

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA  
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Filed: 6/13/97  
Hearing Opened: 7/8/97  
49th Day: 8/1/97  
180th Day: 12/10/97  
Staff: MHC: PL  
Staff Report: 7/29/95  
Hearing Date: 8/12-15/97



STAFF REPORT: APPEAL

RECORD PACKET COPY

SUBSTANTIAL ISSUE and DE NOVO HEARING

LOCAL GOVERNMENT: Santa Barbara County

DECISION: Approve with Conditions

APPEAL NO.: A-4-STB-97-131

APPLICANT: California Department of Transportation

PROJECT LOCATION: One to two miles inland from the intersection of Highway 150 and U.S. Highway 101, Santa Barbara County

PROJECT DESCRIPTION: Replace two substandard bridges and realignment of a portion of Highway 150 along Rincon Creek, Santa Barbara County.

APPELLANT: Geoffrey Latham

SUBSTANTIVE FILE DOCUMENTS: 96-CP-023; Santa Barbara County Local Coastal Program; Appeal A-4-STB-97-131

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that substantial issue exists for the following reason: The Commission has previously found that a related appeal filed by the appellant regarding that portion of the project separately approved by the County of Ventura raised a substantial issue, and the project is not physically divisible. The staff also recommends that after a de novo hearing the Commission approve the project subject to conditions which requires full compliance with the special conditions imposed upon the project by the County of Santa Barbara as part of Conditional Use Permit 96-CP-023.

The Commission received a Notice of Final Action from the County of Santa Barbara on June 2, 1997, and an appeal of the County's action on June 12, 1997; the appeal was therefore filed within 10 working days of receipt of the Notice of Final Action by the County as provided by the Commission's Administrative Regulations.

STAFF NOTE: Subsequent to the filing of the appeal the applicant has amended the original project description through a letter to the Commission dated July 18, 1997 to incorporate the special conditions attached to the County of Santa Barbara's approved Conditional Use Permit for the project. (See Exhibit 12.)



### I. Appellants Contentions

Because of its location within 100 feet of a coastal stream, the project is subject to an appeal to the California Coastal Commission.

The appellant alleges the following basic inconsistencies with the County of Santa Barbara's Local Coastal Program policies: (1) the project does not provide an adequate buffer strip around wetlands; (2) the project is not a permitted use in a wetland; (3) the project is not a permitted use in a stream corridor; (4) the project involves the unpermitted conversion of prime agricultural land; and (5) the project is out of character with the scale and rural nature of the surrounding community. (See Exhibit 8.)

### II. Local Government Action

The Santa Barbara County Board of Supervisors denied a local appeal and issued a Conditional Use Permit (96-CP-023) for the entire project on May 20, 1997, thus affirming the approval of the project by the County Planning Commission. In denying the appeal, however, the County further modified the project to clarify issues regarding protection of agriculture, bridge design, and provision of a fish passage facility downstream at the Rincon Creek culvert under U.S. Highway 101.

The project was approved by the County of Santa Barbara with a number of special conditions.

These include developing a plan to control construction activities to reduce erosion and sedimentation and to protect environmentally sensitive habitats associated with Rincon Creek, developing a tree and creek protection replacement program, showing proof of a dedication of a conservation easement over the wetland/riparian oak woodland habitat, showing proof of having received a stream alteration agreement from the California Department of Fish and Game and a 404 permit from the U.S. Army Corps of Engineers, limiting work within the stream channel and minimizing the use of concrete outlet structures, controlling the timing of construction, controlling the spread of avocado root rot fungus, providing for an archaeological monitoring program overseen by a qualified archaeologist and a Native American representative, and coordinating with the U.S. Fish and Wildlife Service for any necessary Section 7 consultation for listed species.

Finally, the County's special conditions require developing plans and specifications for a fish passage facility at the Rincon Creek culvert under U.S. Highway 101 crossing, with completion of the facility within three years of the commencement of the project.

The Commission received a Notice of Final Action on the project from the County of Santa Barbara on June 2, 1997. The appellant filed an appeal of the County's discretionary action on the project (Conditional Use Permit) to the Coastal Commission on June 12, 1997.

### III. Appeal Procedures

The Coastal Act provides for appeals after certification of Local Coastal Programs (LCPs) to the Coastal Commission of local government actions on



Coastal Development Permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea, within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is greater, on state tidelands, or along or within 100 feet of natural water courses.

For development approved by the local government and subject to appeal to the Commission, the grounds for appeal shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in Division 20 of the Public Resources Code.

The project is situated within 100 feet of a coastal stream and is therefore subject to appeal to the Commission.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal.

If the Staff recommends "substantial issue" and no Commissioner objects, the substantial issue question will be considered moot, and the Commission will proceed directly to a de novo public hearing on the merits of the project.

If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue.

It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project. If the Commission conducts a de novo hearing on the merits of the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program, and the public access and public recreation policies of the Coastal Act.

The only persons qualified to testify before the Commission at the substantial issue stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. If a de novo hearing is held, testimony may be taken from all interested persons.

Coastal Act Section 30621 requires that a public hearing on an appeal shall be set no later than 49 days after the date on which the appeal is filed with the Commission.

#### IV. Staff Recommendation on Substantial Issue

The staff recommends that the Commission determine that substantial issue exists with respect to the grounds on which the appeal was filed, pursuant to PRC Section 30603 and take the following action.



Finding Substantial Issue

Motion I

I move that the Commission determine that Appeal NO. A-4-STB-97-131 raises NO substantial issue with respect to the grounds on which the appeal has been filed.

Staff recommends a NO vote on the motion.

A majority of the Commissioners present is required to pass the motion.

V. Staff Recommendation on De Novo Hearing

The staff recommends that the Commission, after public hearing adopt the following resolution:

Approval with Conditions

The Commission hereby grants a permit for the proposed development subject to the conditions below on the grounds that the development will be in conformity with the provisions of the certified Santa Barbara County Local Coastal Program, is in conformance with the public access policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

Motion II

I move that the Commission adopt the following findings and approve the project (A-4-STB-97-131) as approved by the County of Santa Barbara, and as subsequently modified by the applicant through Exhibit #12.

A majority of the Commissioners present is required to pass the motion.

VI. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposals set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director of the Commission.



5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## VII. SPECIAL CONDITIONS

### Condition Compliance

1. Prior to the issuance of a Coastal Development Permit for this project the applicant shall submit for the review and approval of the Executive Director evidence of having complied with all of the following prior-to-issuance permit conditions attached to the County's Conditional Use Permit (96-CP-023) for this project: #2 through #7, #9 and #10, #13, #15, #17 and #18, #25 through #27, #31 and #32, and #34. (A copy of these conditions is included in Exhibit #7 attached to this staff report.)

2. The applicant shall coordinate and cooperate with the County of Santa Barbara in the development of all mitigation and monitoring plans stipulated in the special conditions attached to the County's Conditional Use Permit (96-CP-023) for this project, and shall submit for the review and approval of the Executive Director evidence of having complied with all special conditions of the County's Conditional Use Permit not enumerated in the Commission's special Condition Number 1 above. In addition, upon completion of the bridge replacement and highway realignment components of the project, the applicant shall provide the Executive Director with a status report on the compliance with all applicable special conditions attached to the County of Santa Barbara's Conditional Use Permit. (A copy of these conditions is included in Exhibit #7 attached to this staff report.)

## VIII. Findings and Declarations For Substantial Issue

### A. Background

Rincon Creek defines the boundary between Santa Barbara and Ventura County. The project meanders across the creek and is located in both Counties. CalTrans is proposing to replace two substandard bridges, realign a 0.6 mile portion of Highway 150 away from Rincon Creek, realign a 130 foot portion of Rincon Creek, and reconfigure the intersection of Highway 150 and Highway 192. CalTrans has sought a Conditional Use Permit and Coastal Development Permit from Santa Barbara County and Ventura County for those portions of the project which are located within each County's respective jurisdiction.

Since both Counties' actions have been appealed to the Commission, the entire project is now before the Commission.



B. Issues Raised by the Appellant

The appellant alleges the following basic inconsistencies with the County of Santa Barbara's Local Coastal Program policies: (1) the project does not provide an adequate buffer around wetlands; (2) the project is not a permitted use in a wetland; (3) the project is not a permitted use in a stream corridor; (4) the project involves the unpermitted conversion of prime agricultural land; and (5) the project is out of character with the scale and rural nature of the surrounding community. (See Exhibit 8.)

C. Project Description and Local Jurisdiction Review

The project includes the replacement of two substandard bridges straddling two counties with two separate Local Coastal Programs. Review by the two counties of two separate Coastal Development Permit applications has proceeded on different tracks.

Santa Barbara County's approval of the portion of the project within its jurisdiction occurred on May 20, 1997, and the Commission received a Notice of Final Action on the project on June 2, 1997. As a result, the appeal of Santa Barbara County's approval was filed with the California Coastal Commission on June 12, 1997, and thus the appeal has only reached the Commission at this time.

Despite the two separate approval and appeal schedules for local government actions on this project, the project itself is a single, and physically inseparable project. The two bridges which cross Rincon Creek from one county to another and back again, along with the stretch of road between them, requires a single review by the Commission in order to adequately address the issues raised by either appeal.

IX. Findings for Approval with Conditions

A. Project Description

CalTrans is proposing to replace two substandard bridges, realign a 0.6 mile section of Highway 150 and a 130 foot section of Rincon Creek, and reconfigure the Highway 150/192 intersection along the Santa Barbara/Ventura County line. The existing bridges are 16.5 feet wide and 18 feet wide. Both bridges would be replaced with 32 foot wide structures. The abutment on the western bridge on the western side of the creek would remain in place to stabilize the toe of an existing landslide. A grade control structure would be constructed downstream at the Rincon Creek culvert under the U.S. 101 Highway to facilitate the migration of steelhead trout past both bridges into the headwaters of Rincon Creek.

The roadway would be widened from 22 feet to 32 feet. Culverts would be replaced and upgraded to adequately conduct runoff water to Rincon Creek. (See Exhibits 1 through 6.)

The realignment of 130 feet of Rincon Creek and the relocation of the western bridge would impact approximately 0.15 acres of wetland habitat. The Highway 150 realignment would impact 0.33 acres of oak woodland habitat and 0.20 acres of riparian habitat. The project would also require the removal of 37 native



trees. Revegetation of disturbed areas of the old roadbed, areas of creek realignment, and a portion of the new right-of-way would total 0.25 acre of wetland habitat, 1.0 acre of oak woodland habitat, and 1.0 acre of riparian woodland habitat. The total acreage of habitat impacted would be 0.68 acre; the total acres of habitat created would be 2.25 acres. Trees removed would be replaced on a 10:1 ratio with in-kind species.

A conservation easement is proposed over 0.87 acre area adjacent to Rincon Creek between the old road alignment and the new alignment located in Ventura County. This area would be planted with a variety of species native to Rincon Creek to provide a riparian/oak woodland habitat. Areas disturbed by culvert outfall construction would also be revegetated with native species. An area of rock slope protection in the area of the conservation easement would be removed and replaced with bio-engineered bank protection. The County of Santa Barbara has attached a Special Condition #32 to the County's Conditional Use Permit which requires that the applicant provide evidence of recordation of the Conservation Easement for that portion of the easement which occurs in Santa Barbara County.

A Storm Water Pollution Plan will be prepared by the construction contractor and submitted to and approved by the California Regional Water Quality Control Board prior to commencement of construction of the project.

#### B. Project History

CalTrans proposed the replacement of the two substandard bridges over Rincon Creek and the realignment of 0.9 mile of Highway 150 along Rincon Creek in 1986.

At initial public hearings on the project, local residents expressed concern regarding the scale of the project (40 feet roadway and bridge width), impacts upon agricultural operations, and potential degradation of the area's scenic and visual qualities.

In 1989 an Initial Study/Environmental Assessment (IS/EA) was prepared which concluded that the project would not have a significant effect on the environment within in the meaning of the California Environmental Quality Act. In response to written and oral comments on the IS/EA, CalTrans elected to prepare a Environmental Impact Report/Statement (EIR/EIS) for the project. The EIR/EIS evaluated six alternatives, and a no project alternative, to reduce or eliminate potentially significant environmental impacts. These included relocating both bridges in four different configurations, reducing the length of the road alignment, placing Highway 150 on an alignment on the northwest blufftop above the canyon, and no project.

The preferred alternative identified in the final EIR/EIS included a bridge design which reduced the width of the two bridges from 40 to 32 feet.

In response to written comments on the EIR/EIS expressing concerns over safety, water quality, sedimentation, and impacts to agricultural land, biological resources, and scenic and visual resources, CalTrans prepared an addendum to the EIR/EIS. The addendum evaluated an alternative [Alternative D-modified (short)] which was not previously evaluated in the EIR/EIS. This alternative shortens the length of the highway realignment from 0.9 to 0.6



miles, avoids separating a 3 acre portion of an orchard from the remainder of an agriculturally viable parcel, provides a conservation easement for habitat replacement, and realigns the eastern bridge to avoid removal of four large Sycamore trees.

In March 1995, the Commission concurred with the federal consistency certification made by the California Department of Transportation (cc-7-95) for the entire project (as modified) in both Santa Barbara and Ventura Counties.

