

CALIFORNIA COASTAL COMMISSION

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Staff Report: 11/17/98
Hearing Date: 12/8/98
Action:

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE DETERMINATION

LOCAL GOVERNMENT: County of Santa Cruz

DECISION: Approval with Conditions (See Exhibit 2a)

APPEAL NO.: A-3-SCO-98-096

APPLICANT: **COUNTY OF SANTA CRUZ, DEPARTMENT OF PUBLIC WORKS (current owners of subject site are Mr. & Mrs. Rocha)**

PROJECT LOCATION: Buena Vista Drive (opposite intersection with Harkins Slough Road), San Andreas area of Santa Cruz County (AP# 046-121-03) (see Exhibit 1a)

PROJECT DESCRIPTION: Stockpile approx. 1.25 million cubic yards of earth to facilitate sanitary landfill operation (see Exhibit 3a-d)

APPELLANTS: Commissioner Sara Wan; Commissioner Pedro Nava; Buena Vista Community Association, Attn.: David Barlow (see Exhibit 6)

FILE DOCUMENTS: SC County Coastal Development Permit 97-0309 & 98-0650 files incl. Draft, Final, and Supplement to *EIR Buena Vista Landfill Soil Management Plan*; SC 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*; Coastal permits files 83-1503/A-3-SCO-85-42 to allow the landfill and A-3-SCO-90-98/96-0216 to allow the Watsonville landfill expansion; Local Coastal Program Major Amendment #1-85 file; *Santa Cruz Materials Recovery Facility Final Conceptual Design Report*, October 1991; *Integrated Waste Management Facility Draft EIR*, 1996.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal has been filed.

The proposed project is a response to an identified, undisputed County need to soon excavate over one million cubic yards of earth at its only landfill site so that it can continue to accept refuse. The proposed project is to stockpile much of this material across the street on the Rocha farm. Concerns with the project are that it would fill for 20 years a riparian ravine with wetland seep and 20 acres of agricultural land on a scenic County road. To allow the use of the agricultural land under the County's local coastal program would require a finding that there are no available non-agricultural areas to use. To allow the filling of the riparian wetland area would require a finding that "there is no feasible less environmentally damaging alternative," as well as that the riparian corridor is not being reduced nor adversely impacted and that local coastal program objectives are met (*County Code* Section 16.30.060).

The appealed project was first presented to the Coastal Commission on August 14, 1998 (#A-3-SCO-98-055). The Commission continued this matter with direction to staff to work with the County to improve the mitigation package for the Rocha site. The implications of this directive were that the Commission would be able to make the necessary findings to allow the project on the subject site, provided that there were adequate mitigation measures. Subsequent focus was thus on improving the mitigation for the impacts of using the Rocha site.

A new coastal permit for the Rocha stockpile was issued by the Board of Supervisors on October 20, 1998, superseding the County's previous action and rendering the previous appeal moot. The new permit incorporates a better mitigation area (the North channel) and there is more mitigation area. Also, the riparian corridor to be buried is not lost forever. The water will be channeled (underground) to newly created wetlands, and after project completion the entire channel may be restored and even enhanced, depending on a biologic evaluation performed at that time. There will also be an open space buffer between the agricultural land/stockpile and the riparian corridor and a continuous shrub/tree canopy along Buena Vista Drive.

The new coastal permit has revived another possible alternative that staff welcomes: stockpiling on land bought by the City of Watsonville for its future landfill expansion and designated "Public Facility." The new County permit is conditioned to require the County to explore using this site before stockpiling on Rocha can occur and to maximize its use, if possible. This study has already begun. Outstanding questions include the need to obtain permissions from Union Pacific (to cross its railroad tracks) as well as the City, and further analysis to determine how much material can be stockpiled and for how long. Cutting through a band of riparian woodland is also required, but has been previously permitted and creates less impact than stockpiling on Rocha does.

As to the alternative of using the adjacent Miyashita site, the County has reaffirmed its rejection. There are some agricultural and biological issues associated with this site, which in staff's opinion are not as significant as those associated with Rocha. The remnant wetland on Miyashita is all that remains from a previous riparian corridor that was blocked and partially filled during construction of the County landfill circa 1985. But, the bottom line remains that the County does not find this site feasible due to noise and dust impacts associated with its closer proximity to residences than the Rocha site.

Based on the described sequence of events, staff recommends that the new appeals raise no substantial issues for the following reasons:

- The permit, as conditioned, does not result in permanent loss of the riparian corridor/wetland seep;
- The permit, as conditioned, provides for the possibility of an alternative site (Watsonville landfill) being used to stockpile as much material as possible;
- There is adequate and substantial mitigation of the loss of the riparian corridor/wetland seep;
- There is mitigation for the loss of the use of the agricultural land;
- There is no permanent commitment to use the subject Rocha site for other than habitat and/or agriculture after the stockpile is removed, which is to be as soon as possible;
- Visual impacts are adequately mitigated.

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I. SUMMARY OF APPELLANTS' CONTENTIONS

There are two groups of appellants: Commissioners and Community. There are two Commissioner appellants who believe habitat issues are raised. They state in full:

The coastal permit allowing the proposed stockpile to completely fill a riparian corridor and wetland seep does not meet all of the Local Coastal Program County Code Section 16.30.060 exception requirements; specifically there is not convincing evidence that [d4] the riparian corridor is not being reduced or adversely impacted" and that there is no feasible less environmentally damaging alternative" and [d5] that the objectives of the Local Coastal Program Land Use Plan are being met. The objectives of the Land Use Plan do not extend to condoning complete removal of a wetland and riparian corridor.

The community group appellants contend that the proposed soil stockpile project is in conflict with at least 25 Santa Cruz County Local Coastal Program Goals, Objectives, Policies and Programs. In summary, their contentions include:

- That there are feasible less damaging alternatives for stockpiling: on-site, Watsonville landfill, and Miyashita property. Not utilizing the alternatives violates County agricultural and biotic resource policies. The project is not a priority for use of the site; under the local coastal program agricultural use is a priority. Conditions of the County permit regarding alternatives are not sufficient to save the wetland seep either in the short term or in the long term on the Rocha property. County conditions to pay into a fund to mitigate agricultural impacts is an adverse precedent.
- That the stockpile project is not in compliance with various general siting and land use priority policies of the Local Coastal Program.
- That various visual and scenic resource policies have also not been complied with.

Their full contentions are shown in Exhibit 6.

II. LOCAL GOVERNMENT ACTION

The Santa Cruz County Board of Supervisors approved a coastal permit with 38 conditions and a mitigation monitoring and reporting plan for the proposed stockpile project and took related actions on June 9, 1998 (see Exhibit 2a). The Board made coastal zone permit, development permit, riparian exception, development on agriculturally-zoned properties, and California Environmental Quality Act (CEQA) findings. Previous hearings were held by the County Planning Commission on June 25, 1997, August 13, 1997, October 8, 1997, and December 10, 1997. The County's final action was received by the Coastal Commission on June 11, 1998, triggering an appeal period running from June 12, 1998 through June 25, 1998. The Commission heard the appeal at its August 14, 1998 meeting and continued the matter. Subsequently, the County Board of Supervisors held further hearings on October 6 and 20, 1998. They approved a new coastal permit with revised findings and 46 conditions.

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 because it is located in a county and is 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 no substantial issue exists with respect to the grounds on which the appeal was filed, pursuant to Coastal Act Section 30603.

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

"I move that the Commission determine that Appeal No. A-3-SCO-98-096 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. RECOMMENDED FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. Background

1. Setting

a. Vicinity

The 70 acre subject site is located on Buena Vista Drive across from Santa Cruz County's current landfill in the southern coastal part of the County (see Exhibit 1a). The primary land use in the vicinity is agriculture, and most of the area is designated for agricultural uses (see Exhibit 1c). Other land uses include single family residences, landfills, a jail, and farm worker housing (see Site and Surrounding Uses Map, Exhibit 1b). The current active landfill site is approximately 72 acres (of which 56 are permitted for landfilling) (see Exhibit 4a). The adjacent, pre-1986 landfill area is 62 acres (of which 37 were used for landfill purposes). One of these County-owned parcels also includes an additional 93 acres containing a County jail (see A-3-SCO-90-85).

b. Subject Site

According to a County staff report describing the location subject to this appeal, "at least 90% of the parcel has been cultivated in recent years. About 9% supports riparian habitat and a eucalyptus grove. A single-family dwelling and accessory buildings are located near the center of the property." A biologic report prepared for the project enumerates uses on the 70-acre site as: 63 acres of commercial agriculture, 2 acres of improved and unimproved drainages and wetland, 4 acres of eucalyptus grove, and 1 acre of structures (recent site and map reviews reveal less land currently in agricultural production). The site is designated "Agricultural" on the *Santa Cruz County General Plan and Local Coastal Program* land use map with an "Agricultural Resource" overlay and is zoned "CA" (Commercial Agriculture) (see Exhibit 1c). The sloping site contains three riparian corridors: a seasonal stream (referred to as the East Channel) and two tributaries (referred to as the North and South Channels); which in turn are tributary to Gallighan Slough, which is part of the Watsonville Slough system emptying into the Pajaro River mouth. (see Exhibits 1d and e)

The actual proposed project area is about 20 acres consisting of a ravine, recently farmed on both sides, with a remnant riparian corridor (the South Channel) in the center. Additionally, an area by one of the other riparian corridors (East Channel) on the site would be subject to restoration (see Exhibit 3c), as would the North Channel. Also, an area on adjacent County property is proposed for wetland restoration (see Exhibit 3d).

This is a County-sponsored project. The 70 acre parcel is currently owned by Mr. and Mrs. John Rocha and leased to farmers. If the Commission acts favorably toward the County on the appeal, the County would conclude negotiations to purchase the entire site. Once purchased, an Open Space easement covering the site would be extinguished, pursuant to State law, as the County is the holder of the easement.

2. Subject Permit Request

The proposed project is described in the County staff report as a temporary stockpile of approximately 1.25 million cubic yards of material on 20 acres of the subject site. The material would come from the approved, active landfill operating across the street (pursuant to County coastal permit #83-1503). Under that permit, sand and rock are being excavated to create pits (identified as modules) in which to deposit refuse. Under the current proposal, the excavated material would be sent overhead across the road to the subject site on a conveyor that will be temporarily installed for about two years (see Exhibit 3b). This stockpile would include drainage facilities and other erosion control, utilizing surface drainage ditches, a buried underdrain system, a sedimentation basin, and revegetation (see Exhibit 3a). The material would then be gradually trucked back across the road to the landfill site to be used as cover. Once all the stockpile is removed from the subject site (in 20 years), it will be graded to a gentler contour to be available as farmland once again.

The proposed project also includes riparian and wetland restoration at three locations (see finding #3b below for a fuller description of this project component and Exhibits 3c and d).

The proposed project is also conditioned to maximize on-site (on the landfill site itself) stockpiling and use of the Watsonville landfill, if possible. Thus, the actual amount of material that may be placed on the Rocha site could be reduced and thus the Exhibit 3a plans may be adjusted.

3. Previous Permit and LCP Amendment

The current active landfill was approved by the County in May 1985 (County coastal permit 83-1503). (An appeal, A-3-SCO-85-42, of the County's coastal permit was withdrawn before any hearing, rendering the County action final.) The 72 acre land area was designated in part "Quarry" and in part "Agriculture," and in fact contained both a quarry and farmland, in addition to riparian and wetland vegetation. In order to facilitate that project, the Coastal Commission approved a local coastal program amendment (#1-85) to redesignate the quarry portion to "Public Facilities" and to allow interim sanitary landfills on agricultural land (see *County Code* Section 13.10.639 in Exhibit 2b).

The land was purchased from Granite Construction Company. The purchase agreement allows the company to continue mining the sand and gravel until May 2002.

However, according to the County, this stockpile project is needed because Granite Construction has not excavated sufficient material from the existing landfill; to date only .2 million cubic yards out of approximately 1.7 million. Therefore, since Granite has not taken the material away, the County must find a place to store it.

B. Analysis of Project Consistency with Local Coastal Program

1. Appellants' Contentions

The appellants' contentions can be categorized into four issues: habitat , agricultural, general siting, and visual. Following are quotes or paraphrases of their contentions:

a. Habitat Issues: Wetlands and Riparian Corridors

With regard to habitat issues the Commissioner appellants contend:

The coastal permit allowing the proposed stockpile to completely fill a riparian corridor and wetland seep does not meet all of the Local Coastal Program County Code Section 16.30.060 exception requirements; specifically there is not convincing evidence that [d4] the riparian corridor is not being reduced or adversely impacted" and that there is no feasible less environmentally damaging alternative" and [d5] that the objectives of the Local Coastal Program Land Use Plan are being met. The objectives of the Land Use Plan do not extend to condoning complete removal of a wetland and riparian corridor.

The community appellants contend that there are feasible less damaging alternatives for stockpiling: on-site, Watsonville landfill, and Miyashita property. Not utilizing the alternatives violates County and biotic resource policies. Conditions of the County permit regarding alternatives are not sufficient to save the wetland seep either in the short term or in the long term on the Rocha property. The appellants contend that the approval violates the following provisions of the local coastal program (LCP):

- LCP Objective No. 5.1 (Biological Diversity)
- LCP Policy No. 5.1.2 (Definition of Sensitive Habitat)
- LCP Policy No. 5.1.3 (Environmentally Sensitive Habitats)
- LCP Policy No. 5.1.4 (Sensitive Habitat Protection Ordinance)
- LCP Policy No. 5.1.6 (Development within Sensitive Habitat)
- LCP Policy No. 5.1.7 (Site Design and Use Regulations)
- LCP Policy No. 5.1.10 (Species Protection)
- LCP Objective No. 5.2 (Riparian Corridors and Wetlands)
- LCP Objective No. 5.2.2 (Riparian Corridor and Wetland Protection Ordinance)
- LCP Objective No. 5.2.3 (Activities within Riparian Corridor and Wetlands)
- LCP Objective 5.7 (Maintaining Surface Water Quality)

- LCP Program 2(a) (Maintain and Enforce a Riparian and Wetland Protection ordinance...)
- LCP Program 2(b) (Coordinate with CDFG)

b. Agricultural Issues

The community appellants contend that the project is not a priority for use of the site; under the local coastal program agricultural use is a priority. Again, they maintain that there are alternatives. They also believe that County conditions to pay into a fund to mitigate agricultural impacts sets an adverse precedent. They cite conflicts with the following provisions of the local coastal program (LCP):

- LCP Policy 2.22.1 (Public Facility/ Institutional Land Use Designations)
- LCP Objective No. 5.13 (Commercial Agriculture Land)
- LCP Policy No. 5.13.5 (Principally Permitted Uses on Commercial Agricultural (CA) Zoned Land)
- LCP Policy No. 5.13.6 (Conditional Uses on Commercial Agricultural (CA) Zoned Land)
- LCP Policy No. 5.13.20 (Conversion of Agricultural Land)
- LCP Policy No. 5.13.23 (Agricultural Buffers required)
 - LCP Policy No. 5.13.26 (Windbreaks)

c. General Siting Issues

Beyond the specific agricultural and habitat policies, the community appellants contend more generally that the proposed project is in conflict with other general siting and land use priority policies of the Local Coastal Program, namely:

- LCP Policy 2.1.4 (Siting of New Development)
- LCP Objective No. 2.22 (Coastal Dependent Development)
- LCP Policy 2.22.2 (Conversion to Lower Priority Uses)
- LCP Objective 2.23 (Conservation of Coastal Land Resources)

d. Visual Resource Issues

Finally, the community appellants contend that various visual and scenic resource local coastal program policies have also not been complied with.

2. Local Coastal Program Provisions

There are two relevant governing local coastal program components certified by the Coastal Commission: the coastal land use plan which is the *1994 General Plan and Local Coastal Program for the County of Santa Cruz* and the implementation plan which includes portions of the *County Code* and the zoning maps. A project must be consistent with all relevant provisions of the local coastal program in order for it to be

permitted. The following are quotations or paraphrases of the provisions which the appellants contend are not being following with regard to the proposed stockpile.

a. Wetlands and Riparian Corridor Provisions

The Local Coastal Program provisions in question include the following: 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 stockpile:
 - ⇒ (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,"
 - ⇒ (e) "limit vegetation removal to the minimum amount necessary; prohibit landscaping with invasive or exotic species."

- Policy 5.1.10 states in part, "Recognize that habitat protection is only one aspect of maintaining biodiversity and that certain wildlife species,...may not utilize specific habitats. Require protection of these individual rare, endangered and threatened species..."

The following 1994 *General Plan and Local Coastal Program for the County of Santa Cruz* provisions specifically address riparian corridors and 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 says to follow 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."

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).

LCP programs "a" and "b" call for funded programs to protect, revegetate, restore and increase acres of riparian corridors and wetlands. Policy 5.7.5 requires drainage facilities to protect water quality for all new development within 1,000 feet of riparian corridors.

b. Agricultural 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...."
- Policy 2.22.2 states, "Prohibit the conversion of any existing priority use to another use, except for another use of equal or higher priority."

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; see Exhibit 2b).

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).

Other agricultural policies cited by the appellants as relevant include:

- Policy 5.13.20: sets strict circumstances for allowing conversions to non-agricultural uses, including: that the land is not viable for agriculture, that the land does not meet the criteria for commercial agriculture, and that conflicts with nearby agriculture will not be created.

- Policy 5.13.23: generally requires a 200 foot buffer area between commercial agricultural and non-agricultural land uses.
- Policy 5.13.26: requires buffers to include windbreaks.

c. General Siting Provisions

The *1994 General Plan and Local Coastal Program for the County of Santa Cruz* provisions that the appellants contend are not followed state in part:

- 2.1.4: Locate new residential, commercial, or industrial development within, next to, or in close proximity to existing developed areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on environmental and natural resources, including coastal resources.
- 2.22 To ensure priority for coastal-dependent and coastal-related development over other development on the coast.
- 2.23: To ensure orderly, balanced utilization and conservation of Coastal Zone resources, taking into account the social and economic needs of the people of Santa Cruz County.

d. Visual Resources

The following *1994 General Plan and Local Coastal Program for the County of Santa Cruz* provisions address scenic protection in general:

- Objective 5.10b is to ensure that new development is appropriately designed and constructed to have minimal to no adverse impact upon identified visual resources.
- Policy 5.10.2 requires projects to be evaluated against the context of their unique environment to protect these resources (e.g., agricultural fields).
- Policy 5.10.3 requires protection of significant public vistas "from all public roads by minimizing disruption of landform and aesthetic character caused by grading operations... Provide necessary landscaping to screen development which is unavoidably sited within these vistas..."
- Policy 5.10.5 requires preserving the aesthetic value of agricultural vistas and encourages development to be consistent with the agricultural character of the community.

The following *1994 General Plan and Local Coastal Program for the County of Santa Cruz* provisions address scenic roads:

- Policy 5.10.10 designates Buena Vista Drive as a scenic road.
- Policy 5.10.11 requires new development in the viewsheds of rural scenic roads to be sited out of public view, obscured by natural landform and/or existing vegetation.
- Policy 5.10.13 requires all grading and land disturbance projects visible from scenic roads to blend contours of the finished surface with the adjacent natural terrain and landscape and incorporate only appropriate characteristic or indigenous plant species.
- Policy 5.10.23 requires transmission facilities to minimize impacts on significant public vistas and to avoid locations which are on or near sensitive habitat, whenever feasible.

3. Local Government Action:

Santa Cruz County approved the proposed stockpile project with 46 conditions on October 20, 1998 and a mitigation monitoring and reporting program. The Board of Supervisors made coastal zone permit, development permit, riparian exception, development on agriculturally-zoned properties, and California Environmental Quality Act (CEQA) findings (see Exhibit 2a). The County approval addresses each of the issues raised in this appeal in the following ways.

b. County Wetlands and Riparian Corridor Findings and Conditions

The County conditionally approved the project which involves filling a .29 acre, 1,020 foot-long drainage swale with a .5 acre freshwater seep at its head (see Exhibits 1d and 2a). This area is considered jurisdictional wetlands under the U.S. Army Corps of Engineers' guidelines. The County findings justify allowing the project in wetlands and riparian areas by saying that the requisite exception findings can be made based on the following: the subject riparian area is degraded; its bisection of property constrains the use that could be made of the property; the stockpile needs an amount of area that encompasses the riparian corridor; higher quality riparian area on the parcel is preserved (not impacted by the stockpile); new habitat is created along an historical drainage course, the Northern channel is enhanced, and three new wetland ponds are created resulting in a tripling of the existing habitat acreage; the functional capacity of main stream channel is maintained; and the habitat's functional capacity will increase (see Attachment 2 of Exhibit 2a).

No federally-listed endangered species have been discovered at the project site to date, but their presence must be surmised in the absence of undertaking more extensive biologic study. Thus, the County is requesting an "incidental take permit" from the U. S. Fish and Wildlife Service. Along with the project EIR and its Supplement, a *Biological Assessment for Santa Cruz Long-Toed Salamander and California Red-legged Frog* (November 1997) and a *Conceptual Wetland and Riparian Mitigation Plan*

(October 1998) were prepared which delineate the possible habitat, calculates the loss, and include a mitigation plan (mitigation at over 2:1; resulting in 2.29 acres of new habitat as well as native species buffers; measures to save any salamanders or frogs that may be in the area and prevent them from entering the work site). The north and east channels will be enhanced by widening, lessening the gradient, and being vegetated and buffered (see Exhibit 3c). Also, three small seasonal ponds (totaling 0.4 acres) will be created on County-owned property adjacent to the subject site and fed by water piped from the current wetland seep (see Exhibit 3d).

The coastal permit as conditioned by the County requires: following the mitigation plan; undertaking the restoration prior to any stockpiling occurring, under the supervision of a wetland specialist; and placing each restoration area under a declaration of restrictions. Other conditions include obtaining necessary approvals from the California Department of Fish and Game, U.S. Army Corps of Engineers, and U.S. Fish and Wildlife Service. There is already evidence in the County permit file of consultation with Fish and Game and the Army Corps, although those agencies' approvals are not yet final. Other permit conditions address impacts from adjacent uses on the habitats: remaining agriculture on-site is to be set back at least 50 feet from the channel bank; a road paralleling the channel is to be removed, sedimentation into the channel is to be prevented; protection is to occur during closure operations; and fencing is allowed.

