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Action:

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE DETERMINATION AND COASTAL PERMIT

LOCAL GOVERNMENT: County of Santa Cruz

DECISION: Approval with Conditions (See Exhibit 2)

APPEAL NO.: A-3-SCO-98-071

APPLICANT: CITY OF WATSONVILLE, DEPARTMENT OF PUBLIC WORKS

PROJECT LOCATION: 852 Airport Boulevard, San Andreas area of Santa Cruz County (AP# 052-011-46) (see Exhibit 1)

PROJECT DESCRIPTION: Demolish two single family dwellings and a barn, recognize approximately 65,000 cubic yards of fill and place an additional 76,000 cubic yards of fill material to implement a mandated closure plan for an illegal disposal site (see Exhibit 3)

APPELLANTS: Commissioner Sara Wan; Commissioner Pedro Nava

FILE DOCUMENTS: Santa Cruz County Coastal Development Permit 97-0309 file, Santa Cruz County Enforcement File for AP# 052-011-46; Santa Cruz County Certified Local Coastal Program consisting of 1994 *General Plan and Local Coastal Program for the County of Santa Cruz* and portions of the *County Code* and *Zoning Map*; City of Watsonville LCP Amendment No. 1-98 file; LAFCO Executive Officer's Report proposed Sphere of Influence Amendments 8/97; *Phase II Environmental*

Investigation by Sampson Engineering Inc., January 1995.

SUMMARY OF STAFF RECOMMENDATION:

Staff offers a two-part recommendation: first that a **substantial issue exists** with regard to the appellants' contentions and, second, that a **coastal permit be approved** with conditions for a modified project.

Staff recommends that the Commission determine that a **substantial issue exists** with respect to the grounds on which the appeal has been filed -- wetland habitat and agricultural impacts -- for the following reasons. The County permit recognizes that an illegal fill of a wetland with waste material will remain in place. The permit also allows additional clean fill to be placed in the wetland in order to cap the waste material. The subject parcel is designated for agricultural use. While some type of remediation of the existing fill is required by the State Integrated Waste Management Board, the chosen and permitted solution fails to address the issue of wetland fill. The County permit simply views the existing fill as a given and fails to analyze its consistency with the local coastal program. The County permit allows the additional fill; not finding any impact from it. Thus, the County permit is deficient in not considering the impacts from the previous illegal fill nor from the additional fill. Were such an analysis presented, inconsistencies with local coastal program provisions would have been found that would not have allowed the project to be approved as proposed. First, the local coastal program contains several provisions that do not allow the elimination of a wetland. They also do not allow private landfills, which this was before being purchased by the City of Watsonville, on agriculturally-designated land. Second, even if these policies could somehow be interpreted as possibly condoning such a use on the subject site, an alternatives analysis is necessary under the local coastal program, and none is presented. Third, even were such evidence presented, the County has not required any mitigation, which would be necessary to address the impacts. For all of these reasons, a substantial issue with local coastal program compliance is raised.

Staff further recommends that a **coastal permit be approved** with conditions for a modified project which adequately mitigates the impacts of the fill on coastal resources. There is no way to justify the illegal fill alone under the habitat and agricultural provisions of the local coastal program. Thus, the after-the-fact component of the permit would have to be denied.

For such a situation, there needs to be a remedial action that must be authorized. Under the Commission's procedures this may take the form of a "Restoration Order." However, the County does not have restoration order provisions in their local coastal program and instead uses the coastal permit as the vehicle to address rectifying the violation. The Commission accepts this approach, provided that the coastal permit incorporates the level of compensatory mitigation that a violation settlement would have achieved.

In this case Commission staff agrees that capping the existing illegal landfill is the appropriate course of action. Removal of all the fill would burden the City's own active landfill site; involve disturbing possibly toxic substances; not materially result in better habitat than can be achieved through on-site mitigation; and be very expensive. State Waste Board regulations require the fill to be capped with a minimum of two feet of cover if it is to remain in place. The County permit allows for additional fill to be imported to bring the site up to street grade.

Staff recommends approving a coastal permit allowing for additional cover, provided the existing remnant seasonal wetland is restored on the site; and, additional wetlands are restored, either on- or off-site such that no net reduction in wetlands will result. Staff also recommends retaining the County permit conditions which address erosion control and site restoration work impacts, among other issues. Furthermore, staff recommends additional conditions in order to achieve conformance with the County's local coastal program, which address the following: the length of time the permit is valid; Coastal Commission review of any project change; no disturbance of the oak riparian woodland; evidence of approval for the work on the adjacent property; removal of surface debris below the toe of the fill; clear delineation of responsibilities for the remediation work through an operation plan; long-term protection of the site's natural resources through a management plan and protective easement; facilitating future agricultural use of the site; legalizing or removing the unpermitted uses and buildings on the site; installing an interpretive display; and fulfilling requirements in a timely manner.

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I. APPELLANTS' CONTENTIONS

The two Commissioner appellants contend in full:

The proposed project will retain illegally placed fill on the site and allow more fill to be added. A biologic assessment shows part of the site as a "seasonal wetland," and the staff report describes the area as an arroyo adjacent to Harkins Slough. However, the findings go on to contradictorily say that there are no sensitive habitats on the site. Consequently, none of the relevant County sensitive habitat policies are applied and no riparian exception findings are made. Relevant policies would include: 5.1.3 & 5.1.6 (limiting uses in environmentally sensitive habitats). Furthermore, policies 5.1.12 & 5.1.13 require restoration of degraded habitat, which is not being accomplished under this permit approval. Setback requirements of Section 5.2 are ignored. A management plan has not been prepared (and hence can not be followed) pursuant to policy 5.2.9. Surface runoff patterns are altered in apparent violation of policy 5.2.10.

The subject site is designated "Agriculture." The proposed project is described as returning the site to agricultural use. However, there is nothing in the project description or permit conditions to ensure this, and the permit expires in five years. Hence the policy objectives of Section 5.13 of the *General Plan and Local Coastal Program* to promote agricultural use on agriculturally-designated land may not be met.

II. LOCAL GOVERNMENT ACTION

The Santa Cruz County Planning Commission approved a coastal permit with 38 conditions and a mitigation monitoring and reporting plan for the proposed fill project and took related actions on June 24, 1998 (see Exhibit 2). The Planning Commission made findings for a coastal zone permit, development permit, development on agriculturally-zoned properties, and California Environmental Quality Act (CEQA) compliance. The City of Watsonville was the lead agency under CEQA and certified a Negative Declaration on April 28, 1997. The County's complete final action was received by the Coastal Commission on July 6, 1998, triggering an appeal period running from July 7, 1998 through July 20, 1998. The State Integrated Waste Management Board will have to approve a closure plan for the illegal landfill on the site after the coastal permit for remediation is issued.

III. STANDARD OF REVIEW FOR APPEALS

Coastal Act section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable both because it is located in a county and not a principal permitted use and because it is a major public works project.

The grounds for appeal under section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a *de novo* coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under section 30604(b), if the Commission conducts a *de novo* hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter Three of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is not located between the nearest public road and the sea and thus, this additional finding need not be made in a *de novo* review in this case.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that substantial issue exists with respect to the grounds on which the appeal was filed, pursuant to Coastal Act Section 30603.

MOTION: Staff recommends a "NO" vote on the following motion:

"I move that the Commission determine that Appeal No. A-3-SCO-98-071 raises **no** substantial issue with respect to the grounds on which the appeal has been filed."

A majority of the Commissioners present is required to pass the motion.

V. STAFF RECOMMENDATION ON COASTAL PERMIT

Staff recommends that the Commission adopt the following resolution to approve a modified coastal permit:

MOTION: Staff recommends a "YES" vote on the following motion:

"I move approval of coastal development permit A-3-SCO-98-071 as conditioned."

A majority of the Commissioners present is required to pass the motion.

RESOLUTION: Approval with conditions

The Commission hereby **approves** a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, the development will be in conformance with the applicable provisions of the certified Santa Cruz County Local Coastal Program and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act that have not been feasibly mitigated.

VI. RECOMMENDED CONDITIONS

A. Standard Conditions:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

B. Special Conditions and County Conditions

1. Incorporation of County Conditions and Condition Sign-off Procedure

All conditions of County coastal zone/grading permit 96-0792 remain in full force and effect as part of this permit, as shown in Exhibit 2, except as modified by the following (additional wording is underlined; deleted word is crossed-out):

I. This permit recognizes the 63,000 cubic yards of existing grading shown on Exhibit B only if the additional remediation work authorized by this permit is diligently carried out in a manner that complies with all permit and other agency conditions and approves up to another 76,000 cubic yards of earth movement for remediation purposes...

IIA. Submit the final Grading Plans for review and approval by the Planning Department and County of Santa Cruz Public Works Department and the Executive Director of the California Coastal Commission. The final plans shall be in substantial compliance with the plans marked Exhibit "B" on file with the Planning Department, to the extent that they can remain so after being revised as directed by these permit conditions...

Standard Condition B. The grading portion of this permit shall expire five years from date of issuance. All grading authorized by this permit shall be completed by that time or a new or amended grading permit shall be obtained. The conditions of this coastal development permit, which includes authorization of grading, run with the land.

Standard Condition H. Approved Plans ...Such approved plans and specifications shall not be changed, modified, or altered without written authorization by the Planning Director and the Executive Director of the California Coastal Commission.

~~Standard Condition P...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.~~

Several County conditions require submittal of materials to County officials. The applicant must submit evidence that the County official has signed off those conditions to the Coastal Commission Executive Director. For those conditions that must be complied with prior to the County grading permit being issued, this sign-off evidence

must be submitted PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT. Evidence of subsequent condition compliance shall be submitted in a timely manner. In the event that the County official no longer takes jurisdiction over a condition, the submittal shall instead be made to the Coastal Commission's Executive Director for approval. Additionally, the required final grading plans (condition IIA) must be submitted to the Coastal Commission Executive Director for review and approval as well as to County officials (see additional wording underlined above).

2. Restoration of Seasonal Wetlands and Oak Woodland Protection

- a. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the City shall submit revised plans for review and approval of the Executive Director which accomplish the following: (a) place the permitted fill in a manner which does not encroach within the dripline of the existing oak woodland, (b) minimize use of paved surfaces on the fill, and (c) if feasible without damaging the existing seasonal wetland, move keyway fill back above the 52 foot contour. The project shall be designed so as not to cause erosion or otherwise disturb the buried landfill debris.
- b. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the City shall submit a Wetland Restoration Plan for review and approval by the Executive Director (in consultation with the California Department of Fish and Game and the County Planning Department). The area(s) to be restored shall include not only the existing, degraded seasonal wetland at the toe of the fill, but also additional area(s) that equal or exceed the sum of the former seasonal wetland covered by the landfill plus the additional stabilization measures (keyway, etc.) authorized by this permit. The Restoration Plan shall be prepared by a qualified professional consulting biologist, and shall identify or include the following:
 - 1) Detailed map(s) and sections as needed to show existing topographic conditions and hydrologic features, including delineated limits of the existing seasonal wetland area at the toe of the fill; the location and proposed extent of the restored wetland area(s) (the location must be on-site adjacent to the existing seasonal wetland, or elsewhere within the Harkins Slough wetland system on a site that is not already a viable wetland); the water supply source, whether from collected surface drainage or by other means; and any earthwork, drainage features, pipes, wells, access roads, fencing or other development elements needed to implement the Restoration Plan;
 - 2) Timeline showing expeditious completion of the restoration work coordinated with placement of remediation fill;
 - 3) Performance standards, especially with respect to the biologic viability of the restored wetland area(s) (which may be either seasonal riparian or perennial freshwater wetland);

- 4) Arrangements for supervision and inspection of the restoration work by a qualified biologist;
- 5) Identification of plant species to be utilized in the restoration, planting densities, and proposed source or propagation methods;
- 6) Monitoring program conducted by a qualified biologist, which shall continue for a minimum of three years after completion of restoration work (or longer, until a stable and viable wetland habitat is achieved); brief, written periodic reports to be submitted by the biologist to Coastal Commission District office, California Department of Fish and Game, County of Santa Cruz and the City of Watsonville, at the completion of installation and annually thereafter for the term of the monitoring program;
- 7) Maintenance program, supervised by a qualified biologist and continuing for the life of the monitoring program, for the purpose of completing the approved restoration project and correcting any adverse conditions detected by the monitoring program (especially with respect to removing man-made debris, removal of invasive exotic species, and replacement of failed plantings); and,
- 8) The legal arrangements by which the restored wetland area(s) will be permanently protected from encroachment or development, whether by recordation of a conservation easement, inclusion in public park/refuge/reserve, or comparably effective means. Such measures include, but are not limited to, the conservation easement required below.

3. Concurrent Work on Adjacent Site Must Be Permitted

PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant must provide evidence of a City-issued coastal permit that allows proposed remediation work to occur on the adjacent parcel (AP# 18-351-04) within the City limits, in the same manner as allowed by, and with corresponding conditions to, this coastal permit.

4. Debris Below Toe of Fill

Any exposed landfill debris (and any other man-made debris) in the ravine beyond the toe of the fill must be removed and properly disposed of. A description of any additional remediation work required in this area by the County Environmental Health Department, Integrated Waste Management Board, or other agency shall be submitted for Executive Director review and approval and, if necessary, a determination as to whether a coastal permit amendment is necessary.

