



Notice of Appeal to the Board of Supervisors

REQUEST FOR FACILITATION

DATE: June 8, 2020

TO: Rachel Van Mullem, County Counsel

FROM: David Villalobos, PC Hearing Support

Case Name: CalTrans Highway 101 Gaviota Culvert Replacement

Case Number: 19DVP-00000-00034, 19CUP-00000-00054, 19CDP-00000-00133

PC Hearing: May 27, 2020

Appeal Date: June 5, 2020

Appellant: Doug Campbell, Coastal Ranches Conservancy

An appeal to the Board of Supervisors of the Planning Commission's decision on the above case has been filed and will be scheduled for hearing before the Board of Supervisors. A copy of the appeal is attached and a list of the names and addresses of the affected parties are shown below.

Please consult with the case planner in setting facilitation meeting date. Please send a copy of the meeting notification letter to Hearing Support staff of Planning & Development, Attn: David Villalobos at ext. 2058.

- ▮ **Attachments:**
- [Appeal to the Board of Supervisors dated June 5, 2020](#)
 - [Planning Commission Action Letter dated June 1, 2020](#)
 - [Planning Commission Staff Report dated May 19, 2020](#)

Names/Addresses of affected parties:

Appellant: Doug Campbell, Coastal Ranches Conservancy, 68 Hollister Ranch Road, Gaviota, CA 93117; (805) 567-5957

Owner: Justin Borders, CalTrans, 50 Higuera Street, San Luis Obispo, CA 93401; [805.542.4718](tel:805.542.4718)

Agent: Mitch Dallas, CalTrans, 50 Higuera Street, San Luis Obispo, CA 93401; 805-542-4662

NOTE TO PLANNERS: County of Santa Barbara procedures provide for an informal consultation meeting among parties involved in land use permit appeals. The consultation meeting occurs after an appeal is filed, and prior to the Board appeal hearing. County Counsel's office will arrange for the meeting.

The purpose of the meeting is to clarify issues pertaining to the appeal, to identify possible solutions, and to notify parties in dispute of available mediation services which may assist in resolving disagreements. An experienced County meeting facilitator will conduct the meeting, and will prepare a report for meeting participants and the County decision-maker on issues and options identified which may assist resolution of the appeal.

cc: Case File: 19DVP-00000-00034, 19CUP-00000-00054, 19CDP-00000-00133
Lisa Plowman, Director, Planning and Development
Jeff Wilson, Assist Director
Tess Harris, Supervising Planner
Ciara Ristig, Planner
Records Management
David Villalobos, Hearing Support

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**PLANNING COMMISSION DECISION
 APPEALED TO THE BOARD OF SUPERVISORS
 January 8, 2020**

Case Numbers: 19DVP-00000-00034 19CUP-00000-00054 19CDP-00000-00133 APN: 081-130-054, 081-130-072, 081-270-011 Area: Gaviota District: Third	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">Title:</td> <td>CalTrans Highway 101 Gaviota Culvert Replacement</td> </tr> <tr> <td>Applicant:</td> <td>CalTrans</td> </tr> <tr> <td>Appealed by:</td> <td>Doug Campbell, Coastal Ranches Conservancy</td> </tr> <tr> <td>Date appealed:</td> <td>June 5, 2020; 4:33 P.M.</td> </tr> <tr> <td>Planner:</td> <td>Ciara Ristig x82077</td> </tr> <tr> <td>Supervising Planner:</td> <td>Tess Harris x83319</td> </tr> </table>	Title:	CalTrans Highway 101 Gaviota Culvert Replacement	Applicant:	CalTrans	Appealed by:	Doug Campbell, Coastal Ranches Conservancy	Date appealed:	June 5, 2020; 4:33 P.M.	Planner:	Ciara Ristig x82077	Supervising Planner:	Tess Harris x83319
Title:	CalTrans Highway 101 Gaviota Culvert Replacement												
Applicant:	CalTrans												
Appealed by:	Doug Campbell, Coastal Ranches Conservancy												
Date appealed:	June 5, 2020; 4:33 P.M.												
Planner:	Ciara Ristig x82077												
Supervising Planner:	Tess Harris x83319												
	Planning Commission	Board of Supervisors											
Hearing Dates:	May 27, 2020	Approved the project.											
Fee Paid:		\$0 (Coastal Zone)											
APPELLANTS REASON FOR APPEAL: See attached appeal letter FACILITATION: N/A OUTCOME OF BOS HEARING:													

cc: Lisa Plowman, Director
 Jeff Wilson, Assistant Director
 Tess Harris, Supervising Planner
 Ciara Ristig, Planner
 Accounting
 Joe Dargel
 David Villalobos, Hearing Support



PLANNING & DEVELOPMENT
APPEAL FORM

SITE ADDRESS: Hwy 101 east of Gaviota Curve

ASSESSOR PARCEL NUMBER: UNK.

