- County Boundary

STREAMTYPE

- PERENNIAL
- INTERMITTENT
- AGRICULTURE COMMERCIAL
- AGRICULTURE RESIDENTIAL
- RESIDENTIAL-SINGLE FAMILY
- PUBLIC FACILITY
- PARK
- SPECIAL USE
- COMMERCIAL-NEIGHBORHOOD
- HEAVY INDUSTRIAL

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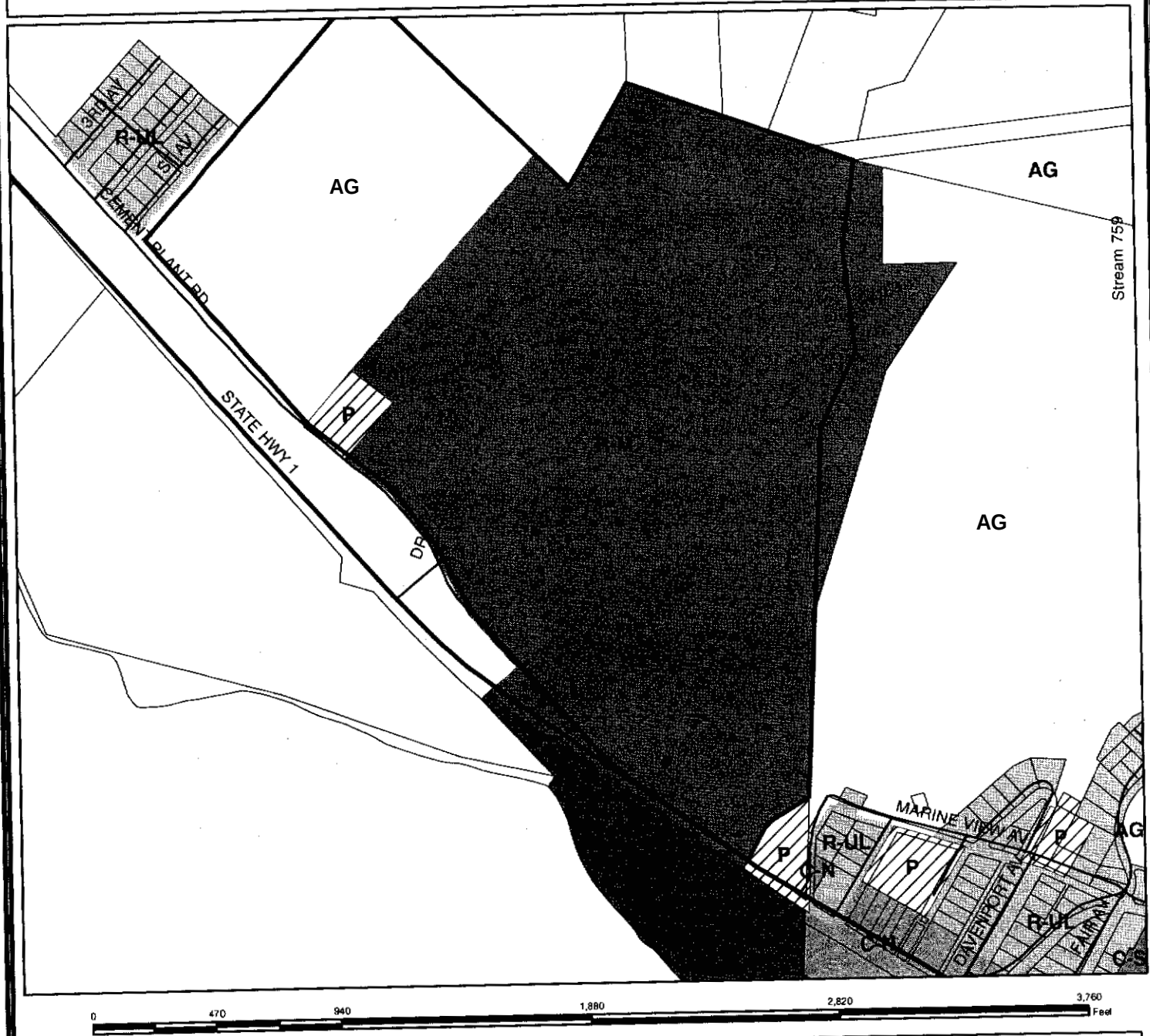
Exhibit F

General Plan Designation Map



LEGEND

- APN: 058-071-04
- Assessors Parcels
- Streets
- State Highways
- County Boundary

STREAMTYPE

- PERENNIAL
- INTERMITTENT

- Agriculture
- Commercial-Neighborhood
- Public Facilities
- Residential-Mountain
- Residential - Urban Low Density
- Parks and Recreation

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Exhibit G