



# COUNTY OF SANTA BARBARA CALIFORNIA

## MONTECITO PLANNING COMMISSION

COUNTY ENGINEERING BUILDING  
123 E. ANAPAMU STREET  
SANTA BARBARA, CALIFORNIA 93101-2058  
PHONE: (805) 568-2000  
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June 1, 2020

Mitch Dallas  
State of California, CalTrans  
50 Higuera Street  
San Luis Obispo, CA 93401

PLANNING COMMISSION  
HEARING OF MAY 27, 2020

**RE: *Caltrans Highway 101 Gaviota Replacement Culvert; 19DVP-00000-00034, 19CUP-00000-00054, 19CDP-00000-00133***

Hearing on the request of the State of California Department of Transportation (Caltrans) to consider the following Case Nos. 19DVP-00000-00034, 19CUP-00000-00054, and 19CDP-00000-00133 [application filed on September 27, 2019] to allow the replacement of an existing culvert alignment, associated grading, and required on and offsite mitigation and habitat restoration. The culvert replacement consists of a reinforced concrete box (RCB) and reinforced concrete pipe (RCP) drainage facility that includes a 506 foot long alternative pipe culvert (APC) just west of the existing culvert alignment.

Caltrans is the designated lead agency and Santa Barbara County is acting as a responsible agency under California Environmental Quality Act (CEQA) reporting requirements. Environmental review for the proposed project was completed by Caltrans, the lead agency under CEQA, in the form of a Mitigated Negative Declaration (MND), dated February 28, 2019. There are no expected impacts from the project, besides impacts to biological resources which will be less than significant with mitigation. As a result of this project, less than significant with mitigation effects on the environment are anticipated in the category of biological resources. See the MND and Mitigation Monitoring Plan (Attachments C-D). All documents associated with this project may be reviewed at the Planning and Development Department, 123 East Anapamu Street, Santa Barbara and online at <https://www.countyofsb.org/plndev/home.sbc>.

The project is located along Highway 101 at Postmile (PM) 45.5, in the County Jurisdiction. The application involves Assessor Parcel Nos. 000-000-000 (No Assigned APN, CalTrans Right of Way), 081-130-054, 081-130-072, and 081-270-011 (all owned by the State of California), located at US 101 Postmile (PM) 45.5, in the Gaviota Coast Plan area, Third Supervisorial District.

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Dear Mr. Dallas:

At the Planning Commission hearing of May 27, 2020, Commissioner Blough moved, seconded by Commissioner Bridley and carried by a vote of 3 to 1 (Parke no) to:

1. Make the required findings for approval of the project specified in Attachment A of the staff report dated May 19, 2020, including CEQA findings;

2. Consider the environmental effects of the project as shown in the Mitigated Negative Declaration (SCH# 2018071001) dated February 28, 2019 (Attachment C of the staff report dated May 19, 2020) prepared and adopted by Caltrans, the lead agency, and determine that none of the conditions in CEQA Guidelines section 15162 requiring a subsequent MND or EIR have occurred; and
3. Approve the project (Case Nos. 19DVP-00000-00034, 19CUP-00000-00054, and 19CDP-00000-00133) subject to the conditions included as Attachment B of the staff report dated May 19, 2020.

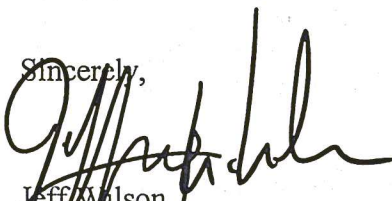
***The attached findings and conditions reflect the Planning Commission's actions of May 27, 2020.***

The action of the Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on Monday, June 8, 2020 at 5:00 p.m.**

**Final action by the County on this project may be appealed to the Coastal Commission by the applicant, an aggrieved person, as defined above, or any two members of the Coastal Commission within the 10 working days following the date the County's Notice of Final Action is received by the Coastal Commission.**