The County approval also allows for a replacement culvert under Buena Vista Drive if necessary.

b. County Agricultural and General Siting Findings and Conditions

The County approval is for twenty acres of agricultural land to be used for stockpiling fill from the adjacent landfill site over the next 20 years. Conditions allow fill removal from the site without loss of native topsoil. The stockpile must be removed after 20 years. The County approved the project as similar enough to a landfill to fall under the category "publicly owned and operated landfill, as an interim use." The County made the four findings necessary under Section 13.10.314 of the *County Code* to allow development on property designated "CA" as well as addressed the specific findings required under Section 13.10.639 to allow interim landfills (see Exhibit 2b). The gist of the County's findings is that 40 acres of the 70 acre site will continue in farming, that nearby agricultural will not be impacted, and that after 20 years farming will return to the 20 acre stockpile area after the area is recontoured to a more level topography and native topsoil is put back in place, thus resulting in improved agricultural viability and less potential erosion (see Attachment 2 of Exhibit 2a).

In order to mitigate for the temporary loss of the 20 acres, the County must contribute \$12,000 annually to the County's "Agricultural Conservation Easement Program" to purchase such easements on properties selected for rehabilitation to increase their agricultural viability.

County acquisition of the Rocha site will result in termination of the Open Space Easement now covering it. Thus, the County will be rezoning the site to eliminate the "O" overlay district which is placed on parcels with open space easements (the "CA" Commercial Agricultural district remains; this does not constitute a local coastal program amendment because certification of the County's zoning map did not include the "O" overlays). In making the rezoning findings (technically, distinct from the coastal permit findings subject to this appeal), the County states that the, "soil management project was not foreseen when the property was placed under Open Space Easement contract...The project is now necessary for the use of Modules 4 and 5 of the Buena Vista landfill..." The project EIR found no cumulative impacts on agricultural land in the area, because the proposed use is temporary. Specific findings to the general siting policies cited by the appellants were not made.

With regard to the long-term, the County permit is conditioned to not authorize the siting of a sanitary landfill on the Rocha site, nor create any preference for such a use on the site, nor preclude the site for such a use (A.1). Furthermore,

Any future use of this [Rocha] site for a landfill...shall require the payment of a fee equal to the cost of rehabilitating the site for agricultural use into a fund specifically to provide enhanced mitigation for the effects of the landfill use on the surrounding residents.[A.14]

The permit also now has the same condition placed on the Watsonville landfill expansion permit that the City and County cooperate on future landfill facility siting with a goal of consolidated sites and staying off agricultural land (A.10).

c. County Visual Resource Findings and Conditions

The County approval is for a stockpile project that would essentially transform a ravine into a mound for 20 years. The maximum height would be 164 feet (existing grade is about 50 to 140 feet elevation). The approval also includes an enclosed 20 foot high, 300 foot long conveyor structure over Buena Vista Drive for a two year period, with attached stationary sections. Policy consistency is covered in the EIR for the project; but only two of the seven policies cited by the appellants are explicitly addressed. The EIR finds the proposed project, with the riparian planting and revegetation of the stockpile, consistent with policy 5.10.3 and with policy 5.10.11, if the conveyor facility includes an "old covered bridge" style facade." The EIR also concludes, "although the project is located within a designated scenic roadway, the road segment in the project area is not of the character and quality of the defining visual elements that resulted in the scenic designation." County permit findings indicate that "the project is consistent with the Coastal Zone Design Criteria in that it will not create a significant visual impact,...no ocean views nor important vista will be affected.. and the entire site will be restored at the termination of this 20-year project." Development permit findings indicate 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...of the neighborhood in that the soil stockpile will retain the open space nature which occurs on the surrounding agricultural and public facility properties."

4. Substantial Issue Analysis and Conclusion

Analysis of each of the contended resource topics involves the same sequence of issues. First, are there better alternatives to the project? If not, are there ways to allow the project that are consistent with all the local policy direction, including adequate mitigation? The Commission finds that the first answer is "no" and the second is "yes" through the conditional project approval by the County. In exploring alternatives, the Commission examined complete alternatives to using the subject Rocha site and partial alternatives that would reduce the impacts on the Rocha site for the duration of the stockpile project, as well as long-term implications for the future use of the site.

a. Short-term Alternatives to Stockpiling on Scenic Agricultural Land With Sensitive Habitat

The appellants prefer an alternative project site to the Rocha farm, but the Commission finds use of the property as conditioned acceptable. As noted, the local coastal program Riparian Exception provisions require finding that "there is no feasible less environmentally damaging alternative," and the provisions to allow interim use of agricultural land for landfills require using any non-agricultural areas available first. The County thoroughly examined alternatives throughout the process and incorporated those deemed feasible into the final project, as conditioned. Alternatives fall into three categories. These include reducing the volume to be stockpiled, storing more material on-site, and/or stockpiling on an alternative site.

(1) Rejected Measures:

The Commission concurs with the County analysis rejecting the following alternatives as infeasible and/or not less environmentally damaging:

San Andreas and Harkins Slough Alternative Sites: The County rejected alternative stockpiling sites at Harkins Slough Road and San Andreas Road. Since both these sites are farther away from the landfill than the Rocha site, it would be more costly to use them. These sites are more constrained than the Rocha site. The former is designated agricultural, used for grazing, and contains wetlands. The latter is designated for, and in, agricultural use.

Miyashita Site: The County rejected using the 26-acre Miyashita site across the street (Harkins Slough Road) from the current landfill and currently for sale (if necessary in combination with adjacent 15 acre Love parcel). The Community appellants have expressed support for this site, either as a complete alternative to the Rocha site or, most recently, a partial alternative in combination with using the Watsonville landfill (see

below). There is an extensive record of reasons both for and against using this site; with several rounds of approaches, assumptions, evaluations, and rebuttals. Physically, the site could accommodate material to stockpile. From an agricultural and visual resource perspective, this site poses similar issues to the Rocha site. The special findings for interim landfill use on agriculturally-zoned lands would have to be made as it too is designated "Agriculture." Its soil types and hence agricultural capability, at least according to the *Soil Survey*, are similar to the Rocha site's, although it is more level and hence not as susceptible to erosion. Part of the site is in greenhouses, but the remainder has reportedly not been farmed in the last decade. The site would also be in the scenic view corridor of Buena Vista Drive. From a habitat perspective, this site is less sensitive and valuable than the Rocha site, according to California Department of Fish and Game personnel. A map in the 1983 EIR for the current landfill shows a riparian corridor extending onto this site, but it has been reduced in size after the landfill was constructed and the site was partially filled. Still some evidence of isolated wetland vegetation remains within a described catch basin, but a wetland delineation has not been performed. The Rocha site is considered more biologically valuable for its potential wildlife corridor links. It is located on the (western) side of Buena Vista Road where endangered species habitat occurs and, hence, the side more favorable to species migration than the disturbed (eastern) side of Buena Vista Road (where the landfill and the Miyashita properties are located). However, the bottom line is that the County concluded that the Miyashita site is not a feasible alternative because of concern that more nearby residents (and an adjacent horse boarding/ breeding operation) would be impacted by the noise and dust from a stockpile on this site than on the Rocha site.

Watsonville City -- Gilbertson Site: The County also rejected another potential site owned by the City of Watsonville -- the Gilbertson Site. The City does need .08 million cubic yards of material for the planned remediation. A County permit has been issued to the City for this work; it is currently on appeal to the Coastal Commission (A-3-SCO-98-77). This site poses some riparian/wetland issues, which may result in a scaling back of the amount of material needed for remediation. The amount of material needed for remediation would result in a level, vacant site of about three acres, which could then hold an additional amount of stockpiled material. However, this site has been rejected by the County because of its small size, existing liability as an illegal dump site, and the City's lack of a firm time schedule for its current remediation efforts. While the Commission issuance of a coastal permit resolving the appeal could address the latter two concerns, the size constraint would not render this a complete alternative to the Rocha site. Additionally, the main drawback from the County perspective is the high cost of longer transport route.

Trabing Road: The County rejected this as an alternative site. This 42 acre site is out of the coastal zone, designated "Rural Residential," and contains a horse ranch and residence. Unfortunately, there has not been a detailed analysis of this site's suitability. It is comprised of pasture and oak woodland, and may possibly have some riparian areas. The County is not pursuing this site primarily because transport costs are

estimated to be significantly higher because of the greater distance involved (estimated cost of \$13.5 million to \$8.5 million for Rocha).

(2) Accepted Measures:

The County's permit approval minimizes use of the subject Rocha site, by incorporating aspects of a combination of alternatives.

On-site Retention: The permit is conditioned to use Module 3 which is on the current landfill site to store as much material as feasible (A.12). The County landfill area already comprises 134 acres consisting of 62 acres of previous closed landfill and 72 acres of current landfill, of which 56 acres are actually for refuse disposal (the remaining perimeter area includes the landscaped slopes to the landfill and the entry recycling area). The current landfill consists of five modules: #1 and #2 are filled, #3 is active and expected to be filled by 2000, and #4 and #5 remain to be excavated and filled in the future (see Exhibit 4a). As of October 1997, an estimated 1.54 million cubic yards of material has to be excavated from future modules #4 and 5 at the existing landfill. Of this excavated material, the County has maintained that, based on safety factors, that .35 million cy can be stored on-site on modules #1- 3, after module #3 is closed (see Exhibit 4b). This leaves up to 1.19 million cubic yards to stockpile off-site (1.1 million cy from #4 and .09 million cy or less from #5).

It may be that more material can be stored on modules #1- 3 and/or material could be stored on part of #3 while the remainder is still active, on module # 5, or the previously closed part of the landfill, thereby reducing off-site stockpiling. Another option may be to make module #4 smaller (e.g., separate it into two modules or excavate the smaller module #5 first). The County is pursuing this approach. Implementation of the permit condition will result in maximizing on-site retention.

Disposal of Excess: The permit is conditioned to monitor the amount of stockpile needed over time and try to dispose of the rest, such as selling some to a mining or construction company (A.6e). Currently, Granite Construction Company has a contract to remove as much material as it can until 2002. The County needs to excavate only one module immediately, the amount of future excavation and hence stockpiling could be reduced if Granite's contract is extended to allow the company to take more material in the interim. Even allowing Granite to take material once it is stockpiled may prove beneficial in reducing the temporal or physical extent of the stockpile. At this point the County has indicated that it can not go further in attempting to permanently part with any more excavated material because it is needed for landfill cover. The current estimate is a surplus of only .15 million cy and any surplus could simply be added to the final cover layer. The County has indicated that it needs about 50,000 cubic yards per year for cover, which would translate into about 1 million cy over the life of the landfill, plus about .36 million cy for final cover. However, the County has also indicated that over time it has been and plans to continue reducing the amount of material needed for interim cover (e.g., by daily covering the refuse with tarps instead of soil). Also, over

the course of the next twenty years the County may receive excess fill from construction sites that could be used for cover. Thus, the periodic monitoring and adjustment condition is appropriate.

Early Return: The permit is conditioned to provide for the possibility of returning some material earlier than the planned twenty years (A.6.b&c). The County has indicated some constraints to this: some material is for final cover and thus could not be brought back early, some space at the landfill is needed for operational flexibility, and there is a finite amount of room at the current landfill to stockpile more material. Thus, the periodic monitoring and adjustment condition is appropriate.

Watsonville City Landfill "expansion:" The permit is conditioned to make reasonable efforts to maximize soil stockpiled on the City of Watsonville landfill, which is adjacent to the County's landfill property. As background, the City requested a coastal permit to expand landfill operations over this entire 53 acre site. A coastal permit was granted for only the northern part of the site at that time (originally under appeal A-3-SCO-90-98, now under County coastal permit 96-0216). The southern remainder of the site serves as an agricultural and habitat buffer and contains a riparian ravine. The City is required to examine consolidation and alternative locations for waste disposal operations before a permit can be considered for landfill expansion over this southern remainder. Interim county stockpiling would satisfy this requirement at least as far as allowing it to be permitted in this area.

The County has already begun to explore this alternative. Remaining concerns include the need to resolve permissions from Union Pacific (to cross its railroad tracks) as well as the City, and to determine how much material can be stockpiled for and how long. Cutting through a band of riparian woodland is required, but has been previously permitted and creates less impact than stockpiling on Rocha does.

(3) Conclusion:

The appellants welcome the new County permit and its incorporation of the alternatives enumerated above and the Commission concurs. However, the appellants are concerned that the "reasonable efforts" language in the County conditions is weak and will not necessarily result in the least damaging alternative being chosen. They support a combination of on-site retention, use of the Watsonville landfill site, and, if necessary use of the Miyashita site as a complete alternative to stockpiling material on the Rocha site. At this point the County maintains that any scenario requires some use of the Rocha site. At a minimum, the appellants believe that there can be a reduction in the needed area on Rocha and thus suggest that the County should have mandated that the wetland seep be preserved.

At this point (pending responses from Union Pacific and the Watsonville City Council) the information is not available to the Commission to know precisely how much material will go in which location under the permit conditions. Thus, the analysis of whether the

issues that the appellants raise are substantial hinges on the operational language of the conditions. The Commission notes that the County is issuing this permit to itself, not a third party, and thus accepts that the County will make a good faith effort to carry out the conditions under its responsibility to implement the Coastal Act. Furthermore, the Commission notes that this project was originally heard in August 1998 and wishes to conclude action on it so the County can move forward. The County has made a good faith effort to date to revise its project and to pursue the Watsonville landfill alternative. The U.S. Army Corps of Engineers still needs to issue a permit and will not if it finds that there are less damaging feasible alternatives. For all these reasons, the Commission finds that the appellants' contentions with regard to alternatives does not raise a substantial issue.

As to the need to avoid filling the wetland seep, there is a lack of compelling evidence that would give rise to substantial issue. As noted, one can not discern at this point how much material, if any, will go on the Rocha site. If none goes on, then this concern is moot. Given the site's topography, if any substantial amount of material is placed on the site, it will fill the lowest portion, the riparian corridor (it would be difficult to place much material solely on the sloping canyon sides). The County has conditioned the permit to save the most productive land on site, if possible. While some could argue that saving wetlands has a higher priority than saving farmland, in this case the wetlands are being replaced, while the farmland is not. Furthermore, the water collected in the seep will be piped to newly created wetlands below. Beyond these policy directives, how the material will be placed is largely dictated by engineering considerations. Logically, the stockpile would commence at the low end of the property. Thus, there may be a situation where there is a choice between filling the entire riparian corridor and wetland seep or filling only the lower canyon with a higher pile and retaining the seep. In this case, it would seem prudent and in line with County policies to save the seep. However, since mitigation for interim covering of the wetland is incorporated into the County permit, the lack of a condition to not cover it does not give rise to a substantial issue. Nevertheless, the Commission urges the County to make efforts to retain the seep if indeed it is possible.

b. Long-term Alternatives to Stockpiling on Scenic Agricultural Land With Sensitive Habitat

The appellants are opposed to a landfill being placed on the subject Rocha site in the future. They are concerned that the stockpile project may give unfair advantage to the site becoming a landfill in the future as it will be in public ownership, its agricultural land will have been taken out of production, and its wetland seep/interior riparian corridor will have been eliminated. They have provided evidence of the difficulty in returning the land to production. They are concerned that the requirement to simply provide money for enhanced mitigation for the effects of the landfill use on the surrounding residences may set an adverse precedent for eliminating agricultural land.

The Commission is not persuaded by these arguments for two reasons. First, this permit is for a temporary (although fairly long-term) stockpile; it is not for a landfill expansion. A landfill expansion when the existing one is filled in some twenty years will require its own selection process culminating in its own coastal permit that could be appealed (if a site in the coastal zone is even chosen) and possibly a local coastal program amendment. The subject site, although constrained, may or may not emerge as the best candidate. The Commission takes no position on this issue at this time.

Second, the County permit has attempted to level the playing field so that this permit does not induce a future stockpile project that may otherwise not be permitted in the following ways:

- states that it does not authorize the siting of a landfill on Rocha or establish a preference for one;
- requires mitigation set-aside areas;
- requires a decision at year 18 as to whether agricultural use will return (as opposed to habitat); it would be during this public process that the issues of how the site could be restored to be viable for what types of agriculture would be made;
- commits the County to cooperating with the City of Watsonville in choosing future landfill sites that utilize non-agricultural areas first and then lower quality agricultural soils second;
- begins an immediate site selection process for a future landfill.

The appellants wish the County would have gone farther by actually requiring restoration to occur no matter whether a landfill would occur or not. This would seem to be a waste of resources if it were already decided to use the site for the landfill. The appellants are also concerned about the requirement to pay into a mitigation fund for neighborhood concerns if the site is not restored to agriculture. The Commission would prefer that an agriculture mitigation be tied to an agricultural improvement, not a neighborhood one. However, the County does not consider this to be a mitigation of agricultural impacts. The permit is separately conditioned to require compensation for the years that the land is taken out of production. Additional mitigation could be imposed if the site becomes a landfill in the future. Thus, no substantial issue is raised with regard to future possible landfill use of the subject site.

c. Adequacy of Measures to Maximize Farming and Maintain a Rural Area

The appellants contend that the local coastal program provisions for agricultural protection, as well as other general siting provisions, are violated. The alternative of using non-agricultural land has already been discussed above and demonstrated to be infeasible. The Commission finds that the use of agricultural land is designed and conditioned appropriately.

As cited, there is a series of measures required if agricultural land is to be used as an interim landfill facility, as the stockpile is being categorized. The County permit does

allow agricultural land to be used, but provides adequate mitigation in the following ways:

- requires reasonable efforts to rehabilitate or enhance and to lease or otherwise make available the remaining land on the Rocha parcel for farming;
- requires any such farming to be undertaken using "Best Management Practices;"
- places \$12,000 annually in the County's "Agricultural Conservation Easement Program." to purchase such easements on properties selected for rehabilitation to increase their agricultural viability;
- provides for periodic review of the adequacy of mitigation measures.

The appellants' concern that dust will adversely impact adjacent agriculture is addressed by the periodic review of the adequacy of mitigation measures, as well as conditions requiring erosion control of the stockpile, dust minimization techniques, and buffering from nearby agricultural uses. The appellants' concern that the land can not be returned to agriculture is addressed by the review at 18 years. The appellants' concern that mitigation should not be monetary compensation is mollified by lack of a better approach. The County has no program to convert non-agricultural land to agriculture, nor has identified such land, and such an approach may not be very feasible, especially in an area when most productive land is in production. The required \$12,000 annual payment will go into an established fund to be used to rehabilitate land.

As to general siting concerns, these provisions help ensure that the stockpile use is only temporary and that agriculture continues on the rest of the Rocha site. Additionally, there are no utilities or other permanent infrastructure that would be crossing the street from the existing landfill. There is already one entrance road into the site; it would be relocated. As discussed below, the project will have some visual impacts, but overall the site and vicinity will stay and appear rural. Finally, although there is substantial policy direction against expanding non-priority uses and public infrastructure into agricultural areas, there is a specific provision for landfill activity, as noted. There are not many generally isolated areas suitable for such activities that are not designated for agriculture. The Watsonville landfill site is one (it was redesignated from agriculture as part of Major Amendment #2-94) and, hence is given priority if at all possible for housing the stockpile. For all these reasons, no substantial issue is raised by the appellants' contentions regarding siting a stockpile on the Rocha site.

d. Adequacy of Measures to Preserve and Enhance Habitat

The appellants contend that the local coastal program provisions for habitat protection are violated. The alternative of using non-habitat land has already been discussed above and demonstrated to be infeasible. The Commission finds that the use of riparian land is designed and conditioned appropriately, as both the integrity of the system is preserved and the adverse impacts are adequately mitigated.

Finding that there are no feasible alternatives is not sufficient to justify using riparian areas for development projects. Other riparian exception findings must be made. Required Exception finding 4 states in part, "that the granting of the exception...will not reduce or adversely impact the riparian corridor." This suggests, for example, that a project could be approved that intrudes into a required riparian or wetland buffer, but not adversely into the riparian corridor or wetland itself. And required Exception finding 5 states in part, "that the granting of the exception is in accordance with the purposes of this chapter...", which are, pursuant to Section 16.30.010 of the *County Code*, "to eliminate or minimize any development activities in the riparian corridor in order to preserve, protect, and restore riparian corridors for: protection of wildlife habitat; protection of water quality; protection of aquatic habitat..." This suggests, for example, that a project could actually be approved within a riparian corridor or wetland, which does not compromise the habitat. However, these sections should not be read to allow a use to actually obliterate the habitat, and have not been so interpreted in the past. In the cited appeal of the Watsonville landfill expansion, the Commission required the riparian ravine to not be destroyed (A-3-SCO-90-98). In another Santa Cruz County decision involving fill for a schoolyard, the Commission found that the site did not support wetland habitat (LCP Amendment # 1-93).

The County permit action meets the spirit of these provisions to maintain the riparian corridor in the following ways:

- the corridor is only to be temporarily covered;
- the corridor's hydrologic function is to be preserved through underground pipe;
- the corridor's hydrologic function is to be enhanced because it will supply three new wetland ponds rather than an undefined drainage channel.

