



August 26, 2021

Xue Ling  
County of Santa Clara Planning  
70 W Hedding St, 7<sup>th</sup> floor  
San Jose, CA 95120

Re: Statement of Justification for Grading Abatement  
Pacheco Pass  
APN 898-19-003,-005,-029,-033.-036,-037

Dear Ms. Ling,

Pacheco Pass property is a total 3,331 acres and a working cattle ranch. The ranch has a flatter portion along Pacheco Pass that is in the flood zone, high speed rail corridor, and is currently used for loading cattle. The remaining portion of the ranch is rolling hills with Harper Canyon Creek and tributaries running through the property. The cattle ranch does not have any wells. All the domestic and ag water for the ranch is from springs and a series of stock ponds. The stock ponds have been in place since 1970's with the exception of the pond at the top of the ranch (area 6 on the plan set). The ranch has a series of existing ranch roads of to access the site for maintenance and gathering cattle. The violation on the property is for ranch roads (area 1, 2, 3), stock ponds (area 4,5,6), bridge (sheet 3), driveway (sheet 3, 4, 5), house (sheet 5, 6), arena (sheet 6), and barn (sheet 6), as well as the spillway and cabin (sheet 7) . The project consists of a legalizing the work completed with the exception of the ranch roads and swale (area 1, 2, 3, 4, and 6). The project has many different components, which are allowed by right. Each component and related justification is outlined below:

#### **Ranch Roads**

The ranch roads which have a violation will be restored to their original state.

#### **Stock Ponds for Ag Use:**

The existing stock ponds were built before the grading ordinance and two of them are registered with the state. The existing ponds are needed to operate the ranch for the cattle and feed and are for ag use. Over the years the ponds silt and limit the capacity of the pond. To maintain the capacity of the pond such that it useful and has enough to adequately feed the live stock, the ponds need maintenance. The maintenance scraps the silt and vegetation in the pond to restore the pond capacity to original capacity. The pond in area #5 had the scraping of the pond was used to add to the outer bank of the pond. This addition to the bank makes it wider help protect the pond from ground squirrels and other rodents and maintain the capacity of the pond.

Pond -Area#4 a swale was graded to capture the runoff of the nearby hill side and direct that water in to the pond. The swale is needed to have enough water feed the pond during years of below average rainfall. This extra water is needed to maintain the livestock on site. We will remove this swale at the request of the County and restore to original grade. This stormwater will now continue along the roadside ditch until it goes into the existing culvert under the ranch road into an existing swale.

Pond -Area#6 The newly created stock pond is for ag use as well to capture water from a nearby spring. Again all ponds on site are needed to capture water to maintain the livestock since no well water is available onsite. This pond, and all the ponds, provide habitat for red legged frogs and other species of animals. CDFW would

like the pond to remain to help breed the endangered species. We added a outfall and pipe to drain the pond to help reduce erosion and promote RLF breeding grounds.

Pond – Sheet 7 This is the largest pond on site and next to the cabin. The pond was built in the 1970's. The dam is in the same location and roughly the same grade pre-violation. Around 2011, the spillway for the pond was filled in in the dam area and a new spill way was created on the east side of the pond. The pond still discharges to the same tributary area. The existing spillway was heavily damaged due to past rainy season and had a history of not being able to pass significant storms. The new spillway was needed to mitigate the inadequacy of the existing spillway. The new spillway has stabilized into bedrock.

#### **House, barn, arena, and bridge:**

The grading for the house, barn, and arena were all placed on a flatter portion of the property, yet away from the highway, high speed rail corridor, cattle operations, and flood plain. The development is clustered on the site and was situated along an existing roadway. The house is a small ranch house with the private barn, arena, barn, and round pen. The grading was kept to a minimum to establish the use, which are allowed by right. The grading for the house site balanced the cut and fill. The bridge was constructed to replace the at grade crossing. This allowed year round access to the house as required by the fire department.