Sincerely,



Jeff Wilson  
Secretary to the Planning Commission

cc: Case File: 19DVP-00000-00034, 19CUP-00000-00054, 19CDP-00000-00133  
Planning Commission File  
California Coastal Commission, 89 S. California Street, Suite 200, Ventura, CA 93001  
Owner: State of California, c/o Justin Borders, 50 Higuera Street, San Luis Obispo, CA 93401  
Engineer: Drake Haglan & Associates, 11060 White Rock Road, Suite 200, Ranch Cordova, CA 95670  
County Chief Appraiser  
County Surveyor  
Fire Department  
Flood Control

Community Services Department  
Public Works  
Environmental Health Services  
APCD  
Joan Hartmann, Third District Supervisor  
John Parke, Third District Planning Commissioner  
Jenna Richardson, Deputy County Counsel  
✓Ciara Ristig, Planner

**Attachments:**      **Attachment A – Findings**  
                                 **Attachment B – Conditions of Approval**

JW/dmv

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## ATTACHMENT A- Findings of Approval

### CEQA FINDINGS

#### 1.1 NEGATIVE DECLARATIONS

#### 1.2 FINDING THAT A PREVIOUS ENVIRONMENTAL DOCUMENT CAN BE USED (PER CEQA SECTION 15162)

A Mitigated Negative Declaration was adopted by Caltrans on February 28, 2019 (SCH# 2018071001). The Project was evaluated in the Mitigated Negative Declaration and mitigation measures were incorporated into the project by Caltrans.

CEQA Section 15162 provides that when an EIR has been certified for a project or a ND adopted for a project, no subsequent EIR or ND shall be prepared unless the County determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant, environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15162 of the State CEQA Guidelines is found to be applicable to the effects of the Project (19DVP-00000-00034, 19CUP-00000-00054, 19CDP-00000-00133) within the scope of the County's jurisdiction. Subsequent to adoption of the Mitigated Negative Declaration by Caltrans, no changes are proposed in the project, no substantial changes

have occurred with respect to the circumstances under which the project is undertaken, and no new information of substantial importance is available. Therefore, the County Planning Commission finds that pursuant to CEQA Section 15162, no subsequent EIR or ND needs to be prepared and the previous environmental document prepared for the project, the Mitigated Negative Declaration dated February 28, 2019 (SCH# 2018071001) may be used to fulfill the environmental review requirements for this project, 19DVP-00000-00034, 19CUP-00000-00054, 19CDP-00000-00133. Please refer to Attachments C and D of the staff report, dated May 19, 2020, and incorporated herein by reference.

### 1.3 **CONSIDERATION OF THE NEGATIVE DECLARATION AND FULL DISCLOSURE**

The Planning Commission finds and accepts that the Mitigated Negative Declaration (Dated February 28, 2019; SCH# 2018071001) constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Planning Commission further finds and accepts that the Mitigated Negative Declaration has been completed in compliance with CEQA.

### 1.4 **LOCATION OF DOCUMENTS**

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the County Planning Commission of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101 (please call 805-568-2000 to make an appointment).

## **ADMINISTRATIVE FINDINGS**

### 2.1 **DEVELOPMENT PLAN FINDINGS**

2.1.1 **Findings required for all Preliminary and Final Development Plans.** In compliance with Section 35-174.7.1 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan the decision-maker shall first make all of the following findings:

- 1. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.**

The County Planning Commission finds that the site is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed. The proposed project would be located on Transportation Corridor (TC) and Recreation (REC) zoned property. The project proposes to replace a culvert immediately adjacent to an existing culvert that will be abandoned. The project is necessary to avoid flooding of and damage to the existing highway infrastructure. The project has been designed to support existing and future roadway capacity thereby avoiding impeding travel conditions and supporting the general welfare and convenience of the community. The project meets all zoning requirements and development standards for the TC and REC zones. The project has been designed with the least impactful access roads to the culvert outlet, and the

project limits the largest impact area (the jacking pit) to the culvert inlet (north of the highway) where ESH has not been designated. All environmental impacts are being mitigated at ratios that meet or exceed those mandated by the County of Santa Barbara as discussed in Attachment D of the staff report, dated May 19, 2020, and incorporated herein by reference.