The Commission found that the project was consistent with Coastal Act wetland policy Section 30233. Specifically, the Commission found that the project was an allowable use as an incidental public service consistent with the Commission's wetland guidelines allowing fill for highways where no capacity increases are proposed, where it is the least environmentally damaging feasible alternative, and where adequate mitigation is provided.

The Commission found that the project improved habitat resources by (1) increasing the width and extent of the buffer area between Highway 150 and Rincon Creek; (2) incorporating a design that would improve fish passage at the two bridges, consistent with the recommendation of the Department of Fish and Game, and (3) including a commitment for future correction of a fish blockage at the Rincon Creek culvert under U.S. Highway 101.

The Commission's federal consistency findings further indicated that most of the project's agricultural impacts would be mitigated through project redesign, and that the project would, by decreasing public safety hazards, improve public bicycle and vehicular access to the coast.

The County of Santa Barbara granted a Conditional Use Permit for the project with special conditions, including the requirement to construct a fish passage facility at the Rincon Creek culvert at the U.S. Highway 101 downstream of the project site.

### C. Coastal Issues

The following presents an analysis of the project's consistency with the applicable policies of the certified Local Coastal Program for the County of Santa Barbara.

#### 1. Coastal Agriculture

Local Coastal Program Policy 8-2 stipulates that rural coastal agricultural land not contiguous with an urban/rural boundary only be converted to other priority uses under the Coastal Act such as coastal dependent industry, recreation and access, or protection of environmentally sensitive habitat, and providing that there is no conflict with adjacent agriculture.

The project is located in an agricultural area where the primary agricultural use is for avocado, lemon, and tropical fruit orchards.

The realignment of 0.6 miles of Highway 150, which is necessary to accommodate the replacement bridges and eliminate a short looping curve, would result in the removal of 2.7 acres of agricultural lands in Santa Barbara County, 2



acres of which are currently in lemon production. Approximately 1.5 acres of this agricultural land would be restored to native riparian and oak woodland habitat which is one of the permitted uses of agricultural lands. (See Exhibit 11.)

The two bridges were constructed in 1927 and are only 16.5 and 18 feet wide, so that they are able to pass only one vehicle at a time. The horizontal and vertical alignment of both bridges has resulted in an accident rate twice the expected rate of comparable highways. The intersection of Highway 150 and 192 is skewed at an angle that makes left and right hand turns difficult for farm equipment. The widened road and bridges, and realigned intersection of Highway 150 and 192 would more safely accommodate agricultural vehicles which frequently utilize the area. (See Exhibit 9.)

The proposed bridge replacement and realignment of Highway 150 would permanently displace 1.2 acres of agricultural lands, but would upgrade this road segment, which is heavily used by agricultural vehicles, to current safety standards and thus facilitate access from the interior to the coast which is also one of the permitted uses of agricultural lands.

The agricultural lands in this area are generally rated as prime, and have a minimum parcel size of 5 to 10 acres. However, most of the parcels are part of larger holdings. Sale of the agricultural lands to CalTrans for the project does not affect the minimum size criteria of the Agricultural Preserve program on the parcel participating in the program. All parcels affected by the project retain significant acreage for viable agriculture, and the project would not conflict with agricultural operations.

In Ventura County, where a portion of the lemon orchard would be affected by relocation of Highway 150, the right-of-way outside the roadbed and the road shoulders would be planted with orchard trees and the adjacent land owner would have the right to harvest the crop.

The realignment of the driveway to the west of the western bridge and the realignment of the Highway 150/192 intersection would affect approximately 2.9 acres of land zoned for agriculture in Santa Barbara County. The proposed realignment of the Highway 150/192 intersection would remove a major safety hazard, particularly for agricultural vehicles turning onto Highway 150 from Highway 192. The amount of agricultural lands affected by the project has been minimized through site design, and will not affect any parcel participating in the Agricultural Preserve program.

Because access roads are an essential component in any agricultural community, the use of some agricultural lands to accommodate such infrastructure is essential and unavoidable. The use of these lands to serve coastal dependent industry and to provide access is consistent with the permitted uses provided for in the County of Santa Barbara's Local Coastal Plan.

To reduce any adverse impacts to surrounding agricultural lands generated by construction activities, the County of Santa Barbara has attached a Special Condition #20 to the Conditional Use Permit which requires the the applicant the extent of avocado root rot fungus. Further, to prevent the spread of root rot fungus during construction, work is to be staged to minimize the possibility of infecting non-infected areas by using clean fill material in infected areas first.



The Commission therefore finds that the proposed project as conditioned is consistent with the applicable agricultural resource protection policies of the Santa Barbara County Local Coastal Program.

## 2. Coastal Hazards

Local Coastal Plan Policy 3-12 requires that permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control works.

The project is located along and over Rincon Creek which has a high potential for and history of flooding. The western replacement bridge has been designed to convey a 50-year flood flow, as is the existing bridge. The realignment of the highway to the east of the area where Rincon Creek has historically broken out of its banks would reduce the likelihood of flooding of the highway. The eastern bridge has been designed to convey a 100-year flood flow, and therefore reduces the likelihood of damage to this structure from flooding.

The Commission therefore finds that the proposed project as conditioned is consistent with the applicable coastal hazards protection policies of the Santa Barbara County Local Coastal Program.

## 3. Water Quality

Local Coastal Plan Policy 3-19 requires that water quality of nearby streams shall not be degraded, and that pollutants shall not be discharged into or alongside coastal streams or wetlands either during or after construction.

The western bridge abutment on the western creek bank would remain in place after completion of the project, thus reducing disturbance to the creek and stabilizing a landslide on the western creek bank. A 130 foot portion of Rincon Creek in the area of the landslide and immediately to the northwest of the western bridge would be realigned along the toe of the landslide and stabilized with vegetation. These design features would reduce siltation into Rincon Creek.

In addition the County of Santa Barbara has attached a number of special conditions to its Conditional Use Permit which will ensure the control of erosion, sedimentation, and the introduction of pollutants into Rincon Creek. Special Condition #6 requires the use of hand tools for excavation within or adjacent to sensitive areas. Special Condition #8 requires the development and implementation of an erosion control plan prior to commencement of construction. Special Condition #10 requires drainage from the project be designed to avoid the generation of currents which would cause bank erosion. Special Condition #11 limits the washing of concrete, paint, or equipment to areas where the run-off can be contained and disposed of off-site. Special Condition #13 requires the development and implementation of an erosion control plan to minimize erosion, using retention basins, diversion structures, soil binders and other suitable methods. Special Condition #14 limits the construction period to the dry season of the year, unless an erosion control plan is provided, and requires that graded surface stabilized with with soil binders or other suitable methods to minimize erosion.



The Commission therefore finds that the proposed project as conditioned is consistent with the applicable water quality protection policies of the Santa Barbara County Local Coastal Program.

#### 4. Biological Resources

Local Coastal Plan Policy 9-36 requires that areas with significant amounts of native vegetation shall be preserved, and all development shall be sited, designed, and constructed to minimize impacts. Policy 9-41 requires that all permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts. Policy 9-35 requires that oak trees shall be protected.

Vegetation removal would be necessary adjacent to the western bridge, along the northern side of the highway for several hundred feet, and at the Highway 150/192 intersection. The project includes a revegetation plan as part of the project to replace all trees removed at 10:1 ratio, additional planting of understory species, and dedication of a 0.87 acre conservation easement for restoration of wetland/riparian oak woodland habitat.

Currently, several large oak trees are located adjacent to Highway 150, several of which have been damaged as a result of auto collisions. A portion of Highway 150 would be realigned several hundred feet to the east of Rincon Creek, which would provide a greater setback between the creek and the highway than currently exists. The large oak trees and dense riparian vegetation that occurs along Rincon Creek at this location would be included in the conservation easement protecting the oak trees from further damage and preserving native vegetation.

Local Coastal Plan Policy 9-1 requires that all development affecting environmentally sensitive habitat be consistent with the applicable policies of the County's certified Local Coastal Plan. Policy 9-6 requires that all diking or dredging or filling activities be consistent with the provisions of Sections 30233 and 30607.1 of the Coastal Act. Policy 9-14 requires that new development adjacent to or in close proximity to wetlands shall be compatible with the continuance of the habitat and not result in reduced biological productivity.

Approximately 0.15 acres of wetlands would be affected by the proposed project. Of this area approximately 0.09 acres would be temporarily disturbed as a result of bridge construction and channel reconfiguration, and 0.06 acres would be permanently replaced by the bridge abutments and bank protection. The current bridge design has been selected from several alternatives as the least damaging to existing habitats, and incorporates mitigation measures which fully off-set the projects impacts to wetland/riparian vegetation. Mitigation measures included in the project consist of the restoration of emergent wetlands within the conservation easement area and restoration of the toe of the landslide to the west of the western bridge. Approximately 1.0 acres of riparian woodland and 0.25 acres of freshwater wetlands would be revegetated and restored.

As a consequence, there would be a net increase of approximately 0.1 acre in wetland/riparian habitat as a result of the project.



Local Coastal Plan Policy 9-9 requires that a buffer strip a minimum of 100 feet in width shall be maintained in a natural condition along the periphery of all wetlands as defined in the Coastal Act. Local Coastal Plan Policy 9-37 requires a minimum buffer strip from a major stream in rural areas as defined in the land use plan. This buffer requirement is presumptively 100 feet, and for streams in urban areas, 50 feet. These minimum buffer widths may be adjusted upward or downward on a case-by-case basis pursuant to LCP policy 9-37.

The replacement bridges, abutments and roadway approaches would be located within the stipulated buffer zone. However, these features would replace existing facilities currently located in the buffer zone area. The bridges would be a clear span design and require no piers within the Rincon Creek channel. Additionally, the highway would be realigned several hundred feet to the east of Rincon Creek which would provide a greater setback between the Rincon Creek and Highway 150 than currently exists, or than is required. Approximately 0.87 acres of the setback area would be in a conservation easement and be revegetated with native species to provide a riparian/oak woodland habitat.

The abutments for the two existing bridges are currently located within the banks of Rincon Creek. The western bridge would be located to the immediate south of its current location to improve the road alignment, and the eastern bridge would be replaced at its current location. Areas disturbed by the bridge construction would be revegetated with native species to stabilize the creek banks.

Reestablishment of riparian habitat on those portions of the old road bed, adjacent to the stream, and the 0.87 acre conservation easement area near the western bridge would expand and enhance the existing riparian/oak woodland habitats in these areas. The realignment of Highway 150 would increase the buffer between the Rincon Creek and the highway in two locations: immediately to the east of the western bridge, and to the south of the eastern bridge. The remainder of the highway would be located in its present location. As a consequence there would be no reduction in the current buffers between Rincon Creek Highway 150, but rather a net increase in the buffer area from 2 to over 200 feet in width.

Local Coastal Plan Policy 9-38 requires that no structures shall be located within the stream corridor except public trails, water supply dams, flood control structures, or development where the primary function is for the improvement of fish and wildlife. Culverts, fences, pipelines and bridges (when the support structures are located outside the critical habitat area) may be permitted when no alternative route/location is feasible. Policy 9-40 requires that all development shall be limited to activity necessary for the construction of uses specified in Policy 9-38, and where development is permitted, revegetation of the removed riparian vegetation. Further, Policy 9-41 requires that all permitted construction and grading within stream corridors be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.

The County of Santa Barbara examined the alternative of eliminating the two existing bridges by keeping Highway 150 on only one side of Rincon Creek. To do so, however, would require grading on steep slopes, and the displacement



and fragmentation of productive agricultural lands. While bridge support structures cannot be practically located outside of the habitat areas of Rincon Creek, the bridges have been sited and designed to minimize disturbance to Rincon Creek, while adhering to the Federal Highway Administration design guidelines.

The bridges are a clear span design, with no piers or other structures within the active creek channel. Mitigation includes revegetation with native species, removal of the old roadbed, removal of rock revetment and revegetating the bank in the area of the creek to the north of the western bridge, and dedication of a conservation easement. As noted above, the County of Santa Barbara's conditional approval of the project also requires measures to prevent the discharge of pollutants into the creek and methods to reduce siltation to Rincon Creek.

Local Coastal Program Policy 9-39 requires that dams or other structures that would prevent upstream migration of anadromous fish shall not be allowed in streams identified by the California Department of Fish and Game unless other measures are used to allow fish to bypass obstacles.

Rincon Creek historically has served as spawning and rearing habitat for steelhead trout. However, currently it is not possible for steelhead or other anadromous fishes to enter Rincon Creek from the ocean because the Rincon Creek culvert at the U.S. Highway 101 crossing, located approximately 2 miles downstream from the project site, presents a complete barrier to upstream fish migration. Additionally, the present bridge abutments and grade stabilizing structures present additional obstacles which inhibit upstream fish movement under most flow conditions.

The County of Santa Barbara's conditional approval of the project requires modification of the Rincon Creek culvert at U.S. Highway 101 within three years of the commencement of the bridge replacement and road realignment to facilitate the passage of anadromous fish in the stream. This Special Condition #34 has been incorporated into the applicant's revised project description through its letter of July 18, 1997. (See Exhibit 12.)