#### **Alternative Building Sites**

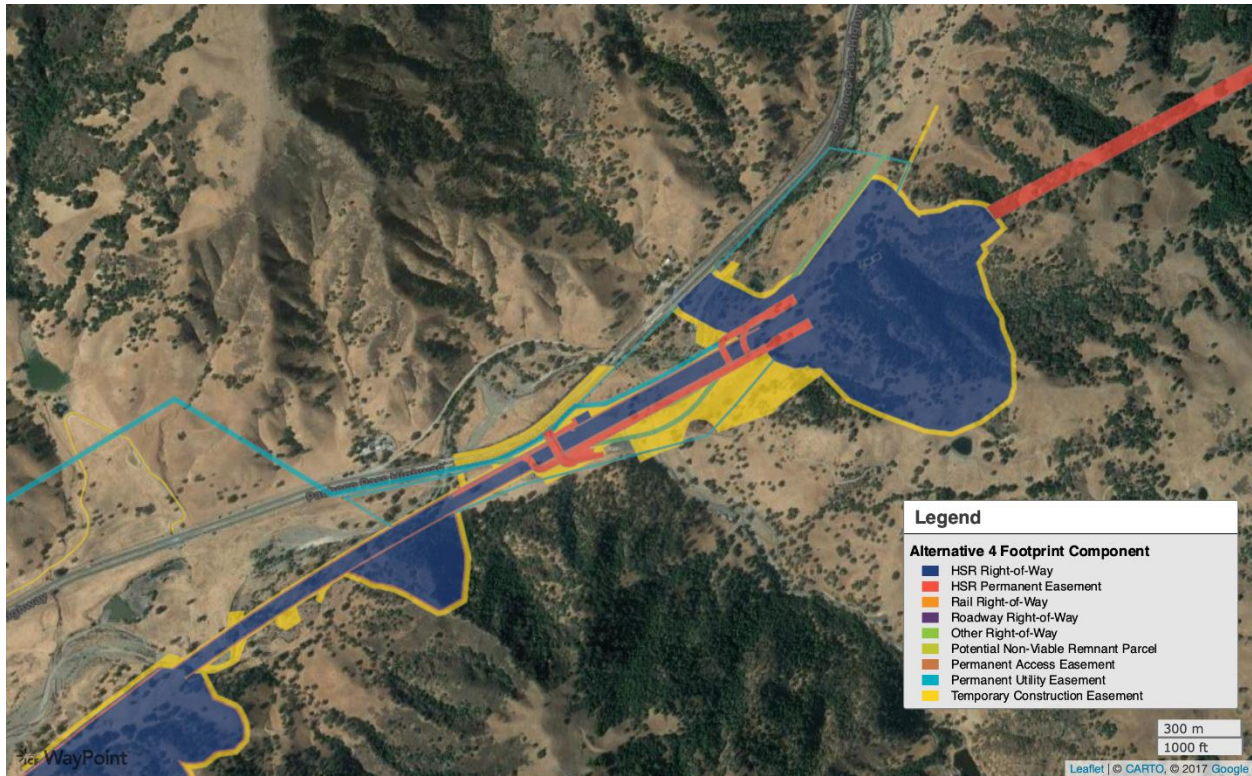
The flattest portion of the 3,000+ acre ranch is along Highway 152. This area is the main hub of the cattle ranching operation shipping and receiving, it is also subject to noise from the adjacent highway, and subject to flooding. All of these reasons makes this location not suitable for a house location. See photos below:





Along the front portion of the property, the site is subject to the highspeed rail, and associated easements. Which would further preclude the use of the property frontage. When the rail system is built in this area the noise from the rail will not make the front have the property suitable for a

residence. The map below is from the highspeed rail showing the locations of the rail system and associated easements, which is the majority of the front portion of the property.



All other locations of the property are used for cattle grazing or would required new driveways, stream crossings, etc and in steeper terrain than the current building site.

The proposed grading will not endanger any public/private property or public health and safety, by implementing erosion control measures. It will minimize the impacts to the natural landscape, scenic, biological and aquatic resources, and minimize erosion impact. This site minimizes grading in comparison with other available sites, taking into consideration other development constraints and regulations applicable to the project since development is occurring on the flattest portion of the lot outside of the highway area which is used for cattle gathering and flood plain. Grading and associated improvements will conform to the natural terrain and existing topography of the site as much as possible, and will not create a significant visual scar. The proposed grading conforms to the general plans and the Guideline for Grading and Hillside Development by the county.

If you have any questions, please call our office.

Sincerely,

Amanda Musy-Verdel