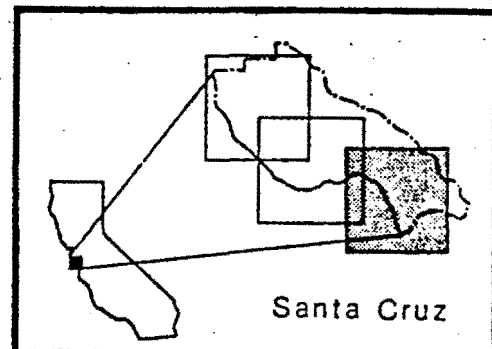
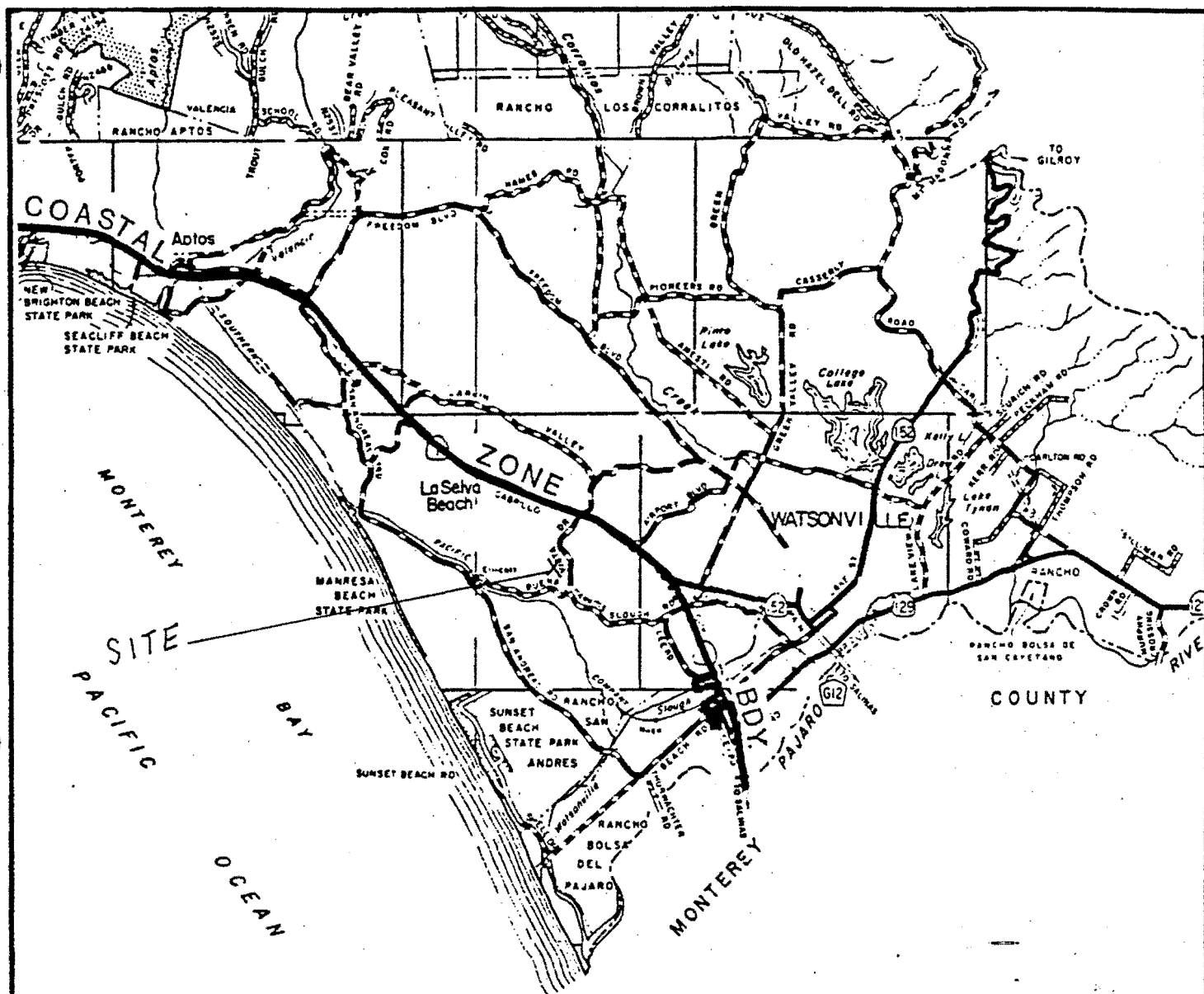
In addition, a substantial restoration package has been prepared involving: new habitat created along two drainage channels, three new wetland ponds created, and buffering established (see Exhibits 3c and 3d). Further, biotic restoration areas will be permanently protected by a declaration of restrictions (County condition 7). The result is a tripling of the existing habitat acreage. Therefore, a substantial issue is not raised as to compliance with the local coastal program's riparian and wetland policies.

e. Scenic Vistas

The appellants' contentions that the project approval violates scenic protection policies are not supported. While there is some policy direction against such a massive grading and landform alteration occurring at all, the above analysis has demonstrated the unfeasibility of alternatives. Furthermore, the project is a temporary project. Although it is not an agricultural project, the mechanical activities associated with the stockpile could be considered roughly comparable to those that would occur if the land continued

to be farmed. Farming itself involves altering the visible terrain with heavy equipment and attendant noise and dust.

Specific visual resource mitigations are to be incorporated into the project as well. Heavy equipment will be stored so it will not be highly visible. Completed fill slopes will be vegetated before the rainy season. Any eroded areas will be reseeded. The retained and new plantings will provide screening of the stockpile. Thus, no substantial issue is raised as to compliance with the local coastal program's scenic resource policies.



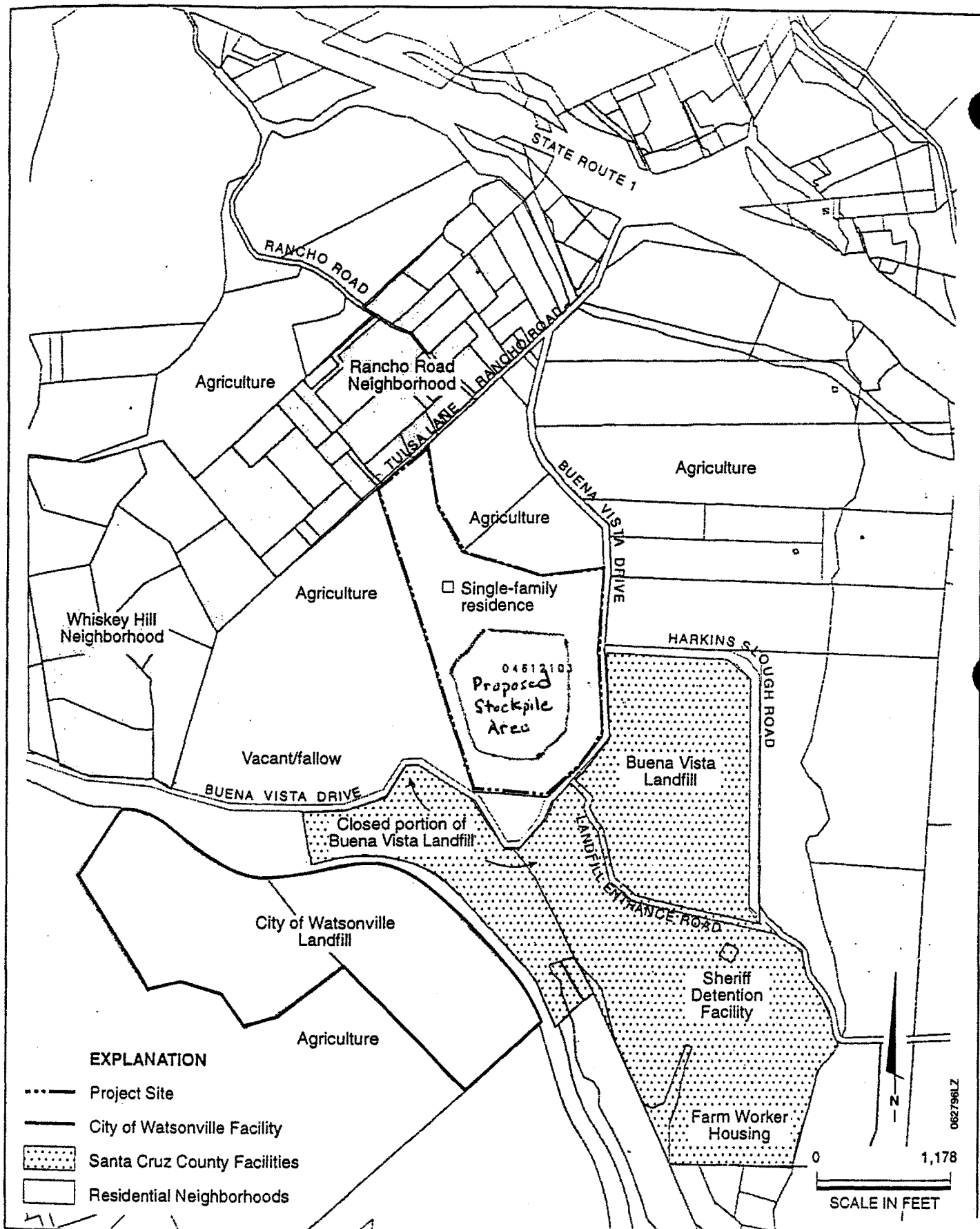
California Coastal Commission

LOCATION MAP



County of Santa Cruz

Sheet 3 of 3
Exhibit 1a
3-98-96 Stockpile



Harding Lawson Associates
Engineering and
Environmental Services

Land Use Features in the Project Vicini
Buena Vista Landfill
Soil Management Plan
Santa Cruz County, California

DRAWN
LZc

JOB NUMBER
34720 013

APPROVED

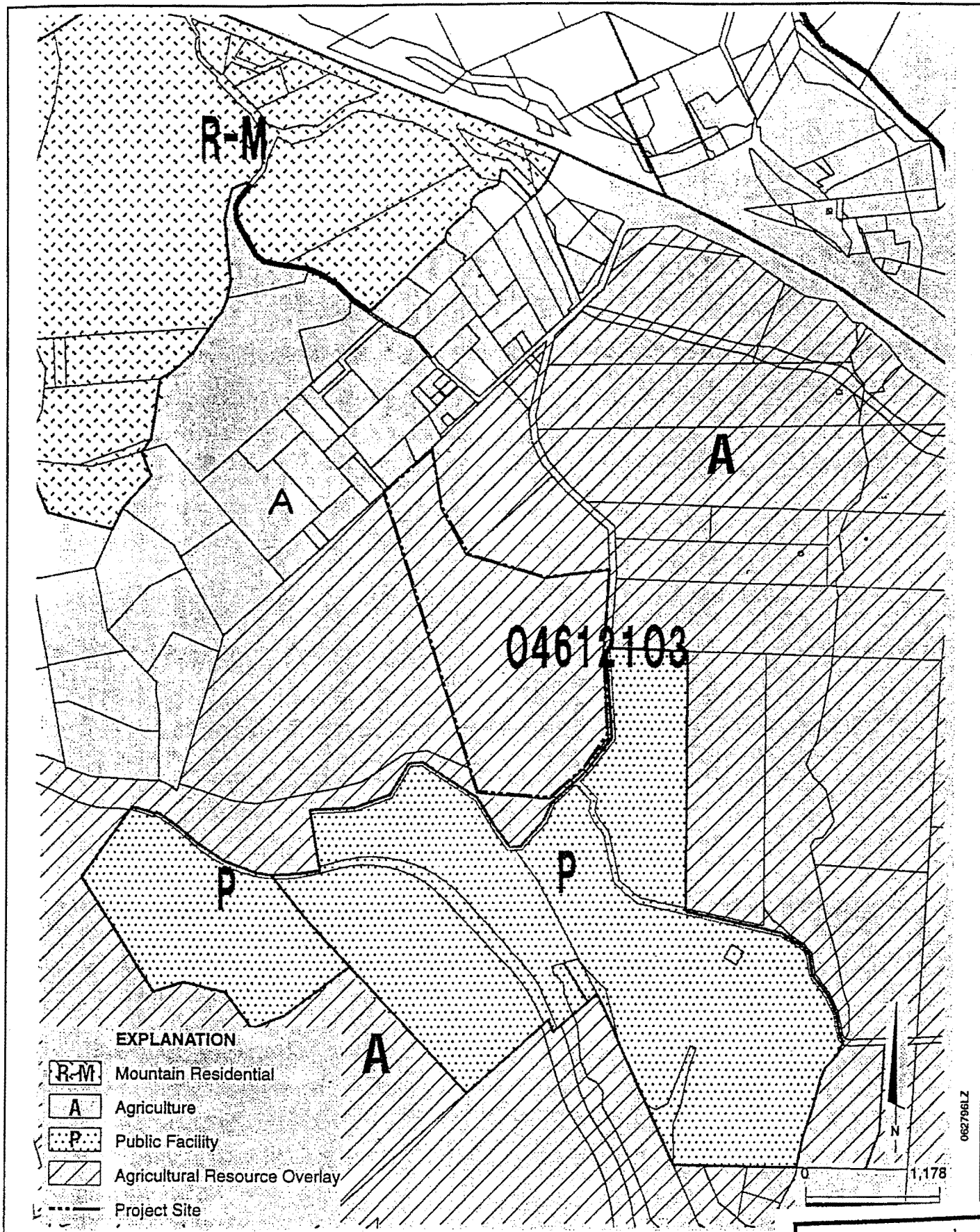
DATE
6/96

EXHIBIT NO. 16

APPLICATION NO.

3-98-96 Stockpile

Ministry Land Uses



Harding Lawson Associates
Engineering and
Environmental Services

DRAWN
LZc

JOB NUMBER
34720 013

General Plan Land Use Design
Buena Vista Landfill
Soil Management Plan
Santa Cruz County, California

APPROVED

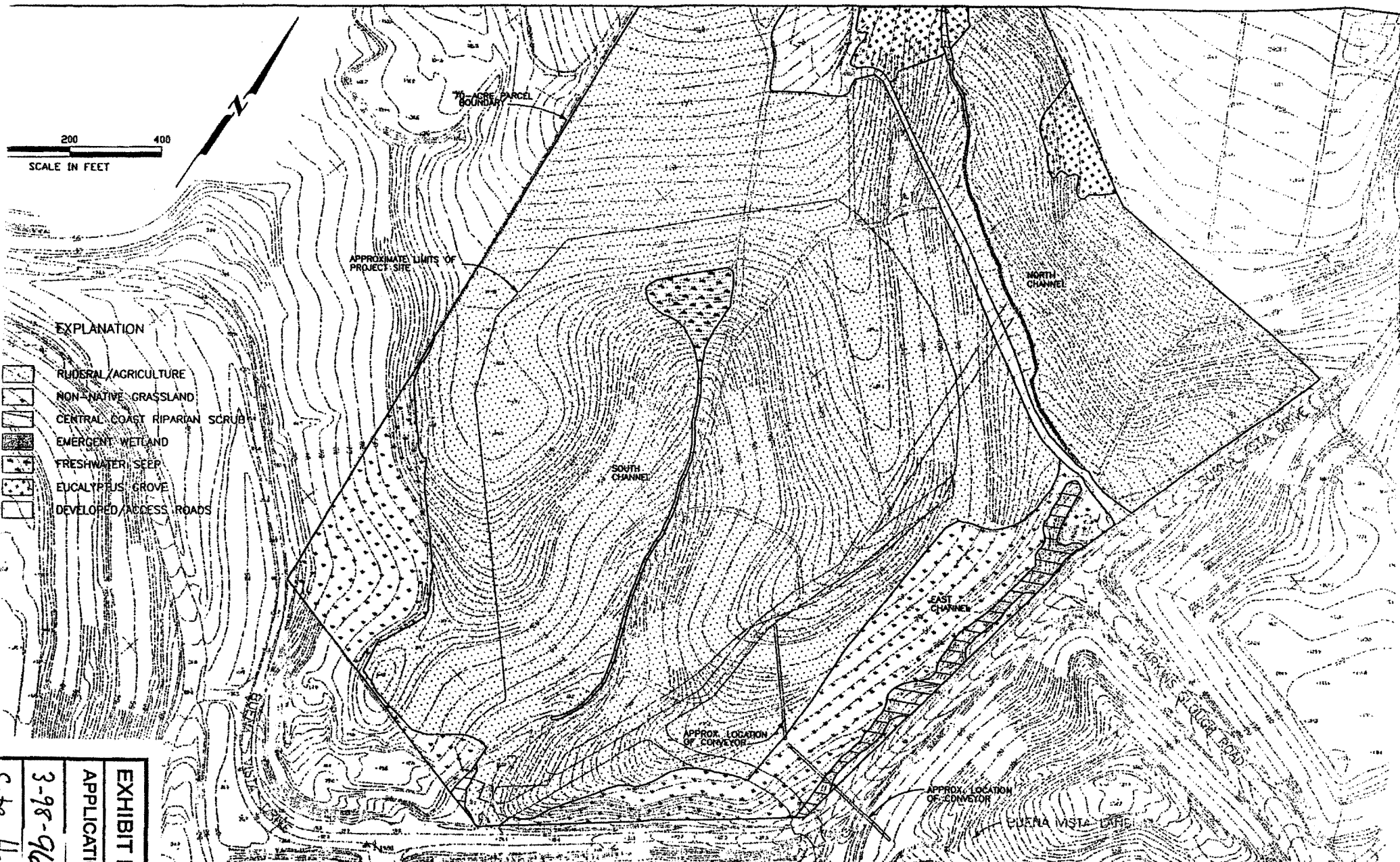
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EXHIBIT NO. 1c

APPLICATION NO.

3-98-96 Stockpile

General Plan



EXPLANATION

- RUDERAL / AGRICULTURE
- NON-NATIVE GRASSLAND
- CENTRAL COAST RIPARIAN SCRUB
- EMERGENT WETLAND
- FRESHWATER SEEP
- EUCALYPTUS GROVE
- DEVELOPED / ACCESS ROADS

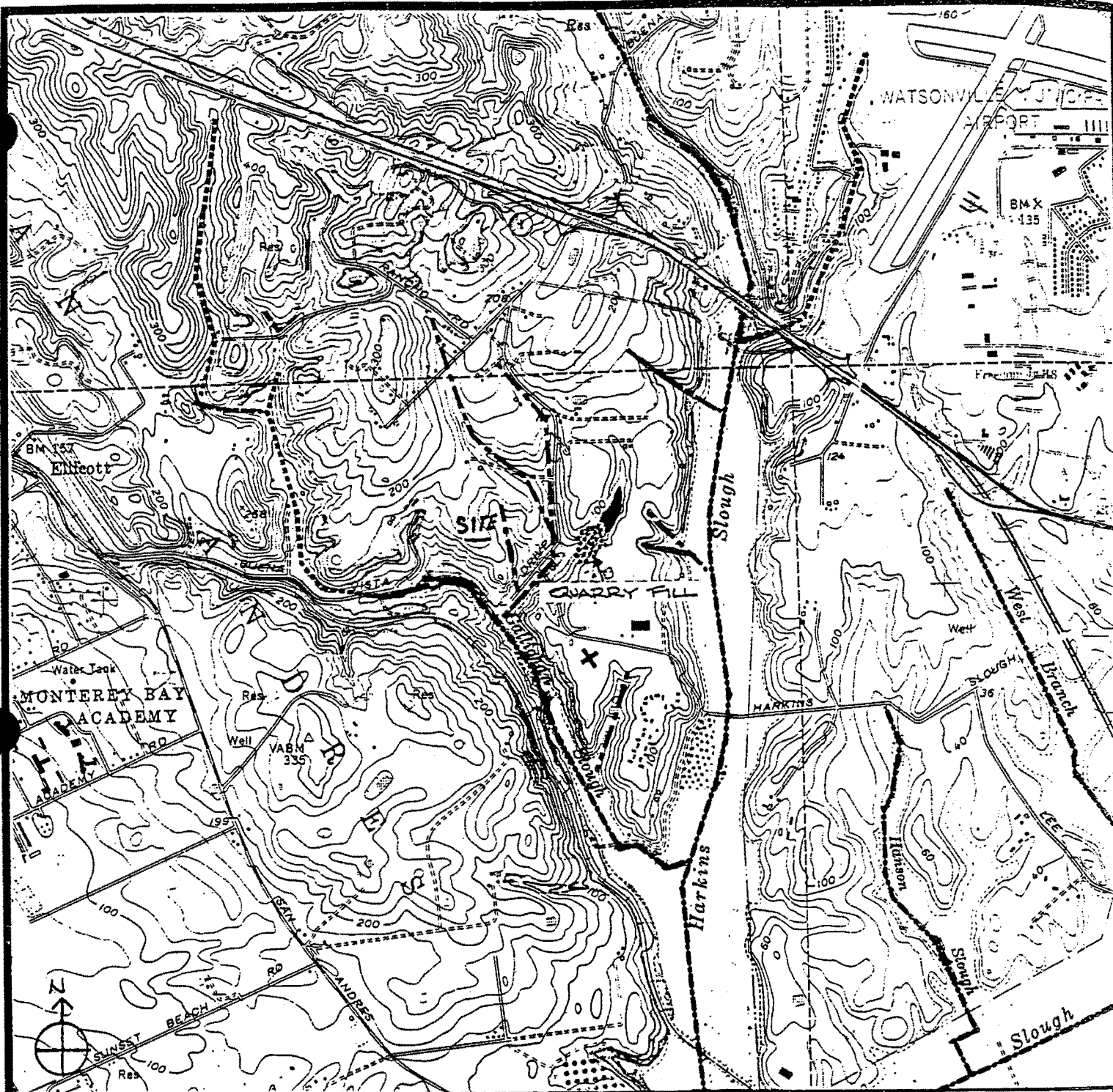
EXHIBIT NO. 1d
 APPLICATION NO.
 3-98-96 Stockpile
 Site Habitats



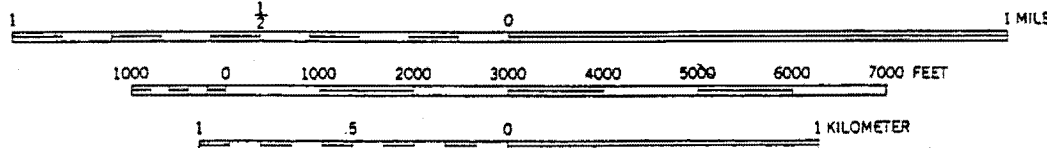
Harding Lawson Associates
 Engineering and
 Environmental Services

Vegetation Map
 Buena Vista Landfill
 Soil Management Plan
 Santa Cruz County, California

DRAWN CEG	JOB NUMBER 34720 018	APPROVED	DATE 11/97	REV
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SCALE 1:24000



CONTOUR INTERVAL 20 FEET
DASHED LINES REPRESENT HALF INTERVAL CONTOURS

LEGEND

- Perennial Stream or Slough
- Intermittent Stream
- Ephemeral Swale
- Seasonal Wetland

SOURCE JC

SURFACE DRAINAGE

EXHIBIT NO. 1e

APPLICATION NO.

3-98-96 Stockpile

Area Wetlands/Riparian

RECEIVED

COASTAL ZONE/RIPARIAN EXCEPTION PERMIT
CONDITIONS OF APPROVAL

OCT 22 1998

Permit No. 98-0650

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Applicant and Property Owner: County of Santa Cruz Public Works
Department for John and Violet Rocha.