**2. That adverse impacts are mitigated to the maximum extent feasible.**

The County Planning Commission finds that the project has been designed in coordination with the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), California Department of Fish and Wildlife (CDFW), and the California Coastal Commission (CCC) to mitigate the adverse impacts to the maximum extent feasible while meeting the project's objective of replacing a culvert located partially within Environmentally Sensitive Habitat. The project has been designed to comply with Coastal Plan mandated mitigation ratios, which include onsite and offsite mitigation ratios. The proposed mitigation complies with the 3:1 ratio for temporary and permanent impacts to native riparian habitat, coastal streams, and coastal scrub habitat and a 4:1 ratio for temporary and permanent impacts to coastal wetlands. A combination of onsite and offsite restoration and mitigation is proposed, where temporarily impacted areas will be restored on site. As included in Attachments C and D of the staff report, dated May 19, 2020, and incorporated herein by reference, the MND and MMP prepared by Caltrans supports the findings that there are no significant impacts and the impacts have been mitigated to the maximum extent feasible. The MND identified biological resources as the only area with impacts that would be less than significant with mitigation. Impacts to all other areas were deemed less than significant.

**3. That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.**

The County Planning Commission finds that the streets and highways are adequate to serve the project. The project involves the replacement of an existing culvert, which is a use that does not generate new traffic. Temporary construction traffic will be generated by the proposed use, and project construction will take approximately 5 months. Once the project is complete, it will not contribute any Peak Hour Trips (PHT) nor increase demand. During construction Caltrans will implement the Transportation Management Plan developed for the project. Temporary roads created for construction will be regraded and re-vegetated upon completion.

**4. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.**

The County Planning Commission finds that there are adequate services to serve the project. No sewer services are required to serve the proposed project. A temporary drip irrigation system utilizing truck watering will be used in the establishment of vegetation for the first year of the project. All irrigation will be fed by tanker trucks from the mainline shoulder through temporary irrigation system which will be available for 3 years. When the revegetation planting contract ends all irrigation equipment will be removed from the site. The County Fire Department and County Sheriff's Office serve the area where the culvert is located and would respond to any

incidents.

- 5. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.**

The County Planning Commission finds that the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area. The project is a replacement culvert, which is necessary to avoid flooding of and damage to the existing highway infrastructure. The project is designed to support existing and future roadway capacity thereby avoiding impeding travel conditions and supporting the general welfare and convenience of the community. The project will not generate any noise after construction is complete, and there are no nearby sensitive receptors. The closest sensitive receptors are the County Fire Department which is 1200 feet away and the edge of the State Park parking lot which is 2500 feet away. The project includes a Traffic Management Plan, dust control measures, and implementation of erosion and stormwater control best management practices. These measures will help to minimize short term construction impacts to the area and will preserve the health, safety, and comfort of the area.

- 6. That the project is in conformance with 1) the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article II and/or the project falls with the limited exception allowed under Section 35-161.7.**

The County Planning Commission finds that the project is in conformance with the Comprehensive Plan and with the applicable provisions of Article II. As discussed in Section 7 and 7.1 of the staff report, dated May 19, 2020, and incorporated herein by reference, the proposed project is consistent with all applicable policies of the County Comprehensive Plan, including the Coastal Land Use Plan, the Gaviota Coast Plan. The project is also consistent with all requirements of the Coastal Zoning Ordinance (Article II). The project does not fall within the limited exception allowed under Article II, Section 35-161.7.