5. Operational Plan for Placement of Remediation Fill

- a. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT the City shall submit an operational plan for the remediation project listing each step in the process to

ready the site for fill, to accept the fill, and to finish site work after all the fill is in place, who is responsible for each step, and what is the timetable. Where parties other than the City will be performing the work (e.g., bringing fill material to the site), the operation plan shall clearly show how the City will ensure that these parties comply with the approved plans and terms of this permit. Such information can be contained in a closure plan submitted for Executive Director review and approval prior to obtaining final approval from the Integrated Waste Management Board.

- b. The remediation work shall be diligently implemented pursuant to the operational plan. The City shall promptly notify the Executive Director of the completion of the remediation work.

6. Agricultural Use Program for Upland Portion of Site

a. Program for Future Use of Level Portion of the Site

WITHIN ONE YEAR OF THIS PERMIT APPROVAL, the City shall prepare and submit for Executive Director's review and approval a program to facilitate return of the level portion of the site to agricultural uses (see Exhibit 4). The program shall discuss site preparation and subsequent use by the City or a lessee. The program shall list the potential future uses of the site. These uses shall be from among those allowed in the County's CA agricultural district that would be compatible with the adjacent cultivated use to the south, not require extension of public utilities to the site, not involve any unpermitted facilities (see part b of this condition), and otherwise potentially meet all the relevant *Santa Cruz County General Plan* and *Code* criteria. This program shall include supporting text which will enable the Executive Director to determine if the listed uses potentially meet these criteria. For each listed use (or category of uses), the program shall indicate what type of site preparation will be required. For any potential use that makes direct use of the soil (e.g., row, vine, or orchard crops), the site preparation plan shall outline measures to achieve the necessary productivity (e.g., adding top soil or soil amendments to the compacted areas, removing gravel, broken glass and other debris, installing drainage or fencing). This program shall specify that subsequent to its approval, the City remains responsible for securing County coastal permits (or amendments to this permit) for any use and/or structure that is defined as "new development." Any lease or similar agreement shall include a requirement that the operator employ best management practices consistent with the required agricultural and habitat management plan (condition #7 below). The program shall include a provision to plant the site with a cover crop if the site is not put into an active use.

b. Companion Permits or Demolition

As a companion to the future use plan, the City, PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT must submit evidence of a valid use and/or building permit for each of the structures on the site (if these were issued after December 31, 1976, they are valid only if there is a coastal permit for them) that it

wishes to have remain. This permit does not authorize any unpermitted structures or uses to remain. If the City wishes to have such structures or uses remain, it must obtain County coastal permits for them if they were built or construction began after December 31, 1976. Otherwise they shall be removed or demolished WITHIN 180 DAYS OF APPROVAL OF THIS COASTAL DEVELOPMENT PERMIT. This permit authorizes such removal or demolition; a separate coastal permit is not necessary (however, a valid County demolition permit may be necessary).

7. Management Plan for Canyon Slopes

WITHIN ONE YEAR OF THIS PERMIT APPROVAL, the City shall prepare, in consultation with the California Department of Fish and Game and U.S.D.A. Natural Resources Conservation Service, an agricultural and habitat management plan for the canyon slopes (see Exhibit 4). This plan shall be submitted for Executive Director review and approval. The objectives of the plan shall be to optimize the habitat value of the site and allow agricultural uses that are compatible with habitat protection on suitable parts of the site. The plan shall be compatible with, and should incorporate, the on-site portions of the Wetland Restoration Plan required above. The plan shall include an implementation component, with a schedule for the work items and an indication of who is responsible for each task. The City shall implement the management plan. Any revisions to the plan must be approved by the Executive Director (or Coastal Commission, if they would constitute an amendment to this permit) before they are implemented.

The plan shall include measures to achieve the following:

- no grading, excavation, removal of natural vegetation, or other physical disturbance within the seasonal wetland, as restored, except as necessary to implement the Wetland Restoration Plan, correct adverse conditions, or provide public access such as interpretive trails or boardwalks;
- no alteration of existing or installed drainage improvements, so as to ensure that runoff always flows into the seasonal wetlands;
- neither pave nor widen and, preferably, remove the dirt roads down the sides of the canyons;
- prohibit vehicular access below the 116 foot contour (i.e., where the site will begin to slope down toward Harkins Slough) except for emergencies and habitat maintenance and restoration purposes;
 - retain the area free of man-made surface debris;
- incorporate best management practices to prevent pollutants and sediments from entering Harkins Slough, including prohibiting the use of insecticides, herbicides, or any toxic chemical substance in the seasonal wetland, except when an emergency has been declared, when the habitat itself is threatened, when a substantial risk to public health and safety exists, or when such use is authorized pursuant to a permit issued by the Agricultural Commissioner;
- foster and protect any endangered Santa Cruz tarplant habitat and commit to consultation with the U.S. Fish and Wildlife Service for additional management measures should tarplant be found on the site;
- eradicate pampas grass, genista (broom), and other invasive non-native plant species;

- if feasible, foster growth of native grasslands in the canyon (otherwise, establish suitable forage if grazing use is contemplated on the canyon slopes);
- allow for the possibility of grazing that is compatible with maintenance of grassland soils, oak grove natural habitat, and existing and restored wetland habitats;
 - control of any overgrazing, erosion, and sedimentation;
- restore any habitats damaged by overgrazing, or by emergency, remedial, or maintenance activities;
- allow for the possibility of limited scientific, educational, and/or (non-motorized) recreational access.

8. Conservation Easement

WITHIN ONE YEAR OF THIS PERMIT APPROVAL, the City shall execute and record an offer to dedicate a conservation easement (or equivalent enforceable legal instrument) over the canyon area in a form and content acceptable to the Executive Director. It shall limit uses and activities in the canyon area (see Exhibit 4) to those open space uses specified in the agricultural and habitat management plan.

The offer shall include legal descriptions of both the entire affected parcel and that portion to be covered by the easement. The offer shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

9. Interpretive Panel

PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the City shall submit to the Executive Director for review and approval plans for an interpretive exhibit to be placed at the remediation site and shall be installed thereafter. The exhibit shall inform the public of the purpose and desired outcome of the remediation work, describe the Harkins Slough wetland habitat, and contain the name and phone number of a City contact person who can answer inquiries from the public about the operation.

10. Condition Compliance

Within 180 days of Commission action on this coastal development permit, or within such additional time as the Executive Director may grant for good cause, the City shall satisfy all requirements specified in the conditions hereto that the City is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

VII. RECOMMENDED FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. Background

1. Setting

The 10.6 acre site is located on Airport Boulevard in the southern coastal part of Santa Cruz County (see Exhibit 1). The primary land use in the vicinity is agriculture, and most of the area is designated for agricultural uses. The main branch of Harkins Slough, which is part of the Watsonville Slough system, runs through this area. To the east, across the Highway One freeway (and outside of the coastal zone), is the Watsonville airport.

The Watsonville City limits are coterminous with the northern property boundary. The subject site is within the County; the site to the north is within the City limits. This adjacent parcel, also owned by the City of Watsonville (AP# 18-351-04) contains the "Mighty Mulch" composting facility, authorized pursuant to a City coastal permit. The subject landfill extends onto this adjacent parcel as well. The Coastal Commission recently approved a local coastal program amendment (City of Watsonville LCP Amendment #1-98) to expand permitted uses on this adjacent parcel to include a "Public Parks" category. The amendment facilitates a planned golf driving range.

The City of Watsonville purchased the subject landfill site in 1995 to be part of its airport clear zone, with 90% funding from the Federal Aviation Administration. Clear zones provide open space for incoming and outgoing aircraft. Under CALTRANS aeronautics regulations, site uses are limited to: open space and natural areas; natural water areas, riding stables, golf courses, row and field crops, pasture and grazing; tree crops; livestock; and agricultural services. The site is currently designated "Agriculture" in the *1994 General Plan and Local Coastal Program for the County of Santa Cruz* and is zoned "CA Commercial Agriculture." Uses allowed by the zoning are similar to the above CALTRANS' list, with the exception of golf courses. The City applied to the County Local Agency Formation Commission (LAFCO) to place the subject parcel within the City's Sphere of Influence (so it could be annexed into the City). However, LAFCO rejected that request last year. The City of Watsonville General Plan, which includes preliminary land use designations for lands adjacent to the City boundaries, designates the site as "Public." One potential use broached by City staff was a building supply retail establishment. The site is currently leased to a trucking company. The proposed fill would generate revenues to the City to help recoup its costs in site acquisition and rehabilitation since a fee would be charged to deposit materials there.

The subject site is characterized by two distinct landforms: a canyon area and a level upland area. This canyon contains a seasonal wetland which is a "finger" of Harkins Slough (which in turn is tributary to the Watsonville Slough system, which empties in the Pajaro River near its confluence with Monterey Bay). The canyon is largely grass covered, containing unpaved roads running down each side and some scattered surface debris.

The level area of the site is adjacent to Airport Boulevard. Some of this area appears to be fill. It had contained two dwellings and a barn, now demolished pursuant to a County emergency permit. These provided housing for agricultural workers and equipment storage. The site still contains a 2 story office building, a well and water distribution system, and outdoor vehicle (including a mobile home) and equipment storage. It is leased to a trucking firm which is involved in agricultural products. The office and vehicle and equipment storage associated with the trucking use appear to be unpermitted; there is no record of any coastal permits for them. Apparently, the structure that is now an office was permitted only as a one-story barn or shed in the mid-1980's (such a structure would be excluded from coastal permit requirements; an office would not) and is currently red-tagged. The City indicated that it is attempting to rectify this violation with the County; the subject County coastal permit does not attempt to resolve the issue.

Prior to 1983 the site was used as a storage yard and forklift and tractor sales and service business. The site was then bought by a construction and demolition firm who used it to dump waste materials, filling the upper finger of the canyon. Most filling occurred in the 1980's and accelerated after the 1989 Loma Prieta earthquake resulted in several structural demolitions. This dumping was not permitted and was the subject of enforcement actions by the County and eventually the California Integrated Waste Management Agency.

2. Subject Permit Request

The proposed project is three-fold. One part of the request involves some of the structures. The application includes demolishing two homes and a barn. As noted, this work has already occurred under an emergency County coastal permit granted in 1996. This subject permit constitutes the required follow-up regular coastal permit to allow the emergency work to be permanent. Capping of an on-site septic system is also proposed. These aspects of the project are non-controversial and are not further discussed in this report. However, the status of the remaining structures and uses on-site are at issue. Any uses that are not permitted need to be removed or permitted, as conditioned by this permit.

A second aspect of this project is to legalize the existing fill that has occurred on this project site. This consists of an estimated 65,000 cubic yards of earth and miscellaneous inert construction material filled to a depth of 20 to 30 feet. According to the County staff report, some tree removal likely occurred as part of this project.

The third part of this project is to add 76,000 cubic yards of fill to cap the already-placed material (see Exhibit 3). This is to occur over a five year time period. This fill would increase the level area of the property. The approved work also includes drainage facilities and erosion control.

B. Analysis of Project Consistency with Local Coastal Program

The appellants' contentions can be categorized into two issues: habitat and agricultural.

1. Wetland and Other Habitat Issues**a. Appellants' Contentions:**

The appellants contend:

The proposed project will retain illegally placed fill on the site and allow more fill to be added. A biologic assessment shows part of the site as a "seasonal wetland," and the staff report describes the area as an arroyo adjacent to Harkins Slough. However, the findings go on to contradictorily say that there are no sensitive habitats on the site. Consequently, none of the relevant County sensitive habitat policies are applied and no riparian exception findings are made. Relevant policies would include: 5.1.3 & 5.1.6 (limiting uses in environmentally sensitive habitats). Furthermore, policies 5.1.12 & 5.1.13 require restoration of degraded habitat, which is not being accomplished under this permit approval. Setback requirements of Section 5.2 are ignored. A management plan has not been prepared (and hence can not be followed) pursuant to policy 5.2.9. Surface runoff patterns are altered in apparent violation of policy 5.2.10.

b. Local Coastal Program Provisions:

General Habitat Provisions: The Local Coastal Program contains several relevant provisions. Objective 5.1 is,

to maintain the biological diversity of the County through an integrated program of open space acquisition and protection, identification and protection of plant habitat and wildlife corridors and habitats, low-intensity and resource compatible land uses in sensitive habitats and mitigations on projects and resource extraction to reduce impacts on plant and animal life.

The Local Coastal Program has provisions requiring protection of riparian areas and wetlands, which are defined as environmentally sensitive habitats (under policies 5.1.2 and 5.1.3). They must be delineated and biotic reports must be prepared. Sensitive habitat provisions include:

- Policy 5.1.3 allows only uses dependent on resources in these habitats unless:
 - ⇒ other uses are consistent with habitat protection policies and beneficial to the public;
 - ⇒ the project approval is legally necessary to allow a reasonable economic use of the land;
 - ⇒ any adverse environmental impact will be completely mitigated; and
 - ⇒ there is no feasible less-damaging alternative.

- Policy 5.1.4 requires complying with the Sensitive Habitat Protection ordinance (Chapter 16.32 of the *County Code*).
- Policy 5.1.6 states in part,

Sensitive habitats shall be protected against any significant disruption of habitat values; and any proposed development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat. Reduce in scale, redesign, or, if no alternative exists, deny any project which cannot sufficiently mitigate significant adverse impacts on sensitive habitats...