3-SCD-98-068

Assessor's Parcel Number 46-121-03

10/27-11/9/98

Property Location: West side of Buena Vista Drive opposite its intersection with
Harkins Slough Road; San Andreas Planning Area.

EXHIBITS:

Exhibit A - Project Plans dated August 1997 with a revision date of October 1998 consisting of 4 sheets:

- Sheet 1: Intermediate Grading Plan View
- Sheet 2: Final Grading Plan View
- Sheet 3: Drainage Details
- Sheet 4: Conceptual Grading Cross-Sections

Exhibit B - Wetland and Riparian Mitigation Plan, dated October 1998, consisting of a narrative and 4 sheets:

- Sheet D-1: Conceptual Grading Plan of East and North Channel Sites
- Sheet D-2: Conceptual Planting Plan of East and North Channel Sites
- Sheet D-3: Conceptual Planting Plan of the East Channel
Buffer and Tree and Shrub Upland Corridor
- Sheet D-4: Conceptual Grading and Planting Plan of the Seasonal
Wetland Site, including the pipe conveyance from the South
Channel natural seep

Exhibit C - Mitigation Monitoring and Reporting Program, prepared by Harding Lawson and Associates dated November 1997

Exhibit D - Declaration of Restrictions for the Biotic Mitigation Areas and Buffer Zones

CONDITIONS:

A. General Requirements and Approvals from other Agencies

1. This permit supersedes and replaces the approval of this project under Permit 97-0309. This permit authorizes the stockpiling of material excavated from the County's Buena Vista Landfill and the construction of associated drainage improvements for a period of 20 years. This permit does not authorize the siting of a sanitary landfill on APN 46-121-03, or create any preference for such a use

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APPLICATION NO.

3-98-96 Stockpile

County Permit

on the site, or preclude the site for a sanitary landfill or constitute any precedent for interpretation of applicable regulations. This stockpiling component of the project may be implemented in phases.

Permit conditions corresponding to mitigation measures from the project's Environmental Impact Report are identified with a capital letter and number in parentheses at the end of the condition. (e.g., S-1a). Such conditions are addressed in the monitoring program (Exhibit C), which specifies required monitoring activities for these particular permit conditions.

2. All soil material from the Buena Vista Landfill shall be transported to the project site by a conveyor system to be constructed overhead Buena Vista Drive. The design of this conveyor system shall replicate that shown on Plate 5.3-2 of the Draft EIR prepared for this project so the conveyor is fully enclosed in a rustic appearing structure which has a pitched roof. The only material that may be transported to the site by vehicles shall be limited to clay material derived from off-site sources which is necessary for clay lining of modules 4 and 5 or final cover of the Buena Vista landfill. The conveyor system shall be completely removed within three months of all soil material being transported to the project site. This conveyor system shall be regularly maintained so it functions in good working condition without generating significant volumes of noise. The use of the conveyor shall not increase the hourly average (Leq) of ambient noise more than 9 dBA for any property beyond the project site or the Buena Vista Landfill.
3. Prior to any project work occurring on the site, the Public Works Department shall obtain the approvals from the following State and federal agencies:
 - a. Streambed Alteration Agreement from the California Department of Fish and Game (CDFG);
 - b. All necessary approvals from the CDFG regarding compliance with the California Endangered Species Act;
 - c. NPDES permit from the Regional Water Quality Control Board;
 - d. Clean Water Act Section 404 Individual Permit from the U.S. Army Corps of Engineers; and
 - e. All necessary approvals from the U.S. Fish and Wildlife Service regarding compliance with Section 7 of the Federal Endangered Species Act.
4. If the approval of any of the agencies specified in Condition A.3 above

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results in significant changes to the project, the Public Works Department will immediately notify the Planning Department and make an application for a permit amendment so the required revisions can be reviewed by the Planning Commission at a regularly scheduled public hearing. If the revisions are acceptable to the Planning Commission, this permit shall be amended to reflect the changes to the project that have been generated by other agency requirements. If the Commission has concerns regarding any significant project revisions required by other agencies, the County's consideration of the permit amendment shall be continued until issues of concern can be resolved between the County and the federal and/or state agency requiring the revision. In the event of any amendment to this permit, written mailed notice shall be given to the Coastal Commission, the resource agencies listed in Condition A.3 above and the Buena Vista Community Association 10 days in advance for Minor Variations and 30 days in advance for amendments.

5. The County shall make reasonable efforts to rehabilitate or enhance if necessary and then lease or otherwise make available to farmers the area(s) designated on Sheets 1 and 2 of Exhibit A for agricultural uses. Agricultural activities that will occur on the property outside the 20-acre project site shall be conducted in a manner that does not generate accelerated erosion or damage any riparian habitat and implement relevant "Best Management" practices. Any existing erosion conditions shall be corrected. Specifically, all crop cultivation proximate to the intermittent drainage at the northern end of the property shall occur no closer than 50 feet from the top of the channel bank as identified on Exhibit A and shall include measures to prevent sedimentation of this drainage channel. No crop or livestock production, nor any other use that could potentially generate sedimentation of the north channel and main channel shall occur between the stockpile area and the biotic resource buffer zones as shown on sheets 1 and 2 of Exhibit A. Areas not cultivated or pastured shall remain in open space.
6. Scheduled Reviews
 - a. This project shall be reviewed in public hearing by the Board of Supervisors one year after the commencement of site preparation work (e.g. installation of drainage facilities) associated with the project.
 - b. At least once every six years, the project, as may have been amended, along with a compilation of the annual reports, shall be reviewed by the Planning Commission and further amended if necessary to achieve the objectives of this permit approval. This review shall include an evaluation of the effectiveness of mitigation measures and other conditions of this permit, in consultation with applicable State and federal agencies. Where a higher degree of

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effectiveness is determined to be warranted, permit conditions shall be amended to achieve that objective. The amount of material being used for cover and the rate of landfill utilization shall also be factored into this review with appropriate operational adjustments to ensure that the stockpile area is returned or incrementally returned to agricultural and/or habitat uses as soon as possible.

- c. During the review occurring 12 years from commencement of grading operations, particular attention shall be paid as to whether there is a way to conduct the stockpile removal (which should be occurring by that time) so as to return the stockpile area or at least part of it to agricultural and/or habitat use more quickly than planned.
- d. During the review occurring 18 years from commencement of grading operations, a decision as to the future agricultural and/or habitat use of the interim stockpile area shall be made. The options for consideration at this review shall be limited to either an agricultural use (excluding a landfill use) consistent with the provisions of Conditions G.1-G.3, a habitat use, or some combination of both agricultural and habitat uses. The premise shall be that some hydrologic connection should remain and/or be restored from the wetland seep area to the mitigation ponds or other riparian area, unless experience has indicated that such a connection will not work or have no habitat value. The decision whether to retain the underground system versus reinstalling a riparian corridor will be based on: 1) a hydrologic and biologic assessment of the area, that includes evaluating the functioning of the ponds, which should not be diminished by the decision made, and 2) input from the resources agencies. The results of this 18 year review shall be a new or amended Coastal Zone Permit which sets a firm timetable and other implementation mechanisms for returning the stockpile area to agricultural and/or biotic habitat uses.
- e. Based on its records of material taken by Granite Construction, fill material deposited at the landfill, material used for landfill cover, and material stockpiled, the Public Works Department shall produce a projection of how much total stockpiled material will be needed for cover and when final removal of the stockpile will occur. These projections shall be presented and considered in conjunction with each six-year review of the project. Projections that there will be extra material not needed for landfill cover shall be responded to in these reviews by implementing a program to get rid of the projected excesses by the end of the stockpile's permitted life (20 years), in an environmentally appropriate manner, such as selling some material to a mining or construction company. Projections that the stockpile will have to stay longer than 20 years

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shall be accompanied by implementing a program to reduce the footprint of the remaining stockpile after 20 years and return the rest of the permitted stockpile area to agriculture and/or biotic habitat on schedule.

7. Declaration of Restrictions for Protected Biotic Areas

a. Area Covered by the Declaration

A declaration of restrictions shall be recorded for the biotic mitigation areas and a protective buffer zone adjacent to the main drainage channel and north drainage channel of the subject parcel that runs with the land according to the following requirements.

b. Content of Document

The declaration shall include a map conforming to Exhibits A and D delineating areas permanently reserved for habitat preservation and/or restoration, and the adjoining land area to buffer the protected biotic habitat from agricultural or stockpile uses.

c. Procedure for Preparing and Implementing Document

The declaration shall be prepared according to the format required by County Counsel. The document shall be reviewed and approved by County Counsel and County Planning staff prior to formal approval by the Board of Supervisors and recordation. The document shall be recorded prior to the commencement of any site preparation work for this project, and shall be enforceable by the Coastal Commission and individuals pursuant to Public Resources Code Section 30800, et seq.

8. Open Space Areas

Two areas of the parcel covering approximately 10 acres, as shown on Exhibit A, shall be kept in open space where no stockpiling activities, agricultural production nor biotic restoration shall occur. The purpose of the open space area is to create a zone of separation between stockpiling and agricultural activities on the site and those areas dedicated for biotic restoration and preservation. To achieve this objective the area shall be managed primarily passively as open space during the life of the project with active pursuits primarily limited to hydroseeding and other techniques to control erosion. The use of this land at project closure shall be determined at the year 18 review of the project as described in Condition A.6.d.

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9. Other than measures approved pursuant to subsection 8(b) below, the Public Works Department shall, in consultation with the resource agencies, submit for Planning Director review and approval the following plans prior to commencement of any site preparation work:
 - a. Final stockpiling plans, including all associated facilities and improvements (e.g., conveyor, entrance road, drainage, equipment parking, etc.) and generally conforming to those plans shown in Exhibit A, but revised to address the conditions of this permit;
 - b. Final Wetlands and Riparian Mitigation Plan text and sheets conforming to those shown in Exhibit B, but expanded to address all elements specified in condition C.1;
 - c. Interim landscaping plans and narrative showing vegetative cover and screening for the period when no earth moving of the stockpile will occur;
 - d. Landscaping plans and narrative demonstrating how maximum erosion control and screening vegetation will remain in place during the period of stockpile removal.
10. As part of its agreement to undertake cooperative planning studies to evaluate the potential for consolidation of landfill activities, the County shall undertake the following steps. For each type of existing or potential operation studied at the landfills (e.g., recycling, composting, landfill, soil rehabilitation or treatment, sludge drying, stockpiling, equipment storage), a consolidated site should be identified that, if possible, utilizes non-agricultural areas first and then lower quality agricultural soils, secondly. Based on the results of the planning studies, the County should seek agreement with the City of Watsonville on ways to retain and/or return public land in the area not needed for landfill and related operations to agricultural use (with appropriate habitat buffers). A future Coastal Zone Permit request or amendment to continue to use the subject site for landfill or related purposes or that involves another agricultural parcel shall be accompanied by a report from the County detailing the results of the cooperative planning studies and the relationship of the request to the studies' conclusions.
11. The County shall make an annual contribution of \$12,000.00 to the

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Agricultural Conservation Easement program towards the purchase of agricultural conservation easements on properties selected for rehabilitation (preferably within the Coastal Zone) to increase their agricultural viability for each year that the project restricts crop growing or livestock grazing from occurring on the stockpile site and/or the area designated as open space on sheets 1 and 2 of Exhibit A. The annual contribution described above may be reduced by \$600.00 for each acre that is taken out of stockpile use and returned to active crop production on the parcel before the end of the project period.

12. The County shall make reasonable efforts to reduce the amount of soil required to be transferred from the Buena Vista landfill site, including by stockpiling on module 3 to the extent feasible and reducing stockpiling on APN 46-121-03 to the extent feasible. The County shall make reasonable efforts to maximize the amount of soil, if any, stockpiled on the City of Watsonville landfill and make reasonable efforts to minimize the amount of soil stockpiled on class III agricultural soil. In addition the County shall make reasonable efforts to enter into and implement an agreement with the City of Watsonville to transfer soil to the City's landfill site for storage and obtain a grade crossing from Union Pacific Railroad Company, if the County reasonably determines that such an alternative would not have new significant environmental effects that could not be mitigated and is operationally and economically feasible. The decision of the County whether or not to enter into and implement such agreements with the City of Watsonville and Union Pacific Railroad shall be made by the Board of Supervisors upon consideration of a written report thereon to said Board by County staff prior to commencement of movement of soil to APN 46-121-03. If either of these agreements cannot be obtained after reasonable efforts, on a feasible basis, then this paragraph shall not be effective. The intent of these actions is to reduce the amount of soil required to be stored on APN 46-121-03, with the objective, if feasible, of limiting the amount of Elkhorn sandy loam (or other soil with an agricultural capability rating of 3 or better) that may be covered as a result of stockpiling activities. If the County enters into an agreement with the City of Watsonville for the stockpiling of soil, then whenever the term "site" or "project" or similar terms are used in these conditions, they include the City of Watsonville landfill or other area used for stockpiling soil from

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the County's Buena Vista landfill, unless the context compels otherwise.

13. Use of the subject parcel for recycling programs is prohibited. The storage of vehicles and equipment shall be limited to those required for stockpiling activities. Such storage of vehicles shall be clustered in a location that limits their visibility from off-site locations. Other than soil stockpiling and storage of vehicles and equipment described above, no other use may be made of APN 46-121-03.

14. The County shall, within 90 days of commencement of movement of soil pursuant to this permit, initiate a search for, evaluation of, and selection of a new landfill site. A citizen's committee or commission subject to the Brown Act shall be part of the above described process, which shall include, but not be limited to, consideration of sites outside of the Coastal Zone, including the Chamberlain Ranch or a portion thereof, as a possible new landfill site. The site selection process shall be completed no later than the first 6 year review described in condition A.6.b above. Any future use of this site for a landfill, rather than the closure required in condition G, shall require the payment of a fee equal to the cost of rehabilitating the site for agricultural use into a fund specifically to provide enhanced mitigation for the effects of the landfill use on the surrounding residents.

B. Prior to commencement of any site preparation work (except for biotic restoration) or deposition of fill material at the project site, the Public Works Department shall complete the following:

1. Additional engineering shall be undertaken during final project design to define soil properties and assess slope geometry to achieve an adequate factor of safety against instability. Final construction documents should include detailed specifications for site preparation and fill placement. (S-1a)
2. Additional drainage features shall be incorporated into the final subdrain system design to minimize the risk of slope failure from hydrostatic pressure buildup caused by groundwater seepage. The design should be flexible, allowing modification during construction to address actual field conditions. (S-1b)
3. Final project design shall include designing facilities and grades to accommodate the anticipated settlement or reducing the settlement.

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(S-2)

4. A design-level geotechnical investigation should be conducted of alluvial soils near the toe of fill slopes and at debris basin locations. All recommendations of the geotechnical investigation shall be incorporated into the final project plans. (S-3)
5. Project site drainage facilities shall be designed to resist seismic ground shaking forces to prevent damage during earthquakes. (S-5)
6. The final design of the proposed project shall incorporate requirements of the County of Santa Cruz Grading Ordinance, Erosion Control Ordinance, County Design Criteria, and the Construction Activities General Permit. (H-1a)
7. The design of sedimentation basins shall incorporate erosion protection across exposed slopes to reduce the potential for erosion and possible failure of the berms during storm events.

The design capacity of the southern ravine sedimentation basin shall be increased to accommodate the anticipated reduction in capacity caused by ongoing sedimentation in the basin. In addition, a sediment removal schedule should be developed to maintain the storage capacity of the basins. This schedule shall be specified on the final project plans. (H-1b and H-1c)

8. A monitoring program shall be developed and implemented to assess project-related erosion and sedimentation of downstream drainages. The program should include the process for implementing any remedial measures if turbidity levels exceed standards set by the Regional Water Quality Control Board. (H-1d)
9. The final engineered drainage plans shall incorporate culverts with sufficient capacity to accommodate 100 year storm flows from the contributing watershed. (H-2)
10. The final design of the replacement of the culvert required for reconstruction of the Buena Vista Drive crossing, shall incorporate a culvert with sufficient capacity to convey runoff generated by a 100-year storm event. (H-3).
11. The County or its contractor shall develop a site specific spill response plan and a routine maintenance and inspection program to minimize the risk of release of hazardous materials. The spill response plan and its inspection program shall be approved by the County Environmental Health Service. A copy of the approved plan shall be retained by both Public Works and Environmental Health. (H-4)

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12. The existing grades of the entire stockpiling area shall be surveyed and mapped to provide the necessary data to allow fill material to be removed from the site without loss of native topsoil. All survey data and mapping shall be retained by the Public Works Department and followed by excavation crews when fill material is being returned to the Buena Vista landfill. (Also see conditions F.1 - F.3).

13. The Declaration of Restrictions shall be implemented as described in condition A.7.

C. Biotic restoration, to compensate for project riparian impacts, shall be conducted in the following manner.

1. Final working drawings based on the Wetland and Riparian Mitigation Plan, specified as Exhibit B of this permit, shall be prepared and approved prior to any site preparation work on the project site. The Wetland and Riparian Mitigation Plan dated September 1997 prepared previously for this project shall be revised to include the following measures:

- a. A tree and/or shrub vegetated corridor on the site along all of Buena Vista Drive, with the exception of one culverted agricultural access road and one temporary stockpile access road (that will also be used for agricultural access);
- b. Recontoured and stabilized northern channel, planted with riparian vegetation, and buffered by 50 foot width of native vegetation;
- c. Performance standards to measure the success of habitat enhancement activities in the north channel;
- d. Removal of the existing agricultural access road;
- e. Subdrain system to be installed at the base of the southern channel fill area designed to divert seep water from the upper reaches of the channel into the 3 pond mitigation site and to operate by gravity flow with clean-out access for periodic maintenance;
- f. Drainage outlet in lowest pond at the three pond mitigation area.

The final plans shall be approved by County Planning, California Department of Fish and Game and the U.S. Army Corps of Engineers. (B-1)

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2. Biotic restoration work shall be implemented according to final working drawings based on the approved Wetland and Riparian Mitigation Plan (Exhibit B), as revised by the items specified in condition C.1 above, prior to soil stockpiling activities occurring on the site. All restoration work shall be conducted under the supervision of a wetland botanist or wetland/riparian restoration specialist approved by the County Planning and Public Works Departments. (B-1)
- D. Prior to any soil stockpiling occurring, the Public Works Department shall complete the following:
1. Measures shall be implemented to increase sight distance for vehicles leaving the project site to a minimum of 660 feet in both directions. These measures could include trimming of trees and brush, tree removal, and grading back of steep slopes adjoining the roadway provided they are consistent with the biotic restoration plan. Equipment crossing warning signs shall be posted north and southwest of the Buena Vista Drive crossing. The intersection of the project access road and Buena Vista Drive shall be a two-way stop controlled intersection with a stop sign posted at both legs of the access road so project traffic must stop to give Buena Vista Drive traffic the right-of-way. (T-1)
 2. A final design (structural Section) for the Buena Vista Drive crossing shall be developed in accordance with requirements of the Santa Cruz County Roadway Design Criteria and the Caltrans Highway Design Manual. This new crossing shall be constructed according to the approved plans. (T-2)
 3. Sufficient paving length shall be provided on both sides road approaches to minimize mud/gravel tracking on Buena Vista Drive. In addition, project personnel should sweep any accumulated mud or gravel from Buena Vista Drive at regular intervals each day (if needed). (T-3)
 4. Implement the wetland and riparian mitigation plan to provide partial screening of the stockpile. (T-4)
 5. All drainage facilities shall be installed according to the requirements specified in conditions B.1-B.10 above. All installation work shall occur during May 1 to October 1.
- E. All stockpiling activities shall comply with the following operational measures:
1. To ensure that air quality impacts from dust emissions are less than significant, the following operational measures shall be implemented:
 - a. Water trucks shall water exposed surfaces (loading site and

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unpaved roads) on a continual basis every work day when there is no natural precipitation to keep dust generation from occurring;

- b. Watering intensity shall be at least 1 liter/square meter; and
 - c. Maximum vehicle speeds shall be 15 MPH when vehicles are full and 30 MPH when vehicles are empty. (AQ-1)
- 2. Muffling and other typical noise operational conditions of heavy equipment shall be continuously implemented to assure that noise impacts would be less than significant. (N-1)
 - 3. Any new noise attenuation techniques that are developed in the future and are applicable to this project shall be used to the maximum extent feasible to reduce noise impacts to surrounding properties.
 - 4. All vehicular use and soil stockpiling and grading shall occur between 8:00 a.m. to 5:00 p.m., Monday through Saturday.
 - 5. From October 15 to April 15 of each year, winter erosion control measures shall be employed. At minimum, these measures shall include:
 - a. Hydroseeding all slopes greater than 15% and areas not receiving fill material during the rainy season period;
 - b. Regrading all unsurfaced roads on the site to drain into roadside collector ditches; and
 - c. Recompaction of all unsurfaced roads on the site.
 - 6. All stockpiled material shall be limited to material that will be used as cover or liner material at the Buena Vista landfill. Material not used for this purpose shall not be transported to nor deposited at the project property. This restriction shall not limit the transport and use of agricultural soil amendments on the portion of the property retained in agricultural crop and livestock production.
 - 7. The Public Works Department shall establish vegetation on barren surfaces of the stockpile to prevent surface erosion. (T-4)
- F. Use of the existing dwelling and use of the area remaining for agricultural crop and/or livestock production shall comply with the following:
- 1. The dwelling shall not be used as a maintenance or office facility but only for residential use (for low or moderate income occupants if possible).
 - 2. No vehicles shall use Tulsa Lane to access the site.

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G. Project closure shall include the following requirements:

1. All stockpiled soil shall be removed from the site 20 years from the date stockpiling first occurred (approximately 20.5 years from the date of permit approval) and all closure work, including restoration of agricultural row crop or orchard uses, or rehabilitation of additional habitat shall be physically completed within two years thereafter.
2. If, at the eighteen year review, it is determined that the project site shall be returned to agricultural use, the site shall be restored, including functionally appropriate irrigation equipment, to either:
 - a. Pre-project condition; or
 - b. A condition that is more viable for agricultural use as described in G.3. below.
3. If the technique described in condition G.2.b. is selected as the final closure method, after the removal of fill from the project site, the site shall be graded to achieve final contours with gradients less than 20 percent. The site shall be covered with a layer of topsoil at least as deep as is currently present on the site.