- 7. That in designated rural areas the use is compatible with and subordinate to the scenic, agricultural and rural character of the area.**

The County Planning Commission finds that the proposed use is compatible with and subordinate to the character of the area. The project extends through rural portions of the County. The project will perpetuate existing transportation corridor/highway use of the area. Visual impacts of the project were reviewed as part of the MND, and the MND concluded that the project will have minimal to no visibility from Highway 101, Amtrak rail cars, and other public viewpoints. As discussed under the biological resources portion of Section 7 of the staff report, dated May 19, 2020, and incorporated herein by reference, the project includes revegetation of native plants and trees to replace those removed or impacted as part of the project. The project, as a whole, will be compatible with and subordinate to the scenic character of the area.

- 8. That the project will not conflict with any easements required for public access through, or public use of a portion of the property.**



The County Planning Commission finds that the project will not conflict with any easements required for public access through, or public use of a portion of the property. The proposed project would occur within an area already developed for highway infrastructure. Public access easements do not exist in the project area, as confirmed in communication with Caltrans. No temporary construction-related closures will affect public access, and the project will also not impact the development of future public access of the REC zoned parcels. Santa Barbara County Parks Department did not provide any conditions on the project and the California Department of Parks and Recreation has provided consent for the project.

## 2.2 **CONDITIONAL USE PERMITS**

2.2.1 **Findings required for all Conditional Use Permits.** In compliance with Section 35-172.8 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Major or Minor Conditional Use Permit the decision-maker shall first make all of the following findings:

1. **That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.**

The County Planning Commission finds that the site is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed. The proposed project would be located on Transportation Corridor (TC) and Recreation (REC) zoned property. The project proposes to replace a culvert immediately adjacent to an existing culvert that will be abandoned. The project is necessary to avoid flooding of and damage to the existing highway infrastructure. The project has been designed to support existing and future roadway capacity thereby avoiding impeding travel conditions and supporting the general welfare and convenience of the community. The project meets all zoning requirements and development standards for the TC and REC zones. The project has been designed with the least impactful access roads to the culvert outlet, and the project limits the largest impact area (the jacking pit) to the culvert inlet (north of the highway) where ESH has not been designated. All environmental impacts are being mitigated at ratios that meet or exceed those mandated by the County of Santa Barbara.

2. **That adverse environmental impacts are mitigated to the maximum extent feasible.**

The County Planning Commission finds that the project has been designed in coordination with the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), California Department of Fish and Wildlife (CDFW), and the California Coastal Commission (CCC) to mitigate the adverse impacts to the maximum extent feasible while meeting the project's objective of replacing a culvert located partially within Environmentally Sensitive Habitat. The project has been designed to comply with Coastal Plan mandated mitigation ratios, which include onsite and offsite mitigation ratios. The proposed mitigation complies with the 3:1 ratio for temporary and permanent impacts to native riparian habitat, coastal streams, and coastal scrub habitat, and a 4:1 ratio for temporary and permanent impacts to coastal wetlands. A combination of onsite and offsite restoration and

mitigation is proposed, where temporarily impacted areas will be restored on site. As included in Attachments C and D of the staff report, dated May 19, 2020, and incorporated herein by reference, the MND and MMP prepared by Caltrans supports the findings that there are no significant impacts and the impacts have been mitigated to the maximum extent feasible. The MND identified biological resources as the only area with impacts that would be less than significant with mitigation. Impacts to all other areas were deemed less than significant.

**3. That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.**

The County Planning Commission finds that project construction will take approximately 5 months. Once the project is complete, it will not contribute any PHTs nor increase demand. During construction Caltrans will implement the Transportation Management Plan developed for the project. Temporary roads created for construction will be regarded and re-vegetated upon completion.

**4. That there will be adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.**

The County Planning Commission finds that there are adequate services to serve the project. No sewer services are required to serve the proposed project. A temporary irrigation system utilizing truck watering will be used in the establishment of vegetation for the first year of the project. All irrigation will be fed by tanker trucks from the mainline shoulder through temporary irrigation system which will be available for 3 years. When the revegetation planting ends all irrigation equipment will be removed from the site. The County Fire Department and County Sheriff's Office will serve the project.