Additionally, the design of the replacement bridges includes a baffle system designed to allow the unencumbered migration of fish to spawning and rearing grounds in Rincon Creek. As a result, the project will enable the reestablishment of the historic run of steelhead, and other anadromous fishes in Rincon Creek.

The Commission therefore finds that the proposed project as conditioned and as amended by the applicant is consistent with the applicable biological and resource protection policies of the Santa Barbara County Local Coastal Program.

##### 5. Archaeological /Cultural Resources

Local Coastal Plan Policy 10-2 requires that development proposed in areas where archaeological or other cultural resources are present be designed to avoid impacts to such resources where possible.



No archaeological or cultural resources have been detected within any portion of the project area situated in Santa Barbara County. (There are potentially historic structures on the adjacent Abbott Ranch, which is located in Ventura County, but no structures would be directly impacted by the project.)

Nevertheless, the County of Santa Barbara has attached a Special Condition #21 to the County's Conditional Use Permit which requires that if archaeological resources are encountered during grading all work affecting these resources shall be stopped until a qualified archaeologists and Native American representative are retained by the applicant to evaluate the significance of the resources. If archaeological remains are found to be significant they will be subjected to a Phase 3 mitigation program consistent with the County's Archaeological Guidelines.

The Commission therefore finds that the proposed project as conditioned is consistent with the applicable archaeological and cultural resource protection policies of the Santa Barbara County Local Coastal Program.

#### 6. Scenic and Visual Resources

Local Coastal Plan Policy 4-3 requires that in areas designated as rural in the land use plan, the height, scale, and design of structures be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Policy 3-14 requires that all development be designed to fit the site topography and be oriented so that grading and other site preparation is kept to a minimum. Natural features, including landforms and native vegetation shall be preserved to the maximum extent possible.

The project site is designated as rural in the County of Santa Barbara's certified Local Coastal Program. Realignment of the highway would require approximately 7,000 cubic yards of grading, but no alteration of the existing grade of the highway. The existing bridges were built in 1927 to meet the standards of the day, and are 16.5 and 18 feet wide with low steel-beam guard rails. The proposed bridges will be 32 feet wide with concrete bridge railings. Technical design requirements for highway safety and load capacity dictate the design of the bridges. The existing road alignment at the western bridge is immediately adjacent to Rincon Creek with no buffer. The proposed road alignment would relocate a portion of the road over several hundred feet back from Rincon Creek.

The County has attached a Special Condition #33 to the Conditional Use Permit for the project which requires that the concrete bridge siding and the handrails be compatible with the tones of the natural vegetation and agricultural setting of the project area.

Visual change of the area would result with the replacement of the 1920's style single lane bridges with a contemporary two lane bridge designed to meet current safety standards. Removal of mature vegetation to accommodate the two bridges, and the realignment of the Highway would alter the visual character of the area, including a net increase in the buffer area and replacement of trees at a 10:1 ratio. However, revegetation and restoration of a portion of the riparian corridor now occupied by the existing Highway 150 alignment would off-set these impacts as the vegetation matures.



The Commission therefore finds that the proposed proposed as conditioned is consistent with the applicable scenic and visual resource protection policies of the Santa Barbara County Local Coastal Program.

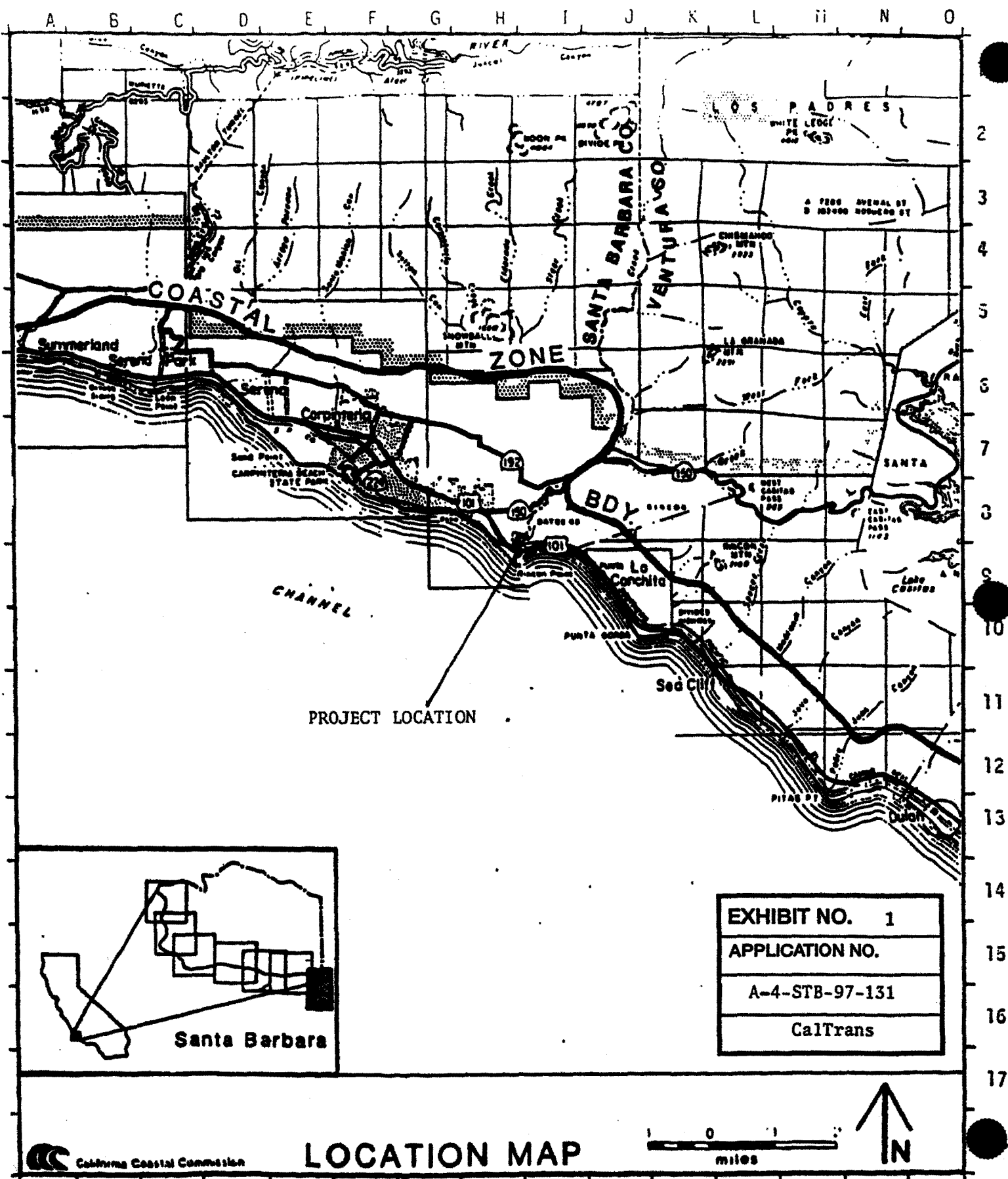
D. Local Government Condition Compliance

The County of Santa Barbara has developed a comprehensive set of conditions for the project which are administered by the County Planning and Development Division. These conditions, which are necessary to ensure full compliance with the applicable provisions of the County's certified Local Coastal Program, are incorporated into the Commission's Coastal Development Permit through Special Conditions #1 and #2. These Special Conditions require that the applicant provide evidence to the Executive Director of the Commission that there has been full compliance with all of the special conditions attached to the County's Conditional Use Permit (96-CP-023). Additionally, these Special Conditions require that the applicant provide the Executive Director of the Commission with a status report upon completion of the bridge replacement and the realignment of the highway.

By incorporating the Special Conditions of the County's Conditional Use Permit, the Commission can best ensure that the County's monitoring and technical design review capabilities are utilized to ensure full compliance with the Santa Barbara County Local Coastal Program.

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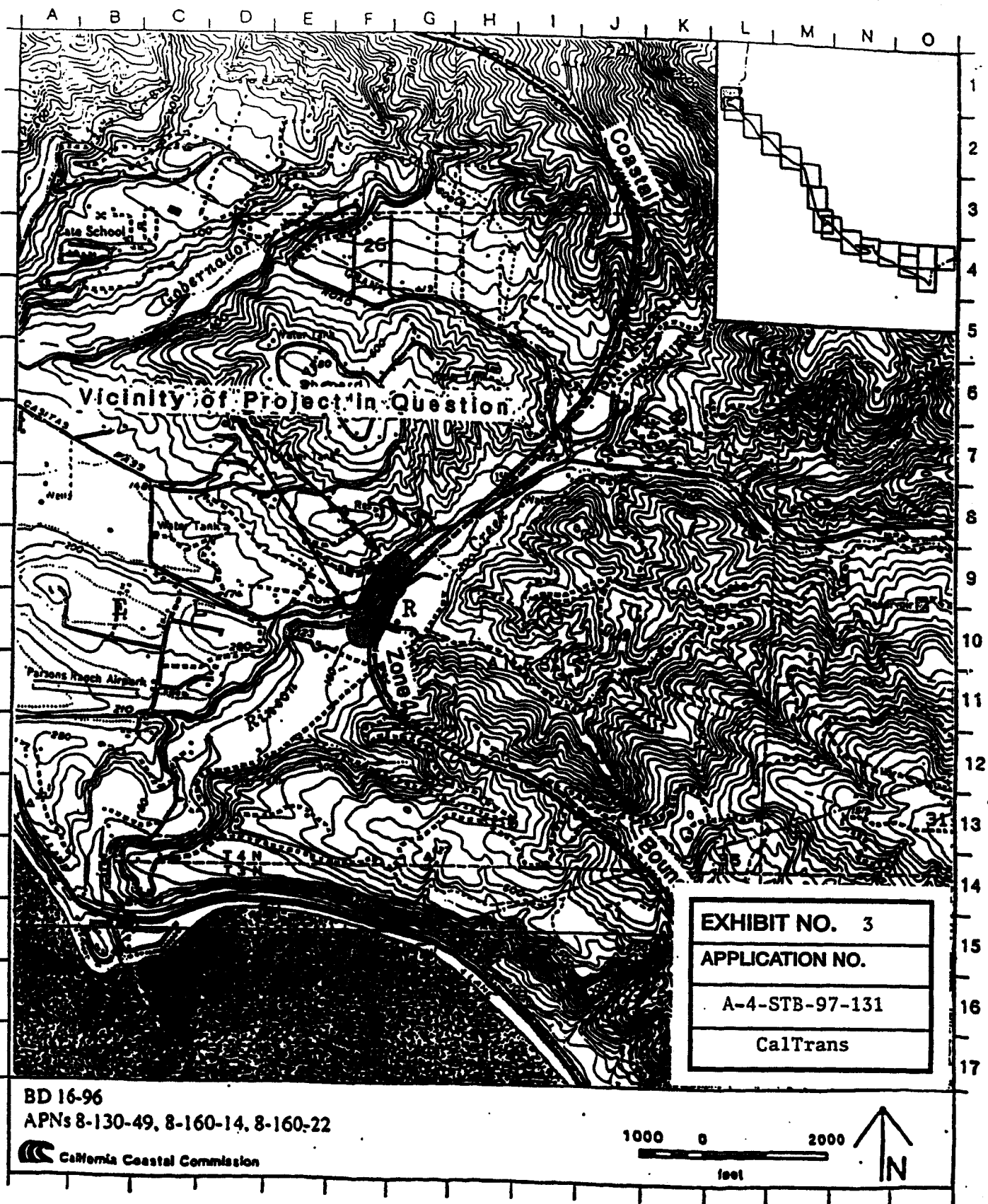