Recovering the site with native topsoil after recontouring activities have been completed will require the temporary grading and stockpiling of native topsoil from those areas where recontouring will occur. Finished grades will facilitate crop production. Closure activities shall prevent any impacts from occurring on land protected by biotic preservation easement. If necessary, temporary construction fencing shall be installed 10 feet or more beyond the western edge of this protected land to prevent closure/recontouring activities from encroaching into the easement area.

(Continued on the following page)

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H. MITIGATION MONITORING PROGRAM

The mitigation measures listed in Exhibit C 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 21.081.6 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. The monitoring program is specifically described following each mitigation measure listed below. The purpose of this monitoring is to ensure compliance with 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.

NOTE: This permit shall expire within two years from date of issuance unless it has been exercised.

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RECEIVED

County Public Works Soil Management/Stockpile Project
Application No.: 98-0650
A.P.N.: 46-121-06

OCT 22 1998

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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 1.25 million cubic yards of earth material on this property is an interim use and all fill material will be removed 20 years after the placement of fill material commences. The project has been conditioned to require fill removal be done in a manner that retains all native topsoil on the site. The project has also been conditioned to assess closure options at the project's 18th year. The primary option requires recontouring steep portions of the property to reduce 16-30% slopes that now exist on the property in order to make the property more agriculturally viable. This recontouring, to occur at project closure, will be done in a manner that temporarily stockpiles native stockpile for respreading on the recontoured areas of the site. These measures ensure that the long-term agricultural viability of the parcel will not be jeopardized. In fact, these measures will improve the viability of the parcel for all forms of agricultural production at project closure.

In addition to that discussed above, the project has also been conditioned to require a \$12,000/year contribution towards the purchase of agricultural conservation easements on properties selected for rehabilitation for more viable agricultural use for each year that the project displaces crop or livestock raising on the parcel. This will assist in enhancing agriculture in the general area. This annual contribution and the restoration to improve agricultural viability on the project parcel over the long-term will compensate for the temporary loss of agricultural production on the parcel during the 20-year time period of the project.

The stockpile project will not affect irrigation water use for the continued crop raising on remaining areas of the parcel. Even with water used to minimize dust (as discussed in finding #3 below) the project will use less water than conventional crop production over that same acreage. The on-site well will continue to serve agricultural production needs on the parcel.

2. THE USE OR STRUCTURE IS ANCILLARY, INCIDENTAL OR ACCESSORY

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TO THE PRINCIPAL AGRICULTURAL USE OF THE PARCEL,

OR

NO OTHER AGRICULTURAL USE IS FEASIBLE FOR THE PARCEL.

This interim use is incidental to the row crop use of the parcel because it will allow agricultural uses to continue on the 30-acre portion of the site beyond the soil stockpile, open space and biotic mitigation areas and the entire parcel (outside of the biotic mitigation areas) will be available for agricultural uses at the end of the 20-year project period, pending a review of the project at its 18th year. The project has also been conditioned to require recontouring of the site to improve the slopes for agricultural production at project closure. This beneficial recontouring would not occur without the project. Both this closure activity and the stockpiling and soil management methods will prevent the continuation of serious erosion problems that presently occur on the property and reduce its agricultural viability.

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 construct any new dwelling or buildings. The existing dwelling on the parcel will be maintained and the stockpile/soil management area will be located 700 feet from the dwelling area. The stockpile activities will not impact surrounding agriculture. The soil management/stockpile area has been located in the eastern end of the parcel which provides the greatest separation between the project area and surrounding agricultural properties. For example, the project area will be separated from the nearest agricultural parcel by 600 feet. The EIR did not identify any land use conflicts that would occur between the project and surrounding agricultural uses with the possible exception of PM10 (dust) generation. The project has been conditioned to minimize PM10 generation below thresholds standards specified by the Air Pollution Control District so project dust will not significantly effect surrounding land uses. Dust minimization techniques include compacting and water spraying deposited soil, installing a asphalt surface on the most traveled segment of the project access road and regular water spraying of dirt segments of the access road on a regular basis.

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.

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OR

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

The project has be sited and designed to allow the 30-acre portion of the 70-acre parcel, which is most distant from the Buena Vista landfill, to remain in agricultural production during the life of this project. The 20-acre project area is the minimum area needed to contain the 1.25 million cubic yards of soil excavated from the landfill. IN addition, two areas totaling 10 acres will be dedicated to open space to create a separation between the project activities and two of the biotic mitigation areas. However, the open space area consists of a 4 acre area that is isolated from the remainder of the parcel by the north channel and a 6 acre area wedged between the stockpile area and two mitigation areas that is too narrow to facilitate feasible agricultural production. An additional 10 acres of the site consist of riparian habitat and dense eucalyptus grove. These habitat areas are not suitable for agricultural uses.

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.

Although the soil stockpile use proposed by this project is not specifically listed in the uses chart for the "CA" zone district, the County Board of Supervisors has determined that this use is so similar to the use of a "publicly owned and operated landfill as an interim use" that it falls under the category for that type of use which is specified in the Uses Chart for the "CA" zone district as a conditionally allowed use in the zoned district. This determination is based on the following factors: a. The use is limited to 20 years; b. The site will be restored to agricultural use at the end of the 20-year project period; c. The purpose of the project is to allow the County's Buena Vista landfill to function as planned and without the project it is doubtful the landfill could to continue to be used; and d. Only fill material from the landfill or special clay needed to line the landfiling modules will be deposited on the site.

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

Open Space Easement contract 75-1262, which was approved for this parcel in 1976,

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does not allow the type of use proposed by the project. The contract specifies that it can be terminated if the property is condemned by a public agency for a public use. The Board of Supervisors has determined that the open space easement is not necessary to ensure open space uses on this agricultural parcel. The permit has been conditioned that the approval of the project does not become operative until the Open Space Easement contract is terminated as specified by the contract.

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; biotic restoration will include only those species that are compatible with the native riparian vegetation; no ocean views nor important vistas will be affected; the most significant natural drainage features will be retained and pending a review of the project at its 18th year, the entire site will be restored at the termination of this 20-year project.

4. THAT THE PROJECT CONFORMS WITH THE PUBLIC ACCESS, RECREATION, AND VISITOR-SERVING 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.

The project is located on land designated for agricultural uses. No public recreation nor 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 County Board of Supervisors determined that the project is a use that is consistent with the agricultural policies of the Local Coastal Program, specifically Policy 5.13.6, because it is an interim public use which does not impair the long-term agricultural viability of the parcel; the 20-acre use is ancillary to the row crop use on the 70-acre parcel; 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 contiguous northern and western portions of the site. The project is consistent with the Biological Resource policies of the LCP, specifically Policy 5.1.6 because the disruption of riparian habitats will be sufficiently mitigated by the implementation of professionally designed biotic restoration plan that replaces lost habitat at a 2:1 ratio as well as enhances an existing habitat to result in a total 3:1 mitigation ratio.

Air Quality policies have been met, specifically Policy 5.18.1, by incorporating maintenance measures that ensure this new development is consistent with the requirements of the Monterey Bay Unified Air Pollution Control District. Further, the project has been designed and/or conditioned to meet technical requirements to prevent erosion, slope stability and seismic hazards. Therefore, the LCP policies for Seismic Hazards, Slope Stability and Erosion have been met.

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 location of the Buena Vista stockpile 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 in that the project is located in an area designated for agricultural uses and the County Board of Supervisors has determined that the temporary stockpile use for a public purpose is consistent with the conditionally permitted uses in the agricultural zone districts as long as the long-term viability of the property for the production of crops and livestock is not impacted. Pending a review of the project at its 18th year, the project is conditioned to rehabilitate the land for crop and livestock production at the closure of this project. The EIR prepared for the project did not identify any impacts that could not be mitigated. All EIR mitigation measures have been incorporated into the project design or as permit conditions. The accompanying CEQA findings discuss this issue in more detail.

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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 the primary use of the property will be the cultivation of row crops; and a secondary use will be a publicly owned and operated soil stockpile as an interim use which will rehabilitate the land for the production of crops and livestock when the project ceases in 20 years.

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 "Agriculture" land use designation. The County Board of Supervisors has determined that the project is consistent with all elements of the General Plan in that the project is a major grading activity that is necessary for the continued functioning of the Buena Vista landfill and the project is similar enough to publicly owned and operated landfills which are conditionally permitted interim uses in all agricultural zone districts. The use is not located in a hazardous or environmentally sensitive area and the project protects natural resources by locating in an area designated for this type of project. A degraded riparian and wetland habitat will be removed by this project, but this impact will be mitigated through the implementation of a biotic mitigation plan. (See Coastal Zone Permit finding #5 and Riparian Exception finding #4). 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 use will not generate any utility use. The project will not generate more than the acceptable level of traffic on the streets in the vicinity in that traffic associated with the project during the time the conveyor system is in use will be limited to 2 scraper vehicles crossing Buena Vista Drive/day to and from the landfill and 1 water truck crossing/45 minutes. Traffic associated with the project when the conveyor system is removed will typically be 11-12 scrapers and other vehicle crossings/day.

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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 soil stockpile will retain the open space nature which occurs on the surrounding agricultural and public facility properties and has been conditioned to improve the agricultural viability of the parcel at project closure by lessening the existing steep slopes through rehabilitative grading.

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

The proposed development is consistent with the applicable Design Standards and Guidelines of the County Code in that the existing character and patterns of land use will be preserved as discussed in finding #5 above, natural site amenities of riparian and wetland habitat are either preserved or mitigated for impacts as discussed in finding #3 above and the project includes a functional soil transport system to the project site that will not affect existing traffic patterns by use of an overhead conveyor system to transport the stockpile material from the landfill to the project site.

RIPARIAN EXCEPTION FINDINGS

1. THAT THERE ARE SPECIAL CIRCUMSTANCES OR CONDITIONS AFFECTING THE PROPERTY.

The special circumstance affecting this property are that it is adjacent to the County's Buena Vista landfill/refuse disposal site and it contains three intermittent streams located in different locations that have the effect of segmenting the parcel into different areas. The landfill, which serves an important and necessary public health, safety and welfare function, needs additional land in close proximity on a temporary basis to stockpile earthen material that is excavated from the landfill to keep the landfill functioning to meet the needs of the public. The intermittent streams restrict any land use on the parcel involving land alteration or development. The geographical characteristics of these drainages are discussed in the following paragraph.

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An intermittent stream traverses the eastern edge of the parcel adjacent to Buena Vista Drive. In addition, two intermittent drainage and an associated freshwater seep traverse the center and northern portions of the property. The location of these latter two drainages, which divide the parcel into three sections, severely limit any use that could occur on the parcel if all riparian/wetland habitat is to be completely protected. As a result, these two riparian habitats have been degraded by historic agricultural activities on the site but continue to limit any proposed use to a sectional development if the drainages are to be maintained in their current form. Notwithstanding these physical characteristics of the site, only one intermittent drainage and its associated fresh water seep will be removed by this project.

2. THAT THE EXCEPTION IS NECESSARY FOR THE PROPER DESIGN AND FUNCTION OF SOME PERMITTED OR EXISTING ACTIVITY ON THE PROPERTY;

The project can only occur on a unified 20 acre area (i.e., a single block of land). The filling of one riparian area described in finding #1 above is necessary to have enough spatial area for the project without encroaching on the western portion of the property that will be conserved for row crop production.

3. THAT THE GRANTING OF THE EXCEPTION WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO OTHER PROPERTY DOWNSTREAM OR IN THE AREA IN WHICH THE PROJECT IS LOCATED;

The granting of the Exception will allow the project to go forward as well as require the implementation of a riparian restoration plan to mitigate for the loss of 0.85 .79 acre of riparian and wetland habitat on-site. The restoration plan will replace lost habitat at a 2:1 ratio and will create expanded riparian habitat on the project parcel and an adjoining County owned parcel that will contain higher quality habitat than the degraded habitat that will be removed by the project. In addition, the mitigation plan includes the enhancement of another degraded riparian corridor on the parcel which will result in a total 3:1 mitigation ratio. As such, this Exception will not be injurious to the overall habitat values or the public welfare.

4. THAT THE GRANTING OF THE EXCEPTION, IN THE COASTAL ZONE, WILL NOT REDUCE OR ADVERSELY IMPACT THE RIPARIAN CORRIDOR, AND THERE IS NO FEASIBLE LESS ENVIRONMENTALLY DAMAGING ALTERNATIVE; AND

Only one of the three intermittent stream corridors will be impacted by this project. This stream, known as the south channel, is in a highly degraded condition due to historic

agricultural use. This degraded condition of the habitat would be expected to continue under a continuation of crop raising on the parcel. The hydrologic function of the south channel will be maintained during the life of the project by conveying its water flow through a buried pipe to provide a continuous water source for one of the three mitigation areas (3 ponds) discussed below. The permit has been conditioned to review the issue of the buried pipe at the 18th year of the project to determine if this method of water conveyance should become permanent or if a natural form of an intermittent drainage channel should be recreated at the end of the 20 year project.

The project has been designed to preserve the high quality riparian habitat on the parcel, which is the intermittent stream adjoining the eastern edge of the parcel along Buena Vista Drive. The required restoration plan will increase the size of the habitat substantially by creating new vegetated habitat that extends this corridor northward along its historical (pre-damaged) drainage course. In addition, a new wetland and open water body will be created on a former wetland site on an adjoining County owned vacant parcel. This portion of the plan will result in doubling the amount of riparian/wetland lost by replacing this habitat at a 2:1 ratio.

In addition, the plan has been revised to include a third mitigation area at the site. The degraded northern channel will be enhanced by restorative grading and planting of native riparian species and protected by 50 foot wide buffer. This will increase the total mitigation ratio of the plan to 3:1. All three mitigation areas and the existing reach of the main channel will be protected by a permanent Declaration of Restrictions. The implementation of the plan will be long-term benefit to the riparian system on the project site and the adjoining site. Another project design that would have preserved all existing riparian wetland habitat on-site would not meet the requirements of the project as discussed in finding #2 above.

5. THAT THE GRANTING OF THE EXCEPTION IS IN ACCORDANCE WITH THE PURPOSE OF THIS CHAPTER, AND WITH THE OBJECTIVES OF THE GENERAL PLAN AND ELEMENTS THEREOF, AND THE LOCAL COASTAL PROGRAM LAND USE PLAN.

The granting of this Exception meets the provisions of the County Riparian Corridor and Wetland Protection Ordinance (County Code chapter 16.30) and the General Plan policies for Biological Resources (Section 5-3) because non-degraded habitat on the site is preserved and the functional capacity of the main stream channel will be maintained. (Policy 5.1.6). In addition, biotic restoration will be required as a condition of project approval (Policy 5.1.12) and the implementation of the restoration plan will enhance the preserved habitat's functional capacity.

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REZONING FINDINGS:

1. THE PROPOSED ZONE DISTRICT WILL ALLOW A DENSITY OF DEVELOPMENT AND TYPES OF USES WHICH ARE CONSISTENT WITH THE OBJECTIVES AND LAND-USE DESIGNATIONS OF THE ADOPTED GENERAL PLAN; AND,

The rezoning will retain the basic underlying "CA" zoning district which is consistent with the General Plan designation of "Agriculture" land use with an "Agricultural Resource" overlay. This zoning will allow the proposed soil stockpiling use as long as the stockpiling is associated with the County's Buena Vista landfill and can meet the provisions of County Code Section 13.10.639. The project has been designed and conditioned to meet these requirements.

2. THE PROPOSED ZONE DISTRICT IS APPROPRIATE OF THE LEVEL OF UTILITIES AND COMMUNITY SERVICE AVAILABLE TO THE LAND; AND,

The "CA" zoning district is appropriate for this rural area surrounded by agricultural and public landfill/refuse disposal site uses. The "CA" zoning district restricts uses to agricultural uses and interim public landfill uses, including a single-family residence and in some cases farm worker housing. These type of uses do not result in high demands on utilities, roads or community services, which are limited in the immediate area where the site is located.

3.
 - a. THE CHARACTER OF DEVELOPMENT IN THE AREA WHERE THE LAND IS LOCATED HAS CHANGED OR IS CHANGING TO SUCH A DEGREE THAT THE PUBLIC INTEREST WILL BE BETTER SERVED BY A DIFFERENT ZONE DISTRICT; OR,
 - b. THE PROPOSED REZONING IS NECESSARY TO PROVIDE FOR A COMMUNITY RELATED USE WHICH WAS NOT ANTICIPATED WHEN THE ZONING PLAN WAS ADOPTED; OR,
 - c. THE PRESENT ZONING IS THE RESULT OF AN ERROR; OR,
 - d. THE PRESENT ZONING IS INCONSISTENT WITH THE DESIGNATION SHOWN ON THE GENERAL PLAN.

The removal of the "O" combining zoning district is necessary to allow the proposed project to occur on the site. The County Public Works soil stockpile/management project was not foreseen when the property was placed under Open Space Easement

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County Public Works Soil Management/Stockpile Project
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contract and zoned with the "O": combining designation in 1976. The project is now necessary for the use of Modules 4 and 5 of the Buena Vista landfill which must be activated if refuse disposal can occur at the County's only landfill.

CEQA FINDINGS:

The California Environmental Quality Act and County Environmental Review Guidelines require that when an EIR has been completed which for a project identifies one or more significant environmental effects for the project, the public agency shall not approve the project unless one or more of the following findings can be made:

1. Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified to the final EIR.
2. Such changes or alternations are with the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such agency or can and should be adopted.
3. Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives, identified in the final EIR.

The final Environmental Impact Report for the Public Works Soils Stockpile/Management project (EIR) includes the Draft and Final EIR dated November 5, 1996 and May 5, 1997 respectively; The Draft and Final Supplemental EIR dated February 4 and May 8, 1998 respectively and the EIR Addendum which is the Board letter (report) dated September 24, 1998. The EIR has identified, as significant, the impacts described below. Changes have been incorporated into the project or mitigations have been required as permit conditions which reduce all identified impacts to levels of insignificance. The project has been revised to a modified version of the EIR's Project Alternative 3B (Overhead Conveyor Alternative). The modifications to this alternative are discussed in the Draft Supplemental EIR. The Addendum also discusses two minor technical changes: a) establishing a 10 acre buffer area to protect the north channel and main channel from potential impacts on the areas where stockpiling and conventional agricultural uses will occur; and b) expanding the biotic mitigation plan to include a third mitigation area on the site. These modifications result in minor technical changes to the project and do not generate new impacts or exacerbate identified impacts from that discussed in the EIR.

Project revisions and/or mitigations are described to the right of each impact listed on

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County Public Works Soil Management/Stockpile Project
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the following pages of these findings. All mitigation measures listed on the following pages have been incorporated into the project design or they have been made a condition of the project, except for mitigation LU-1 and measures to address cumulative impacts. Mitigation measure LU-1 has not been included in this project because the Board of Supervisors has determined the project is consistent with General Plan policy and therefore no mitigation is necessary.

Except as specified in the preceding paragraph, CEQA finding #1 pertains to all impacts on the following pages. Any additional findings pertaining to individual impacts are specified in the right-hand column of the following pages.

Mitigation measures designed to mitigate cumulative impacts generated by other projects are listed on the last 3 pages listing impacts and mitigation measures. These mitigations are either the responsibility of the City of Watsonville regarding the City's Sphere of Influence Amendment or they will be incorporated into the approval of the City/County MRF project by the County if and when that project is approved. These cumulative impact measures can and should be incorporated into the approvals for these separate projects to be approved by the City of Watsonville and/or the County.

(Findings continue on the following sheets)

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CEQA Findings
Application Number: 98-0650
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Table 2-1. Summary of Environmental Impacts and Mitigation Measures
Buena Vista Landfill Soil Management Plan
Santa Cruz County, California

Description of Impact

Mitigation Measures

SIGNIFICANT UNAVOIDABLE ADVERSE ENVIRONMENTAL IMPACTS of the project for which the decision maker must issue a "statement of overriding considerations" under Section 15093 of the State CEQA Guidelines (as amended) if the project is approved.

No significant unavoidable adverse impacts were identified.

SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS THAT CAN BE FEASIBLY MITIGATED OR AVOIDED of the project for which the decision maker must make "findings" under Section 15091 of the State CEQA Guidelines (as amended) if the project is approved. Residual impacts after mitigation are less than significant for these impacts.

LAND USE COMPATIBILITY/POLICY ANALYSIS

Impact LU-1. Implementation of the proposed project may be inconsistent with General Plan Policy 5.13.5.

Mitigation Measure LU-1. If the County Board of Supervisors determines that the proposed project is consistent with General Plan Policy 5.13.5, no impact would occur and consequently, no mitigation would be required. If the Planning Commission determines that the project is inconsistent with the General Plan, the County would be required to request a General Plan Amendment.

The Board of Supervisors has determined the project is consistent with General Plan policy.

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**Table 2-1. Summary of Environmental Impacts and Mitigation Measures
Buena Vista Landfill Soil Management Plan
Santa Cruz County, California**

Description of Impact	Mitigation Measures
SOILS AND GRADING	
<i>Impact S-1.</i> Static and/or seismic instability of fill slopes could cause slope failure, resulting in sedimentation of adjoining properties, site erosion, damage to drainage facilities on and adjacent to the project site, or hazards to onsite workers.	<i>Mitigation Measure S-1a.</i> Additional engineering studies shall be undertaken during final project design to define soil properties and assess slope geometry to achieve an adequate factor of safety against instability. Final construction documents shall include detailed specifications for site preparation and fill placement.
	<i>Mitigation Measure S-1b.</i> Additional drainage features shall be incorporated into the final subdrain system design to minimize the risk of slope failure from hydrostatic pressure buildup caused by groundwater seepage. The design shall be flexible, allowing modification during construction to address actual field conditions.
<i>Impact S-2.</i> Settlement of the ground surface during placement of fill materials (i.e., during the life of the project) could damage site facilities and disrupt site drainage.	<i>Mitigation Measure S-2.</i> Potential impacts associated with ground surface settlement shall be mitigated by either designing facilities and grades to accommodate the anticipated settlement or reducing the settlement.
<i>Impact S-3.</i> Liquefaction of soils near the toe of fill slopes or other structures could result in disruption of the fill slopes, sediment catch basins, subdrain and surface drainage facilities.	<i>Mitigation Measure S-3.</i> A design-level geotechnical investigation shall be conducted of alluvial soils near the toe of fill slopes and at debris basin locations.
<i>Impact S-4.</i> Seismic ground shaking could damage site drainage facilities.	<i>Mitigation Measure S-4.</i> Project site drainage facilities shall be designed to resist seismic ground shaking forces to prevent damage during the design earthquake.