**5. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.**

The County Planning Commission finds that the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area. The project is a replacement culvert, which is necessary to avoid flooding of and damage to the existing highway infrastructure. The project is designed support existing and future roadway capacity thereby avoiding impeding travel conditions and supporting the general welfare and convenience of the community. The project will not generate any noise after construction is complete, and there are no nearby sensitive receptors. The project includes a Traffic Management Plan, dust control measures, and implementation of erosion and stormwater control best management practices. These measures will help to minimize short term construction impacts to the area and to preserve the health, safety, and comfort of the area.

**6. That the project is in conformance with the applicable provisions and policies of this Article and the Coastal Land Use Plan.**

The County Planning Commission finds that the project is in conformance with the Comprehensive Plan and with the applicable provisions of Article II. As discussed

in Section 7 and 7.1 of the staff report, dated May 19, 2020 and incorporated herein by reference, the project is consistent with all applicable policies of the County Comprehensive Plan, including the Coastal Land Use Plan, the Gaviota Coast Plan, and is consistent with all requirements of the Article II Coastal Zoning Ordinance.

**7. That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.**

The County Planning Commission finds that the proposed use of a replacement culvert is compatible with and subordinate to the character of the area. The project extends through rural portions of the County and will perpetuate existing transportation corridor/highway use of the area. Visual impacts of the project were reviewed as part of the MND, and the MND determined that the project would have minimal to no visibility from Highway 101, Amtrak rail cars, and other public viewpoints. As discussed under the biological resources portion of Section 7 of the staff report, dated May 19, 2020, and incorporated herein by reference, the project includes revegetation of native plants and trees to replace those removed or impacted as part of the project. The project, as a whole, will be compatible with and subordinate to the scenic character of the area.

**8. That the project will not conflict with any easements required for public access through, or public use of the property.**

The County Planning Commission finds that the project, as discussed in Section 7 of the staff report, dated May 19, 2020 and incorporated herein by reference, will not conflict with any easements required for public access through or public use of a portion of the property. The proposed project would occur within an area already developed for highway infrastructure. No temporary construction-related closures will affect public access, and the project will also not impact the development of future public access of the REC zoned parcels.

**9. That the proposed use is not inconsistent with the intent of the zone district.**

The County Planning Commission finds that the project, as discussed in Section 7 and 7.1 of the staff report, dated May 19, 2020 and incorporated herein by reference, is consistent with the REC and TC zone districts and that there are adequate services to serve the project which is the replacement of an existing damaged culvert. It will not impact existing or potential future recreational usage of the two REC zoned parcels. Proposed access roads for construction will be removed, regarded and replanted upon completion of construction. The purpose of the TC zone district is to preserve and protect established and proposed transportation corridors and to regulate land uses within and adjacent to such corridors. The proposed project is a replacement culvert, which is necessary to avoid flooding of and damage to the existing highway infrastructure.

**2.3 COASTAL DEVELOPMENT PERMIT FINDINGS**

**2.3.1 Findings required for all Coastal Development Permits.** In compliance with Section 35-60.5 of the Article II Coastal Zoning Ordinance, prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or

private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.

The County Planning Commission finds that, as discussed in Section 7 of the staff report, dated May 19, 2020, and incorporated herein by reference, there are adequate services to serve the project. No sewer services are required to serve the proposed project. A temporary irrigation system utilizing truck watering will be used in the establishment of vegetation for the first year of the project. Temporary roads will be graded for construction and regarded and re-vegetated upon completion. All irrigation will be fed by tanker trucks from the mainline shoulder through temporary irrigation system which will be available for 3 years. When the revegetation planting ends all irrigation equipment will be removed from the site. The County Fire Department and County Sheriff's Office serve the area where the culvert is located and would respond to any incidents.