County of Santa Barbara









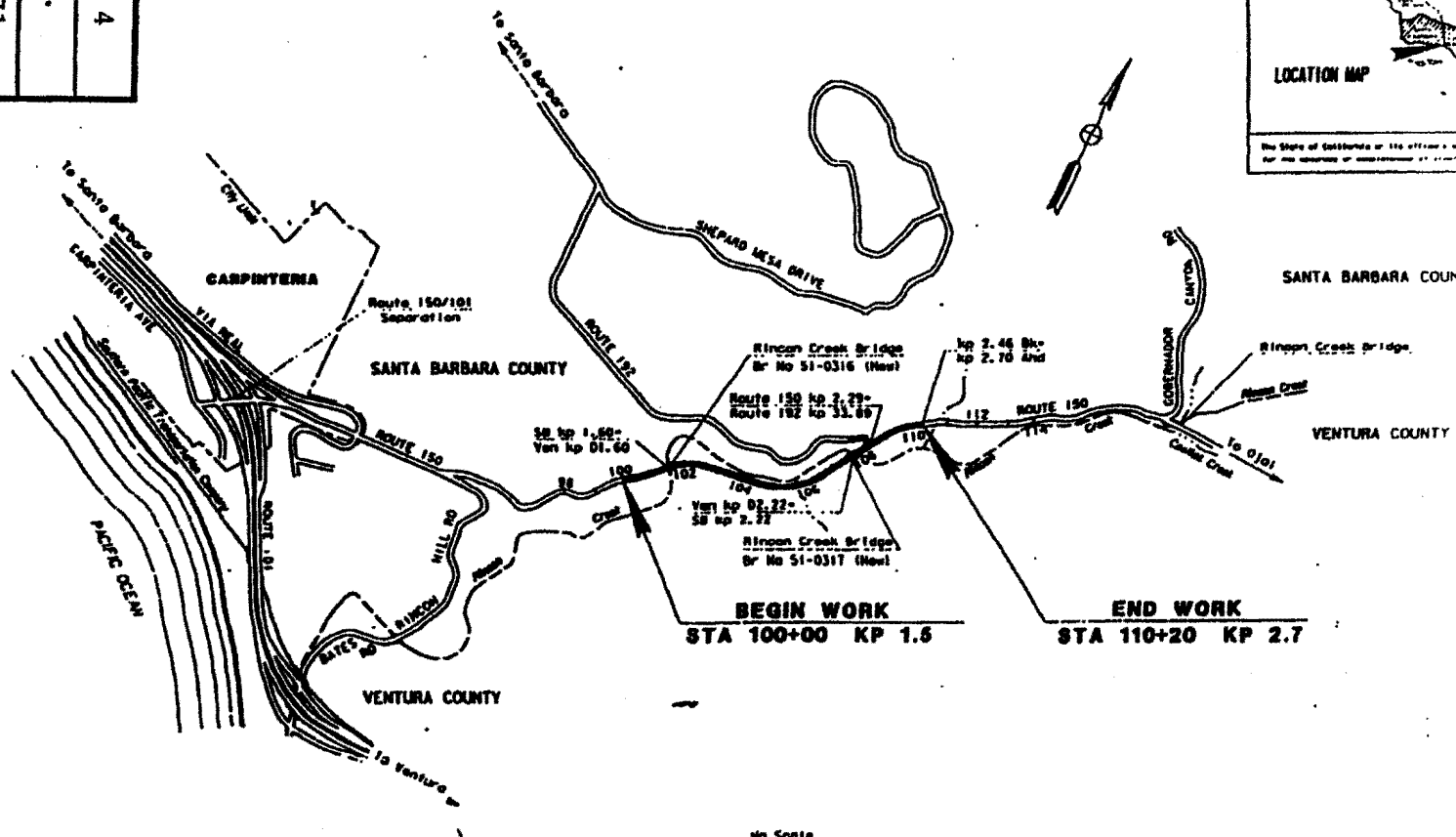
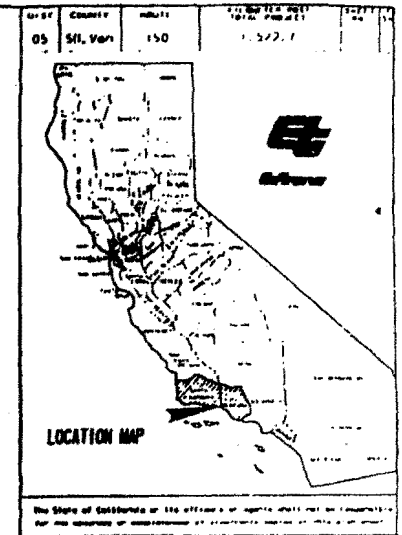


STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION

PROJECT PLANS

STATE HIGHWAY  
IN SANTA BARBARA AND VENTURA COUNTIES  
NEAR CARPINTERIA BETWEEN 1.5 KILOMETERS  
AND 2.7 KILOMETERS EAST OF  
ROUTE 150/101 SEPARATION

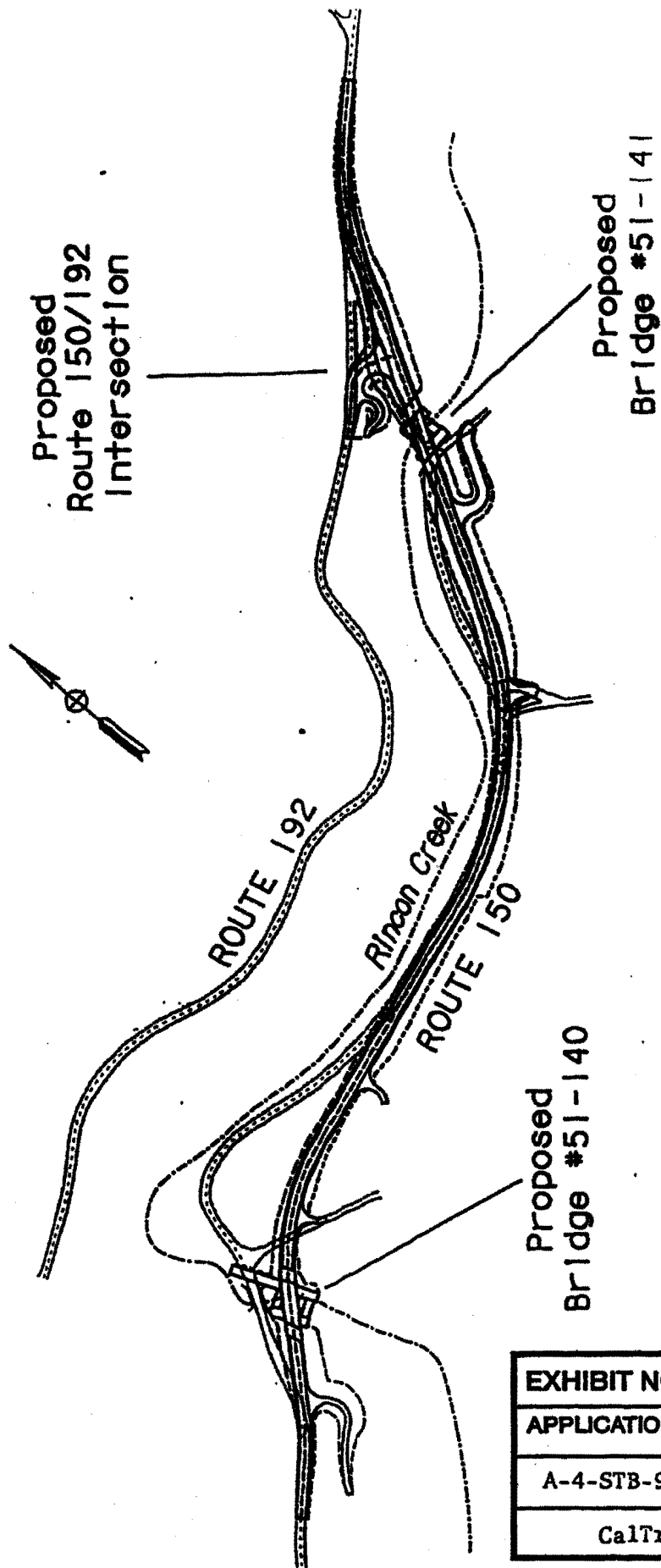
EXHIBIT NO. 4
APPLICATION NO.
A-4-STB-97-131
CalTrans



No Scale

Contract No. 05 282814

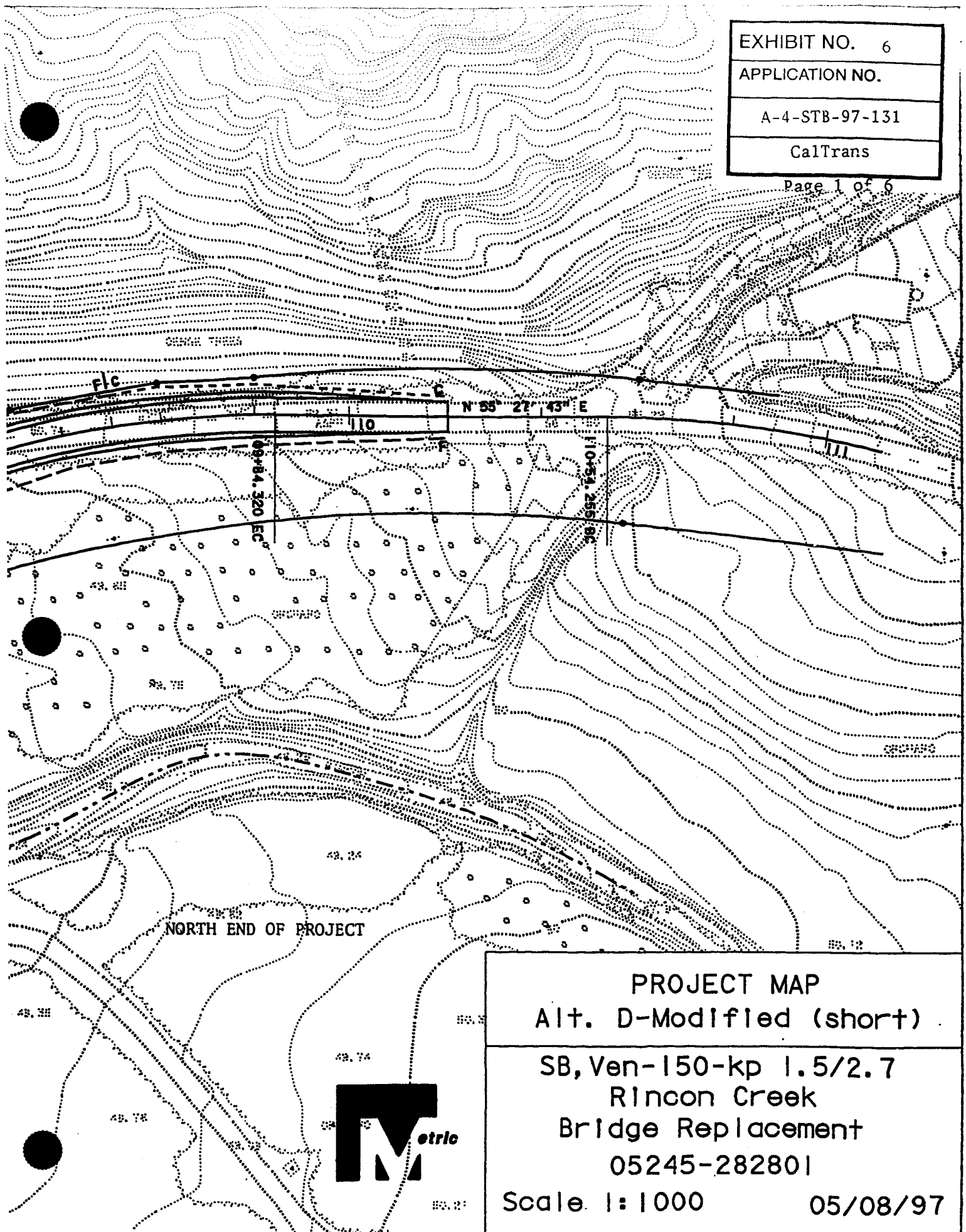




# **Route 150 Proposed Alignment**

EXHIBIT NO.	5
APPLICATION NO.	
	A-4-STB-97-131
	CalTrans





PROJECT MAP  
Alt. D-Modified (short)

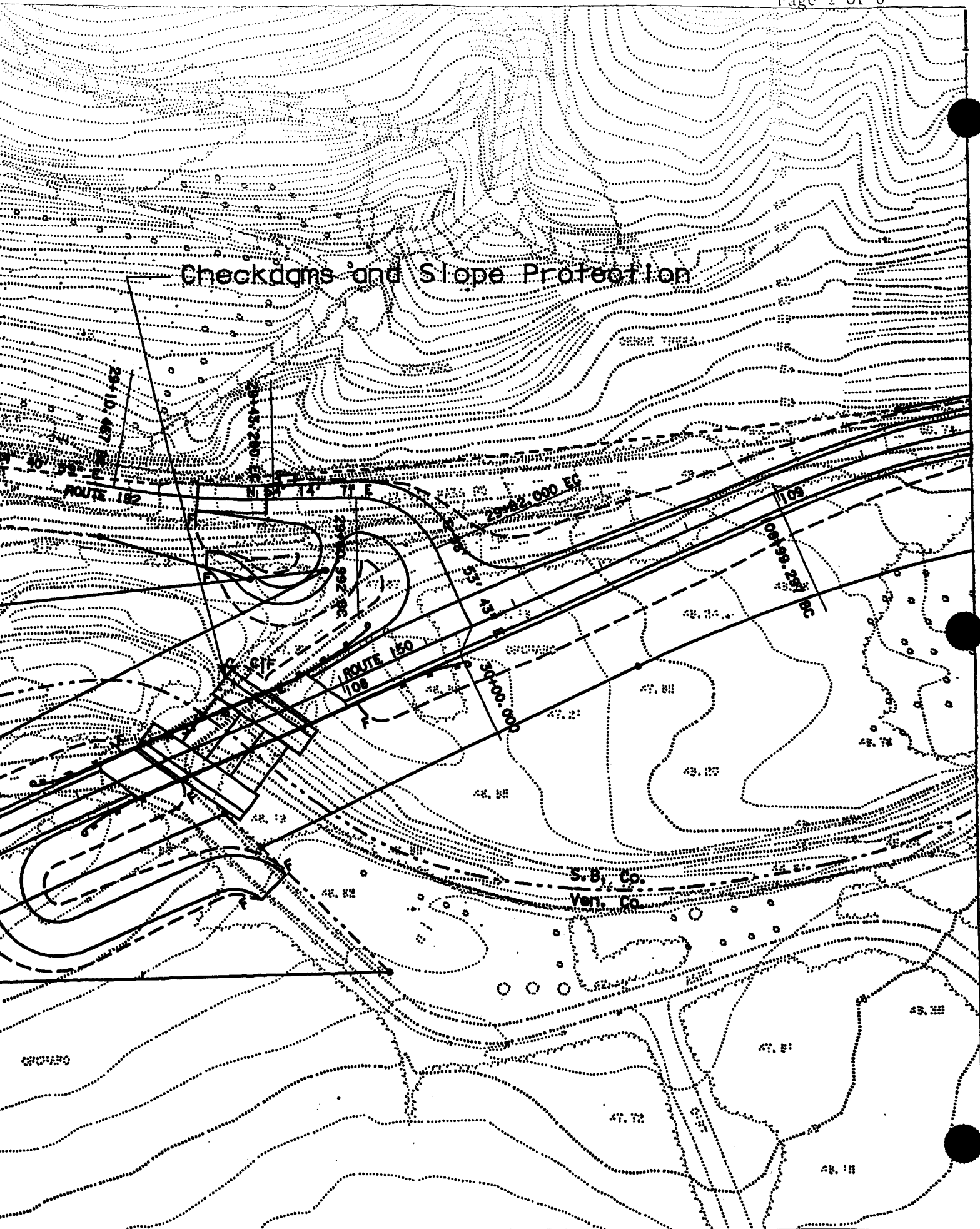
SB, Ven-150-kp 1.5/2.7  
Rincon Creek  
Bridge Replacement  
05245-282801