Are there previous permits/applications? no yes numbers: _____
(include permit# & lot # if tract)

Is this appeal (potentially) related to cannabis activities? no yes

Are there previous environmental (CEQA) documents? no yes numbers: _____

1. Appellant: Coastal Ranches Conservancy Phone: 805-567-5957 FAX: _____

Mailing Address: 68 Hollister Ranch Rd. Gaviota CA E-mail: dcampbellhr68@gmail.com
Street City State Zip 93117

2. Owner: _____ Phone: _____ FAX: _____

Mailing Address: _____ E-mail: _____
Street City State Zip

3. Agent: _____ Phone: _____ FAX: _____

Mailing Address: _____ E-mail: _____
Street City State Zip

4. Attorney: _____ Phone: _____ FAX: _____

Mailing Address: _____ E-mail: _____
Street City State Zip

COUNTY USE ONLY

Case Number: _____ Companion Case Number: _____
Supervisorial District: _____ Submittal Date: _____
Applicable Zoning Ordinance: _____ Receipt Number: _____
Project Planner: _____ Accepted for Processing _____
Zoning Designation: _____ Comp. Plan Designation _____

RECEIVED
2020 JUN -5 P 4: 33
COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

COUNTY OF SANTA BARBARA APPEAL TO THE:

BOARD OF SUPERVISORS

PLANNING COMMISSION: COUNTY MONTECITO

RE: Project Title CALTRANS HWY 101 GAVIOTA REPLACEMENT CULVERT

Case No. 19CDP-00000 - 00133

Date of Action 5-27-2020

I hereby appeal the approval approval w/conditions denial of the:

Board of Architectural Review – Which Board? _____

Coastal Development Permit decision

Land Use Permit decision

Planning Commission decision – Which Commission? COUNTY

Planning & Development Director decision

Zoning Administrator decision

Is the appellant the applicant or an aggrieved party?

Applicant

Aggrieved party – if you are not the applicant, provide an explanation of how you are and “aggrieved party” as defined on page two of this appeal form:

We are a public-benefit non-profit. We provided new information to the Planning Commission at the public hearing.

Reason of grounds for the appeal – Write the reason for the appeal below or submit 8 copies of your appeal letter that addresses the appeal requirements listed on page two of this appeal form:

- A clear, complete and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the County's Zoning Ordinances or other applicable law; and
- Grounds shall be specifically stated if it is claimed that there was error or abuse of discretion, or lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

See attached
letter

Specific conditions imposed which I wish to appeal are (if applicable):


- a. See attached letter
- b.
- c.
- d.

Please include any other information you feel is relevant to this application.

CERTIFICATION OF ACCURACY AND COMPLETENESS Signatures must be completed for each line. If one or more of the parties are the same, please re-sign the applicable line.

Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.

I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the County of Santa Barbara is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the County may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits.

COASTAL RANCHES CONSERVANCY  6-4-2020
 Print name and sign – Firm Date

DOUG CAMPBELL  6-4-2020
 Print name and sign – Preparer of this form Date

 Print name and sign – Applicant Date

 Print name and sign – Agent Date

 Print name and sign – Landowner Date

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SUPPORTING NATURE CONSERVATION, RESTORATION,
AND EDUCATION ON THE GAVIOTA COAST

June 5, 2020

Board of Supervisors
County of Santa Barbara
Santa Barbara, CA

RE: Appeal of the Planning Commission's Approval of Caltrans' Gaviota Culvert Replacement Project

Coastal Ranches Conservancy is a 17-year-old local non-profit supporting nature conservation, restoration, and education along the Gaviota Coast. We request reconsideration of the Planning Commission's approval of the Highway 101 Caltrans Gaviota Culvert Replacement Project. This project is to replace an existing failing culvert on a small stream that passes beneath Highway 101 just west of County Fire Station 38 at Gaviota. It was approved by a 3 to 1 vote at the Planning Commission hearing on May 27, 2020. We attended this meeting, presented new information, and requested denial of the project so that it can be re-designed.

