

## **ATTACHMENT 4: CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL**

1. **Proj Des-01 Project Description.** This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked A-E, dated May 19, 2020 and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The project is to allow the replacement of an existing 6' x 6' reinforced concrete box (RCB) and 72-inch reinforced concrete pipe (RCP) drainage facility with a 72-inch alternative pipe culvert (APC), just west of the existing culvert alignment off US 101 near Postmile 45.5 (PM 45.5). Construction would include using a trenchless method to replace the existing culvert with an APC on the new alignment.

The existing culvert in need of replacement is located in a drainage identified as Cañada del Barro on the Gaviota Coast, which drains water from the Santa Ynez Mountains, north of the project site. This culvert has excessive cracking, spalling, and moderate scour behind and underneath the existing left inlet wingwall. It transitions from RCB to RCP approximately half way along the length of the culvert. This existing culvert will be filled with grout and abandoned in place.

The replacement culvert would be approximately 506 feet long and would include Rock Slope Protection (RSP), an endwall and wingwalls at the outlet, and a headwall at the inlet. The existing local road and sink hole above the inlet will also be repaired. Temporary access roads are proposed during construction. Grading includes approximately 4,610 cubic yards of cut and 5,050 cubic yards of fill, with an approximate total area disturbed by grading of 40,200 square feet. The maximum vertical height of the cut and fill slopes is 30 feet.

This project is located on three parcels zoned REC (APN No. 081-130-054, 081-130-072, 081-270-011), and CalTrans Right of Way (zoned TC) off Highway 101 in the Gaviota Coast Plan area, Third Supervisorial District.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

### Conditions By Issue Area

3. **Air-01 Dust Control.** The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:
- i. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
  - viii. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
  - ix. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
  - x. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
  - xi. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
  - xii. Order increased watering as necessary to prevent transport of dust off-site.
  - xiii. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.

If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately: (i) Seed and water to re-vegetate graded areas; and/or (ii) Spread soil binders; and/or; (iii) Employ any other method(s) deemed appropriate by P&D or APCD.

**PLAN REQUIREMENTS:** These dust control requirements shall be noted on all grading and building plans.

**PRE-CONSTRUCTION REQUIREMENTS:** The contractor or builder shall provide P&D monitoring staff and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

- d. Assure all dust control requirements are complied with including those covering weekends and holidays.
- e. Order increased watering as necessary to prevent transport of dust offsite.
- f. Attend the pre-construction meeting.

**TIMING:** The dust monitor shall be designated prior to issuance of the first grading permit. The dust control components apply from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued and landscaping is successfully installed.

**MONITORING:** P&D processing planner shall ensure measures are on plans. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

4. **CulRes-09 Stop Work at Encounter:** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall immediately contact P&D staff, and retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of the County Archaeological

Guidelines and conduct appropriate mitigation funded by the Owner/Applicant. If human remains are found, the Most Likely Descendent shall be notified.

**PLAN REQUIREMENTS:** This condition shall be included in the Project Specifications for the contractor and shall be included in the Mitigation Monitoring and Reporting Plan, **MONITORING:** P&D permit processing planner shall check the Project Specifications and MMRP prior to Coastal Development Permit issuance and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

### **County Rules and Regulations**

5. **Rules-02 Effective Date-Appealable to CCC:** This permit shall become effective upon the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [ARTICLE II § 35-169].
6. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
7. **Rules-05 Acceptance of Conditions:** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
8. **Rules-12 CUP Expiration.** The Applicant shall obtain the required zoning clearance within the 18 months following the effective date of this Conditional Use Permit. If the required zoning clearance is not issued within the 18 months following the effective date of this Conditional Use Permit, or within such extended period of time as may be authorized in compliance with Section 35.84.030.2 of the County Land Use and Development Code, and an application for an extension has not been submitted to the Planning and Development Department, then Conditional Use Permit shall be considered void and of no further effect.
9. **Rules-17 CUP-Void.** This Conditional Use Permit shall become void and be automatically revoked if the development and/or authorized use allowed by this Conditional Use Permit is discontinued for a period of more than 12 months, or within such extended period of time as may be authorized in compliance with Section 35.84.030 of the County Land Use and Development Code. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any zoning clearance approved or issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit. [LUDC §35.82.060 & §35.84.060].

10. **Rules-18 CUP and DVP Revisions.** The approval by the Zoning Administrator of a revised Conditional Use Permit shall automatically supersede any previously approved Conditional Use Permit upon the effective date of the revised permit.
11. **Rules-23 Processing Fees Required:** Prior to Coastal Development Permit issuance the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
12. **Rules-33 Indemnity and Separation:** The Owner/Applicant shall indemnify and hold harmless the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project.
13. **Rules-37 Time Extensions-All Projects:** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

#### **Other**

14. **MND Compliance Mitigation and Monitoring:** The project applicant and designees shall comply with all mitigation, minimization and avoidance measures specified in the 2019 Caltrans MND. The applicant shall prepare a Mitigation Compliance, Monitoring, and Reporting Plan for all mitigation measures identified in the 2019 Caltrans MND. (Caltrans has prepared an MMRP, dated February 2020, to comply with mitigation measures identified in the MND).

**PLAN REQUIREMENTS:** The Plan shall include, but not be limited to the following:

- a. Each of the projects mitigation measures.
- b. Timing and specific responsible party for implementation of each mitigation measure
- c. Timing and party responsible for monitoring each mitigation measure and a list of monitors to be retained.
- d. Procedures, timing, and responsible party for reporting to P&D staff on project mitigation compliance and monitoring.
- e. Specification of a qualified representative for the applicant to be designated as the coordinator responsible for ensuring full compliance with the provisions of the Plan. The designated coordinator shall have authority over all other monitors.

**TIMING:** The Plan shall be submitted to P&D staff for review and approval prior to Coastal Development Permit issuance.

**MONITORING:** P&D staff will review the Mitigation Compliance, Monitoring, and Reporting Plan prior to Coastal Development Permit issuance.

15. **Corporation Grant Deed:** The Applicant (Caltrans) shall not accept any interest in the property described in Corporation Grant Deed on APN(S) 081-130-72 and 081-130-73, recorded July 6, 2009 (Document No. 2009-0039846), unless and until the California

Department of Parks and Recreation obtains consent from NOAA, the County of Santa Barbara, and the Goleta Valley Land Trust, or their respective successor agencies, as required by the Corporation Grant Deed for the disposition, exchange, or encumbrance.