**Table 2-1. Summary of Environmental Impacts and Mitigation Measures
Buena Vista Landfill Soil Management Plan
Santa Cruz County, California**

Description of Impact

Mitigation Measures

HYDROLOGY AND WATER QUALITY

Impact H-1. Surface water runoff during storm events could erode exposed soils, increasing the sediment load in project area drainage ditches and stream channels and on adjacent properties and roadways.

Mitigation Measure H-1a. The final design of the proposed project shall incorporate requirements of the County of Santa Cruz Grading Ordinance, Erosion Control Ordinance, County Design Criteria, and the Construction Activities General Permit.

Mitigation Measure H-1b. The design of sedimentation basins shall incorporate erosion protection across exposed slopes to reduce the potential for erosion and possible failure of the berms during storm events.

Mitigation Measure H-1c. A sediment removal schedule shall be developed to maintain the storage capacity of the basins.

Mitigation H-1d. A monitoring program shall be developed and implemented to assess project-related erosion and sedimentation of downstream drainages. The program shall include the process for implementing any remedial measures if turbidity levels exceed standards set by the Regional Water Quality Control Board.

Additional Finding: The EIR mitigation techniques addressing the northern ravine in Mitigation Measures H-1b and H-1 are no longer necessary because the northern ravine area has been deleted from the revised project.

Mitigation Measure H-2. The final engineered drainage plans shall incorporate culverts with sufficient capacity to accommodate 100 year storm flows from the contributing watershed.

Impact H-2. Stormwater discharge at the southeastern end of the project site could result in flooding and erosion along Buena Vista Drive if existing drainage facilities do not have sufficient capacity.

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**Table 2-1. Summary of Environmental Impacts and Mitigation Measures
Buena Vista Landfill Soil Management Plan
Santa Cruz County, California**

Description of Impact	Mitigation Measures
<i>Impact H-3.</i> The proposed road crossing from Buena Vista Landfill to the project site could be impacted by flooding if drainage facilities were not properly designed.	<i>Mitigation Measure H-3.</i> If replacement of the culvert is required for reconstruction of the Buena Vista Drive crossing, the final design shall incorporate a culvert with sufficient capacity to convey runoff generated by a 100-year storm event.
<i>Impact H-4.</i> Releases of fuel or hydraulic fluids from construction equipment could degrade surface water quality in adjacent drainages.	<i>Mitigation Measure H-4.</i> The County or its contractor shall develop a site specific spill response plan and a routine maintenance and inspection program to minimize the risk of release of hazardous materials.

BIOLOGICAL RESOURCES

Impact B-1. Implementation of the project would result in direct impacts to plant communities considered sensitive by CDFG, designated as special aquatic sites by ACOE, and protected under the County General Plan.

Mitigation Measure B-1. A wetland and riparian mitigation plan shall be implemented to create habitat similar to that proposed to be impacted by the project. The plan shall be approved by the County, CDFG, and ACOE and implemented prior to construction of the proposed project.

TRAFFIC

Impact T-1. Vehicles leaving the project site would experience restricted sight lines.

Mitigation Measure T-1. Measures shall be implemented to increase sight distance for vehicles leaving the project site to a minimum of 660 feet in both directions. These measures could include trimming of trees and brush, tree removal, grading, signalization, and/or the presence of a flag person. Equipment crossing warning signs shall be posted north and southwest of the Buena Vista Drive crossing.

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**Table 2-1. Summary of Environmental Impacts and Mitigation Measures
Buena Vista Landfill Soil Management Plan
Santa Cruz County, California**

Description of Impact	Mitigation Measures
<i>Impact T-2.</i> Project traffic may cause degradation of Buena Vista Drive pavement.	<i>Mitigation Measure T-2.</i> A final design (structural section) for the Buena Vista Drive crossing shall be developed in accordance with requirements of the Santa Cruz County Roadway Design Criteria and the Caltrans Highway Design Manual.

VISUAL RESOURCES

Impact V-1. Modification of site topography resulting from construction of the soil stockpile would adversely impact key views along Buena Vista Drive.

Mitigation Measure V-1. The County shall establish vegetation on barren surfaces of the stockpile and implement the wetland and riparian mitigation plan to provide partial screening of the stockpile.

CUMULATIVE IMPACTS

LAND USE COMPATIBILITY/POLICY ANALYSIS

Implementation of the MRF and Watsonville SOI amendment projects could result in the conversion of lands designated by the County as Commercial Agriculture (CA). Section 4.1 describes CA and other land use designations and zonings specified by the County. The proposed project would require the temporary conversion of approximately 20-acres of land designated as CA. Because the land would be restored to pre-project conditions following the 20-year project, the project would not contribute toward the long-term cumulative loss of CA land in the County.

Additional Findings: Implementation of mitigation measure LU-2 would ensure that the post-project condition of the property can support agricultural production.

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**Table 2-1. Summary of Environmental Impacts and Mitigation Measures
Buena Vista Landfill Soil Management Plan
Santa Cruz County, California**

Description of Impact

Mitigation Measures

HYDROLOGY AND WATER QUALITY

Potential impacts to water quality from implementation of the MRF include uncontrolled stormwater runoff associated with construction and operation of the facility. Improper handling of hazardous waste could further contribute to degradation of water quality. Implementation of the Watsonville SOI amendment could result in water quality impacts to adjacent drainages from uncontrolled stormwater runoff associated with proposed development. The proposed soil management project could contribute to degradation of water quality by introducing sediments in area drainages without consideration of mitigation. The impacts of these projects could contribute to an incremental increase in water quality degradation in the southern Santa Cruz County region, resulting in potentially significant impacts.

Mitigation measures proposed by the Watsonville SOI and MRF include implementation of Best Management Practices during construction, compliance with requirements of NPDES permits, elevation of project facilities above the 100-year flood plain, and other measures to minimize water quality impact. These measures, in combination with mitigation measures described in Section 4.3.2 of this EIR, would reduce cumulative water quality impacts to less than significant levels

BIOLOGICAL RESOURCES

Project related impacts, in combination with similar impacts of the Watsonville SOI and MRF projects, would result in the incremental loss of wetland and riparian habitats in the region of the project site. These cumulative impacts would be significant.

Measures proposed in Draft Environmental Impact Report, Integrated Waste Management Facility (CH2M Hill, 1996) would reduce impacts to special status resources to less than significant levels primarily by avoidance. Project specific mitigation measures have not yet been developed for the Watsonville SOI project. The agency responsible for formulating such mitigation is the City of Watsonville. The proposed soil management project's contribution to cumulative impacts would be reduced to less than significant levels from implementation of a plan to create wetland and riparian habitat on the project site.

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**Table 2-1. Summary of Environmental Impacts and Mitigation Measures
Buena Vista Landfill Soil Management Plan
Santa Cruz County, California**

Description of Impact

Mitigation Measures

AIR QUALITY

Generation of PM₁₀ emissions from the proposed project in combination with emissions generated by the Watsonville SOI amendment and MRF projects could result in a significant impact.

Mitigation measures proposed by the Watsonville SOI amendment and MRF project in combination with those proposed by the soil stockpile project would reduce the impact to less than significant levels.

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From EIR
County
Response

The Zoning Ordinance Uses Chart requires landfills to meet the provisions of County Code Section 13.10.639. In summary, this section requires landfills located on agriculturally zoned land to:

- Be interim uses that will rehabilitate the site for agricultural uses upon cessation of the landfill use
Following completion of the soil stockpiling operation, the project site would be returned to agriculture.

- Ensure that water quantity and quality available to the parcel and surrounding agricultural parcels will not be diminished
Water for the operation would be obtained from existing wells on the landfill and/or the project site. The quantity of water used for the project would be less than that used by the current agricultural operation.

- Prevent land use conflicts with adjacent agricultural properties.
The proposal is configured to use 20 acres in the southern most portion of the 70-acre parcel, thus maximizing separation between the proposed stockpile and neighboring parcels to the north and east. The environmental analyses indicate that impacts such as air quality and noise would not be expected to exceed established standards. No land use conflicts with adjacent agricultural properties were identified in the EIR or EIR Supplement.
- Maintain the maximum amount of agricultural land in agricultural production as is feasible.
The proposed project would allow the continuation of agricultural production on the majority of the 70-acre parcel for the duration of the project. Use of 20 acres of existing agricultural land would be an unavoidable consequence of minimizing other environmental effects by locating the soil stockpile in close proximity to the existing landfill. The project would not result in permanent displacement of agricultural land.

Although the project is not a landfill, it has been designed to meet the provisions of Sec. 13.10.639. Based on the above criteria, the proposed action is judged to be consistent with Section 13.10.639 of the Santa Cruz County Code.

Ordinance
Text

13.10.639 SANITARY LANDFILL AS INTERIM USE. A publicly owned and operated sanitary landfill either by contract or by public forces, as an interim use, on land zoned for agriculture shall be subject to the following regulations:

- a. Land taken out of agricultural production shall, upon cessation of landfill activities, be rehabilitated and made available for subsequent agricultural uses. Rehabilitation actions shall include, but not be limited to, stockpiling of existing topsoils for replacement to the area taken out of production as a topsoil layer over the final cover of the landfill. Where stockpiling is not feasible, topsoil may be imported or produced, for example, through the use of compost made from plant waste entering the landfill, provided that in any case if the land is Type 3 commercial agricultural land, the finished topsoil layer shall have physical-chemical parameters which give the soil a capability rating (as defined by the Santa Cruz County Local Coastal Program Land Use Plan) of prime agricultural land.
- b. Existing water quality and quantity available to agricultural land used on an interim basis for a sanitary landfill and to other prime agricultural land in the vicinity of the landfill shall not be diminished by the landfill use, either during its operation or after closure.
- c. No conflicts with adjacent commercial agricultural activities shall result from the landfill use, either during its operation or after closure.
- d. The maximum amount of agricultural land shall be maintained in production through the following measures, as feasible:

1. phasing the non-agricultural use.
2. utilizing any non-agricultural areas available first.
3. utilizing lower quality soils (e.g., Class III) instead of or before higher quality soils (e.g., Classes I or II).
4. employing means of reducing the area necessary for the interim public use such as resource recovery.
5. rehabilitating other areas such as former land-

EXHIBIT NO. 26

APPLICATION NO.

3-98-96 Stockpile

Special Use Map

CEQA Findings
Application Number: 97-0309
A.P.N.: 046-121-03

**Summary of Environmental Impacts and Mitigation Measures
Buena Vista Landfill Soil Management Plan
Santa Cruz County, California**

Description of Impact

Mitigation Measures

AIR QUALITY

Generation of PM_{10} emissions from the proposed project in combination with emissions generated by the Watsonville SOI amendment and MRF projects could result in a significant impact.

Mitigation measures proposed by the Watsonville SOI amendment and MRF project in combination with those proposed by the soil stockpile project would reduce the impact to less than significant levels.

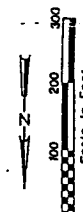
EXHIBIT 26
3-98-96 R.2

EXHIBIT 26

Final Grading Plan
Buena Vista Landfill
Soil Management Plan
Santa Cruz County, California

Harding Lawson Associates
Engineering and
Environmental Services

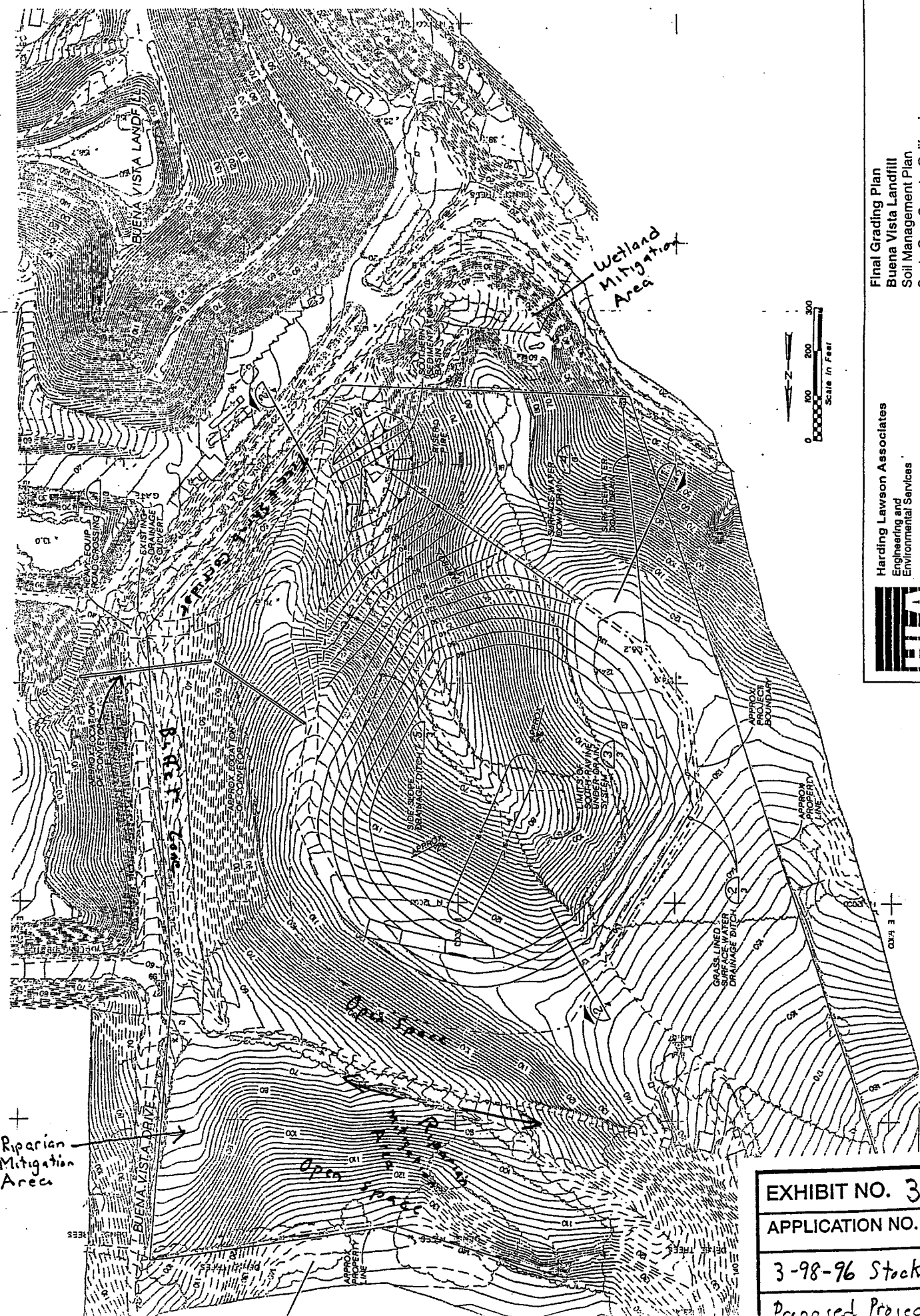
DRAWN CN
JOB NUMBER 34720 001

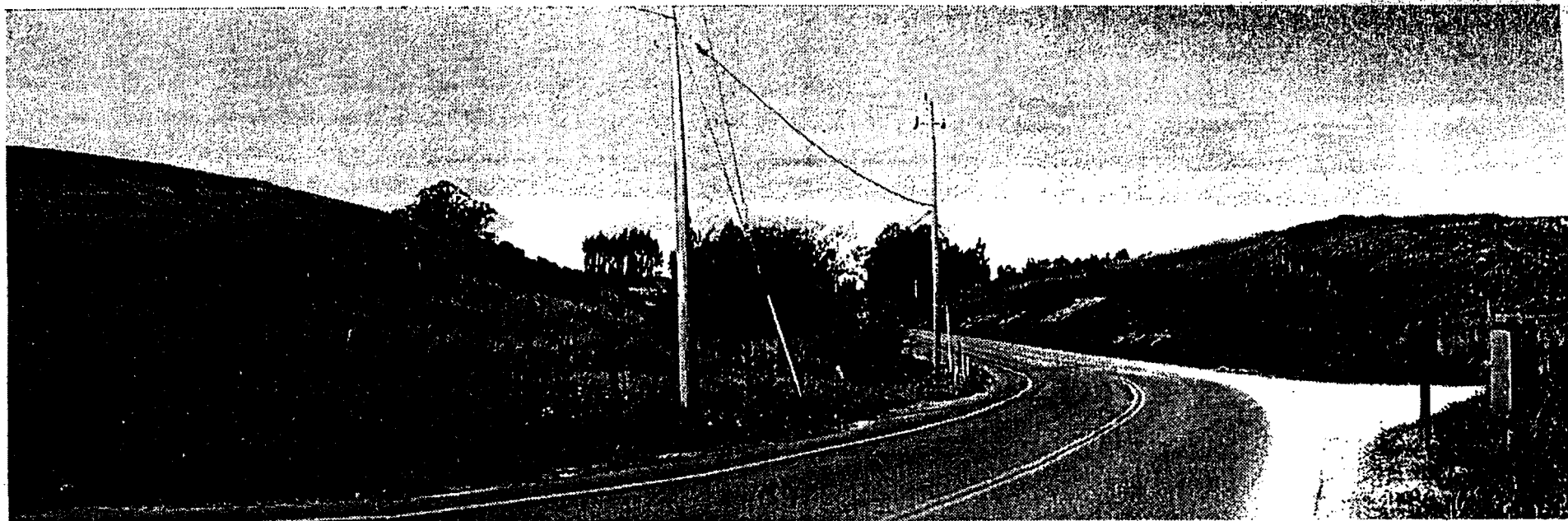


Wetland Mitigation Area

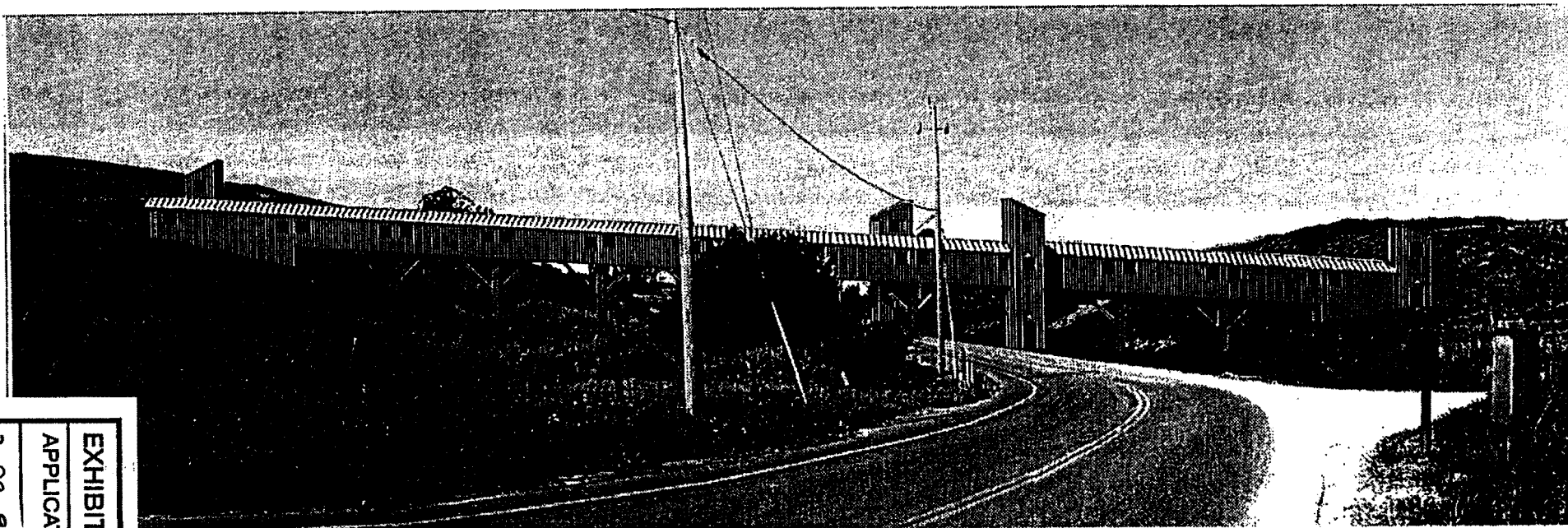
Riparian Mitigation Area

EXHIBIT NO. 3a
APPLICATION NO.
3-98-96 Stockpile
Proposed Project





Buena Vista Drive Looking North - Existing Conditions



Drive Looking North - Above-Ground Conveyor

EXHIBIT NO. 35
 APPLICATION NO.
 3-98-96 Stockpile
 Planned Conveyor



Harding Lawson Associates
 Engineering and
 Environmental Services

Above-Ground Conveyor Alternative
 Buena Vista Landfill
 Soil Management Plan
 Santa Cruz County, California

PL

5.3-1

EMERGENT WETLAND PLANTINGS

UPLAND PLANTINGS

HYDROSEED MIX (GRADED AREAS)

NORTHWEST EXTENSION OF BUFFER ZONE AND DESIGNATED OPEN SPACE TO BE CONTEMPORANEOUS WITH TOP OF SLOPE. WEEDS IN PRESERVATION OF OPEN SPAGE CORRIDOR, AVERAGING 150 FEET WIDE, INCLUDING 45-FOOT WETLAND, RIPARIAN CORRIDOR AND 50-FOOT WIDE TERRESTRIAL/UPLAND TRANSITION ZONE ON EITHER SIDE OF CHANNEL.

Harding Lawson Associates

INSTALL WILLOW WATTLES AND EROSION CONTROL FABRIC ALONG CHANNEL BANKS AND FLOWLINE AS NECESSARY. SEE DETAIL C FOR WILLOW WATTLE INSTALLATION.

WATER EXISTING GRADE
AT ELEVATION 54.0

SLOPE PROTECTION MAY BE REQUIRED

CONTIGUOUS WITH
EAST CHANNEL BUFFER ZONE
(SEE PLATE 3)

PLANT EXISTING GRA
1 MILE ELEVATION 52.0

EXISTING GRADE

LIMITS OF GRADING

DIVERT, EXISTING
FLOWLINE INTO
REGRADED CHANNEL

BUENA VISTA

EXHIBIT NO. 3c

APPLICATION NO.