2.3.2 **Findings required for Coastal Development Permit applications subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission.** In compliance with Section 35-169.5.3 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission the decision-maker shall first make all of the following findings:

1. **The proposed development conforms:**
  - a. **To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan;**
  - b. **The applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 161 (Nonconforming Use of Land, Buildings and Structures).**

The County Planning Commission finds that the project is in conformance with the Comprehensive Plan and with the applicable provisions of Article II. As discussed in Section 7 and 7.1 of the staff report, dated May 19, 2020, and incorporated herein by reference, the proposed project is consistent with all applicable policies of the County Comprehensive Plan, including the Coastal Land Use Plan, the Gaviota Coast Plan, and is consistent with all requirements of the Article II Coastal Zoning Ordinance. The project does not fall within the limited exceptions allowed in compliance with Section 161 (Nonconforming Use of Land, Buildings and Structures).

2. **The proposed development is located on a legally created lot.**

The County Planning Commission finds that the proposed project is located on three parcels that were created as legal lots. APN 081-130-072 is identified as a legal lot on Parcel Map 11135, and APNs 081-270-011 and 081-130-054 are identified as State Land in Surveyors Book 85 Page 29.

3. **The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection**

**shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).**

The County Planning Commission finds that, as discussed in Section 7.1 of the staff report, dated May 19, 2020, and incorporated herein by reference, the proposed project would conform to all applicable laws, rules, and regulations pertaining to the REC and TC zones. There are no current violations associated with the subject properties.

- 4. The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.**

The County Planning Commission finds that visual impacts of the project were reviewed as part of the MND, which determined that the project would have minimal to no visibility from Highway 101, Amtrak rail cars, and other public viewpoints. Visibility of construction-related disturbance will be minimal since graded areas will be re-contoured to match their pre-construction condition. All disturbed areas will be re-vegetated with native species, per the Mitigation Monitoring Report. The MND also indicated that the project would not adversely affect views of any "Designated Scenic Resources" as defined by CEQA and by Caltrans policy.

- 5. The proposed development will be compatible with the established physical scale of the area.**

The County Planning Commission finds that the proposed development is compatible with and subordinate to the character of the area. The project extends through rural portions of the County. The project will perpetuate existing transportation corridor/highway use of the area. The MND determined that the project would have minimal to no visibility from Highway 101, Amtrak rail cars, and other public viewpoints. As discussed under the biological resources portion of Section 7 of the staff report, dated May 19, 2020, and incorporated herein by reference, the project includes revegetation of native plants and trees to replace those removed or impacted as part of the project. The project, as a whole, will be compatible with and subordinate to the scenic character of the area.

- 6. The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.**

The County Planning Commission finds that the project will not conflict with any easements required for public access through, or public use of a portion of the property. The proposed project would occur within an area already developed for highway infrastructure and will not conflict with any easements required for public access through, or public use of a portion of the property. No temporary construction-related closures will affect public access, and the project will also not impact the development of future public access of the REC zoned parcels.

- 2.3.3 Additional finding required for sites zoned Environmentally Sensitive Habitat (ESH) Overlay.** In compliance with Section 35-97.6 of the Article II Coastal Zoning Ordinance, prior to the issuance of a Coastal Development Permit for sites designated with the ESH Overlay District the decision-maker shall first find that the proposed

development meets all applicable development standards in Section 35-97.8 through Section 97.19.

The County Planning Commission finds that the proposed development would meet all applicable development standards in Section 35-97.18 through Section 35-97.19 of the Article II Zoning Ordinance as discussed in Section 6.1.3 of the staff report, dated May 19, 2020, and incorporated herein by reference. The proposed new culvert is necessary to avoid potential flooding of the highway, and new development that is necessary for the protection of existing development and public safety may be allowed in ESH if it is designed and sited to avoid impacts to ESH to the maximum extent feasible. ESH has been identified on the south side of US 101 and will be impacted by the project; however, the project has been designed with the least impactful access roads to the culvert outlet, and the project limits the largest impact area (the jacking pit) to the culvert inlet (north of the highway) where ESH has not been designated. Both the existing and the proposed replacement culvert are within ESH. The California Department of Fish and Wildlife, the California Coastal Commission and the State Parks Department have all reviewed the project and acknowledged the impacts to ESH.

