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RESOLUTION NO. 82- 30

DECLARING POLICY TO GOVERN JOINT USE OF
LANDS ACQUIRED FOR
UPPER AND LOWER LLAGAS CREEK
PL 566 WATERSHED PROJECTS

RESOLVED, by the Board of Directors of Santa Clara Valley Water District, that it shall be the policy of this District that it shall neither make nor permit any use whatever for public access for park, trail, recreation or similar purposes of lands presently owned or acquired by it for the Upper and Lower Llagas Creek PL 566 Watershed projects while adjacent lands are within the areas designated as "Resource Conservation Areas" in the land use plan of the General Plan of the County of Santa Clara.

PASSED AND ADOPTED by the Board of Directors of Santa Clara Valley Water District on May 25, 1982, by the following vote:

AYES: Directors M. E. DULLEA, P. T. FERRARO, A. H. FISHER, R. W. GROSS,
J. J. LENIHAN, A. I. PFEIFFER, S. SANCHEZ
NOES: Directors None
ABSENT: Directors None
ABSTAINED: Director James J. Lenihan

SANTA CLARA VALLEY WATER DISTRICT

By 
Chairman of the Board of Directors

ATTEST: SUSAN A. EKSTRAND


Clerk of the Board of Directors

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AGENDA MEMORANDUM

AGENDA DATE 5/25/82 ITEM NO. 6 UNIT Flood Control
5058/
ZONE S PROJECT NO. 5057 NAME Llagas Creek Watershed Project - PL 83-566

SUBJECT: Certification of Final Environmental Impact Report and Adoption of Resolution on Joint Public Use of Llagas Creek.

EXPLANATION:

The Draft EIS/EIR was approved by the Board on December 22, 1981 for a 57-day public review period. A Public Hearing was held on February 10, 1982 before the Boards of Directors of the three local sponsors.

Staff has finalized the document by responding to comments received during the public review period (pp. 75-91; Appendix G). Written comments were received from eight Federal agencies, four State agencies, four local agencies, five private organizations, and five individuals.

An attachment to this Agenda Memorandum, "Statement of Overriding Considerations", identifies and discusses the significant adverse impacts of the project and states the reasons for proceeding with the project even though these impacts cannot be fully mitigated.

The attached resolution which was favorably considered by the Board on December 22, 1981 in draft form, states that the District will not allow park or other recreational uses on certain Llagas Creek channels in the Gilroy area while adjacent lands are designated in the County General Plan as "Resource Conservation Areas". No opposition to this policy has surfaced during the public review period.

RECOMMENDATION: That the Board (a) adopt the Resolution; (b) adopt the "Statement of Overriding Considerations", as findings regarding the impacts of the project, and (c) certify the final EIR.

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Statement of Overriding Considerations

Although project alternatives were selected to avoid or reduce environmental impacts and feasible mitigation measures were incorporated into the project, certain significant impacts remain that cannot be mitigated fully. These impacts are identified and evaluated in the Final EIR. The reasons supporting the decision to proceed with the project are given below:

1. Impact - Eighty acres of agricultural land required for the project will be taken out of production.

Finding - The right of way required for channel enlargement is largely a function of the type of channel modification selected. In this project, excavated earth channels are the preferred alternative for most reaches rather than concrete channels which although requiring less right of way, are environmentally more destructive. In one reach (Reach 2), more right of way than usual was necessary due to a higher "n" value criterion to preserve existing riparian vegetation.

2. Impact - The project will remove approximately 19 acres of riparian vegetation ranging from riparian woodland to freshwater marsh with commensurate impacts on wildlife and aesthetic values.

Finding - Less destructive channel modification designs than excavation were examined early on in an attempt to preserve riparian vegetation, particularly in Reach 2 which has the most valuable habitat of the reaches to be channelized. Bypass channels and set-back levees (modified floodplain) were considered. Both of these designs were rejected because of the large amount of prime agricultural land and dislocation of buildings that would be required. Another problem with set-back levees in Reach 2 is that connecting upstream channels would have to be enlarged considerably due to the backwater effect that would be created. The excavated earth channel design that was selected in Reach 2 preserved some of the best riparian vegetation by excavating from only one bank in certain areas. An extensive revegetation program will replace vegetation lost to the project, and the higher "n" value criterion in portions of Reach 2 will allow more natural reestablishment to occur than usual. The plantings will consist largely of native trees and shrubs.

3. Impact - Enlargement of the channels will result in adverse visual impacts particularly to adjacent residents.

Finding - Although the modified channels will be unavoidably more visually obtrusive than the existing channels especially where creekside trees and shrubs are removed, the channel banks and levees will be replanted in visually sensitive areas to mitigate loss of aesthetic values and provide shade and privacy. As regards the concrete rectangular channel to be constructed through downtown Morgan Hill, the channel will be covered from Main Street to Dunne Avenue to serve as a pathway and the City and SCS will work closely together to design the channel for compatibility with Morgan Hill's Downtown Design Plan. Plantings and other architectural features will be used to mitigate the visual impact of the concrete channel.

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4. Impact - Loss of privacy and disturbance to property owners by trespassers are likely to occur as a result of construction of access roads along modified channels.

Finding - Access roads are a necessary design feature of flood control channels in order to observe and maintain the channels. Unfortunately, unauthorized vehicles use the roads as well. To reduce this problem, permanent vehicle barriers will be installed where needed for safety and to help prevent access by trespassing vehicles. Signs will also be erected along the channel at critical points stating that trespassing is prohibited.

5. Impact - Gilman Road Bridge, which is eligible for the National Register of Historic Places and is identified as a significant cultural resource in the County General Plan, will be demolished.

Finding - The bridge, built in 1911, does not meet current traffic safety requirements and due to its narrow width and inadequate load capacity is therefore eligible for replacement under the Federal Highway Bridge Replacement and Rehabilitation Program. The Santa Clara County Transportation Agency intends to apply to the Federal Highway Administration for funds to replace the bridge under this program and will be responsible for obtaining environmental clearance and carrying out appropriate mitigation measures. The indications are that preservation of the bridge will not be required by State and Federal reviewing agencies.