3-98-96 Stockpile

Proposed Riparian Mitigation:

CONCEPTUAL PLANTING PLAN
NORTH AND EAST MANNEAL SITES

MODULES OF THE COUNTY BUENA VISTA LANDFILL

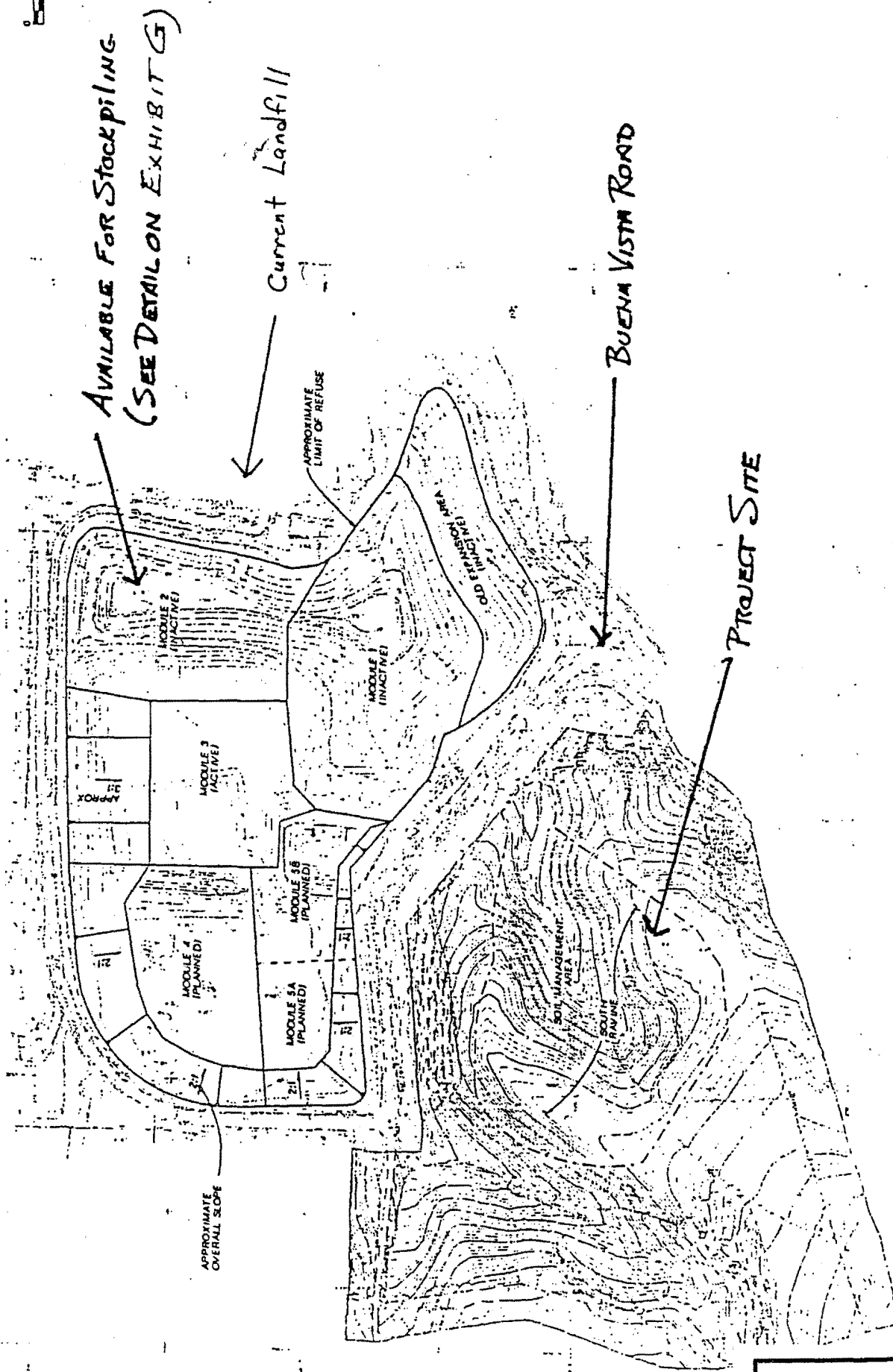
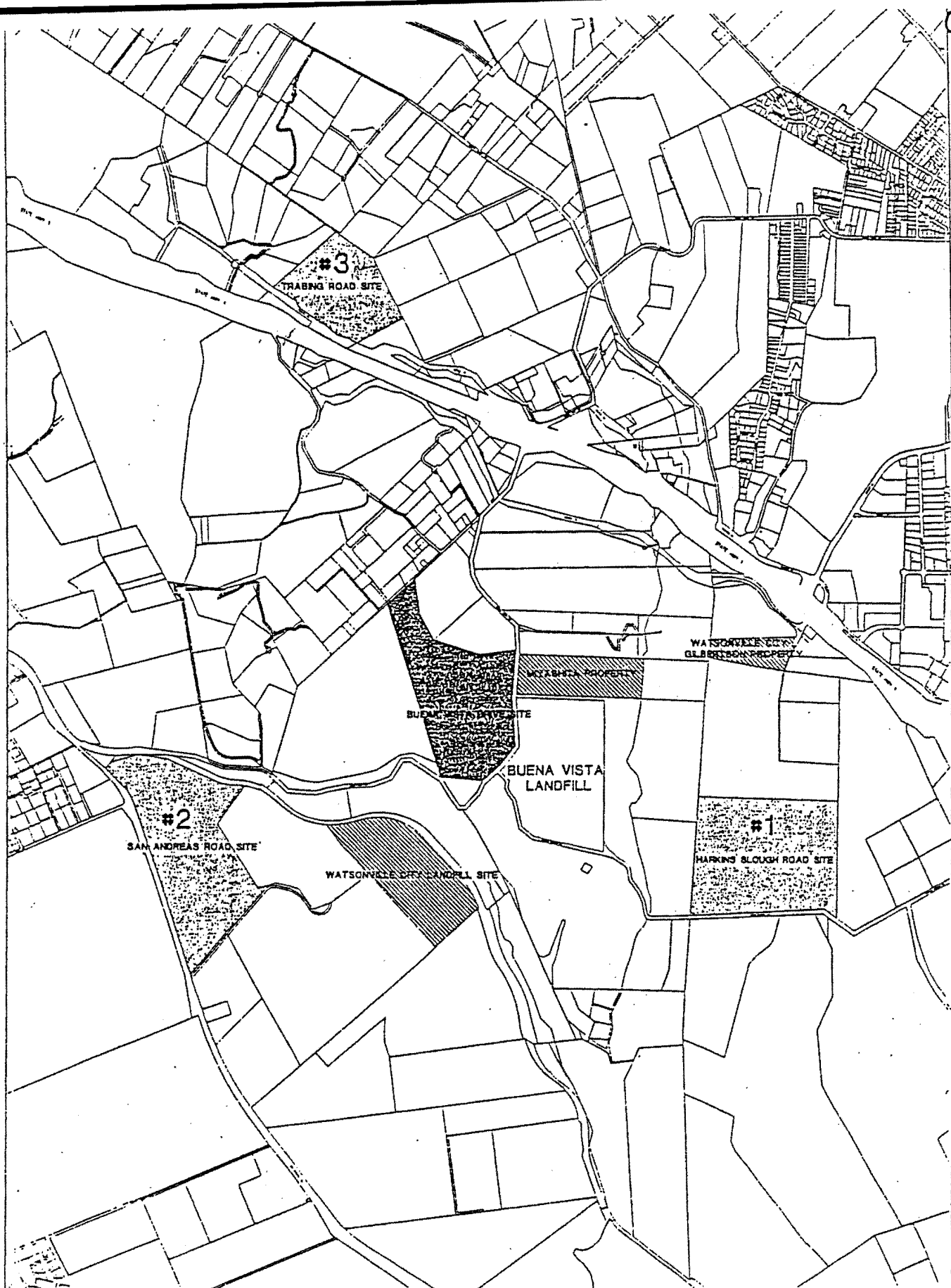


EXHIBIT NO. 4a	
APPLICATION NO.	
3-98-96 Stockpile	
Current Landfill	

DONOR: S. TERRIER OR: F. POON OR: S. LEWIS AND: C. KEMPER	NO. DATE PREPARED BY	REUSE OF DOCUMENTS THIS DOCUMENT, AND THE DATA AND DESIGN INFORMATION CONTAINED HEREIN, IS THE PROPERTY OF THE COUNTY OF SANTA CRUZ, CALIFORNIA. IT IS TO BE USED ONLY FOR THE PROJECT AND FOR THE PURPOSES FOR WHICH IT WAS PREPARED. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN AUTHORIZATION OF THE COUNTY OF SANTA CRUZ, CALIFORNIA.	SITE DEVELOPMENT PLAN BUENA VISTA LANDFILL COUNTY OF SANTA CRUZ, CALIFORNIA	MODULE CONSTRUCTION SEC AND SOIL MANAGEMENT LA
--	-------------------------	--	---	---



BUENA VISTA LANDFILL

SOIL MANAGEMENT SITE ANALYSIS
SEPTEMBER 1997

MAP PREPARED BY SANTA CRUZ COUNTY GEOGRAPHIC INFORMATION SYSTEM STAFF--SEPT 1997



LEGEND
Preferred Site [stippled pattern]
Alternative Site [diagonal lines pattern]
Other Site [horizontal lines pattern]

EXHIBIT NO. 5

APPLICATION NO.

3-98-96 Stockpile
Alternative Sites

The previous Coastal Staff recommendation for this permit concluded that:

That Staff recommendation was based on three primary grounds, set forth below, all of which still apply:

(2) “... the local coastal program requires a finding of no feasible alternatives. ... It is likely, as appellants [BVCA and two Commissioners] suggest, that a combination of measures might allow for reducing the scope of the proposed project (and maybe even the entire need for it). (p.2)”

A. Combination of Alternative Measures Would Reduce Stockpiling on Rocha Property

Attachment B, page 1 of 7

EXHIBIT NO. 6
APPLICATION NO.
3-98-96 Stockpile
2 + Ammunition + 1 + 1

various measures that would reduce the need for stockpiling on the Rocha Property and thereby save agricultural and biotic resources as mandated by the Coastal Act and the County's LCP. Three of those measures form the primary basis for this portion of the BVCA's appeal: (1) additional on-site retention (Stf.Rpt.,p.21-22); (2) stockpiling on the adjacent City of Watsonville Landfill Expansion Site (not needed for 12-14 years) (Stf.Rpt.,p.23); and (3) use of the fallow, and far less biotically sensitive, adjacent Miyashita Property (across less-traveled Harkins Slough Road) for any remainder of the soil needed to be stockpiled off-site (Stf.Rpt.,p.23-24). The County's Riparian Exception findings require that there be no feasible less environmentally damaging alternative.

1. On-Site Retention

By Memorandum dated August 7, 1998, but not delivered to Coastal Commission Staff until August 18, 1998 (after the August 13, 1998 Commission Hearing), the County was provided by its Consultant Engineers (CH2M Hill) with **critical new information** that:

"The soil excavated for Module 4A will be stockpiled on site ... up to approximately 350,000 cy of soil can be stockpiled on top of Modules 2 and 3 (south stockpile), and approximately 150,000 cy can be placed north of Module 4A (north stockpile)."

This new information, that up to 350,000 cubic yards of soil can immediately be stockpiled on Modules 2 and 3, reverses the information given to the Board of Supervisors by DPW's letter dated June 8, 1998, just prior to the Board's June 9, 1998 Decision Approving Permit No. 97-0309. June 8, 1998 DPW Ltr. to Board, stating at page 2, para. 4:

"We need to complete an initial movement of 1,040,000 cubic yards of soil off-site to allow for the completion of Module 4. During this initial phase we would not be able to stockpile on-site, due to the ongoing activities in Module 3."

The County Department of Public Works (DPW) did not introduce any evidence to the contrary at the hearing on the new permit before the Board of Supervisors. At the time of the hearing, DPW was still awaiting information from its Consulting Engineer as to the various alternatives it might consider.

In any event, DPW has indicated that it will soon either construct a Module 4A or

5B so as to open a new disposal site. This will enable 350,000 cubic yards to be stockpiled on top of closed Modules 2 and 3. This will also enable the most, if not all, of the 500,000 cubic yards of soil in Module 5A to remain on site and be used as cover material for Module 4. **This means that of the 1,500,000 cubic yards of soil to be stockpiled, only 650,000 to 800,000 needs to be stockpiled off-site.**

The County's new permit now requires the County to "make reasonable efforts" to reduce the amount of soil required to be transferred from the Buena Vista Landfill site. See Condition 12. This is progress and is appreciated by the BVCA. However, the County is unwilling to agree to make reasonable efforts to save the wetland seep on the Rocha Property or to create a level playing field for selection of the future landfill site by committing to physical restoration of the agricultural and biotic resources on the Rocha site. **Under those circumstances, it is requested that the Coastal Commission require a greater commitment than "reasonable efforts" in order to comply with LCP requirements for exhaustion of feasible alternatives before obliteration of a wetland seep, riparian corridor or productive agricultural land.**

2. Stockpiling on Adjacent City of Watsonville Landfill Expansion Site

On October 13, 1998, one day after learning of the City's willingness to seriously explore allowing the County to stockpile on the City's Landfill Expansion Site, the BVCA so informed the County. As a result, Condition 12 of the new permit requires the County to "make reasonable efforts" to maximize the amount of soil, if any, stockpiled on the City of Watsonville landfill. **Preliminary review by BVCA shows that it may be possible to stockpile the entire remaining 650,000 to 800,000 cubic yards of soil on the City of Watsonville Landfill.** The City's Phase 4 Expansion Area is already excavated and not needed for 12-14 years. The City's Phase 5 Expansion Area is not excavated, but could hold substantial amounts of soil and is not needed for an even longer period of time.

The County's addition of this language to its new permit is also progress and appreciated by the BVCA. However, as set forth above, the County is unwilling to agree to make reasonable efforts to save the wetland seep on the Rocha Property or to create a level playing field for selection of the future landfill site by committing to physical restoration of the agricultural and biotic resources on the Rocha site. **Under those circumstances, it is requested that the Coastal Commission require a greater commitment than "reasonable efforts" in order to comply with LCP requirements for exhaustion of feasible alternatives before obliteration of a wetland seep, riparian corridor or productive agricultural land.**

3. Stockpiling on Adjacent Miyashita Property or on the City's Gilbertson Property

If there is any additional stockpiling needed after stockpiling on the City of Watsonville Landfill, the adjacent Miyashita Property is the site most consistent with the County's LCP. As the August 13, 1998 Coastal Commission Staff Report points out, "this site is less sensitive and valuable than the Rocha site, according to California Department of Fish and Game personnel." (p.24) That Staff Report also points out that other than greenhouses, the Miyashita site is not in production and "has reportedly not been farmed in the last decade." (p.24) In addition, the use of the Miyashita site would be substantially less expensive because scrapers could be used instead of a conveyor belt.

If the Coastal Commission approves the City of Watsonville plan to fill the former Gilbertson property, the City has indicated by letter that the County could dispose of 89,000 cubic yards of soil on that site. See letter attached.

B. The Local Coastal Plan Requires Preservation of the Wetland Seep on the Rocha Property Under the Circumstances Present Here

As the August 13, 1998 Coastal Commission Staff Report states:

"The County has taken liberties with its Riparian Exception provisions in order to approve this project. Almost all of the local coastal program riparian and wetland policies cited above call for preservation of these habitats and limit uses to those that will preserve the habitats, echoing Coastal Act mandates."

Coastal Commission Staff concluded that required Riparian Exception findings 4 and 5 cannot be made.

Finding 4 requires that "the granting of the exception will not reduce or adversely impact the riparian corridor." Clearly the granting of an exception to completely cover over a wetland seep will reduce or adversely impact the riparian corridor.

Finding 5 requires "that the granting of the exception is in accordance with the purposes of this chapter ..." which are, pursuant to Section 16.30.010 of the County Code, "to eliminate or minimize any development activities in the riparian corridor in order to preserve, protect, and restore riparian corridors for: protection of wildlife habitat; protection of water quality; protection of aquatic habitat" The August 13, 1998 Coastal Commission Staff Report then goes on to state that at the Stockpile

Project's end, the entire wetland and riparian area will be regraded which will permanently destroy the wetland seep, unless it reemerges on its own. The Staff Report then points out that:

"[t]he [wetland] seep is not required to be restored and no protection is built into the permit were it to reappear. Therefore, a substantial issue is raised as to compliance with the local coastal program's riparian and wetland policies."

Consistent with the foregoing, the BVCA expressly proposed that the County's new permit contain conditions to require all reasonable efforts to preserve the wetland seep. When the County refused to include such a condition, the BVCA requested that at least there be a condition requiring restoration of the wetland seep and riparian corridor before any use of the property for future County Landfill Expansion. As at least two Supervisors noted, such a condition would provide for a level playing field in the site selection process for the County's future Landfill Expansion. This, too, was rejected by the County.

The County's insistence on eliminating the wetland seep as part of the Stockpile Project reconfirms suspicions on the part of BVCA that the County's true goal is to gain unfair advantage for selection of the Rocha Property as the future County Landfill Expansion. The County would be able to point to the Rocha Property and state that it was no longer in agricultural production and that it had no wetland seep or riparian corridor in the center of the property which would be destroyed by the Landfill Expansion. The County previously acknowledged to the Coastal Commission (in its August 6, 1998 submittal at Exhibit A, p.2) that its approach included the factor of "long term waste disposal needs." This is in contrast to the County's repeated statements that it is only considering stockpiling needs at this time. County staff has also acknowledged to BVCA representatives that its rejection of the Miyashita alternative is based on the fact that the Miyashita Property cannot be used for Landfill Expansion. These facts, coupled with the refusal to even agree to make "reasonable efforts" to preserve the wetland seep and insistence on the right to select the Rocha Property for Landfill Expansion based on an absence of such wetland seep and productive agricultural land, are contrary to Coastal Act and LCP policies requiring preservation of such resources.

LCP Policies violated by the County's obliteration of the wetland seep and riparian corridor include, but are not limited to: 5.1, 5.1.2, 5.1.3, 5.1.4, 5.1.6, 5.1.7 © and (d), 5.1.10, 5.2, 5.2.2, 5.2.3, and 5.7, and LCP Programs 5.2 a. and b.

C. The Local Coastal Plan Requires Preservation of the Maximum Amount of

Productive Agricultural Land, But the County's Conditions Set a Precedent Contrary to the LCP and Coastal Act by Allowing Productive Agricultural Land to be Lost Simply by Payment of a Fee to Mitigate Impacts of a Future Landfill on the Surrounding Residents.

The County is attempting to establish a precedent that it may eliminate agricultural land merely by paying a fee into a fund "to provide enhanced mitigation for the effects of the landfill use on the surrounding residents" (Condition A.14) or to a fund for an "Agricultural Conservation Easement program"(Condition A.11).

The BVCA has previously submitted expert evidence from House Agricultural Consultants (copy attached) to both the County and the Coastal Commission. That evidence states that the stockpiling project will not leave the property suitable for agricultural production. That evidence also states that the dust from the Stockpile Project will conflict with and adversely affect adjacent agriculture. The record before the County contains no expert evidence to the contrary on either of these issues.

The Coastal Act, at Public Resources Code Sections 30241 and 30243, and the County's LCP Policies 2.22.1, 5.13, 5.13.5, 5.13.6, 5.13.20, 5.13.23 and 5.13.26, all require (among other things) that the highest priority be given to preservation of agricultural resources exclusively for agricultural use, and to maximization of agricultural land in production. County Code Section 13.10.639 requires that the Stockpile Project prevent land use conflicts with adjacent agriculture. County Code Section 13.10.314 requires that the Stockpile Project enhance or support continued agriculture, not restrict or adversely affect current agriculture, be ancillary to the agricultural use or be non-agricultural only if no other agricultural use is feasible, not conflict with on-site or area agriculture, and remove no land or as little land as possible from production.

The County's attempt to establish a precedent that it may eliminate agricultural land merely by paying a fee into a fund "to provide enhanced mitigation for the effects of the landfill use on the surrounding residents" (Condition A.14) or to a fund for an "Agricultural Conservation Easement program"(Condition A.11) is of special concern because it would open the door to development of all sorts because it is almost always economically advantageous to cover over agricultural land with other types of development. It would be very attractive to potential developers to simply pay a fee to enable development of the agricultural land. That is why the LCP Policies do not allow for the payment of a fee to enable such development, but instead **require actual preservation of agricultural resources**. The piecemealing of development of

agricultural land will quickly result in the long term destruction of agricultural uses in the County of Santa Cruz.

The Stockpile Project, as currently conditioned, and without additional assurance that the City Landfill Site will be utilized to the maximum extent possible, fails to comply with all of the above provisions of the County's LCP.

D. Other Noncompliance with Local Coastal Plan

The County's Stockpile Project also is in noncompliance with the following County LCP Policies: 2.1.4 (Siting of New Development), 2.22 (Coastal Dependent Development), 2.22.2 (Conversion to Lower Priority Use), 2.23 (Conservation of Coastal Resources)

The County's Rezoning of APN 046-121-03 from Commercial Agriculture with Open Space Overlay Zoning District to Commercial Agriculture constitutes an amendment of the County's Local Coastal Plan and implementing ordinances and has not been processed as such. See Public Resources Code Section 30514.

Various visual and scenic resource LCP Policies have also not been complied with by the Stockpile Project.

**HOUSE
AGRICULTURAL
CONSULTANTS**

John Currey
Lurrian J. Friant, AFM
Gregory A. House, AFM, ARA, CPAg
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Mailing address
P.O. Box 1615
Davis, CA 95617-1615

Street address
429 F Street, Suite 10
Davis, California

August 11, 1998

Jonathan Wittwer, Esq.
365 Lake Avenue
Santa Cruz, CA 95061

Re: Coastal Commission Appeal No. A-3-SCO-98-055
Buena Vista Landfill Soil Management Project

Dear Mr. Wittwer:

You have asked me to comment on the agricultural aspects of the above referenced project. My understanding is that the proposed site of the soil stockpiling is currently owned by Mr. John Rocha, and used for strawberry production.