Scale. 1:1000

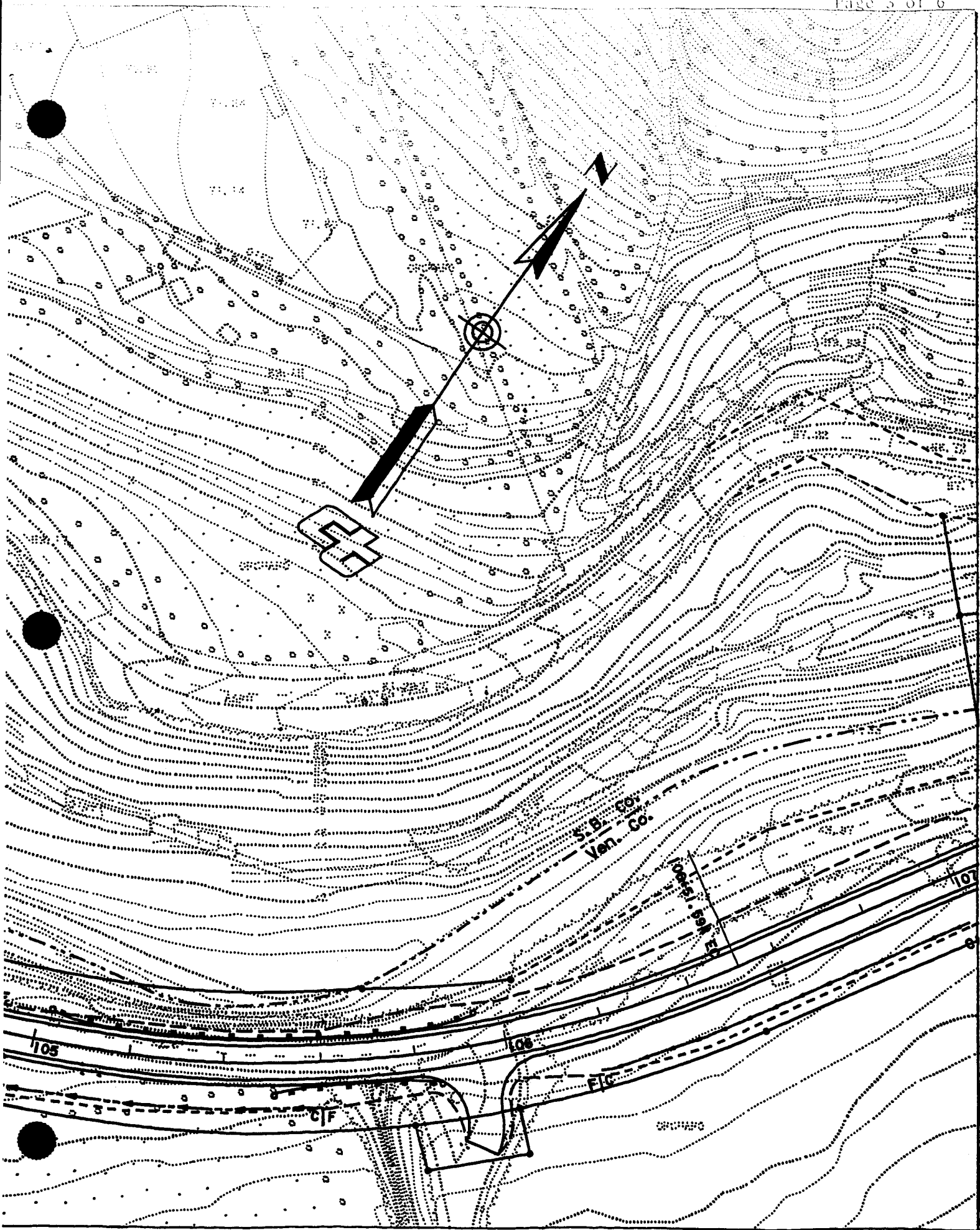
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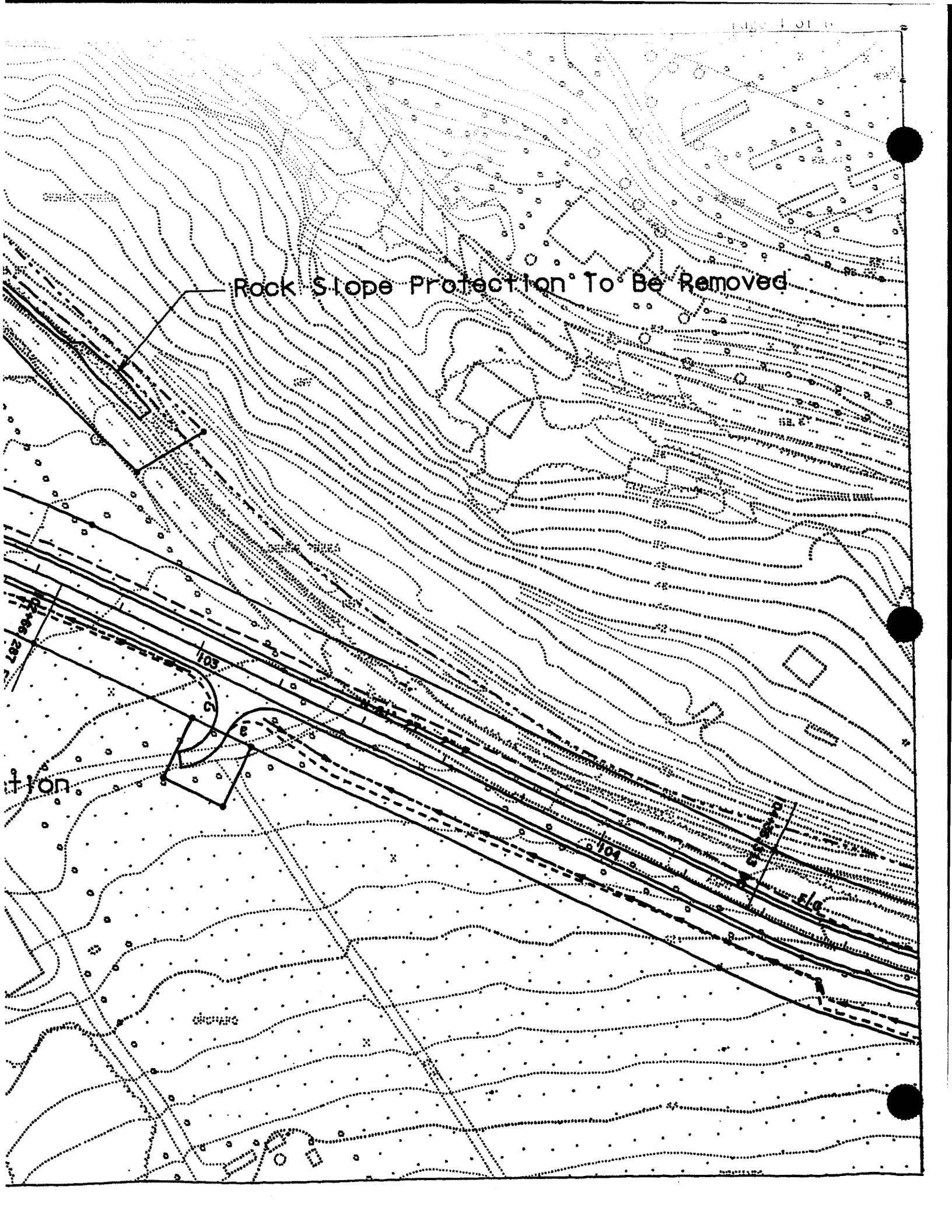
## Checkdams and Slope Protection











Rock Slope Protection To Be Removed

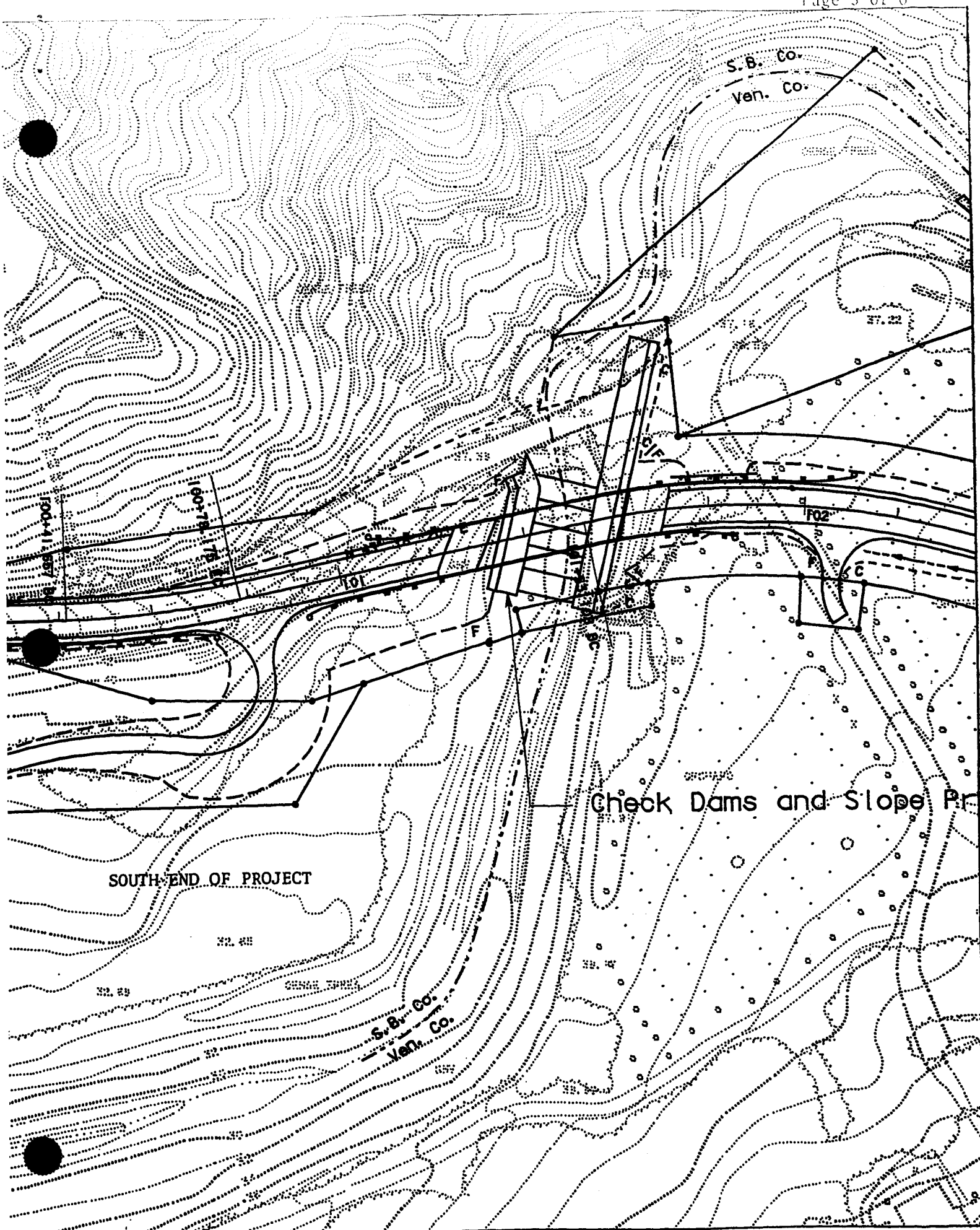
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104

103

287







**VIEW ROTATION: -35**





# County of Santa Barbara Planning and Development

John Patton, Director

May 29, 1997

California Department of Transportation  
Attn: Chuck Cesena  
50 Higuera Street  
San Luis Obispo, CA 93401

EXHIBIT NO. 7
APPLICATION NO.
A-4-STB-97-131
CalTrans

Page 1 of 12

RECEIVED

JUN 02 1997

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

RE: Appeal of Caltrans Rincon Creek Bridge Replacement

The appeal of Geoffrey D. Latham of the Zoning Administrator's July 8, 1996 approval with conditions of case number 96-CP-023 [application filed 03/26/96] for a Conditional Use Permit under section 35-147(2) in the AG-I-5, A-I-10, AG-I-40 Zone District under Article II to allow replacement of two substandard bridges, realignment of a 0.7 mile section of Highway 150 along the Santa Barbara/Ventura County line and reconfiguration of the Highway 150/192 intersection; and accept Caltrans EIR/EIS, dated March, 1996, as adequate Environmental Review for case number 96-CP-023 pursuant to §15096 of the Guidelines for Implementation of the California Environmental Quality Act. As a result of this project, the following significant effects on the environment are anticipated: Visual/aesthetic resources, biological resources, land use/agriculture, water quality, cultural/historic. The property is identified as Assessor Parcel Numbers 001-200-023, 001-440-004, 001-450-002, -005 located at Highway 150, along the Santa Barbara/Ventura County border in the Carpinteria area, First Supervisorial District.