- Policy 5.1.7 contains the following provisions relevant to a fill:

⇒ (c) "require easements, deed restrictions or equivalent measures to protect that portion of a sensitive habitat on a project parcel which is undisturbed by a proposed development activity,"

⇒ (f) "prohibit landscaping with invasive or exotic species and encourage the use of characteristic native species."

- Policy 5.1.8 states in part:

Prohibit the use of insecticides, herbicides, or any toxic chemical substance in sensitive habitats, except when an emergency has been declared, when the habitat itself is threatened, when a substantial risk to public health and safety exists,...or when such use is authorized pursuant to a permit issued by the Agricultural Commissioner.

- Policy 5.1.11 states in part:

For areas which may not meet the definition of sensitive habitat contained in policy 5.1.2, yet contain valuable wildlife resources (such as migration corridors or exceptional species diversity), protect these wildlife habitat values and species...

- Policy 5.1.12 states in part:

Require as a condition of development approval, restoration of any area of the subject property which is an identified degraded sensitive habitat, with the magnitude of restoration to be commensurate with the scope of the project. Such conditions may include erosion control measures, removal of non-native or invasive species, planting with characteristic native species... The object of habitat restoration shall be to enhance the functional capacity and biological productivity of the habitat(s) and whenever feasible, to restore them to a condition which can be sustained by natural occurrences...

- Policy 5.1.13 states:

In all cases where a sensitive habitat has been damaged as a result of a code violation, require that restoration of damaged areas be undertaken in compliance with all necessary permits... Such restoration shall include monitoring over time to ensure the success of the restoration effort.

- Policy 5.1.14 states in part:

encourage the removal of invasive species and their replacement with characteristic native plants...

Specific Wetlands Policies: The following *1994 General Plan and Local Coastal Program for the County of Santa Cruz* provisions specifically address wetlands:

- Objective 5.2 is "to preserve, protect and restore all riparian corridors and wetlands for the protection of wildlife and aquatic habitat, water quality, erosion control, open space, aesthetic and recreational values and the conveyance and storage of flood waters."
- Objective 5.7 is "to protect and enhance surface water quality in the County's streams, coastal lagoons and marshes by establishing best management practices on adjacent land uses."
- Policy 5.2.2 requires conformance with the Riparian Corridor and Wetland Protection ordinance (Chapter 16.30 of the *County Code*) to ensure no net loss of riparian corridors and riparian wetlands.
- Policy 5.2.3 states that "development activities, land alteration and vegetation disturbance within riparian corridors and wetland required buffers shall be prohibited unless an exception is granted per the Riparian Corridor and Wetlands Protection ordinance."
- Policy 5.2.5 states, prohibit development within the 100 foot riparian corridor of all wetlands. Allow exceptions to this setback only where consistent with the Riparian Corridor and Wetlands Protection ordinance... Require measures to prevent water quality degradation from adjacent land uses...

The County has to make Riparian Exception findings of:

- ⇒ special circumstances affecting the property;
- ⇒ necessity for proper function of an existing or permitted activity;
- ⇒ not being injurious to downstream or other nearby property;
- ⇒ not reducing nor adversely impacting the riparian corridor;

⇒ there being no less environmentally damaging alternative;
⇒ and meeting local coastal program objectives (*County Code* Section 16.30.060).

- Policy 5.2.7 allows ... "non-motorized recreation and pedestrian trails, parks, interpretive facilities..." within and adjacent to riparian corridors.
- Policy 5.2.9 states, "require development in or adjacent to wetlands to incorporate the recommendations of a management plan which evaluates... compatibility of agricultural uses and biotic and water quality protection; maintenance of biologic productivity and diversity; and the permanent protection of adjoining uplands."
- Policy 5.2.10 states, "require development projects in wetland drainage basins to include drainage facilities or Best Management Practices (BMP's) which will maintain surface runoff patterns and water quality, unless a wetland management plan specifies otherwise, and minimize erosion, sedimentation, and introduction of pollutants."
- Riparian Corridors and Wetlands Programs "a" and "b" call for funded programs to protect, revegetate, restore and increase areas of riparian corridors and wetlands.
- Policy 5.4.12 states in part, "Prohibit the...filling...of...wetlands. Allow exceptions only for the following purposes and only where there is no feasible less environmentally damaging alternative:
 - (a) Incidental public services;
 - (b) Restoration purposes...
 - (c) Nature study, aquaculture, or similar resource-dependent activities.
- Open Space Program "a" states in part, "Continue using open space and conservation easements and other methods to help preserve urban and rural open space areas..."
- While not a local coastal program policy, General Plan policy 7.25.12 supports the above, stating, in part, "Provide for rehabilitation and reuse of closed landfill sites consistent with environmental protection requirements;... Rehabilitation shall include mitigation of resource damage."

Enforcement Policies: With regard to addressing activities that occur in wetlands without proper permits, the *County Code* provides:

- 13.20.170: Violations of Coastal Zone Regulations

It shall be unlawful for any person to undertake any development...in the Coastal Zone unless (1) a Development Permit has been obtained and is in effect which authorizes development within the Coastal Zone...

- 16.34.105 Violations

- (a) It shall be unlawful for any person to do cause, permit, aid, abet, suffer or furnish equipment or labor for any development activity within a riparian corridor as defined in Section 16.30.030 unless either (1) a development permit has been obtained and is in effect which authorizes the development activity as an exception; or (2) the activity is exempt from the requirements for a development permit...

Enforcement provisions to address such unlawful activities are contained in Chapter 19 of the *County Code* which is not part of the local coastal program. A variety of tools are available to the County including abatements, citations, criminal prosecution, administrative hearings, civil actions, recording notices of violation, permit revocations, and stop work orders.

c. County Action

The County approved a permit to allow fill in an area that contains wetland resources. The staff report says, "No sensitive or protective [protected?] habitats exist on this property, and no wetlands, riparian woodlands, or other special habitats are present on the site." The County made no wetland findings and placed no conditions on the permit addressing direct impacts on the resource. In a letter to the Coastal Commission, County staff explained,

...we recognized that the City's biologist indicated a sensitive habitat or "season wetland" on the site, and we requested further investigation to determine if wetland exists on the property. John Gilcrest [Gilchrist] investigated the site and reported upon his conclusion in June 23, 1997 (attached) indicating that little "wetland" exists on the property and consequently, we believe General Plan policies 5.1.3, 5.1.6, and 5.1.15 are met since no development is occurring within a sensitive habitat, and the project is designed to reduce sediment transport into a wetland which is a sensitive habitat.

Gilcrest's [Gilchrist's] report also indicated that no riparian vegetation has been present on the property for over (60) years. We concur with this conclusion and have been able to directly confirm the lack of riparian vegetation through a series of aerial photographs. Since no riparian habitat was affected, no riparian findings were made...

As noted, the County did address indirect impacts on the habitat to a degree. Relevant conditions included drainage and erosion control with native and drought-tolerant landscaping (see Exhibit G of Exhibit 2).

d. Substantial Issue Analysis:

A substantial issue is raised with regard to placement of fill in an identified wetland for the following reasons. First, the County analysis failed to quantify and enunciate the impact of both the existing fill or the additional fill. Two biotic assessments were performed for the property. The first by Randall Morgan in June 1996 resulted in a vegetation map along with a site description and species list. This report describes and maps a wetland area (see Exhibit 6a). The County requested a subsequent investigation by John Gilchrist, completed in June 1997. He too mapped a wetland on the site (see Exhibit 6b). His map actually shows the wetland extending further than Morgan's. The reason for the discrepancy is likely that the Gilchrist map attempts to represent pre-development (pre-landfill) conditions based on site and historic aerial photograph evaluation. The biotic reports are deficient in not more precisely delineating pre-development habitats and quantifying the acreage filled. Both the Morgan and Gilchrist mapped wetlands are shown to be encroached upon by the fill. The development map shows existing contours (i.e., includes the illegal fill placed to date) and future contours. The illegal fill covers wetland and the additional fill to cap it covers even more wetland (compare Exhibits 3 and 5). This fact is not apparent when one reads the permit findings and conditions.

Second, the County did not apply its wetland policies as it should have. The conclusion that "little 'wetland' exists" does not obviate the need for the County to make wetland findings. The conclusion that the amount of wetland impacted may be minor may be used to determine appropriate conditions; however, findings still have to be made to the many policies that call for protection of wetlands if any are impacted. No findings were made in this case. Neither, does the County observation that there might not be "riparian vegetation" on the site relieve it of the responsibility of making the findings, if there are "wetlands" on the site. The relevant *County Code* Chapter "Wetlands and Riparian Corridors" addresses both habitat types. In this case, the Gilchrist report, cited by the County, states, that there are wetlands present, but "that there has been no riparian corridor (as defined by the riparian ordinance) on the site during the last 65 years, based on a review of aerial photos." It is unclear how this conclusion jibes with the County's definition of "riparian corridor," which includes, for example: "(3) lands extending 30 feet (measured horizontally) out from each side of an intermittent stream... and (4) land extending 100 feet (measured horizontally) from the high watermark of a...wetland..." Thus, the riparian corridor need not have riparian vegetation or year-round water to qualify for protection.

Third, the County does not make the requisite "exception" findings for allowing such a project. The County has not convincingly demonstrated that there are no alternatives, which is a prerequisite under these local coastal program provisions, for possibly condoning wetland fill. There were obvious alternatives to the dumping which illegally occurred; the debris could have instead been taken to an approved municipal or County landfill. There are alternatives for addressing its remediation as well. The Integrated Waste Management Board ordered that either the fill be removed or be capped, with a

minimum of two feet of cover. These alternatives to the approved project which allows the placement of up to 30 additional feet of fill are not even mentioned in the County's action. Likewise, for the other five elements of the exception findings, the County has not indicated how they might be made.

Finally, even had the County resolved all of these other issues (which is problematic for both the proposed additional fill and, especially, for the existing fill), the County has not required any mitigation. Mitigation to cover the period that the illegal fill was in place and damaged the resource is necessary as is mitigation for the remediation work which impacts additional wetlands. For all of these reasons a substantial issue is raised with respect to the wetland habitat and enforcement provisions of the County's local coastal program.

e. De Novo Coastal Permit Findings

In order to approve a coastal permit involving work in or adjacent to riparian areas or wetlands, all the following riparian exception findings have to be made under Section 16.30.060 of the County Code:

- ⇒ special circumstances affecting the property;
- ⇒ necessity for proper function of an existing or permitted activity;
- ⇒ not being injurious to downstream or other nearby property;
- ⇒ not reducing nor adversely impacting the riparian corridor;
- ⇒ there being no less environmentally damaging alternative;
- ⇒ and meeting local coastal program objectives.

Illegal Fill: Although "development," described as "filling a ravine," has occurred prior to submission of the coastal permit application to the County, consideration of this application on appeal to the Coastal Commission is based solely upon the County's local coastal program provisions, which have been certified as being consistent with the Chapter 3 policies of the Coastal Act. Review of this permit request does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred. The Commission acts on this application without prejudice and acts on it as if the existing development had not previously occurred.

With regard to the component of this project to allow the existing fill pursuant to this after-the-fact permit, none of the findings necessary to approve it can be made. If an applicant came to the County today and wanted to fill a riparian corridor with refuse without any environmental safeguards or mitigations, he or she would not be allowed to under the County's ordinance (to say nothing of Fish and Game, Integrated Waste Board, or Army Corps requirements). There would always be the less environmentally damaging alternative of bringing the debris to the existing public landfills. There would be no special circumstances that distinguish the wetlands on the subject property from any other that would suggest that they should be filled. Fill would be injurious to

downstream property; the current illegal fill is self-evident as there is debris strewn along the canyon beyond the immediate fill area. Thus, on its own the illegal fill portion of the permit would have to be denied.

Remediation Fill: With regard to the added fill component of this project, it is to be done for remediation purposes. The Commission notes that the subject case is uncommon, involving an appeal of a County permit to allow after-the-fact work and to remediate a violation. Were the Commission to have had complete jurisdiction over this case, the procedure would likely be to deny the coastal permit for the illegal fill and then order restoration. However, the County has not incorporated restoration orders into their local coastal program. (The closest relevant *Code* provision – but not part of the local coastal program-- is "Abatement of a Public Nuisance" authority.) Therefore, they have used the coastal permit process to attempt to resolve the violation. The County had never permitted the existing fill and wrote several violation letters as far back as 1979 (including later letters dated 9/18/89, 11/27/89; 5/1/90, for example). A notice of violation was recorded on the property on October 23, 1992. The County was not able to pursue successful resolution of the violation, according to the District Attorney assigned to the case. Subsequently, the City of Watsonville purchased the property and prepared a remediation plan, incorporating the existing fill, that received the blessing of relevant agencies: namely, the Regional Water Quality Control Board, the Department of Fish and Game, and the Integrated Waste Management Agency. The City then applied to the County for a coastal permit. The Commission can accept this procedure as one allowed under the County's authority to enforce the Coastal Act and as achieving the same results that a restoration order can have. This acceptance is given, provided that the coastal permit incorporates some level of compensatory mitigation that a violation settlement would have achieved. This acceptance is also contingent on the entire project being undertaken, and in a timely manner, as conditioned. If the remediation work does not occur, this permit would not be an authorization to allow the existing fill to remain in place, as conditioned.