2.3.4 **Additional findings required for tree removal.** In compliance with Section 35-140.3 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit for tree removal the decision-maker shall first make one of the following findings:

1. The trees are dead.
2. The trees prevent the construction of a project for which a Coastal Development Permit has been issued and project redesign is not feasible.
3. The trees are diseased and pose a danger to healthy trees in the immediate vicinity, providing a certificate attesting to such fact is filed with the Planning and Development Department by a licensed tree surgeon.
4. The trees are so weakened by age, disease, storm, fire, excavation, removal of adjacent trees, or any injury so as to cause imminent danger to persons or property.

The County Planning Commission finds that, as discussed in Section 7.1 of the staff report, dated May 19, 2020 and incorporated herein by reference, the project has been designed to minimize impacts to trees and vegetation to the maximum extent feasible and therefore makes the finding that the trees prevent the construction of a project for which a Coastal Development Permit has been issued and project redesign is not feasible. The project, consisting of replacement an existing culvert constructed prior to the Coastal Act, cannot be resigned due to its location within a creek. The proposed culvert also needs to be located near the existing culvert to effectively convey water underneath the highway and to prevent flooding of and damage to the existing Highway 101.

## ATTACHMENT B1: CONDITIONS OF APPROVAL

1. **Proj Des-01 Project Description.** This Development Plan 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.
- ii. 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.
- iii. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
- iv. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
- v. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
- vi. Order increased watering as necessary to prevent transport of dust off-site.
- vii. 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 APCDPLAN **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:

- a. Assure all dust control requirements are complied with including those covering weekends and holidays.
- b. Order increased watering as necessary to prevent transport of dust offsite.
- c. 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-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.
7. **Rules-07 DP Conformance:** No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan. The size, shape, arrangement, use, and location of structures, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan.
8. **Rules-14 Final DVP Expiration:** Final Development Plans shall expire ten years after the effective date unless substantial physical construction has been completed on the development or unless a time extension is approved in compliance with County rules and regulations.
9. **Rules-18 CUP and DVP Revisions:** The approval by the Planning Commission of a revised Development Plan shall automatically supersede any previously approved Development Plan upon the effective date of the revised permit.
10. **Rules-33 Indemnity and Separation:** The owner/applicant (Caltrans) agrees to indemnify, defend, and hold harmless Santa Barbara County and its officers, officials, employees, and agents (collectively "County") as follows:
  - a. From any claim, action, or proceeding by third parties against the County or its agents, officers or employees to attack, set aside, void, or annul, in whole or in part, an approval of the Project Application by the County and any related development approvals or project conditions (hereinafter "Claim");
  - b. From any and all acts, errors, or omissions of the Owner(s) and Applicant and their officers, employees, agents and contractors related to the Project Application;
  - c. Owner(s) and Applicant shall permit County, with County's unlimited discretion, to direct and control the County's defense of any Claim against the County. In the event of a disagreement between County and the Owner(s) or Applicant over litigation issues, County shall have the authority to control the County's litigation and make litigation decisions, including, but not limited to, the manner in which the County's defense is conducted. Owner(s) and Applicant shall have the right to employ their own counsel and defend against any Claim on behalf of Owner(s) and Applicant as real parties in interest. The County may use County Counsel, outside counsel, and/or counsel common to the Owner(s) and Applicant (reasonably approved by the County), or elect to not to participate in the defense of any Claim. Regardless of the form of the County's participation in the litigation, Owner(s) and Applicant remain bound by the obligation imposed by this Agreement.
11. **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**

12. **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.