Dear Mr. Cessna:

At the Santa Barbara County Board of Supervisors meeting of May 20, 1997, Supervisor Schwartz moved, seconded by Supervisor Staffel and carried by a vote of 5 to 0 to deny the appeal as follows:

1. Uphold the Zoning Administrator's July 8, 1996 decision as set forth in the action letter dated July 15, 1996, and approve the project subject to the findings included in Attachment A and the conditions of approval included in Attachment B as revised in the Board Report dated May 20, 1997 and as described below; and,
2. Adopt the Findings and Conditions of Approval, including the Mitigation Monitoring and Reporting Program, as modified in this report; and,
3. Deny the appeal.


The motion included a revision to Condition #34 as follows:

The fish passage construction shall be completed within three years of commencement of the bridge replacement and road alignment.



The project occurs within the Coastal Commission Appeals Jurisdiction. Pursuant to Article II, Section 35-82.4, the action of the Board of Supervisors may be appealed to the Coastal Commission within 10 (ten) working days from the date of receipt by the Commission of this notice of final action.

Sincerely,



Albert J. McCurdy  
Deputy Director  
Development Review Division

cc: **Case File: 96-CP-023 AP01**  
**Julie Ellison, Planning**  
**California Coastal Commission, 89 South California Street, Suite 200, Ventura, CA 93001**  
**Air Pollution Control District: Paula Iorio**  
**Santa Barbara County Flood Control: Dale Weber**  
**Carpinteria/Summerland Fire Protection District**  
**Supervisor Schwartz, First Supervisorial District**  
**Clerk of the Board (Case # 97-20, 479)**  
**Planner: C. Kuizenga**

Attachments: **A. Revised Findings**  
**B. Revised Conditions of Approval with Departmental Letters**

AJM:pg  
F:\GROUP\DEV\_REV\WPCP\6CP023\BOS\_LTR.520



ATTACHMENT B

HIGHWAY 150 REALIGNMENT/RINCON CREEK BRIDGE REPLACEMENTS

CONDITIONS OF APPROVAL

Date : May 20, 1997

SANTA BARBARA COUNTY CONDITIONAL USE PERMIT

ARTICLE II, CHAPTER 35

Highway 150 Realignment/Rincon Bridge Replacement,

96-CP-023

I. A Conditional Use Permit is Hereby Granted:

TQ: California Department of Transportation

ATTN: Chuck Cesena

50 Higuera Street

San Luis Obispo, CA 93401

APN: 001-200-023, 001-440-004, 001-450-002, -005

PROJECT ADDRESS: N/A

ZONE: AG-I-5, AG-I-10 and AG-I-40

AREA/SUPERVISORIAL Carpinteria Area, First Supervisorial District

DISTRICT:

FOR: Highway 150 Realignment/Rincon Bridge Replacement

II. This permit is subject to compliance with the following condition(s):

This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked A-D, dated June 3, 1996 and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the Zoning Administrator for conformity with this approval. Deviations may require modification to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:



Subject: 96-CP-023 Caltrans Rincon Creek Bridge Replacement  
 Board of Supervisors Meeting of May 20, 1997  
 Attachment B: Revised Conditions of Approval  
 Page: 2

Caltrans requests a Minor Conditional Use Permit to allow replacement of two substandard bridges, realignment of a portion of Rincon Creek, realignment of a 0.7 mile section of Highway 150 along the Santa-Barbara/Ventura County line and reconfiguration of the Highway 150/192 intersection. The existing bridges are 16.5 feet wide and 18 feet wide and both would be relocated and widened to 36 feet. The abutment of the western bridge on the western side of the creek would remain in place to stabilize the toe of a landslide. A grade control structure would be constructed at each bridge location to facilitate migration of steelhead trout past both bridges. The roadway would be widened from 22 to 32 feet. Culverts would be replaced and upgraded to adequately conduct runoff water to Rincon Creek.

Creek realignment and bridge relocation would impact approximately 0.15 acres of wetland habitat. Road realignment would impact 0.33 acres of oak woodland habitat and 0.20 acres of riparian habitat. The project would require removal of 37 native trees. Revegetation of disturbed areas of the old roadbed, areas of creek realignment and portions of the new right-of-way would total 0.25 acres of wetlands, 1.0 acres of oak woodland and 1.0 acres of riparian woodland. Trees removed would be replaced at a 10:1 ratio with in-kind species. A Conservation easement is proposed over an approximate 0.01 acre area adjacent to Rincon Creek between the old road alignment and new alignment located in Ventura County. This area would be planted with a variety of species native to Rincon Creek to provide riparian/oak woodland habitat. Areas disturbed by culvert outfall construction would also be revegetated with native species. An area of rock slope protection in the area of the conservation easement would be removed and replaced with vegetation (bio-engineered bank protection). A Storm Water Pollution Protection Plan (SWPPP) prepared by the construction contractor, would be submitted and approved by the California Regional Water Quality Control Board.

Rincon Creek defines the County boundary between Ventura and Santa Barbara Counties. The project meanders across the Creek and is located in both Counties. Caltrans is required to obtain a Conditional Use Permit and Coastal Development Permit from Santa Barbara County for those portions of the project which lie in north and west of the creek. Coastal permits would be required from Ventura County for those portion portions of the project which are located south and east of the Creek.

1. The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of 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 hereto. 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.

Within eighteen months after granting this permit, construction and/or the use shall commence. (eighteen months is measured from expiration of a 10 day appeal period, or the date after the matter is heard and approved on appeal to the Board of Supervisors.)

2. A tree and creek protection and replacement program, prepared by a P&D-approved arborist/biologist shall be implemented. The program shall include but not be limited to the following components:



Subject: 96-CP-023 Caltrans Rincon Creek Bridge Replacement  
Board of Supervisors Meeting of May 20, 1997  
Attachment B: Revised Conditions of Approval  
Page: 3

**A. Program Elements to be graphically depicted on final grading and building plans:**

1. The location and extent of dripline for all trees and the type and location of any fencing.
2. Equipment storage and staging areas shall be designated on approved grading and building plans outside of dripline areas and 100 feet from the riparian vegetation along Rincon Creek.
3. Permanent tree wells or retaining walls shall be specified on approved plans. A qualified arborist or biologist shall oversee such installation.
4. Drainage plans shall be designed so that oak tree trunk areas are properly drained to avoid ponding.
5. All utilities shall be placed in development envelopes or within or directly adjacent to roadways and driveways or in a designated utility corridor in order to minimize impacts to trees.

**B. Program elements to be printed as conditions on final grading and building plans:**

1. Grading or development shall occur only within the driplines of identified oak trees which occur in the construction area.
2. All native trees within 25 feet of proposed ground disturbances shall be temporarily fenced with chain-link or other material throughout all grading and construction activities. The fencing shall be as far as possible outside the dripline of each native tree and as feasible to accommodate construction of the roadway. Fencing shall be staked every six feet.
3. No construction equipment shall be parked or stored within six feet of any native tree dripline within 100 feet of the riparian vegetation along Rincon Creek. Additionally, the operation of equipment within 6 feet of the dripline of any tree within 100 feet of riparian vegetation shall be minimized to the maximum extent feasible.
4. No fill soil, rocks, or construction materials shall be stored or placed within six feet of the dripline of any native tree or within 100 feet of the riparian vegetation along Rincon Creek, except within the existing Caltrans right-of-way.
5. Any trenching for drainage outlet structures or utilities required within the dripline or sensitive root zone of any specimen tree or within 100 feet of the riparian vegetation along Rincon Creek shall be done by hand where feasible and monitored by Caltrans.
6. Only designated trees shall be removed.
7. Non-native species, shall be removed from the creek along the entire length of Rincon Creek from 1.5 kilometers to 2.7 kilometers east of the Route 150/101 separation.
8. Any native trees or wetland/riparian vegetation which are removed and/or damaged shall be replaced on a 10:1 basis with locally occurring seed and cutting stock, consistent with the Caltrans revised revegetation plan. The revised revegetation plan



Subject: 96-CP-023 Caltrans Rincon Creek Bridge Replacement  
 Board of Supervisors Meeting of May 20, 1997  
 Attachment B: Revised Conditions of Approval  
 Page: 4

shall indicate use of trees and understory vegetation native to the area and shall replant in the same proportion as the trees destroyed. Seedling walnut/oak/sycamore/elderberry, or sugar bush shall be lifted, boxed, maintained, and replanted whenever possible to retain the gene pool, to reduce unnecessary destruction of vegetation, and to facilitate revegetation efforts. Trees shall be planted during the fall following construction in order to take advantage of the winter rains and maintained until established (five years). The plantings shall be protected from predation by wild and domestic animals, and from human interference by the use of gopher fencing during the maintenance period.

9. Any unanticipated damage that occurs to trees or sensitive habitats resulting from construction activities shall be mitigated in a manner approved by P&D. This mitigation may include but is not limited to tree replacement on a 10:1 ratio or revegetation. The required mitigation shall be done immediately under the direction of Caltrans, upon completion of final grading.

**Plan Requirements:** Prior to approval of a Coastal Development Permit, the applicant shall submit a copy of the grading, construction, foundation, and revegetation plans to Planning and Development for review and approval. Construction storage areas shall be designated on plans and submitted to P & D for review and approval prior to commencement of construction. All aspects of the plan shall be implemented as approved. **Timing:** Timing on each measure shall be stated where applicable; where not otherwise stated, all measures must be in place throughout all grading and construction activities.

**MONITORING:** Caltrans shall conduct site inspections throughout all phases of development to ensure compliance with and evaluate all tree and habitat protection and replacement measures.

3. Proof of dedication of a conservation easement shall be submitted to P&D for the wetland/riparian/oak woodland habitat area. **Plan Requirements and Timing:** Prior to issuance of Coastal Development Permit, a copy of the conservation easement dedication shall be submitted to P&D.

**MONITORING:** Provisions of the easement and encroachment prevention plans shall be monitored through site inspections by Caltrans.

4. No alteration to stream channels or banks shall be permitted until the Department of Fish and Game has been contacted to determine if the drainage falls under its jurisdiction. **Plan Requirements and Timing:** Prior to issuance of Coastal Development Permit, the applicant must receive all necessary permits from California Department of Fish and Game.
5. Prior to issuance of Coastal Development Permit for grading, the applicant shall obtain a U.S. Army Corps of Engineers 404 permit for any grading or fill activity within Rincon Creek. **Plan Requirements and Timing:** A copy of the 404 permit or waiver shall be submitted to P&D prior to issuance of Coastal Development Permit.
6. Excavation work within or adjacent to sensitive habitats including native trees shall be avoided to the maximum extent feasible. Where excavation must be performed within sensitive areas (i.e. within the driplines of native trees and within 100 feet of the riparian vegetation along Rincon Creek), it shall be performed with hand tools only. If the use of hand tools is deemed infeasible, excavation work may be completed with the smallest practical equipment. **Plan requirements and Timing:** The above measure shall be noted on all grading and construction plans and checked by P&D prior to issuance of the CDP.



Subject: 96-CP-023 Caltrans Rincon Creek Bridge Replacement  
Board of Supervisors Meeting of May 20, 1997  
Attachment B: Revised Conditions of Approval  
Page: 5

**MONITORING:** Caltrans shall ensure compliance on site during construction.

7. Outlet structures shall minimize disturbance to the natural drainage and avoid use of hard bank structures. Where such structures must be utilized, natural rock or steel gabions shall be used for bank retaining walls. If concrete must be used, then prefabricated crib wall construction shall be used rather than pouring concrete. Rock grouting shall only be used if no other feasible alternative is available as determined by P&D. **Plan Requirements:** Plans shall be submitted for review and approval by P&D prior to issuance of Coastal Development Permit for grading. **Timing:** Structures shall be installed during grading operations.