After examining the proposal for the soil management project, I have several strong reservations about its impact on current and future agricultural uses of the property.

My first reservation is the detrimental impact of the project on existing strawberry production on the property and in the vicinity. The proposed project would generate an estimated 68 pounds per day of PM 10 emissions from road dust.

Dust is detrimental to crop production in many ways. By covering plant leaves it blocks their stomata and reduces the ability of the plant to transpire. This in turn will lead to excessive heat build-up in the plant tissue, and cell damage. The result is poor growth and much reduced crop yields.

Dust also contributes to poor crop yields by blocking the plant's ability to capture sunlight in photosynthesis. Again the result is reduced growth, reduced yields.

Finally, dust on plant leaves creates an environment in which various kinds of mites can flourish. Mites are miniature eight legged plant pests of the Arachnid family, barely visible to the naked eye. These pests feed on the host plant, reducing its leaves to dry, dead material. Mite damage can be very severe and lead to total crop loss if left unmanaged. Strawberries are susceptible to several mite species.

My second reservation to the proposed project is the impact it will have on the agricultural viability of the site in the future, once the stockpiled soil is removed. The stockpiling of the excavated soil will cause severe compaction not only to the native soil of the site, but also the lower portion of the stockpiled soil itself. The amount of compaction is estimated at 120 to 130 pounds per cubic foot times the height of the fill pile, which I understand will

EXHIBIT 6

Mr. Wittwer
August 11, 1998
Page 2

be approximately 50 feet high. This calculates to 6,000 to 6,500 pounds per cubic foot.

This amount of compaction will destroy the native soil's porosity. The native soils, Tierra sandy loam, and Watsonville loam, are both relatively shallow soils with underlying clay that easily can be damaged severely by compaction. Crop production, including strawberries, would not be possible under this condition.

Soil compaction is typically alleviated by deep ripping with heavy equipment. The severity and depth of compaction caused by the stockpiling of this soil will be extremely difficult and costly to remedy. It is moreover, very problematic that it can be done without creating a severe erosion hazard, because of the slope. The soil will be unstable for many years after the ripping, and could very likely wash away.

It must also be understood that compaction of this severity will not be fixed simply by a few mechanical rippings. The tilth and porosity of the soil—both the fill and the native soil—will have been destroyed.

My final reservation is the site restoration plan. This plan has numerous pitfalls. The plan as outlined by Harding Lawson Associates would be to 1) re-grade the contours to less than 20 percent; 2) finish the contours smooth, without indentations that could become gullied by erosion; and 3) the land surface shall be covered with a layer of topsoil at least as deep as is currently present on the site.

The plan is uninformed about the nature and cause of soil erosion. Soil erosion will not be prevented at slopes of near 20 percent. Soil erosion can occur at slopes as little as two to five percent. Even if smoothing the soil were possible, a smooth surface would not prevent soil erosion. Slope, soil texture, soil profile, underlying parent material, rainfall—both rain quantity and timing, as well as soil management (tillage, vegetation, etc.) are all factors in determining erosion hazard.

Two regrading alternatives are discussed. One is to strip off and stockpile all native topsoil, stockpile it and then replace it in approximately 20 years after the landfill is complete. The other alternative is to record existing contour elevations and in 20 years remove the imported, stockpiled soil down to the original contours.

Both plans are impractical and will result in irreparable damage to the existing soil. The first alternative treats soil as if it is a dead medium that can be removed and replaced without harm. This is not the case. Soil is a living matrix that exists as an ecosystem in place. Removing and stockpiling the topsoil will likely destroy its tilth and biology. It will not be the same soil once replaced. Water and erosion will have a new impact on it. Due to different drainage patterns as well as the loss of soil micro-organisms which now compose it, the soil's chemistry and fertility will be damaged. Because of the moving and handling, it will become a haven for weeds which invade disturbed soils. These weeds will generate a seed bank which will be very difficult to control.

The second alternative, to record existing contour elevations and in 20 years remove the imported, stockpiled soil down to the original contours, is also impractical and will severely impact the native soil. Removing the imported soil will be done by a heavy scraper. This process will itself cause compaction of the topsoil. I have already discussed the problems of compaction, and how difficult it is to fully remedy.

EXHIBIT 6
3-98-96 P.9

Mr. Wittwer
August 11, 1998
Page 3

In summary, I have identified three major problems with the Buena Vista Landfill Soil Management Project: dust, soil compaction, and sketchy, impractical site restoration plans that will not leave the property suitable for agricultural production. While each in itself makes the project unfavorable to continued agricultural use, the combination certainly marks this project as severely detrimental to strawberry production now and in the future. The same holds for other forms of crop production.

Sincerely,

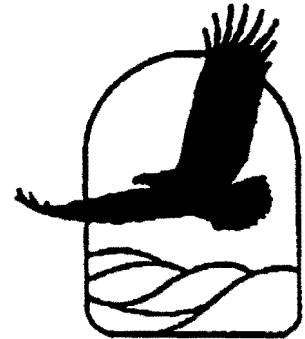


Gregory A. House, CPAg, AFM, ARA

EXHIBIT 6
3-98-96 P.10

CITY OF WATSONVILLE MUNICIPAL AIRPORT

100 AVIATION WAY • WATSONVILLE, CALIFORNIA 95076
VOICE: 831 728-6075 • FAX: 831 763-4058



September 23, 1998

Jonathan Wittwer, Esquire
P.O. Box 1164
Santa Cruz, CA 95061

Dear Jonathan:

This letter is in response to your letters dated September 3, 1998 requesting the City of Watsonville's position on 1) the use of *the Gilbertson Property* as a site for Santa Cruz County's Recycling Center; and 2) whether the City would enter into an agreement with the County to place approximately 100,000 yards of fill on the *Gilbertson Property*.

On Item 1, City staff would not support the relocation of the County's Recycling Center to this site. Item 2 would receive City support providing the grading permit is approved by the Coastal Commission. The engineer's estimate for this project is for 89,000 yards of non-compacted fill.

I hope this information is of use to you. If you need more information regarding these issues please feel free to contact me.

Sincerely,

Don French
Airport Manager

EXHIBIT 6

3-98-96 P. 11

LAW OFFICE OF JONATHAN WITTWER

365 LAKE AVENUE
POST OFFICE BOX 1184
SANTA CRUZ, CA 95061
(831) 475-0724
FAX: (831) 475-0775
E-MAIL: jonwitt@cruzio.com

RECEIVED

NOV 19 1998

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

November 16, 1998

DELIVERED BY FACSIMILE TO (831) 427-4877

November 17, 1998

Rick Hyman, Coastal Planner
Central Coast District
California Coastal Commission
McPherson Center
725 Front Street, Suite 300
Santa Cruz, CA 95060

**RE: Coastal Commission Appeal
Buena Vista Landfill Soil Management Project**

Dear Mr. Hyman:

I understand that you will be completing your Staff Report on the above-enumerated appeal in the near future. The purpose of this letter is to briefly update you on the alternative stockpiling site at the City of Watsonville Landfill adjacent to the County's Buena Vista Landfill. As you know, the County has agreed to make reasonable efforts to maximize use of this alternative site if feasible.

Mr. David Barlow has presented you with drawings and calculations which show that in excess of 1.25 Million cubic yards of soil could be stockpiled on the City's Landfill. Since the need for stockpiling on the City's Landfill will likely be in the range of 650,000 - 800,000 cubic yards, this demonstrates that there is ample capacity on the City Landfill site.

The City Director of Public Works has authorized representatives of the Buena Vista Community Association ("BVCA") to state that he believes the County's needed stockpiling can be accomplished on the City Landfill and that he would like to see a connection between the City and County Landfills across the Union Pacific Railroad tracks.

The County has met with the Union Pacific representative on site and will be submitting an application for a crossing in the next one to two weeks. It may take Union Pacific until early next year to make a decision on the application filed by the County. The train is already limited to ten miles per hour (10 m.p.h.) on this stretch of tracks.

EXHIBIT NO. 7
APPLICATION NO.
3-98-96 Stockpile
Correspondence

In the meanwhile, Lowell Hurst, the City Council member from the District nearest the City Landfill, has expressed support for the use of the City Landfill for such stockpiling and the City Council has agreed to place this matter on an Agenda soon. Councilmember Hurst is attempting to have the issue on the November 24, 1998 Council Agenda.

It is respectfully requested that your Staff Report find a substantial issue with respect to the BVCA appeal. It is further requested that any recommendation on the merits of the appeal give an opportunity for the alternative stockpiling site discussed in this letter to be fully explored. If the Coastal Commission staff could mediate or facilitate cooperation between the City and County regarding these adjacent Landfills, Coastal Act and County LCP policies protecting agricultural land and biotic resources could be satisfied.

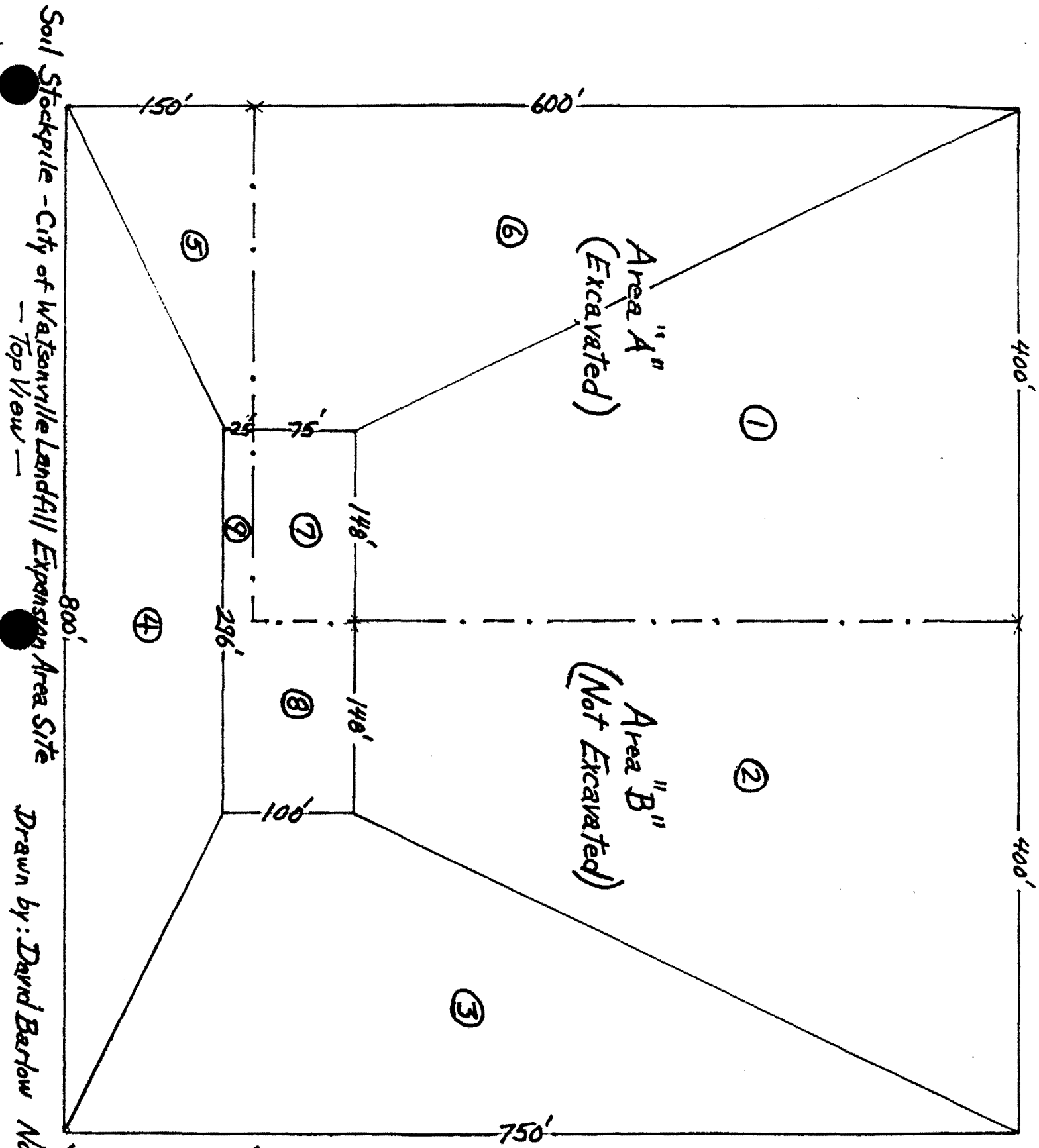
Thank you for your consideration of this matter and please do not hesitate to call me if you have any questions.

Sincerely,


Jonathan Wittwer

cc: County Counsel, attn. Dana McCrae

EXHIBIT NO.	7
APPLICATION NO.	
	3-98-96 p.2



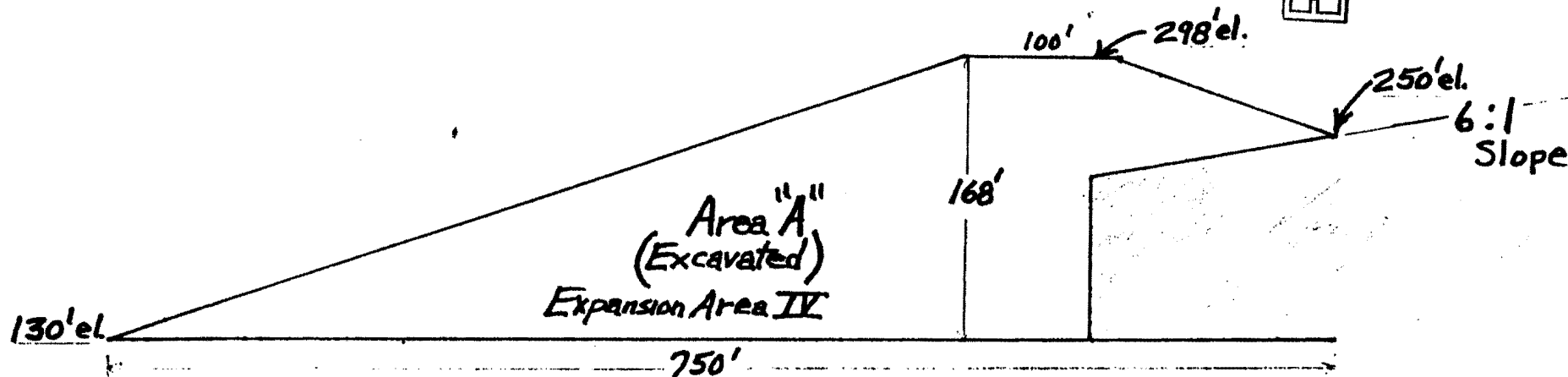
Drawn by: David Barlow No. 4, 1998

Soil Storage Capacity
1,272,152 cubic yards
Scale 1"=100'
Slope 3:1

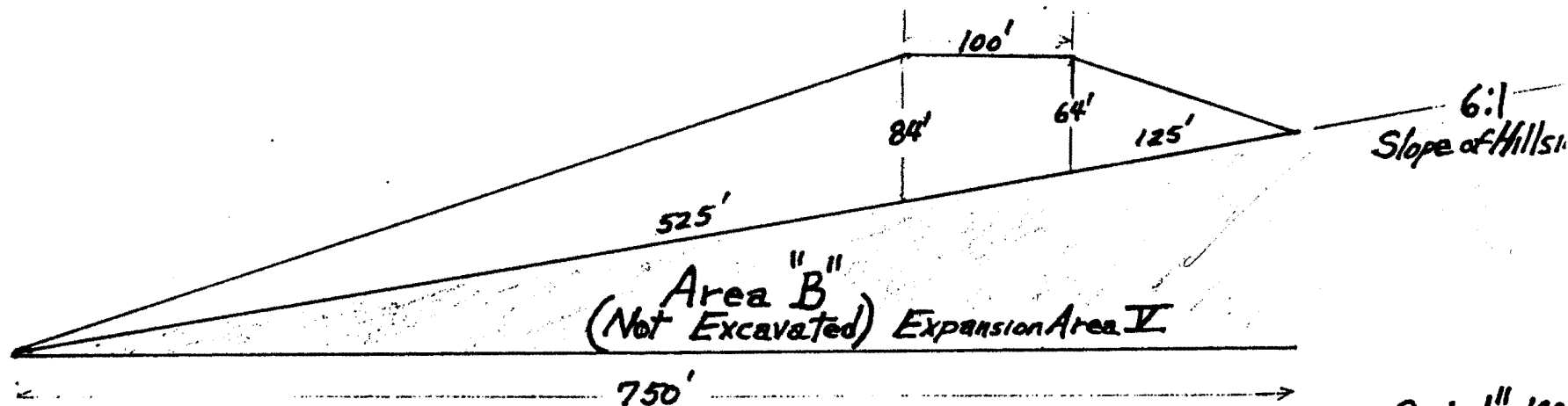
EXHIBIT

3-98-96

3:1
Slope



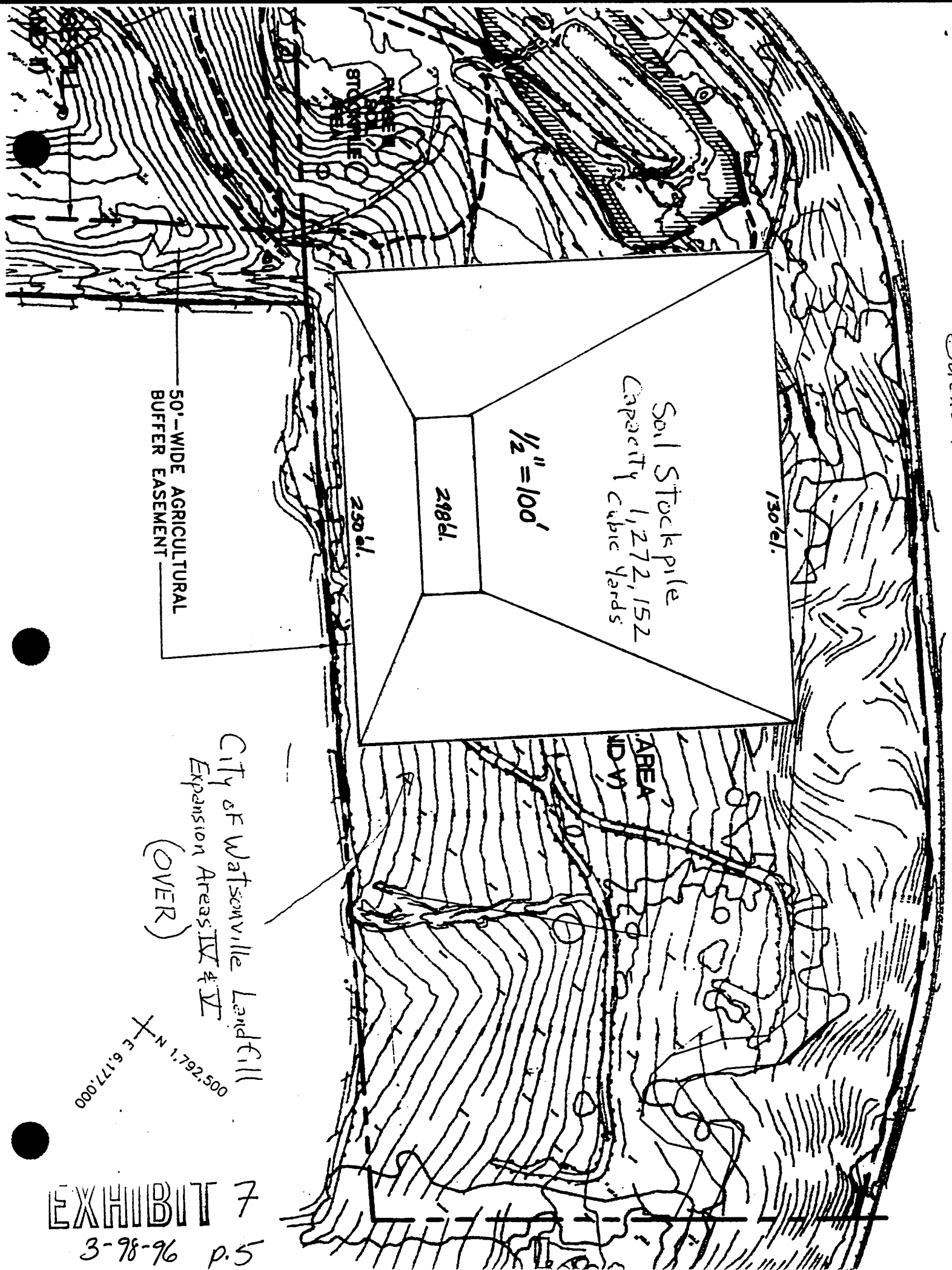
3:1
Slope of Stockpile



Soil Stockpile - City of Watsonville Landfill Expansion Area Site
- Cross Section View -

Drawn by: David Barlow Nov. 14, 1998

Scale 1"=100'



50'-WIDE AGRICULTURAL
BUFFER EASEMENT

CITY of Watsonville Landfill
Expansion Areas IV & V

(OVER)

N 1,792,500
E 6,177,000

EXHIBIT 7

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City of Watsonville Landfill
Expansion Area IV & V
Soil Stockpile Calculations
Cubic Yards

$$\textcircled{1} \frac{148+400}{2} \times \frac{525 \times 168}{2 \times 27} = 447,442$$

$$\textcircled{2} \frac{148+400}{2} \times \frac{525 \times 84}{2 \times 27} = 223,858$$

$$\textcircled{3} \frac{100+700}{2} \times \frac{252 \times 74}{2 \times 27} = 138,000$$

$$\textcircled{4} \frac{296+800}{2} \times \frac{125 \times 64}{2 \times 27} = 81,104$$

$$\textcircled{5} \frac{25+150}{2} \times \frac{252 \times 64}{2 \times 27} = 26,312$$

$$\textcircled{6} \frac{600+75}{2} \times \frac{252 \times 168}{2 \times 27} = 264,992$$

$$\textcircled{7} 148 \times 75 \times \frac{100}{27} = 41,111$$

$$\textcircled{8} 148 \times 100 \times \frac{74}{27} = 40,563$$

$$\textcircled{9} 148 \times 25 \times \frac{64}{27} = 8,770$$

Total = 1,272,152
Cubic Yards

EXHIBIT 7

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