GROUNDS FOR THE APPEAL

By approving the project, the Planning Commission certified that it had "Consider(ed) the environmental effects of the project ...and determine(d) that none of the conditions in CEQA Guidelines Section 15162 that require a subsequent MND or EIR have occurred." Section 15162 of CEQA says that an additional MND or an EIR must be prepared if, for example "...new information of substantial importance" is found; or if "Mitigation measures previously found to not be feasible would in fact be feasible"; or if "Mitigation measures....which are considerably different from those analyzed...would substantially reduce one or more of the significant effects of the project."

- We provided the Commission information showing the project is occurring in a wildlife corridor with significant amounts of wildlife-vehicle conflicts on the adjacent Highway 101. This is of substantial importance in understanding the project impacts but was not considered by the applicant, County staff, or the Commission, except briefly during the hearing on May 27.
- We argued that the off-site mitigation should be conducted in a location as close to the project as possible, such as Gaviota Creek, rather than many miles away at Refugio Creek. Our work in restoring the Gaviota Creek watershed provides us the expertise to state that mitigation similar to that proposed at Refugio is feasible and desirable on Gaviota Creek. The

Gaviota Plan requires that off-site mitigation be conducted as close as possible to the project location.

- The extensive evidence of the project's potential impacts to wildlife we presented in the hearing as well as the impact of the loss of State Park property were not addressed in the MND or staff report and were not adequately explored by the Commission prior to a vote to approve. The result is that important impacts of the project may be unknown and thus not mitigated.

BACKGROUND

It has been well documented that the world is undergoing a wildlife extinction crisis. Our local Gaviota Coast is considered one of the world's most significant bio-diverse regions but is not immune from wildlife extinction issues. **Wildlife death from attempting to cross Highway 101 is the number one human impact on Gaviota Coast wildlife.**

Reports by UC Davis' Road Ecology Center and Coastal Ranches Conservancy show an unusual level of wildlife-vehicle conflict on Highway 101 in the project vicinity¹. Both studies indicate that this location is a "hot spot" of road kill and deserves additional investigation. Caltrans failed to follow their own internal regulations² to investigate and consider the project's impacts on wildlife crossing the highway or using the existing culvert, even though they are required by law to do so and were alerted to this issue by us more than 16 months ago.

The Coastal Act, the Local Coastal Land Use Plan, and the Gaviota Coast Plan all require projects be evaluated in regard to their impact on wildlife corridors³. Stream corridors are considered Environmentally Sensitive Habitat (ESH) by the County and are well recognized to act as wildlife corridors, one of the primary reasons for their protection. Existing culverts are frequently used by wildlife as ways to cross under the highway. In 2018, Coastal Ranches Conservancy placed camera traps at two nearby culverts and documented many animals using them, including fox, racoon, bobcat, coyote, and skunk. This project was not evaluated for its consistency with these wildlife corridor planning requirements by either Caltrans or the County.

Caltrans' own 111 page long "Wildlife Crossing Guidance Manual" ⁴ requires that "wildlife crossing considerations be taken into account "early in the...planning process." It goes on to describe how box culverts can be modified to improve their utility for wildlife, which is exactly what we recommend. While the existing culvert is more than 3/4ths filled with sediment, leaving a passageway of only 2-3 feet in height, there is evidence in the form of tracks in the wet soil at the mouth that wildlife are currently using it. A new culvert with 6 feet or more of open clearance is likely to see even more use by wildlife and therefore should incorporate all appropriate measures to ensure the safety and