The Commission can also accept the concept of a remediation plan that involves leaving most of the existing fill in place. Removal of all the fill would burden the City's landfill, involve disturbing possibly toxic substances, not materially result in better habitat than can be achieved through mitigation, and be very expensive to the public. The County District Attorney ended attempts to prosecute the previous owner and the City of Watsonville has assumed responsibility for clean-up. The other involved agencies, led by the Integrated Waste Management Board, have accepted the remediation concept as complying with State regulations to cap the fill and prevent future erosion. Necessary testing has been undertaken to ensure that groundwater pollution will not be a problem.

Although State regulations require a minimum of two feet of cover over the fill, the County permit allows for additional fill to be imported to bring the site up to street grade. This will provide additional protection from any possibility of the debris being uncovered

in the future. The necessary findings can be made for allowing this remediation concept. However, the proposed project must be modified to fully comply with the local coastal program in ways which are described below.

With regard to the first three of the riparian exception findings, they can be made for the proposed remediation concept to place additional fill over the illegal fill, as follows.

First, there are special circumstances that affect the property in that there is an unpermitted landfill that must be addressed. Second, the added fill component of the project is necessary for the proper functioning of the existing activity, because the existing activity is an improperly designed landfill that needs to be remediated. Third, the project will result in ensuring that the unpermitted landfill will not erode and move downstream.

However, the fourth through sixth findings can not be made without some project redesign or further mitigation for three reasons. First, this fill intrudes on an oak riparian woodland both on the site and on the adjacent property. The fill should be redesigned to avoid this area; and the coastal permit issued by the City of Watsonville needs to similarly take this into account.

Second, the remediation fill to create a keyway would intrude further into the wetland than the illegal fill currently does, covering approximately an additional 0.1 acre. First preference should be that some of the debris at the base of the fill should be removed or relocated and that area could be tapered back so that the edge of the keyway is no farther into the wetland than the current fill (i.e., roughly at the 52 foot contour). However, accomplishing this objective might entail using heavy equipment that causes further environmental damage. If further engineering analysis determines that such would be the result, the additional keyway fill can be permitted as the least environmentally damaging alternative. If so permitted, additional compensating wetland must be restored.

Third, the remediation fill would mean that the seasonal wetland channel (about 0.15 acre) remains and is even further covered.

This impact and the possible additional impact of the keyway can be mitigated through compensatory seasonal wetland creation of .25 acres.

With these mitigations the latter three exception findings can be made for the remediation project, as follows. While the exact seasonal wetland corridor is not being reestablished, there will be a close replacement. This seasonal wetland functioned as a drainage channel; this function will be maintained either through the restoration project or drainage facilities built into the remediation fill. Therefore, the overall wetland's resource value is retained. Given that the fill is to remain and some capping is necessary, the proposed approach can be considered the least environmentally damaging, with the mitigation described above. It is an improvement over the existing

situation where the historic seasonal wetland is buried and a new, eroding, unvegetated drainage ditch has developed. It is also an improvement over the situation that existed before landfilling. About 50 years ago there apparently was little wetland vegetation in the canyon and if the area had stayed in agricultural use, what wetland there was would not likely have thrived. This conditioned approach to restore and enhance a wetland is consistent with the intent of the local coastal program.

Additional Mitigation Measures: However, some additional conditions are necessary in order to ensure that the replacement and existing wetland continue to function in light of the proposed and future uses of the site and that all the relevant Local Coastal Program provisions are satisfied. Additionally, typical compensatory wetland restoration ratios are greater than one-to-one. In this case, given the limited water available, other opportunities to enhance and supplement the wetland restoration are more appropriate. Finally, since the wetland has been degraded for at least 15 years by the illegal fill and it may take several years to reestablish the replacement (the fill project is for five years), additional compensatory mitigation is necessary. Together the following nine measures will result in an adequate mitigation and violation rectification package.

First, the proposed plans show work occurring on the adjacent, City-owned parcel to the north within the city limits of Watsonville. A coastal permit has been issued by the City for a composting facility on that site. No coastal permit has been issued to date to allow this remediation fill. Since the project will not stop at the property line and since the required habitat restoration and protection measures will likely occur at least partially on the adjacent site, it is necessary for a coastal permit to cover that site as well. Since the City has coastal permit jurisdiction, it must issue the coastal permit, which needs to be consistent with this action.

Second, more specificity is needed, through an operational plan, as to how the proposed work and mitigation will be accomplished. This is because the City will be allowing others to dump fill material at the site. There is no plan in the County permit file as to what measures the City will take to ensure that the dumping will be performed in accordance with the plans and permit conditions. Currently, part of the site is leased to the operators of the adjacent composting operation; there is no on-going City presence. According to a City representative, the potential fill will be examined at its site before transfer to the subject site is allowed. At the subject site, City crews will be responsible for ensuring proper placement. It is likely that these measures will be incorporated in the Closure Plan required by the Integrated Waste Management Board. Submittal of such a plan may satisfy this need to have in writing necessary operational measures.

Third, incorporation of the wetland restoration work within the project will have to be monitored to ensure that the restoration plans are successfully implemented.

Fourth, installation and maintenance of the remediation fill will require measures to ensure that the downstream seasonal wetland area is protected. As noted above, the County permit conditions address protection of the remaining biotic resources through erosion control measures and, therefore, are retained as conditions of this coastal permit

Fifth, the County permit is written to expire in five years. While it is desirable to have the grading completed in five years, the permit must run with the land in order to ensure continuous resource protection. The noted erosion control measures must be maintained once the remediation fill is in place.

Sixth, the seasonal wetland, as restored, needs to be buffered and permanently protected. This can be accomplished through an offer to dedicate a conservation easement covering the canyon slopes, as the applicant has offered to do.

Seventh, evidence of some surface debris remains below the toe of the slope and proposed fill activity, within the mapped seasonal wetland. It needs to be removed. The County Environmental Health Department or the Integrated Waste Management Board could possibly require some additional remediation in this area, which could fall under the definition of "development" for coastal permit purposes. Thus, a description of any remediation work in this area should be submitted for Executive Director review and approval to ensure that it conforms to the content and intent of this permit and/or to determine whether it constitutes changed or additional "development" (which would mean a coastal permit amendment would be necessary).

Eighth, in order to ensure that the existing habitat and the wetland restoration area remain functional, future use and management of the entire site needs to be addressed. Performing some additional enhancement work in and permanently protecting the steep canyon area containing the seasonal wetland also can be also considered as mitigation for the interim loss of habitat due to this project. As noted, the City has already helped assure protection by purchasing the site and is willing to keep the canyon area in open space through a conservation easement. Limiting future uses to agriculture and habitat through an offer to dedicate a conservation easement (or equivalent legal restrictions) will provide further assurances, even if airport clear zone rules or designations change in the future.

As to management measures that should be taken, the City's biotic consultant recommended that exotic vegetation be removed. This would comply with County policy 5.1.14. There is the possibility that the endangered Santa Cruz tarplant may grow on the site, which could require some additional measures. There may be a need (hopefully rare) to access the canyon if a plane goes down. There are rudimentary, unpaved roads on both sides that the City plans on removing (as access is available from the property below). Other access needs could be for debris removal or scientific or education activities. The way to address these various concerns is through preparation and implementation of a management plan for the future use of the site.

The objectives of the plan would be to optimize the habitat value of the site and allow agricultural uses that are compatible with habitat protection on suitable parts of the site (as discussed in the following finding).

Ninth, although this area is somewhat remote, it is on public property on a public road off of a freeway exit where a public driving range and a hotel are planned. Thus, there are likely to be some people in the area who will see and possibly wonder about all the work that will be occurring on this site within the Harkins Slough watershed. Therefore, an interpretive panel would help explain what is occurring and how it relates to the biotic resources. This is an appropriate mitigation measure relative to the biotic resource impacts of the illegal fill and restoration.

As conditioned to address all of these needs and to provide for mitigation for the wetland fill, the proposed project is consistent with the relevant local coastal program policies regarding wetlands and other habitats and rectification of violations.

2. Agricultural Land Use Issues

a. Appellants' Contentions:

The appellants contend:

The subject site is designated "Agriculture." The proposed project is described as returning the site to agricultural use. However, there is nothing in the project description or permit conditions to ensure this, and the permit expires in five years. Hence the policy objectives of Section 5.13 of the *General Plan and Local Coastal Program* to promote agricultural use on agriculturally-designated land may not be met.

b. Local Coastal Program Provisions

The 1994 *General Plan and Local Coastal Program for the County of Santa Cruz* is strongly supportive of agriculture as follows:

- Policy 2.22.1 says to "maintain a hierarchy of land use priorities within the Coastal Zone: First Priority: Agriculture and coastal-dependent industry...."

The subject site is designated "Commercial Agriculture" in the *Santa Cruz County General Plan and Local Coastal Program*. The purpose of this land use category is to maintain such designated lands for exclusive agricultural use. (*General Plan* objective 5.13) Landfills are not listed as a principal permitted use under policy 5.13.5. Interim public uses are conditionally allowed under policy 5.13.6, if sited to avoid conflicts with principal agricultural activities in the area and sited to avoid or otherwise minimize removal of land from production. The *County Code* amplifies this by specifically allowing sanitary landfills as interim uses that meet the following criteria:

- ⇒ the site is rehabilitated upon cessation of the landfill use;
- ⇒ water quantity and quality available to the area is not diminished;
- ⇒ land use conflicts with adjacent agriculture are prevented; and
- ⇒ the maximum amount of agricultural land as is feasible is maintained in production by:
 - ⇒ phasing the non-agricultural use,
 - ⇒ utilizing any non-agricultural areas available first,
 - ⇒ utilizing lower quality soils (e.g., Class III) instead of or before higher quality soils (e.g., Classes I or II),
- ⇒ employing means of reducing the area necessary for the interim public use such as resource recovery, and
- ⇒ rehabilitating other areas such as former landfill sites for agricultural use (Code Section 13.10.639).

Additionally, discretionary uses (such as interim landfills) on CA-zoned land must:

- ⇒ enhance or support continued agriculture;
- ⇒ not restrict or adversely affect current agriculture;
- ⇒ be ancillary to the agricultural use or be a non-agricultural use only if no other agricultural use is feasible;
- ⇒ not conflict with on-site or area agriculture;
- ⇒ remove no land or as little land as possible from production (Code Section 13.10.314).

Another relevant land use policy excerpt is:

- 1.2.6: Require a development permit from any...local...agency undertaking any development in the Coastal zone. Require the submittal of...facility master plans for review and approval in conjunction with action on the project's coastal zone permit to ensure consistency with Coastal Act requirements and Local Coastal Program polices regarding public services and facilities...

Two other *General Plan* policies that are not incorporated in the Local Coastal Program relate to this policy:

- 2.21.5 Require long-term Master Plans for public facilities prior to establishing new facilities or expanding existing facilities. Master Plans should be coordinated with adjacent uses and include neighboring development when the public facility use affects adjacent uses or encourages related support service development...
- 7.25.12 Provide for rehabilitation and reuse of closed landfill sites consistent with environmental protection requirements; consider recreational or agricultural uses for closed sites, based on surrounding land uses. Rehabilitation shall include mitigation of resource damage.

c. Local Government Action:

Santa Cruz County's approval contains the required special findings for..."Development on "CA" and "AP" Zoned Properties County Code Section 13.10.314(a)." The gist of their findings is that:

- the fill is only an interim (5 year) use;
- the project will ensure the long-term stability of the land;
- a required fertile top soil cap will improve the agricultural viability of the site;
- a flat field will be established, suitable for row crops or other cultivation;
- the designation of this area as an overfly zone of the Watsonville airport will reduce the likelihood of non-agricultural uses.

Coastal Zone permit findings say that the interim use of this land as a solid waste disposal site is listed as a conditionally permitted use in the "CA" zone district, as specified in the Uses chart. However, a subsequent letter from the County staff indicates that the project is a permitted use by virtue of being a water pollution control facility and restoration of an agricultural field, therefore, the specific findings for interim landfills do not have to be made (Hanna to Otter & Hyman 7/6/98).

The County conditioned the permit (#11.A.6) to state,

Soil conditioning; the last 3 feet of placed material must have acceptable fertility to allow the cultivation of row crops. Prior to placing this material the City engineer shall submit a letter to the County geologist to confirm the soils fertility.

In a letter to the Coastal Commission, County staff explained,

...we did not condition the project to return to an agricultural use simply because the General Plan requires that the project have only agricultural uses. The project is designed and conditioned so that it will be suitable for agriculture. (Hanna to Otter 7/23/98)

In conclusion, the County permit action will result in the site having three distinct areas: a fairly steep canyon designated for agricultural uses, but currently not in use; a small gently sloping fill area with a fertile soil covering; and a level, compacted area containing some structures and equipment storage. The permit does not authorize any unpermitted structures or uses that are currently on this site.

d. Substantial Issue Determination

A substantial issue is raised with regard to placing fill on a parcel designated for agricultural use for the following reasons. First, the County action fails to provide adequate findings to support their approval of the existing fill. Landfills are permitted on agriculturally-zoned land under limited conditions and if they are publicly-owned and

operated, which this operation was not. Therefore, there is an inconsistency with the local coastal program's designation for the site.