**MONITORING:** Caltrans shall ensure construction according to plan.

8. Erosion control measures shall be implemented to prevent runoff into the creek bottom. Silt fencing, straw bales or sand bags shall be used in conjunction with other methods to prevent erosion and siltation of the stream channel. **Plan Requirements:** An erosion control plan shall be submitted to and approved by P&D, Grading Division and Flood Control prior to commencement of construction. **Timing:** The plan shall be implemented prior to the commencement of grading/construction.

**MONITORING:** Caltrans shall perform site inspections throughout the construction phase.

9. The creek bottom shall not be disturbed or altered by installation of any drain or outlet structure. Undisturbed natural rocks imbedded in the stream bank shall be utilized as a base to tie in rip-rap if available. The outlet shall be designed to end at the edge of the creek bank rather than entering the stream channel. **Plan Requirements:** Applicant shall submit outlet design and final plans to P&D prior to issuance of Coastal Development Permit. **Timing:** Outlet to be installed during site grading.

**MONITORING:** Caltrans shall ensure that final plans show acceptable outlet and shall monitor during construction.

10. Drainage shall be designed to avoid eddy currents that would cause opposite bank erosion. **Plan Requirements:** Design shall be shown on final plans for review and approval by P&D. **Timing:** Plans shall be submitted prior to issuance of Coastal Development Permit.

**MONITORING:** Caltrans shall field check.

11. During construction, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing shall not be allowed near sensitive biological resources. An area designated for washing functions shall be identified. **Plan Requirements:** The applicant shall designate a wash off area, acceptable to P&D, on the construction plans. **Timing:** The wash off area shall be designated on all plans prior to commencement of construction. The washoff area shall be in place throughout construction.

**MONITORING:** P&D shall check plans prior to commencement of construction and Caltrans shall site inspect throughout the construction period to ensure proper use.

12. Temporary berms and sediment basins shall be constructed to avoid unnecessary siltation into Rincon Creek during construction activities. **Plan Requirements:** Photos showing berm and basin installation shall be provided to Planning and Development prior to commencement of construction. **Timing:** Berms and basins shall be constructed when grading commences.



Subject: 96-CP-023 Caltrans Rincon Creek Bridge Replacement  
 Board of Supervisors Meeting of May 20, 1997  
 Attachment B: Revised Conditions of Approval  
 Page: 6

**MONITORING:** Caltrans shall inspect to ensure installation during initiation of grading.

13. A grading plan shall be designed to minimize erosion and shall include the following:
- a) Methods such as retention basins, drainage diversion structures and spot grading shall be used to reduce siltation into adjacent streams during grading and construction activities.
  - b) Graded areas shall be temporarily stabilized with soil binders or other methods suitable to Caltrans as work progresses. Permanent revegetation efforts shall occur immediately upon completion of grading activities with deep rooted, native, drought-tolerant species using locally occurring seed and cutting stock to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.

**Plan Requirements:** The plan shall be submitted for review and approved by P&D prior to issuance of Coastal Development Permit. **Timing:** Components of the grading plan shall be implemented prior to occupancy clearance.

**MONITORING:** Caltrans will photo document revegetation and ensure compliance with plan. Grading inspectors shall monitor technical aspects of the grading activities.

14. The applicant shall limit excavation and grading to the dry season of the year unless an erosion control plan is provided. Timing and method of excavation and grading shall be conducted in full compliance with species preservation guidelines as required by the U.S. Fish and Wildlife Service and the California Department of Fish and Game. In addition, to reduce the effects of dust generation resulting from grading, the soil shall be kept damp during grading activities. All exposed graded surfaces shall be stabilized with soil binders or other methods to minimize erosion. **Plan Requirements:** This requirement shall be noted on all grading and building plans. **Timing:** Graded surfaces shall be temporarily stabilized with soil binders or other suitable methods as grading progresses. Permanent revegetation efforts shall begin immediately after completion of final grading in compliance with condition #13.

**MONITORING:** Caltrans shall site inspect during grading to monitor dust generation and 60 days after grading to verify soil stabilization.

15. All disturbance to trees, including willows, shall be prohibited in Rincon Creek from 1 April to 31 July to avoid the nesting season. **Plan Requirements and Timing:** This requirement shall be shown on all grading plans prior to issuance of the CDP.

**MONITORING:** Caltrans shall perform site inspections throughout the construction phase.

16. Dust generated by the development activities shall be retained on site and kept to a minimum by following the dust control measures listed below.
- a) During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
  - b) During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a



Subject: 96-CP-023 Caltrans Rincon Creek Bridge Replacement  
Board of Supervisors Meeting of May 20, 1997  
Attachment B: Revised Conditions of Approval  
Page: 7

minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.

- c) After clearing, grading, earth moving, or excavation is completed, the entire area of disturbed soil shall be treated immediately by watering or revegetating or spreading soil binders to prevent wind pickup of the soil until the area is paved or otherwise developed so that dust generation will not occur.
- d) Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
- e) Trucks transporting soil, sand, cut or fill materials and/or construction debris to or from the site shall be tarped from the point of origin.

**Plan Requirements:** All requirements shall be shown on grading and building plans.  
**Timing:** Condition shall be adhered to throughout all grading and construction periods.

**MONITORING:** Caltrans shall ensure measures are on plans. Caltrans shall spot check and shall ensure compliance on-site.

17. Construction activity for site preparation and construction shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Saturday. Construction equipment maintenance shall be limited to the same hours. **Plan Requirements:** This measure shall be stated on all grading and building plans. **Timing:** Plans shall be submitted to P&D for review and approval prior to issuance of the CDP.

**MONITORING:** Caltrans shall spot check and respond to complaints.

18. The applicant shall implement a revegetation/restoration plan. The plan shall utilize locally occurring seed and cuttings of native plants, typical of the Rincon Creek corridor. Species selection shall be dependent upon the nature of the habitat. **Plan Requirements:** A revegetation/restoration plan shall be submitted to and approved by P&D prior to issuance of Coastal Development Permit. **Timing:** The plan shall be implemented immediately after or concurrent with construction of the road and/or bridges.

**MONITORING:** Caltrans shall site inspect throughout the implementation and maintenance periods.

19. In the event hazardous wastes are encountered during grading and construction, the areas shall be fenced off and work shall be stopped immediately or redirected until the wastes and appropriate measures to remove the wastes are evaluated by the Caltrans District Hazardous Waste Coordinator. If necessary, a Hazardous Waste consultant shall be hired by Caltrans to clean up the site. **Plan Requirements/Timing:** This condition shall be printed on all building and grading plans.

**MONITORING:** P&D shall check plans prior to issuance of Coastal Development Permit. Caltrans shall spot check in the field.

20. Caltrans shall determine the extent of avocado root rot fungus within the project limits. To prevent the spread of the fungus during construction, work shall be staged to minimize the possibility of work occurring in infected and non-infected areas simultaneously. Clean fill material shall be placed in infected areas as a first order of work. **Plan Requirements/Timing:** This condition shall be printed on all building and grading plans.



Subject: 96-CP-023 Caltrans Rincon Creek Bridge Replacement  
Board of Supervisors Meeting of May 20, 1997  
Attachment B: Revised Conditions of Approval  
Page: 8

**MONITORING:** P&D shall check plans prior to issuance of Coastal Development Permit. Caltrans shall spot check in the field.

21. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant.

**Plan Requirements/Timing:** This condition shall be printed on all building and grading plans.

**MONITORING:** Caltrans shall check plans prior to commencement of construction and shall spot check in the field:

22. Compliance with Departmental letters:

- a. Air Pollution Control District dated April 29, 1996
- b. Flood Control dated May 14, 1996
- c. Carpinteria/Summerland Fire Protection District dated April 24, 1996

23. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Conditional Use Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

24. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

25. This Conditional Use Permit is not valid until a Coastal Development Permit (CDP) for the development and/or use has been obtained. Failure to obtain said CDP shall render this Conditional Use Permit null and void. Prior to the issuance of the CDP, all of the conditions listed in this Conditional Use Permit that are required to be satisfied prior to issuance of the Coastal Development Permit must be satisfied. Upon issuance of the Coastal Development Permit, the Conditional Use Permit shall be valid. The effective date of this Permit shall be the date of expiration of the appeal period, or if appealed, the date of action by the Board of Supervisors.

26. If the Zoning Administrator determines at a Noticed Public Hearing, that the permittee is not in compliance with any permit condition(s), pursuant to the provisions of Sec. 35-147 of Article II of the Santa Barbara County Code, the Zoning Administrator is empowered, in addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this permit.



Subject: 96-CP-023 Caltrans Rincon Creek Bridge Replacement  
Board of Supervisors Meeting of May 20, 1997  
Attachment B: Revised Conditions of Approval  
Page: 9

27. Any use authorized by this CUP shall immediately cease upon expiration or revocation of this CUP. Any CDP issued pursuant to this CUP shall expire upon expiration or revocation of the CUP. CUP renewals must be applied for prior to expiration of the CUP.
  28. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed to be acceptance by the permittee of all conditions of this permit.
  29. Within 18 months after the effective date of this permit, construction and/or the use shall commence. Construction or use cannot commence until a Coastal Development permit has been issued.
  30. If the applicant requests a time extension for this permit/project, the permit/project 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. Mitigation fees shall be those in effect at the time of issuance of land use clearance.
  31. Prior to issuance of a Coastal Development Permit for grading the applicant shall initiate a Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS) for any federally listed species known to occur on the project site. All mitigation measures required by the USFWS shall become part of this Conditional Use Permit. In the event that any USFWS measure conflicts with County conditions of approval, the applicant shall receive approval of a substantial conformity determination, amendment, or revision to this Conditional Use Permit from the County of Santa Barbara. **Plan Requirements and Timing:** A copy of the Section 7 analysis and USFWS mitigation measures shall be submitted to Planning and Development prior to issuance of a Coastal Development Permit.
  32. Prior to approval of a Coastal Development Permit, the applicant shall provide evidence of recordation of the Conservation Easement for that portion of the easement which occurs in Santa Barbara County.
  33. The color of the concrete bridge siding and the painting of the handrails shall be compatible with the tones of the natural vegetation, with the agricultural setting, and with the recommendations of the Santa Barbara County Board of Architectural Review.
  34. Caltrans shall provide the final specifications and plans for modification of the Highway 101 culvert at Rincon Creek, including modification of the inlet and, if necessary, the interior of the culvert, to facilitate the passage of anadromous fish within the stream. The plans and specifications shall incorporate the best recommendations of agencies having the authority and expertise to design optimal fish passage facilities (e.g., California Department of Fish and Game, National Marine Fisheries, U.S. Fish and Wildlife Service). The plans shall include criteria for monitoring and post-project evaluation of the success of this element of the project. **Plan Requirements and Timing:** Prior to issuance of a Coastal Development Permit for the bridge reconstruction and road realignment, Caltrans shall provide a construction schedule for completion of the fish passage work. The fish passage construction shall be completed within three years of commencement of the bridge replacement and road realignment.
- Monitoring:** Caltrans, or its designated agency, shall monitor the project. A copy of the final post-project evaluation shall be sent to Permit Compliance, Planning and Development, Santa Barbara office.



Subject: 96-CP-023 Caltrans Rincon Creek Bridge Replacement  
Board of Supervisors Meeting of May 20, 1997  
Attachment B: Revised Conditions of Approval  
Page: 10

- III. This permit is issued pursuant to the provisions of Section 35-372 of Article II of the Code of Santa Barbara County and is subject to the foregoing conditions and limitations; and this permit is further governed by the following provisions:
- a. If any of the conditions of the Conditional Use Permit are not complied with, the Planning Commission, after written notice to the permittee and a noticed public hearing, may in addition to revoking the permit, amend, alter, delete or add conditions to this permit at a subsequent public hearing noticed for such action.
  - b. A Conditional Use Permit shall become null and void and automatically revoked if the use permitted by the Conditional Use Permit is discontinued for more than one year.
  - c. Said time may be extended by the Planning Commission one time for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.

*Noel Langle*  
NOEL LANGLE  
Zoning Administrator

Date

*May 29/1997*

xc:

Case File: 96-CP-023  
Julie Ellison, Planning Technician  
California Coastal Commission, 89 South California Street, Suite 200, Ventura, CA 93001  
Air Pollution Control District: Paula Iorio  
Santa Barbara County Flood Control: Dale Weber  
Carpinteria/Summerland Fire Protection District  
Supervisor Schwartz, First Supervisorial District  
Planner: C. Kuizenga



## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
39 SOUTH CALIFORNIA ST., 2ND FLOOR  
SANTA ANA, CA 92701  
(714) 841-0142

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT



JUN 12 1997

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Please Review Attached Appeal Information Sheet Prior To Completing  
This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Jeffrey Latham  
P.O. Box 1256  
Pioneer CA 95666-9577 (209) 295-1646  
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: Santa Barbara County Board of Supervisors

2. Brief description of development being appealed: Caltrans River Creek Bridge Replacement  
Case No. G-CP-023

3. Development's location (street address, assessor's parcel no., cross street, etc.): Highway 150 & 192 Junction, APN Nos.  
001-200-023, 001-1440-004, 001-450-002, 001-450-003,  
001-0450-004, 001-450-005.