**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.

## ATTACHMENT B2: 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 (Caltrans) agrees to indemnify, defend, and hold harmless Santa Barbara County and its officers, officials, employees, and agents (collectively "County") as follows:
  - a. From any claim, action, or proceeding by third parties against the County or its agents, officers or employees to attack, set aside, void, or annul, in whole or in part, an approval of

the Project Application by the County and any related development approvals or project conditions (hereinafter “Claim”);

b. From any and all acts, errors, or omissions of the Owner(s) and Applicant and their officers, employees, agents and contractors related to the Project Application;

c. Owner(s) and Applicant shall permit County, with County’s unlimited discretion, to direct and control the County’s defense of any Claim against the County. In the event of a disagreement between County and the Owner(s) or Applicant over litigation issues, County shall have the authority to control the County’s litigation and make litigation decisions, including, but not limited to, the manner in which the County’s defense is conducted. Owner(s) and Applicant shall have the right to employ their own counsel and defend against any Claim on behalf of Owner(s) and Applicant as real parties in interest. The County may use County Counsel, outside counsel, and/or counsel common to the Owner(s) and Applicant (reasonably approved by the County), or elect to not to participate in the defense of any Claim. Regardless of the form of the County’s participation in the litigation, Owner(s) and

Applicant remain bound by the obligation imposed by this Agreement.

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.

**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.

## ATTACHMENT B3: CONDITIONS OF APPROVAL

1. **Proj Des-01 Project Description.** This Coastal Development Permit is based upon and limited to compliance with the project description, the hearing exhibits marked 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.
  - xiv. 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.
  - xv. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
  - xvi. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
  - xvii. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
  - xviii. Order increased watering as necessary to prevent transport of dust off-site.
  - xix. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.
  - xx. 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:

- g. Assure all dust control requirements are complied with including those covering weekends and holidays.
- h. Order increased watering as necessary to prevent transport of dust offsite.
- i. 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-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.
7. **Rules-11 CDP Expiration-With CUP or DVP:** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision-maker action. Prior to the expiration of the approval, the review authority who approved the Coastal Development Permit may extend the approval for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made. Prior to the expiration of a time extension, the review authority who approved the time extension may approve two additional time extensions for two years each if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made. A Coastal Development Permit shall expire two years from the date of issuance if the use or structure for which the permit was issued has not been established or commenced in conformance with the effective permit. A Coastal Development Permit whose expiration date has been extended in compliance with the above will nevertheless expire at the earlier of: (1) the expiration of the most recent time extension or (2) the expiration of the associated Conditional Use Permit or Development Plan (as modified by any extension thereto).
8. **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.
9. **Rules-33 Indemnity and Separation:** The owner/applicant (Caltrans) agrees to indemnify, defend, and hold harmless Santa Barbara County and its officers, officials, employees, and agents (collectively "County") as follows:
  - a. From any claim, action, or proceeding by third parties against the County or its agents, officers or employees to attack, set aside, void, or annul, in whole or in part, an approval of the Project Application by the County and any related development approvals or project conditions (hereinafter "Claim");
  - b. From any and all acts, errors, or omissions of the Owner(s) and Applicant and their officers, employees, agents and contractors related to the Project Application;
  - c. Owner(s) and Applicant shall permit County, with County's unlimited discretion, to direct and control the County's defense of any Claim against the County. In the event of a disagreement between County and the Owner(s) or Applicant over litigation issues, County shall have the authority to control the County's litigation and make litigation decisions, including, but not limited to, the manner in which the County's defense is conducted. Owner(s) and Applicant shall have the right to employ their own counsel and defend against any Claim on behalf of Owner(s) and Applicant as real parties in interest. The County may use County Counsel, outside counsel, and/or counsel common to the Owner(s) and

Applicant (reasonably approved by the County), or elect to not to participate in the defense of any Claim. Regardless of the form of the County's participation in the litigation, Owner(s) and

Applicant remain bound by the obligation imposed by this Agreement.

10. **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**

11. **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 # 2018071001.

**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.