Second, the County action fails to make required findings for the additional fill under Code Section 13.10.639 for allowing an interim public landfill. (The County staff report did offer how these findings could be made, but the justifications were incomplete.) The County is approving the project as a "water pollution control facility" and an "erosion control facility" (both permitted uses in an agricultural district) because it is a required remediation for the illegal landfill (Hanna to Otter & Hyman 7/8/98). The Commission accepts these determinations. However, the fact that the use may be classified under these other categories does not mean that it should not also meet the tests for a publicly-owned and operated sanitary landfill. The County argument that the project is not a public landfill is narrowly based on the fact that under the State Integrated Waste Management Board's requirements for a Solid Waste Facilities Permit, the subject fill materials are not classified as waste. However, the State Board's required remediation is for only two feet of cover. Instead the City applied to and received County permission for up to 30 feet of fill, that will be delivered by contractors that would normally use the City landfill. Therefore, the clear intent of the project goes beyond required remediation to encompass an additional landfill component. The operation will be publicly operated and occur on a publicly owned site. The intent of the policies should be followed, regardless of another agency's definition. There is precedent for this interpretation in another situation (A-3-SCO-98-96, Buena Vista Landfill) where the County found that the category of "interim publicly owned and operated sanitary landfill" was broad enough to include stockpiling for landfill purposes, even though the Integrated Waste Management Board did not require a Solid Waste Facility permit for it either.

In the absence of considering the project as a publicly owned and operated landfill, the County permit does not adequately address the limitations that the local coastal program establishes on such uses. Since publicly-owned landfills can only be permitted as interim uses, the site must return to an agricultural use. The County's argument that only agricultural uses can be permitted given the zoning designation has some merit. However, the appellants' contentions are valid in this case because the City could simply leave the land vacant and not make it available for an agricultural use. Also, there is a history of illegal uses on the site and non-agricultural storage and parking. Absent an explicit condition to use the site for agriculture there is no guarantee that other such site uses will not continue or reappear. Thus, a substantial issue is raised by the appellants' contentions with regard to compliance with the County's agricultural policies.

e. De Novo Coastal Permit Findings

Illegal Fill: With regard to the component of this project to allow the existing fill pursuant to this after-the-fact permit, private landfilling is not a permitted use in the Agricultural zoning district which covers this property. As noted above, the Commission

is reviewing this project component for consistency with the local coastal program as though it has yet to occur. Thus, the illegal fill portion of the permit would have to be denied.

Remediation Fill: With regard to the added fill component of this project, it is to be performed for remediation purposes. Yet, as noted in the substantial issue findings, the project is a public landfill project, since it is publicly owned and will be accepting fill material from contractors who would normally deposit their excavated earth in the city landfill. Thus, *County Code* Section 13.10.639 findings must be made and can be made as follows:

- ⇒ *the site will be rehabilitated upon cessation of the landfill use*, as after five years it will be made available for agricultural use, as conditioned by the County and as further conditioned by this approval as discussed below;
- ⇒ *water quantity and quality available to the area is not diminished*, as assured by extensive groundwater testing and evaluation done as part of the remediation planning;
- ⇒ *land use conflicts with adjacent agriculture are prevented* in the short run by adhering to County operational conditions (e.g., IIID; IIIG, Standard conditions K and L, see Exhibit G of Exhibit 2) and in the long run by assuring appropriate future site uses as further conditioned; and
- ⇒ *the maximum amount of agricultural land as is feasible is maintained in production by:*
 - ⇒ *phasing the non-agricultural use*, which is not at issue here because the fill area is small and has not been in agricultural production for at least 50 years;
 - ⇒ *utilizing any non-agricultural areas available first*, which this area currently is;
 - ⇒ *utilizing lower quality soils (e.g., Class III) instead of or before higher quality soils (e.g., Classes I or II)*, which is the case as these are class IV and VI soils;
 - ⇒ *employing means of reducing the area necessary for the interim public use such as resource recovery*, which the City currently does and will not be impacted by this project and
 - ⇒ *rehabilitating other areas such as former landfill sites for agricultural use*, which is accomplished to some extent in the permit for the Watsonville landfill and by making the rest of the subject site available for agricultural uses, as further conditioned.

Regarding other required agricultural findings, the Coastal Commission accepts the County's findings of consistency with *Code* Section 13.10.314(a) (see Exhibit C of Exhibit 2) and incorporates them into this approval.

Future Use and Remainder of the Property: As noted above, further conditions are necessary to facilitate a return of the property to agricultural use, in order to comply with the the local coastal program. As well, since as noted in the previous wetlands findings this permit is being used to resolve a long-standing violation, some compensating mitigation is appropriate for the years that the site was not used for agricultural purposes. In determining appropriate conditions and mitigations, it is important to

recognize that "agricultural use" encompasses many activities in addition to row crop cultivation. Also, as noted, there are distinct areas of this site that suggest different end uses. The seasonal wetland corridor (existing and to be restored) is obviously not suitable for agricultural use and should be buffered from such use. The sloping grass canyons may be suitable for some limited grazing, which could actually benefit the endangered tarplant, if it grows there; the canyon slopes are too steep and erodible to be cultivated.

The area to be filled to street level will have a fertile soil cover under County conditions, which would make it potentially suitable for farming. However, the possible presence of drainage facilities and the small size (about 1.5 acres) would act as deterrents. The remainder of the property contains the office building and surrounding compacted surface. In its present condition it would not be suitable for cultivation. The City's agricultural consultant states that "there is some Pinto Loam on the southeast edge of the property [contiguous to the adjacent strawberry field], but not sufficient to warrant ag viability. It has been compacted by other uses, including several structures and traffic areas." This level area probably could be rehabilitated for row crop use if the top layer of material were removed and replaced by imported topsoil. In combination with the additional fill area, it is still only about three acres, rather small to be independently farmed. Therefore, if rehabilitated, it would most logically be leased to the farmer of the adjacent land. This is one possible option.

Given the current site condition and relatively small size, the level portion (along with the additional area to be filled to street level) is also potentially suitable for a variety of other uses that are permitted in the CA zoning district which covers the site. For example this zoning district allows processing, packing, drying and storage facilities; nurseries; poultry farms; barns; animal boarding; farm worker housing; fuel storage tanks and pumps; greenhouses; kennels; riding academies; produce stands; veterinary offices, and animal hospitals. The Commission notes that there are several criteria under the County's local coastal program that have to be met in order to approve any such use; some of the above may not meet these criteria.

Although this coastal permit can not mandate that the site actually be put in an agricultural use, it should facilitate that use, given the local coastal program policies. The permit should ensure that the subject remediation fill project occurs in a manner that does not interfere with and is compatible with future agricultural use. Furthermore, the cited County policies requiring master plans for public facilities direct that future uses on the entire site be enunciated. The County permit addresses only the new fill area, requiring the top cover to be fertile soils. In order to fully comply with local coastal program policies, the permit needs to more comprehensively address future site use for agriculture. It should set the framework for future site use consistent with local coastal program criteria. Actual future use proposals that are consistent with this blueprint would then have to receive detailed analysis through subsequent coastal permit (or amendment) requests. No such future uses are proposed as part of this application. The City has indicated that it hopes to continue leasing the parcel to the

trucking company, if the County finds that use to be an allowable one under the CA zoning district.

The best way to address the local coastal program policies is for the City to prepare a narrative listing the potential future uses of the site, from among those allowed in the County's CA agricultural district. The City should pick uses that would be compatible with the adjacent cultivated use to the south, not require extension of public utilities to the site and otherwise potentially meet all the relevant *Santa Cruz County General Plan* and *Code* criteria. For each use category, the City needs to indicate what type of site preparation will be required to ensure compatibility with the other permit requirements. This exercise would go hand in hand with the City's attempts to address the status of the office building, as offices are allowed only within existing structures operated in conjunction with an allowed use. This program shall specify that subsequent to its approval, the City remains responsible for securing County coastal permits (or amendments to this permit) for any use and/or structure that is defined as "new development." Any lease or similar agreement shall include a requirement that the operator employ best management practices consistent with the required agricultural and habitat management plan. The program shall include a provision to plant the site with a cover crop if the site is not put into an agricultural use to anchor the fill, prevent erosion, and be compatible with the adjacent habitat and agricultural uses. As so conditioned, the coastal permit is consistent with the relevant local coastal program provisions regarding agriculture and public facilities plans.

3. Other Issues: De Novo Coastal Permit Findings

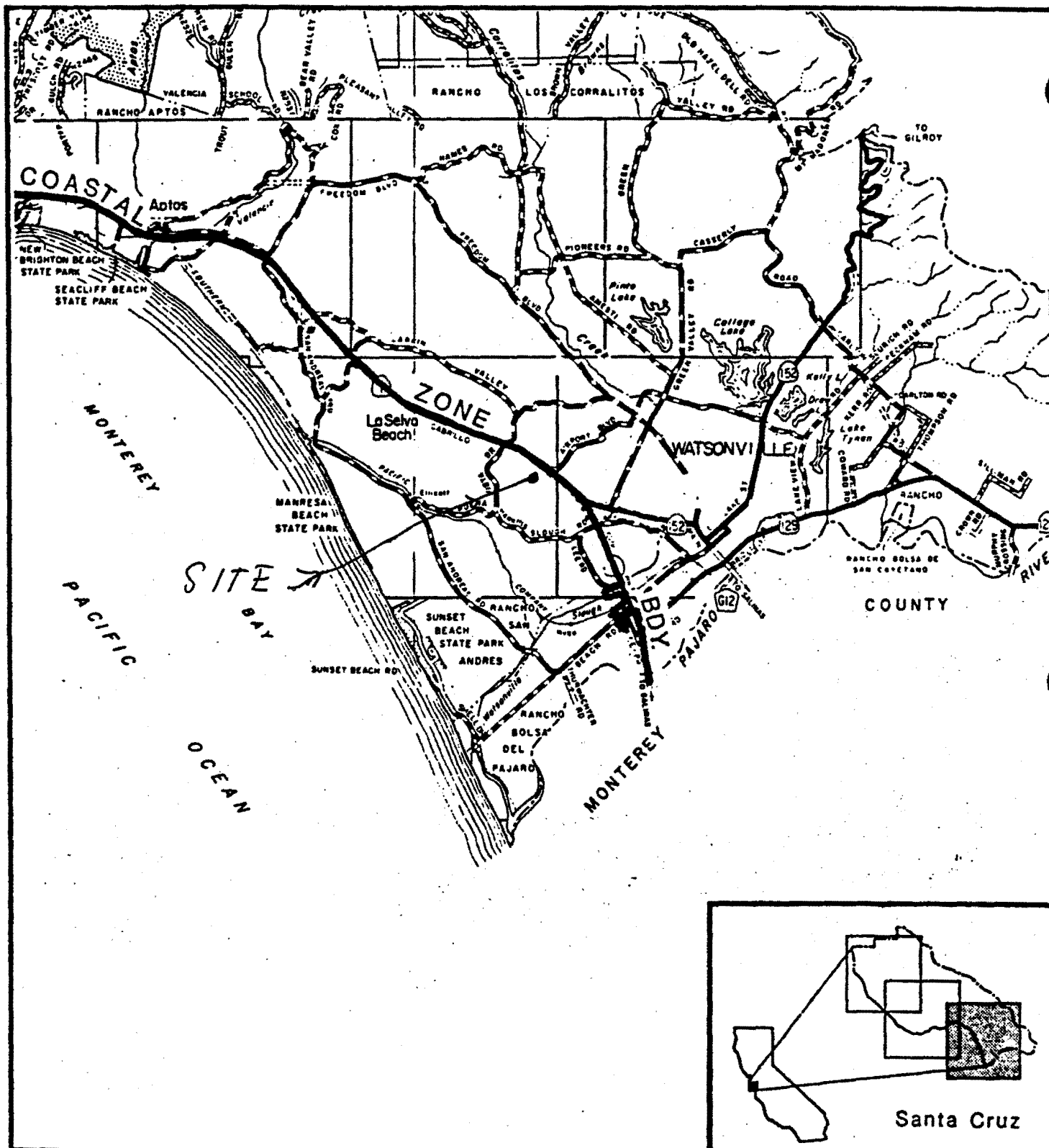
This coastal permit raised other issues which were not the subject of appeal, primarily geotechnical; e.g., slope stability, erosion control. The County permit adequately covers these issues and its findings for these topics are incorporated by reference into this permit (see Exhibit D of Exhibit 2).

The Commission does have some concern with the adequacy of the plans drawn to date in terms of whether the hay bale and firm fill keyway will be sufficient to prevent erosion of the fill material. Additional methods could include chain link fence and filter fabric. However, the County requires final grading plans and following recommendations of the geotechnical engineer. Additionally, the Integrated Waste Management Board still must review the plans. Thus, any changes necessary to ensure stability can be incorporated into the permit. All related County conditions are retained as conditions of this permit. This action constitutes approval of the coastal development permit for this project; the County will still have to issue a grading permit. Therefore, County officials will continue to be involved in ensuring condition compliance. If for any reason they decline, then the Commission's Executive Director needs to review the required compliance submittals. However, since this coastal permit is being issued by the Commission all amendments, even minor variations, must be

reviewed by the Coastal Commission. Thus, this coastal permit as conditioned is consistent with the relevant local coastal program provisions.