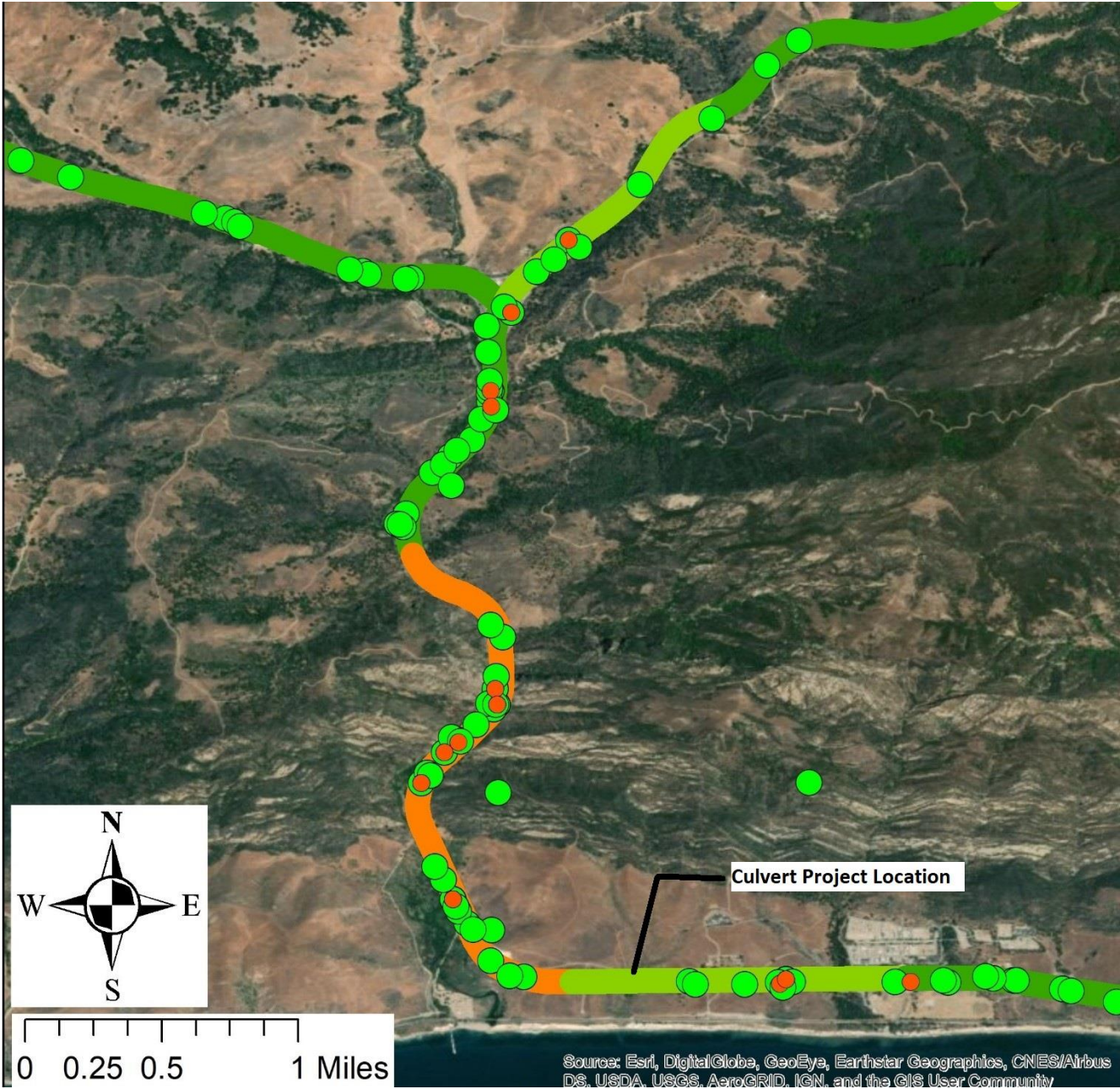
¹ See http://coastalranchesconservancy.org/wp-content/uploads/2020/05/ccber-wildlife-data-gaviota-final-report-12-17_rc.pdf and <https://roadecology.ucdavis.edu/research/projects/ca-wvc-hotspots>

² See https://roadecology.ucdavis.edu/files/content/projects/CA_Wildlife%20Crossings%20Guidance_Manual.pdf

³ See Policy NS-6 and Policy NS-9 and Action NS-6 and Development Standard NS-1 of the Gaviota Coast Plan, for example, found here <https://cosantabarbara.app.box.com/s/67cui9hpdphz64ajtmbdndqwq1x8tr5h> on pages 40-43

⁴ https://roadecology.ucdavis.edu/files/content/projects/CA_Wildlife%20Crossings%20Guidance_Manual.pdf

convenience of these animals. A culvert which is designed to be wildlife-friendly may reduce the road kill by offering wildlife a safe alternative means of crossing a roadway and it will improve highway safety by reducing the chance of collisions with larger wildlife that could result in injury or death to humans.



Wildlife Vehicle Conflict Map- Highway 101 at the Gaviota Curve
UC Davis Road Ecology Center- May 2020
The green dots represent dead animals of all sizes, the red dots collisions with large animals. There are 36 of these near the culvert location.