C. California Environmental Quality Act (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. A mitigated Negative Declaration was prepared for this project and approved by the City of Watsonville. A mitigation monitoring plan was incorporated into the County's conditions of approval. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the proposed project may have on the environment. Therefore, the Commission finds that the proposed development can be found consistent with the requirements of CEQA.



California Coastal Commission

LOCATION MAP

1 0 1 2
miles



County of Santa Cruz

Sheet 3 of 3
Exhibit 1

A-3-SCO-98-71

EXHIBIT C

Required Special Findings for Level 5 (or Higher)
Development on "CA" and "AP" Zoned
Properties
County Code Section 13.10.314(a)

Required Findings:

1. THAT THE ESTABLISHMENT OR MAINTENANCE OF THIS USE WILL ENHANCE OR SUPPORT THE CONTINUED OPERATION OF COMMERCIAL AGRICULTURE ON THE PARCEL AND WILL NOT REDUCE, RESTRICT OR ADVERSELY AFFECT AGRICULTURAL OPERATIONS ON THIS AREA.

The placement of 76,000 cubic yards of earth material on this property is an interim use and will establish a flat field where agriculture may occur. The project has been conditioned to correct unauthorized landfill operations. These measures ensure the long-term stability of the fill area and will improve the agricultural viability of the parcel for all forms of agricultural production at project closure by requiring a fertile top soil cap. This improved viability over the longer-term will compensate for the temporary loss of agricultural production on a portion of the parcel during the 5 year time period of the project.

2. THE USE OR STRUCTURE IS ANCILLARY, INCIDENTAL OR ACCESSORY TO THE PRINCIPAL AGRICULTURAL USE OF THE PARCEL

OR

NO OTHER AGRICULTURAL USE IS FEASIBLE FOR THE PARCEL

Currently, the area of disposal on this site has no other feasible agricultural use as existing slopes are steep and instable and site soils are not fertile. At completion of this project, the site will be suitable for row crops, or other forms of cultivation.

3. THAT SINGLE-FAMILY RESIDENTIAL USES WILL BE SITED TO MINIMIZE CONFLICTS, AND THAT ALL OTHER USES WILL NOT CONFLICT WITH COMMERCIAL AGRICULTURAL ACTIVITIES ON SITE, WHERE APPLICABLE, OR IN THE AREA.

The project will not allow construction of any new dwellings or buildings. Two dilapidated structures were removed and the existing "office" building on the parcel has been converted back into a shed. Deposited earth materials will be compacted and watered to prevent significant amounts of dust generation that could affect nearby crops.

4. THAT THE USE WILL BE SITED TO REMOVE NO LAND FROM PRODUCTION (OR POTENTIAL PRODUCTION) IF ANY NON-FARMABLE POTENTIAL BUILDING SITE IS AVAILABLE.

EXHIBIT NO. 2
APPLICATION NO.
County Permit
A-3-SCO-98-71

OR

IF THIS IS NOT POSSIBLE TO REMOVE AS LITTLE LAND AS POSSIBLE FROM PRODUCTION.

The project will clean up and close an existing unauthorized landfill and will then produce a site that can be for CA uses. During the regrading process the site will be stabilized and leveled and the final material placed on the site will be a fertile top soil cap.

EXHIBIT D

COASTAL ZONE 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 LUP DESIGNATION.

The interim use of this land as a solid waste disposal site is listed as a conditionally permitted use in the "CA" zone district, as specified in the Uses Chart for the "CA" zone district. This determination is based on the following factors:

1. The use is limited to 5 years.
2. The site will become useable for agricultural use at the end of the 5 year project period after placement of a fertile top soil cap.
3. The designation of this area as an overfly zone of the Watsonville airport will reduce the likelihood that the land will be used for non-CA uses.

2. THAT THE PROJECT DOES NOT CONFLICT WITH ANY EXISTING EASEMENT OR DEVELOPMENT RESTRICTIONS SUCH AS PUBLIC ACCESS, UTILITY, OR OPEN SPACE EASEMENTS.

The proposed project includes the recognition of existing unauthorized fill and the placement of an earth cap to reduce infiltration through the existing material. This development will not interfere with public access or utility easement. No open space easements exist on the 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.

The project is consistent with the Coastal Zone Design Criteria in that it will not create a significant visual impact. No biotic resources will be impacted; no ocean views or important vista will be affected; and the entire site will be non-erosive and stable at the termination of this 5 year project.

4. THAT THE PROJECT CONFORMS WITH THE PUBLIC ACCESS RECREATION, AND VISITOR-SERVICING POLICIES, STANDARDS AND MAPS OF THE LOCAL COASTAL PROGRAM LAND USE PLAN, SPECIFICALLY SECTION 4, 5, 7.2 AND 7.3, 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.

EXHIBIT 2

The project is located on land designated for agricultural uses. No public recreation or visitor-serving use designations occur on the project parcel or surrounding parcels. Public access and recreation and visitor-serving objectives of the Local Coastal Program will not be affected by the project.

5. THAT THE PROPOSED DEVELOPMENT IS IN CONFORMITY WITH THE CERTIFIED LOCAL COASTAL PROGRAM.

The project is consistent with the agricultural policies of the Local Coastal Program, specifically 5.13.6, because it is an interim public use which does not impair the long-term agricultural viability of the parcel; the grading will enhance agricultural uses on the parcel by flattening the ravine that currently prevents cultivation; the location, design and operation of the project will not affect agricultural operations in the area and the project has been sited to allow agricultural production to occur on the western portion of the site. The project is consistent with the Biological Resource policies of the LCP, specifically Policy 5.1.6 because the disruption of native plant habitats will be avoided through placement of appropriate barriers during construction. Air quality policies have been met, specifically 5.18.1, by incorporating maintenance measures that ensure the new fill placement is consistent with the requirement of the Monterey Bay Unified Air Pollution Control District. Further, the project has been designed and/or conditioned to prevent erosion, slope instability and avoid seismic hazards. Therefore, the LCP policies have been met for these concerns.

EXHIBIT E

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.

The closure of the landfill 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 in that the project is located in an area designated for agricultural uses. The project is conditioned to reintroduce cropland at the closure of this project.

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.

The project site is located in the "CA" zone district. 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 "CA" zone district in that primary use of the property will be the cultivation of row crops at completion of the grading operation. The grading operation will reintroduce the intended agricultural use of the property.

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.

The project is located on a parcel with an "Agricultural" land use designation. The project is consistent with all elements of the General Plan in that the project is a restoration of an unauthorized grading/landfill operation which will be closed under appropriate guidance from the Regional Water Quality Control Board (RWQCB), the State Solid Waste Management Board (SSWMB), and the County's Grading Ordinance. Closure of the unauthorized landfill operation requires recognition of a pre-existing unauthorized landfill operation. Recognition and immediate closure is an allowed temporary use by a municipality in CA and AP zoned land (13.10.31&9A)). A specific plan has not been adopted 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.

The project will not generate more than acceptable levels of traffic on the streets in the vicinity of the project. Currently, Rampart has been improved to a 30' road section and can serve traffic use well above the 3 farms served by the street. Further, on-site circulation patterns will prevent the stopping of trucks within the street and traffic will be controlled by limiting transport to non-commute times (8:30a.m. to 4:30p.m.).

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.

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 in that the fill will extend the slope only to the level of surrounding fields, and after completion, the intended agricultural use will be restored. The project will not change dwelling unit densities.

6. THE PROPOSED DEVELOPMENT PROJECT IS CONSISTENT WITH THE DESIGN STANDARDS AND GUIDELINES (SECTION 13.11.070 THROUGH 13.11.076), AND ANY OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER.

The proposed grading will correct an existing violation and is consistent with applicable design standards and guidelines of the County and will retain the existing character and pattern of land use.

EXHIBIT F

MITIGATION MONITORING PROGRAM

The mitigation measures listed under this heading have been incorporated into 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 mitigations is hereby adopted as a condition of approval for this project. This monitoring 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: Geology

The project shall allow only the importation of approximately 76,000 cubic yards of fill over a five year period. Average grading shall not exceed 15,200 cubic yards per year. (Condition III A.1)

Mitigation Monitoring

The project shall be completed within 5 years. The City engineer shall be responsible for assuring that no more than 76,000 cubic yards of earth are moved on to the site by (1) estimating the amount of fill at each point of origin before the fill is brought on to the site; and (2) by notifying the County Geologist, in writing, of the amount of fill to be brought from each source, before it is brought to the site; and by (3) notifying the County when the last episode of filling will occur. A letter shall be submitted to the County annually summarizing that year's activities. The letter shall identify the source(s) of any fill, the amount and the date(s) moved.

B. Mitigation: Geology

Grading shall take place between the 124 foot contour to the 46 foot contour as shown on the grading plan entitled "Grading Plan of Lands of Don Gilbertson," prepared by David Koch P.E. City of Watsonville, dated August 1996. The western portion of the site shall be undisturbed during grading activities.

Mitigation Monitoring

The City engineer shall stake the limits of grading (the 46 to/and 125 foot contour lines) before any fill is brought to the site. The stake line shall be maintained through the five year period that fill is imported. The City engineer (City of Watsonville) will ensure that

fill is placed by September 15 of each year, and shall submit an erosion control plan to the County on or before September 15 of each year. The plan must be reviewed for completeness and adequacy by the County Geologist before implementation. All approved measures will be in place by October 15 of each year. The City shall contact the County Geologist prior to each episode of filling so that the County may inspect the activity.

C. Mitigation: Geology & Water

The City shall install all erosion control before October 15 of every year, and shall inspect erosion control performance during the winter every other week. The County Geologist shall inspect the project periodically during the winter (at least twice). The only activity allowed during the winter is erosion control. Should problems occur with erosion control, the City shall notify the County and indicate what necessary corrective measures have been implemented.

The applicant shall modify the proposed grading plan (Exhibit B) (drainage and erosion control plan) to mitigate drainage and erosion control problems that may occur. The drainage and erosion control plan shall address the sporadic manner in which soil will be placed on the site. The proposed project shall prepare an erosion plan to mitigate erosion as a result of the grading.

D. Mitigation: Geology

Fill material shall be compacted to a relative compaction of 75% except in the keyway areas where compaction shall be 90% relative compaction. (Condition II A 5)

Mitigation Monitoring

Haro, Kasunich and Associates (hereafter HKA) shall inspect fill placement. Any structural or buttress portions of the fill that must be compacted to 90% shall be tested by HKA. A compaction report shall be submitted to the County Geologist after the placing of the buttress fill as well as after the placement of any other compacted fill.

E. Mitigation: Geology

All cut or fill slopes and areas with no vegetation shall be hydroseeded to reduce erosion. (Condition II A 4)

Mitigation Monitoring:

All graded slopes shall be inspected by the City and the County Geolo-

gist on October 1, of every year. Any slopes susceptible to erosion shall be planted and/or hydro-seeded so as to have adequate cover by October 15 of each year.

F. Mitigation: Geology

A keyway, approximately 10 feet wide shall be installed at the base of the graded portion of the site to provide a stable slope. See the grading plan entitled "Grading Plan of Lands of Don Gilbertson," prepared by David Koch P.E. and Civil Engineer, City of Watsonville dated August 1996. (Condition II A 5)

Mitigation Monitoring:

HKA shall inspect all keyways and buttress fill placement. HKA shall submit a interim report to the City's responsible engineer and County Geologist describing the grading operations and summarizing test results. Any design changes and/or irregularities must be described and justified in this letter.

G. Mitigation:

One of two options will be implemented to intercept surface water drainage from ditches and surrounding slopes, (1) a hay bale barrier or (2) installation of a chain link silt fence in front of the keyway. (Condition II A 4)

Mitigation Monitoring:

The City's responsible engineer and the County Geologist shall inspect all drainage and erosion control measures as approved by the County after every episode of grading and prior to October 15 of every year.

H. Mitigation: Water

The existing catch basin along the southern portion of the property between the 120 and 122 foot contour shall be removed and replaced with three asphalt lined ditches (approximately 3' deep and 10' wide). These ditches shall have a 0.5% slope and drain surface flows to the sides of the embankment and down the slope of the finished grade. (Condition III A)

Mitigation Monitoring:

The City engineer and County Geologist shall inspect the placement of the ditches and shall monitor their maintenance throughout project's life.

I. Mitigation: Water

Positive drainage shall be provided by creating a finished slope of at least 4% during grading operations. This condition refers primarily to the cap surface. (Condition III A 2)

Mitigation Monitoring:

City engineer shall inspect the site as often as is necessary to assure that the slope is a minimum of 4% and send a confirmation letter to the County before September of every year until the project is complete.

J. Mitigation: Noise

Construction activities shall occur only between 7:00 AM and 7:00 PM on weekdays only. No grading activities shall take place between October and April. (Condition IV C)

Mitigation Monitoring:

The City of Watsonville shall assign staff to open and close the project site. The staff shall assure that no grading occurs before 7:00A.M. or after 7:00P.M. No staging of dump trucks on or adjacent to site is allowed prior to 7:00A.M. or after 7:00P.M..

K. Mitigation: Hazards

The City shall provide documentation that the California Regional Water Quality Control Board (CRWQCB) has determined that the site is clean from contaminated soils.

Mitigation Monitoring:

CRWQCB has determined that the site does not contain classified waste see Exhibit I. No additional monitoring is required.

L. Mitigation: Air Quality

The proposed project shall comply with all regulations of the Monterey Bay Unified Air Pollution Control District in regard to fugitive dust and emissions. (Condition III E)

Mitigation Monitoring:

City staff shall confirm that project watering equipment is on-site and working before the gate to the site is opened in the morning.

M. Mitigation: Air Quality

The site shall be watered prior to, and periodically during, grading activities to minimize the generation of fugitive dust. (Condition III E)

Mitigation Monitoring:

City shall be responsible for watering the site before and after daily grading, and shall water the site throughout the day if needed.

Responsibility: City of Watsonville

N. Mitigation: Air Quality

Trucks and construction equipment shall be rinsed off before leaving the site to reduce dust. (Condition III E)

Mitigation Monitoring:

City staff shall monitor the rinsing of trucks and shall prevent unrinsed trucks from leaving the property.

O. Mitigation: Biotic

Any riparian species that will be disturbed by activities of the project will be relocated to another place on the site so as to preserve the species to the greatest extent possible.

Mitigation Monitoring

Subsequent to the Mitigated Negative Declaration the City has conducted a Biologic Study that demonstrates that no riparian species will be affected. No additional monitoring is required.

P. Mitigation: Air Quality & Biotic

Trucks hauling fill material shall be covered with tarps to avoid the generation of dust during hauling. All fill materials brought to the site shall be treated with soil amendments in order to reduce the amount of exotic grasses introduced to the site, so as to preserve the remaining native grasses on the site to the greatest extent possible. (Condition III G)

Mitigation Monitoring:

City staff shall not allow uncovered trucks onto the property. Imported fill shall be treated with soil amendments upon arrival at the site. City staff shall be trained in the proper use of said materials.

Q. Mitigation: Air Quality

All construction machinery and trucks shall be equipped with proper exhaust systems and maintained in proper working condition in order to reduce impacts associated with emissions. (Condition III H)

Mitigation Monitoring:

The City must inspect their own equipment to assure compliance with State and Regional Air Pollution Standards (including noise). The City must submit a letter to the County Geologist every year until the project completion, prior to October 1 that indicates that equipment omission controls are in compliance with APCD regulation.

R. Mitigation: Noise

All construction machinery and trucks shall be equipped with properly functioning mufflers to reduce the noise impacts on the adjacent properties. (Condition III H)

Mitigation Monitoring:

The City must inspect their own equipment to assure compliance with State and Regional Air Pollution Standards (including air). The City must submit a letter to the County Geologist every year until project completion that indicates that City equipment has complied with APCD and County noise standards.

S. Mitigation: Water, Biotic

The City shall consult with the Army Corps. of Engineers to determine if a permit is required. In the event that a permit is required, the City shall abide by the Corps requirements prior to obtaining grading permits from the County of Santa Cruz.

Mitigation Monitoring:

The Army Corps of Engineers have been contacted and a permit is not needed. No additional monitoring is required.

T. Mitigation: Noise

Since it is difficult to determine how often grading activities will take place, grading activities shall only take place when there is a sufficient need to grade the site to level out and compact transported fill.

Monitoring Program:

H-3

City staff will certify that any grading activities will be only to correctly place fill.

U. Mitigation: Biotic

The City shall submit a copy of the biotic assessment, prepared by Randall Morgan for review. (Condition III G)

Mitigation Compliance:

Randall Morgan's Biotic Assessment was reviewed and accepted by the County. Few undisturbed biotic resources exist on site and Mr. Morgan recommends an on-going eradication program for invasive plants.

V. Mitigation: Land Use and Planning

The City shall provide documentation that the soils on the property are not viable for agricultural production.

Mitigation Compliance:

An agricultural viability study has been completed and reviewed by the County. The current work shows low fertility of soils currently existing at the site. Subsequent to the Mitigated Declaration the County has determined that in order to comply with the County General Plan, a fertile soil cap will be placed on top of the fill. This cap will allow an agricultural use.

EXHIBIT 2 *cost*

3-98-71

COASTAL ZONE/GRADING PERMIT
CONDITIONS OF APPROVAL

Development Permit No. 96-0792

Property Owner and Applicant: City of Watsonville: Don French, Airport
Manager Representative

Assessor's Parcel No.: 052-011-46

Property Location: Southwest Corner of Airport Boulevard and Highway 1

I. This permit recognizes the 63,000 cubic yards of existing grading as show on Exhibit B and approves another 76,000 cubic yards of earth movement. 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 Demolition Permit and Building Permit from the Santa Cruz County Building Official.
- C. Obtain a Grading Permit from the County of Santa Cruz Planning Department.
- D. Pay a Negative Declaration/EIR filing fee of \$25.00 to the Clerk of the Board of the County of Santa Cruz as required by the California Department of Fish and Game mitigation fees program.

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

- A. Submit the final Grading Plans for review and approval by the Planning Department and County of Santa Cruz Public Works. The final plans shall be in substantial compliance with the plans marked Exhibit "B" on file with the Planning Department. The final plans shall include, but not be limited to, the following:
 1. Identify areas to be stabilized.
 2. Dimensions of the proposed fill.
 3. A site plan which can be the grading/erosion control plan shall show the location of all site improvements, including, but not limited to, points of ingress and egress, parking areas, and accessory structures.
 4. Drainage & Erosion Control Plan. The final plans will contain erosion control and drainage details as follows:

- a. Erosion control planting and hydro-seeding shall be used throughout the final slopes. Plants shall be native and drought tolerant.
- b. All slopes shall have established growth adequate to control erosion prior to October 15th of every year that this grading remains active. If growth is not obtained, then erosion control matting shall be applied to all bare surfaces.
- c. Drainage is to be controlled through the use of straw bale check dams, silt fences, ditches, berms, culverts, pipes, bank armoring or other measures as required. The intent of drainage control on this project is to ensure erosion does not occur on the project site, particularly over fill areas. Drainage will be directed away from fill slopes.
5. Follow all recommendations of the geotechnical report prepared by Haro, Kasunich & Associates for this project dated September, 1997, regarding the construction and other improvements on the site. All pertinent geotechnical/geologic report recommendations shall be included in the construction drawings submitted to the County for a Grading Permit. All recommendations contained in the County acceptance letter(s) dated November, 1997, shall be incorporated into the final design. A plan review letter from the geotechnical engineer/project geologist shall be submitted with the plans stating that the plans have been reviewed and found to be in compliance with the recommendations of the geotechnical/geologic report.

No land clearing, grading or excavation shall take place between October 15 and April 15 unless a separate winter erosion-control plan is approved by the Planning Director.

6. Soil Conditioning. The last 3 feet of placed material must have acceptable fertility to allow the cultivation of row crops. Prior to placing this material the City engineer shall submit a letter to the County Geologist to confirm the soils fertility.
7. The City must inspect and photograph the roadway prior to all filling activities and shall obtain an encroachment permit to make any necessary repairs to the roadway after each episode of filling.

III. All construction shall be performed in accordance with the approved plans. Prior to final inspection, the applicant/owner shall meet the following conditions:

EXHIBIT 2 cont

- A.1 All site improvements shown on the final approved Grading Permit plans shall be staked and installed per plan. The City engineer shall be responsible for assuring that no more than 76,000 cubic yards of earth are moved onto the site by (1) estimating the amount of each source of fill before the fill is brought on to the site; and by (2) notifying by letter the County Geologist of the amount of fill to be brought in by each source before each episode of filling occurs; and by (3) notifying the County when the last episode of filling will occur. The City shall submit an annual letter indicating compliance.
- A.2 City engineer shall inspect the site to assure that the finished slope is a minimum of 4% and send a confirmation letter to the County before September of every year until the project is complete.
- B. All inspections required by the permit shall be completed to the satisfaction of the County Geologist.
- C. All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be coordinated with any planned County-sponsored construction on that road.
- D. The soils engineer shall submit a letter to the County Geologist verifying that all grading has been performed according to the recommendations of the accepted geotechnical report. A copy of the letter shall be kept in the project file for future reference.
- E. Dust suppression techniques shall be included as part of the construction plans and implemented during construction. At a minimum dust suppression must include watering of any actual graded location, and the rinsing and water of trucks transporting material to the site.
- F. 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 a historical 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 Section 16.40.040 and 16.42.100, shall be observed.
- G. The City shall inspect all trucks hauling fill material to assure that they are covered with tarps to avoid the generation of dust

11 2

during hauling. The City shall also inspect all fill materials brought to the site to confirm that all material is treated with soil amendments to reduce the amount of exotic grasses introduced to the site.

- H. All construction machinery and trucks shall be equipped with proper exhaust systems and maintained in proper working condition in order to reduce impacts associated with emissions. The City shall submit a letter annually that indicates they have inspected City and private vehicles for working emission controls.

IV. Operational Conditions.

- A. All erosion control and drainage shall be permanently maintained.
- B. 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.
- C. Construction activities shall occur only between 7:00 AM and 7:00 PM on weekdays only. NO grading activities shall take place between October and April.

- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:

1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. 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.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.
- E. 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.

STANDARD CONDITIONS

- A. Winter grading operations (October 15 through April 15) of any year are prohibited.
- B. This permit shall expire five years from date of issuance.
- C. The City of Watsonville shall contact the County Geologist for a pre-grading and construction site meeting with, at a minimum, City inspector, City project engineer and soils engineer. The purpose of this meeting is to discuss the various site specific aspects of the grading project and to delineate the required County inspections and testing schedules. A minimum of four working days prior notice is required.
- D. Responsible party shall notify County Geologist 48 hours prior to the start of each grading episode.
- E. The City of Watsonville shall notify the County Geologist upon project completion for a final site inspection and permit clearance. The City shall submit a final letter to the County from the soils engineer, City engineer, and State Solid Waste Management Board indicating that the work has been completed as approved.
- F. If significant changes to the proposed grading plan occur during development, responsible party shall submit a final "as-graded" grading plan to the County prior to final permit clearance.
- G. 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 the County's cost of inspections, including any follow-up inspections or necessary enforcement actions, up to and including permit revocation.

- H. Approved Plans. When the Planning Director issues the grading permit, all of the plans and specifications shall be endorsed "approved". Such approved plans and specifications shall not be changed, modified, or altered without written authorization by the Planning Director, and all work shall be done in accordance with the approved plans and this chapter.
- I. Retention of Plans. One set of plans and specifications shall be retained by the Planning Director for a period of not less than two years from the date of completion of work covered therein. Plans which have been submitted for checking and for which no permit has been issued may be destroyed by the Planning Director if not picked up by the applicant within 90 days.
- J. Working Hours. Hours of grading operation shall be between 7:00 AM and 7:00 PM on weekdays. No grading shall be permitted on Saturdays, Sundays, and holidays, unless specifically authorized as part of a variance approved by the Planning Director. Transport hours shall be limited to 8:30 a.m. to 4:30 p.m.
- K. Safety Precautions. The permittee shall take all appropriate and necessary precautions to protect adjacent public and private property from damage that may result from the operations.
- L. Property Line. Whenever the location of a property line is in question as the result of or during operations, the Planning Director may require any boundary evidence which the Planning Director deems necessary. The Planning Director may require the applicant to furnish a parcel survey.
- M. Inclement Weather and Winter Grading. The Planning Director shall stop grading during periods of inclement weather when weather-generated problems are not being controlled adequately. No grading shall occur during the winter season (October 15 through April 15) unless authorized in advance by the Planning Director with reference to the Erosion Control Ordinance.
- N. Validity. The issuance or granting of an approval of plans and specifications shall not be construed to be an approval of any violation of any of the provisions of this chapter or of any other law.

The issuance of an approval based on plans and specifications shall not prevent the Planning Director from thereafter requiring the correction of errors in plans and specifications or from preventing operations from being carried on when in violation of this chapter or any other law.

- P. No earth or organic material shall be deposited or placed where it may

be deposited into a stream, slough, lagoon or body of standing water in a quantity deleterious to wildlife, aquatic life, or other beneficial uses of the water.

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.

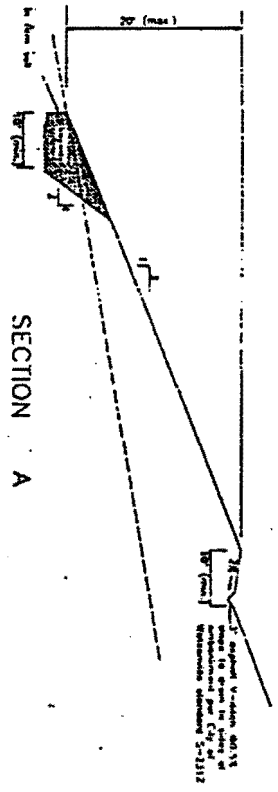
PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM THE DATE OF APPROVAL UNLESS YOU OBTAIN YOUR GRADING PERMIT AND COMMENCE CONSTRUCTION.