Finally, we contacted Fraser Shilling, PhD, who is the Co-Director of the Road Ecology Center at UC Davis and one of the authors of the Caltrans Wildlife Crossing Guidance Manual. He confirmed⁵ that the level of wildlife vehicle conflict in this location warrants special consideration in the culvert design such as increased dimensions to accommodate large wildlife like deer, bear, and mountain lion; all of which are present at this location. Dr. Shilling says that “The location of the Gaviota Culvert Replacement Project is a hot spot at the state scale, meaning it has high rates of collisions with large mammals...” and “The number of large mammals (36) killed by collisions in the immediate area of the culvert...indicate that there are immediate impacts to large mammals and risk to drivers through the area.” Dr. Shilling also recommended that Caltrans incorporate fencing along the roadside to direct animals away from the highway and toward the new culvert.

We made two other points in our presentation to the Planning Commission. First that the planning documents cited above all require that off-site mitigation for the loss of riparian habitat caused by the project be performed at a nearby location. For example, the Gaviota Coast Plan says “Where on-site restoration is infeasible, the most proximal and in-kind offsite restoration shall be required.”⁶ The mitigation site Caltrans chose for this mitigation is at Refugio Creek, many miles away. Gaviota Creek offers many of the same mitigation opportunities and is the “most proximal” riparian area to the project. We are happy to work with Caltrans and their contractor, South Coast Habitat Restoration, to develop a mitigation project on Gaviota Creek equivalent to that proposed to be done at Refugio.

Our second point concerns the loss of State Park land to accommodate this project. Our understanding from past conversations with State Parks is that several acres of State Park lands required by this project would be exchanged to Caltrans for some consideration. In the Planning Commission hearing, Caltrans declined to elaborate on this issue, stating that it was all State land so what did it matter. We think it does matter as clearly the management of land designated for transportation purposes will be different than that of State Park land managed primarily to protect the natural resources. If the State Park did give up land to Caltrans for this project, the impact of this land transfer and any compensation or mitigation for that transfer must be part of the public record.

POTENTIAL BENEFITS FROM A PROJECT RE-DESIGN

Caltrans knows how to modify the design of this culvert to accommodate and even encourage wildlife passage for large animals. Their “Wildlife Crossing Guidance Manual” recommends the following:

Best practices include:

- *Even in riparian zones, culverts should be built or modified with dry ledges for use by water-shy organisms; these ledges should be constructed to be able to withstand flood events.*
- *Most mammals prefer to see through to habitat on the opposite side of the culvert – the culvert should not appear as a cave or burrow; the culvert openness ratio is important*

⁵ Emails were exchanged with Dr. Schilling and he authorized these quotes

⁶ See Gaviota Coast Plan Policy NS-11: Restoration

- *Box Culverts are often deployed and documented as effective in both riparian and upland situations, especially when used in conjunction with fencing to guide (or “funnel”) animals in to the culvert (Cavallaro et al. 2005, Taylor and Goldingay 2003, Ng et al. 2004)*
- *Substrate in floor of culvert demonstrated to be important, and ideal substrate is believed to be that of the surrounding habitat.*

If Caltrans will re-design the culvert to incorporate these best practices, as they should have done from the beginning, then the project can provide a net benefit to the Gaviota Coast by reducing wildlife deaths and reducing the possibility of wildlife-vehicle incidents that result in injury or death to humans.

RECOMMENDED ACTION

Based on the evidence presented above, it is clear that Caltrans failed to evaluate the project’s impact on wildlife corridors and loss of Park land. Therefore, the project’s impacts and their appropriate mitigation could not be determined and the Planning Commission could not properly certify compliance with the relevant CEQA guidelines. In addition, Caltrans failed to propose an off-site mitigation project that meets the requirement that it be “most proximal” to the project, even though opportunities to do so are readily available at Gaviota Creek. And finally, Caltrans has failed to disclose the loss of State Park lands that this project apparently requires and also has failed to disclose if there was compensation to the State Park for this loss, so that decision makers can determine if this loss was appropriate and properly mitigated.

Therefore, we believe the County has no alternative under CEQA but to deny the project and ask Caltrans to:

1. Re-design the culvert to accommodate and facilitate wildlife passage, as required by their own guidelines
2. Provide a revised MND, based on the new design and the additional information we have called for so that any harm from this project can be mitigated to the fullest extent possible.

We agree that a new culvert must be built here but it should be done in a way that causes the least harm and can provide the most benefits. Our precious Gaviota Coast deserves no less.

Sincerely,



Doug Campbell
Executive Director, Coastal Ranches Conservancy

Coastal Ranches Conservancy, 68 Hollister Ranch Road, Gaviota CA 93117
A California Non-Profit 501(c)3 Organization
Federal Tax ID # 68-0554135

coastalranchesconservancy.org