PROJECT SITE

VICINITY MAP

CITY OF WATSONVILLE - APN 18-351-04

RANCHO SAN ANDREAS
RANCHO CORRALITOS



SECTION A

LEGEND

- 1. ROAD 1/2" SCALE, 1:1000
- 2. CATCH BASIN
- 3. DRAINAGE
- 4. SERVICE ROAD
- 5. FILL
- 6. OTHER USE
- 7. CONDUIT (MINIMUM 12" DIA)
- 8. ASPHALT LANE 12' WIDE @ 6.5% MAX. SLOPE
- 9. 12" DIA. (MINIMUM 12" DIA) AND GRASSY AREA
- 10. DRIVE 2 FEET WIDE GRASSY

1. PROPOSED GRADING (SEE ATTACHED REPORT) SHALL BE SUFFICIENT TO MAINTAIN THE ELEVATION OF THE FILL MATERIAL.
2. CUT OR MAINTENANCE EROSION CONTROL, STORMWATER 2-3110 SHALL APPLY TO THIS PROJECT.
3. ALL MATERIALS SHALL NOT BE PLACED BETWEEN OCTOBER 15 AND OCTOBER 31 OF THE FOLLOWING YEAR WITHOUT OBTAINING A PERMIT FROM THE CITY OF WATSONVILLE.
4. ALL CUT OR FILL, STORMWATER AND WASTE WATER OR VEGEATION SHALL BE REMOVED AND THE AREA SHALL BE RESTORED TO ITS ORIGINAL CONDITION AND SHALL BE MAINTAINED FOR A PERIOD OF 1 YEAR FOR CUT OR MAINTENANCE EROSION CONTROL, STORMWATER 2-3110.
5. THE FILL PLACED SHALL BE COMPACTED BY MEANS OF ROLLING RELATIVE TO THE GRADE OF THE FILL (SEE ATTACHED REPORT) TO A MINIMUM OF 95% RELATIVE DENSITY.
6. APPROXIMATELY 15,000 CUBIC YARDS OF FILL MATERIAL ARE REQUIRED TO FILL CONDUITS FOR THIS PROJECT.

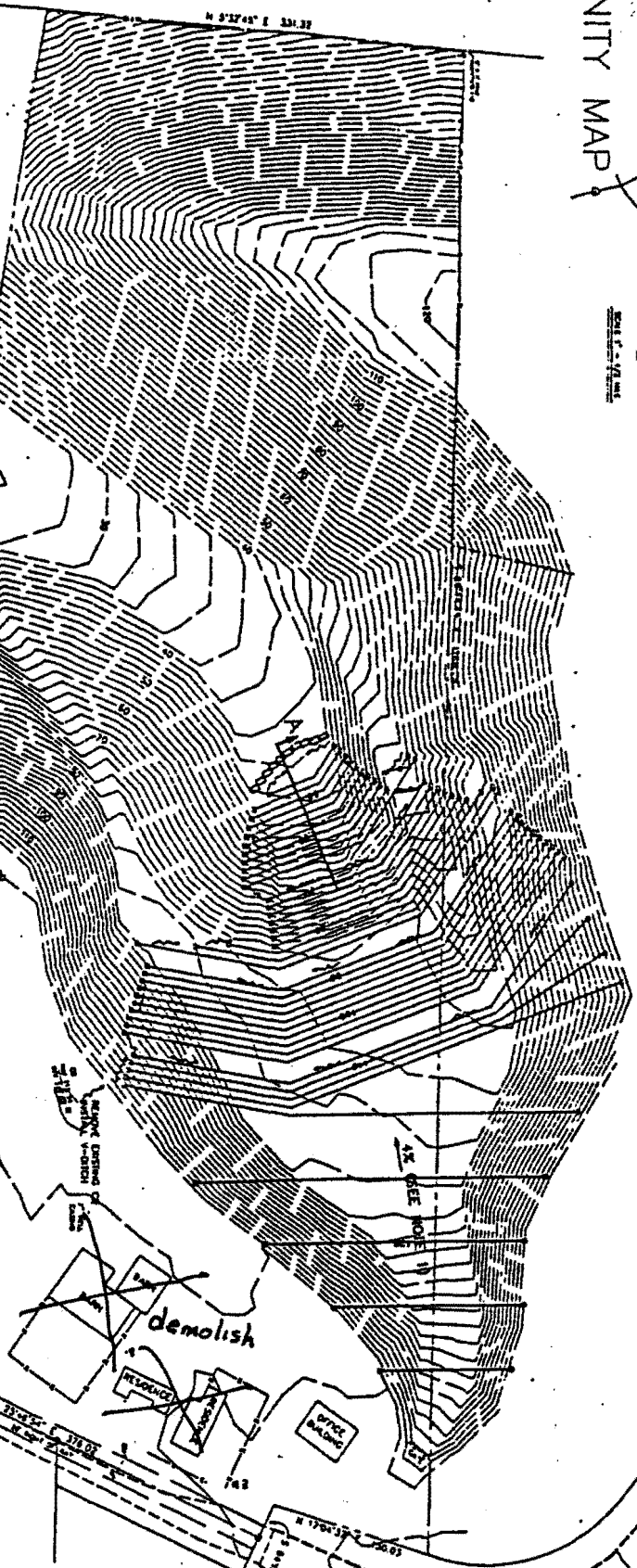


EXHIBIT NO. 3

APPLICATION NO.

Project Plans

A-3-SC0-98-71

EXHIBIT B. TENTATIVE SITE PLANS, BY DAVID KOCH, P.E.

PROJECT SITE

VICINITY MAP

CITY OF WATSONVILLE - APN 18-351-04



HIGHWAY 2

EXHIBIT NO. 4
APPLICATION NO.
Landforms
A-3-SCO-98-71

RANCHO SAN ANDREAS
RANCHO CORRALITOS

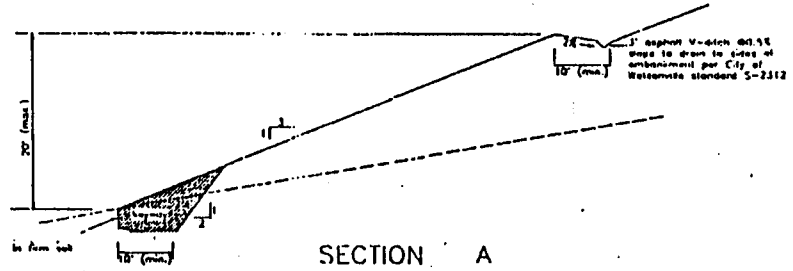
TO
HARKINS
SLOUGH

CANYON AREA

UPLAND
(LEVEL)
AREA

CITY LIMIT

AIRPORT BOULE



LEGEND

- FOUND 1/2" PIPE, LB 3233 UNLESS NOTED
- CB CATCH BASIN
- JP JOINT POLE
- SP SERVICE PULL
- PH FINE HYDRANT
- F FENCE LINE
- CONTOUR INTERVAL IS 2 FEET
- ASPHALT LINED V-DITCH @ 0.5% MIN. SLOPE
- MAT BALE EMBEDDED 6" INTO GROUND AND DRIVEN 2 FEET INTO GROUND

- NOTES:
1. POSITIVE DRAINAGE (1% MINIMUM SLOPE) SHALL BE MAINTAINED DURING THE PLACEMENT OF THE FILL MATERIAL.
 2. CITY OF WATSONVILLE EROSION CONTROL STANDARDS 2-211 SHALL APPLY TO THIS PROJECT.
 3. FILL MATERIAL SHALL NOT BE PLACED BETWEEN OCTOBER 1ST 13 OF THE FOLLOWING YEAR WITHOUT OBTAINING ADVANCED PERMISSION FROM THE CITY OF WATSONVILLE.
 4. ALL CUT OR FILL SLOPES AND AREAS BARE OF VEGETATION HYDRO-CRETED SUCH THAT AN ADEQUATE STAND OF GRASSY DEVELOPED ROOT SYSTEMS SHALL BE REPLACED BY OCTOBER 1ST YEAR PER CITY OF WATSONVILLE EROSION CONTROL STANDARDS.
 5. THE FILL PLACED SHALL BE COMPACTED BY WHEEL ROLLING RELATIVE COMPACTION OF TSR (EXCEPT IN THE KEYWAYS) COMPACTION SHALL BE ITS OWN RELATIVE COMPACTION.
 6. APPROXIMATELY 3000 CUBIC YARDS OF FILL MATERIAL ARE REQUIRED TO FULLY CONSTRUCT THIS PROJECT.

EXHIBIT B. TENTATIVE SITE PLANS, BY DAVID KOCH, P.E.

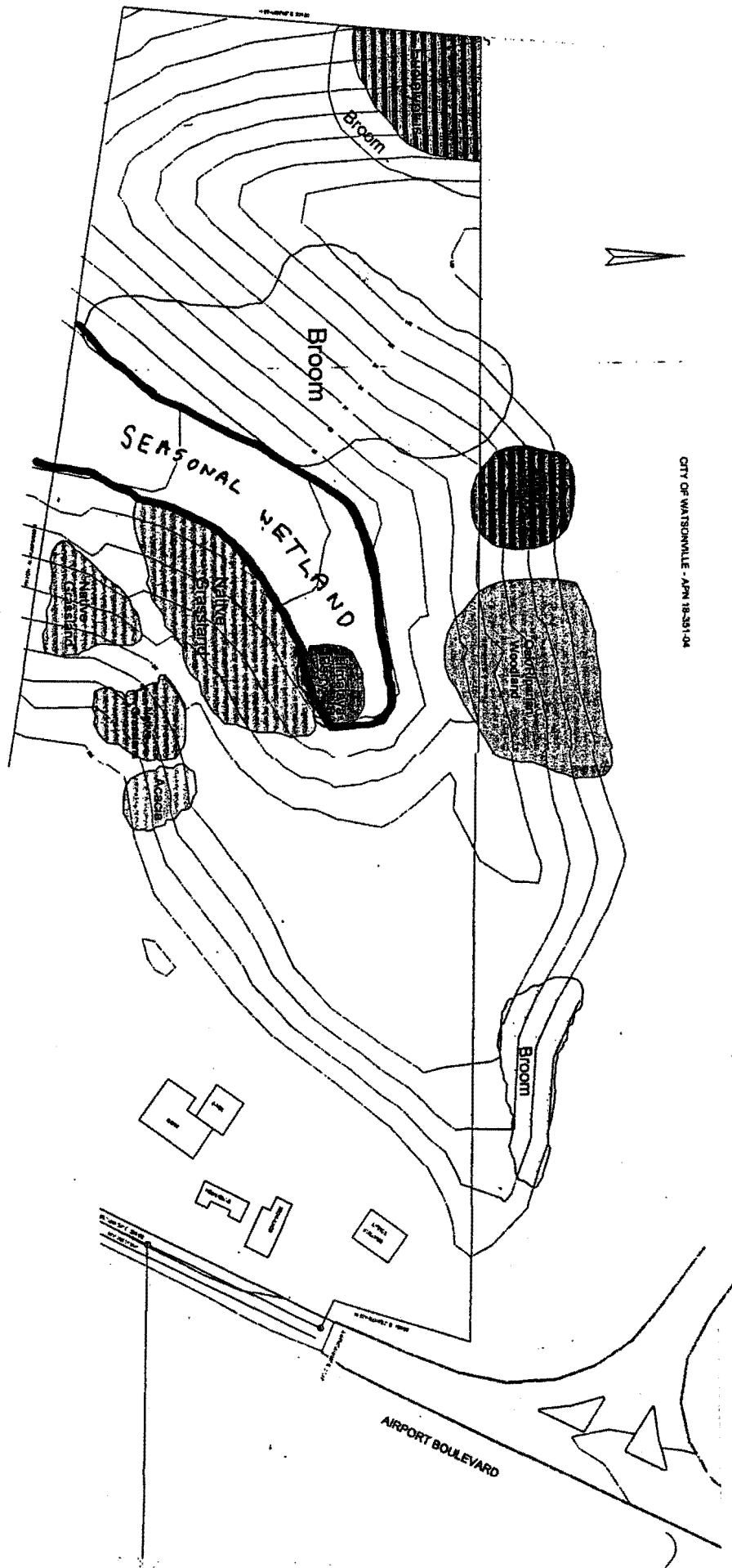


EXHIBIT NO. 5a
APPLICATION NO.
Morgan's Wetland
A-3-SC0-98-71

Approximate Wetland Boundary Gilbertson Property

CITY OF WATSONVILLE - APR 18, 2014

Additional
Wetland
shown
by Gilchrist

STATE HIGHWAY ROUTE 1

AIRPORT BOULEVARD

Wetland Boundary
Shaded Area
Wetland Boundary
Shaded Area
Wetland Boundary
Shaded Area





EXHIBIT NO. 5b

APPLICATION NO.

Gilchrist's Wetland

A-3-SC0-98-11

Legend

-  Solid Sampling Location
-  Approximate Location of Wetland
-  BOUNDARY LINE
-  BUILDING LINE
-  CONTIGUOUS
-  SEASONAL WETLAND
-  STREET LINE
-  ACACIA
-  BROOK
-  EUCALYPTUS
-  HIMALAYA BERRY
-  NATIVE GRASSLAND
-  OAKRIPARIAN WOODLAND
-  POISON HEMLOCK

100 0 100 200 Feet

RAVINGO COPY 1/10

Wetland Boundary
Shaded Area
Wetland Boundary
Shaded Area
Wetland Boundary
Shaded Area

Wetland Boundary
Shaded Area
Wetland Boundary
Shaded Area
Wetland Boundary
Shaded Area