4. Description of decision being appealed:

- a. Approval; no special conditions: \_\_\_\_\_
- b. Approval with special conditions: ☒ \_\_\_\_\_
- c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

DISTRICT: \_\_\_\_\_

H5: 4/88

EXHIBIT NO.	8
APPLICATION NO.	
	A-4-STB-97-131
	CalTrans



5. Decision being appealed was made by (check one):

- a. ☐ Planning Director/Zoning Administrator  
 b. ☒ City Council/Board of Supervisors  
 c. ☐ Planning Commission  
 d. ☐ Other \_\_\_\_\_

6. Date of local government's decision: 5/20/97

7. Local government's file number (if any): 96-CP-023

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:  
State Department of Transportation  
Caltrans District Five  
P.O. Box 9114, San Luis Obispo, CA 93403-8114

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) See attached mailing list  
of individuals who either participated  
in the Administrative hearings, testified, or  
signed petitions opposing the Caltrans proposal.  
 (2) \_\_\_\_\_  
 (3) \_\_\_\_\_  
 (4) \_\_\_\_\_

**SECTION IV. Reasons Supporting This Appeal**

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.



State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attached reasons for appeal  
summary and additional necessary  
papers.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

Geoffrey Latham  
Signature of Appellant(s) or  
Authorized Agent

Date 5/23/97

NOTE: If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date \_\_\_\_\_





## Sierra Club

Los Padres Chapter

Santa Barbara and Ventura Counties

Arguello Group

Conejo Group

Santa Barbara Group

Sespe Group

The destruction of Southern California's landscapes rested upon a vision of limitless development. It is only by enacting an alternative vision compact patterns of development, agricultural preservation, ecosystem restoration - that we will save the rest of California's landscapes from voracious sprawl.

--Dan Silver, Endangered Habitats League, 1996

Peter Douglas Executive Director, and Commissioners

June 6, 1997

California Coastal Commission

Mark H. Capelli, Coastal Program Analyst

South Central Coast Area

89 South California St., Suite 200

Ventura, CA 93001

(805) 641-0142

Re; Appeal of Geoffrey Latham, CalTrans/ Rincon Creek Bridge  
Replacement proposal, 96-CP-023

Dear Mr. Douglas, Commission Staff Members, and Commissioners;

The purpose of this correspondence is to oppose the decision of the Santa Barbara County Board of Supervisors to approve with conditions, 96-CP-023, the application by CalTrans, known as the Rincon Creek Bridge Replacement proposal, for a conditional use permit, and submit comments in support of the appeal.

### INTRODUCTION

CalTrans originally wanted to replace one bridge known as No. 51-141, located on Scenic wildland Highway 150, on the grounds that the accident rate for the bridge is twice the state average. However in almost 65 years not one person has been killed on the proposed project site. The posted speed limit for the site is from 15 to 25 miles per hour, all of the



accidents are single vehicle accidents, many involving motorcycles, that result from speeding, racing, or drunk driving.

The CalTrans proposal to replace scenic bridge No 51-141 has grown to include another bridge known as No. 51-140. There has never been an accident at bridge No. 51-140. However, CalTrans doggedly insists that both bridges must be replaced and the segment of scenic roadway in between the two bridges realigned regardless of the consequences.

CalTrans has also refused to replace the bridges at their present locations which would dramatically reduce the environmental and visual impacts that would result from the proposal, and eliminate the take of prime agricultural lands.

Rincon Creek is recognized as an Environmentally Sensitive Habitat area under the California State Coastal Resources Maps. The conservation Element of the Santa Barbara County Comprehensive Plan identifies the unique assemblage of native trees along the Rincon Creek as one of the fourteen most important ecological communities within the County. This plant community, defined by Munz as Southern Oak Woodland( also referred to immediately below as California Sycamore series) in 1973, is now quite uncommon due to the rareness of the California Walnut ( *Juglans californica* ), an important indicator species.

California Walnut is found in only four localities in the County, with the best stands along Jalama and Rincon Creeks. The extensive fill at the western terminus of the project would destroy a dense assemblage of both mature and juvenile native walnut, sycamore, oaks, willows, and associated understory vegetation. The Creek supports an extensive California Sycamore series vegetation which provides high quality habitat for a variety of wildlife.

The red-legged frog, recently listed as Threatened by the U.S. Fish and Wildlife Service and several species of Special Concern, such as the Southwestern willow flycatcher, Yellow Warbler, western pond turtle and Monarch butterfly occur along the creek corridor and would be potentially impacted by the project.

### **THE CALTRANS PROPOSAL IS INCONSISTENT WITH THE COASTAL ACT AND THE LOCAL COASTAL PLAN**

The CalTrans proposal is inconsistent with the Coastal Act, and the Local Coastal Plan Policies. The County's staff report analysis of the



proposals consistency with the Santa Barbara County Local Coastal Plan (LCP) is flawed, and is not supported with any substantial evidence.

The County has failed to apply mandatory Coastal Act Wetland Policies to the CalTrans proposal, and has failed and refused to address the application of the Coastal Plan Wetland Policies, 9-9, 9-14, 9-37, 9-38, and 9-39.

**Coastal Plan Policy 9-9:** This policy requires that a buffer strip be required, of a minimum of 100 feet in width, and **shall be maintained in a natural condition along the periphery of all wetlands** as defined by the Coastal Act. **No permanent structures shall be permitted within the wetland or buffer area**, except structures of a minor nature, i.e., fences or structures necessary to support the uses in policy 9-10, ( Policy 9-10, pertains to light recreation such as bird watching or nature study and scientific and educational uses which shall be permitted).

The Coastal Act definition of wetlands is found in Section 30121, and is known as the Cowardin wetland definition, and applies to all wetlands in the coastal zone(See memo, dated January 7, 1992, to Jim Burns, Asst. Executive Director, California Coastal Commission, from Boyd Gibbons, Dept. of Fish & Game, attached hereto and incorporated herein as Exhibit A).

Also refer to Santa Barbara County Staff Report , dated November 7, 1996, pages 4-6, page 5, wherein it states in pertinent part ; " It is clear by the above definitions that streams are also wetlands. However the wording of the Coastal Act and Coastal Plan commonly associate wetlands with estuarine or marsh environments. The literal interpretation of the above policy as it relates to this project would require the mapping of the hydric soils or hydrophytic vegetation along Rincon Creek, and requiring bridge abutments to be placed 100 feet from the established line."

The wetlands located along the Rincon Creek have not as yet been quantified pursuant to the Cowardin definition required by the Coastal Act. The mapping of the wetlands permanent or periodic saturation or inundation, or hydric soils, or hydrophytic vegetation along Rincon Creek and along the proposed CalTrans project also has never been done pursuant to the Cowardin, or Coastal Act definition of wetlands. The County failed to require that CalTrans conduct the proper wetland mapping as required despite their knowing reference to the problem as cited above.

CalTrans claims in the FEIR/S that "The Army Corps of Engineers (ACOE) has concurred with our wetland delineation (Attachment N), which



was mapped according to the Corp's 1987 Delineation Manual" ( see page 33 FEIR/S).

However, CalTrans fails to disclose that the ACOE definition of wetlands for the purposes of wetland delineation is not the same as the Cowardin definition, or the applicable standard of wetland delineation pursuant to the Coastal Act, Section 30121, or the County LCP. The ACOE requires the presence of all three conditions, i.e. 1. Permanent or periodic soil saturation or inundation; 2. Hydric soils; and 3. hydrophytic vegetation; in it's definition of wetlands, as opposed to the Cowardin definition and Coastal Act definition which requires the presence of only one of the three elements.

Therefore, not only has the delineation of the wetlands potentially impacted by the CalTrans proposal been significantly understated in the FEIR/S, and the County review, due to the failure, and refusal to apply the Cowardin definition of wetlands, but the County also refused to apply the applicable LCP wetland policies on the unsupported grounds that there is no wetland in the Rincon Creek, despite all efforts to bring this issue to their attention( see correspondence, dated October 14,1996, attached hereto and incorporated herein as Exhibit B; see also relevant correspondence, attached hereto and incorporated herein as Exhibit C ).

The Counties refusal to apply the proper wetland definition to the proposal, and refusal to apply the above listed Coastal Plan Policies relevant to wetland protection under Coastal Act Policies, 30231, 30233(a), 30236, 30240(a), is inconsistent with both the Coastal Act and the LCP.

The result is that impacted wetland areas are understated in the FEIR/S. The County in it's staff report ( cited above ) refuses to apply the Local Coastal Plan Wetland Policy, on the grounds, "... the wording of the Coastal Act and Coastal Plan commonly associate wetlands with estuarine or marsh environments."

The County instead of applying the Local Coastal Plan Wetland Policy attempts to circumvent it and instead apply only Local Coastal Plan Policies pertaining to stream, and creek corridors (see LCP 9-37, 9-38, 9-39, 9-40, 9-41, 9-42, 9-43 ).

The LCP stream and creek policy 9-38 cited above also specifies that "No structures shall be located within the stream corridor except: public trails, dams for necessary water supply projects, flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; and other development where the primary



function is for the improvement of fish and wildlife habitat. Culverts, fences, pipelines, and bridges ( when support structures are located outside the critical habitat) may be permitted when no alternative route/location is feasible. All development shall incorporate the best mitigation measures feasible.

CalTrans has repeatedly stated that the primary purpose for the proposed project is " 1. Replacement of the obsolete bridges, 2. Revision of substandard horizontal and vertical alignments..." (see FEIR/S at page ii) and characterized as " Reorient and widen to 32' an approximately 350 foot section of Highway 150" (see Project Description, page 2, Staff Report dated November 7, 1996).

The project is not a public trail, a dam or water supply project, or a flood control project necessary for public safety or to protect existing development, nor is the primary function for the improvement of fish or wildlife habitat, nor are the proposed support structures located outside the critical habitat area as specified in the LCP( see also Coastal Act Sections 30231 30236, 30240 ).

**THE PROPOSAL INVOLVES THE CONVERSION OF PRIME AGRICULTURAL LAND AND IS INCONSISTENT WITH SECTION 30241 OF THE COASTAL ACT, AND LCP POLICY 8-2**

The FEIR/S for the proposal admits that " Since the project has been determined to be not fully consistent with Section 30241 of the Coastal Act, it also must be not fully consistent with Santa Barbara County Coastal Plan Policy 8-2" ( see FEIR/S, page 46, paragraph 2).

**Local Coastal Plan 8-2:** LCP Section 8-2 states; " If a parcel is designated for agricultural use and is located in a rural area not contiguous with the urban / rural boundary, conversion to non-agricultural use shall not be permitted unless such conversion of the entire parcel would allow for another priority use under the Coastal Act, e.g., coastal dependent industry, recreation and access, or protection of an environmentally sensitive habitat. Such conversion shall not be in conflict with contiguous agricultural operations in the area, and shall be consistent with Section 30241 and 30242 of the Coastal Act.

The CalTrans proposal is not a coastal dependent industry, a recreation project , a coastal access project, nor protection of an environmentally sensitive habitat.



The CalTrans proposal does conflict with contiguous agricultural operations since it removes 2.7 acres of prime agricultural land from use. CalTrans admits that "...there is no mitigation available to compensate for the loss of agricultural land and no way to avoid these impacts except to leave the road geometrics in their present state"( see FEIR/S page 55, paragraph 3 ).

The truth is inescapable, the proposal is inconsistent with the above stated policies of the Coastal Act and the LCP. The CalTrans project as proposed is not permissible pursuant to the Coastal Act provisions, or the LCP.

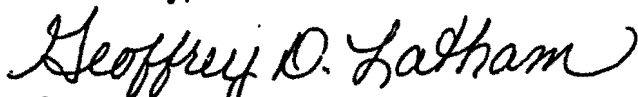
### **CONCLUSION**

The CalTrans proposal is inconsistent with the Coastal Act and the LCP. There is no substantial evidence contained in the FEIR/S, the Counties CEQA Findings, the Statement of Overriding Considerations, or the Administrative Record that support the conclusionary recital cited in support of the proposals inconsistency with the express language of the Coastal Act and the LCP.

The CalTrans proposal constitutes an unnecessary and wasteful conversion of prime agricultural lands. The environmental impacts are enormous, and the proposed mitigation's inadequate and impossible.

Please give this appeal the consideration that it merits, and halt the peace-meal erosion of prime agricultural lands and this states few remaining wetland areas, and grant the appeal on the grounds stated above.

Sincerely,



Geoffrey D. Latham

Los Padres Chapter, Sierra Club



Accident Rate (Accidents per Million Vehicle-Miles)				
Year	Actual Injury	Actual Total	Expected Injury	Expected Total
1986	7.20	8.99	0.83	1.57
1987	8.99	10.79	0.83	1.57
1988	1.79	5.38	0.83	1.57
1989	0.00	0.00	0.83	1.57
1990	3.60	5.40	0.83	1.57
1991	1.80	5.40	0.83	1.57
1992	1.84	11.05	0.83	1.58
1993	3.14	3.14	0.82	1.56
1994	1.55	4.66	0.82	1.56
1995	0.00	1.64	0.82	1.56

**Route 150 10-Year Accident History  
Post Mile 1.0 to 1.76**



**EXHIBIT NO. 9**

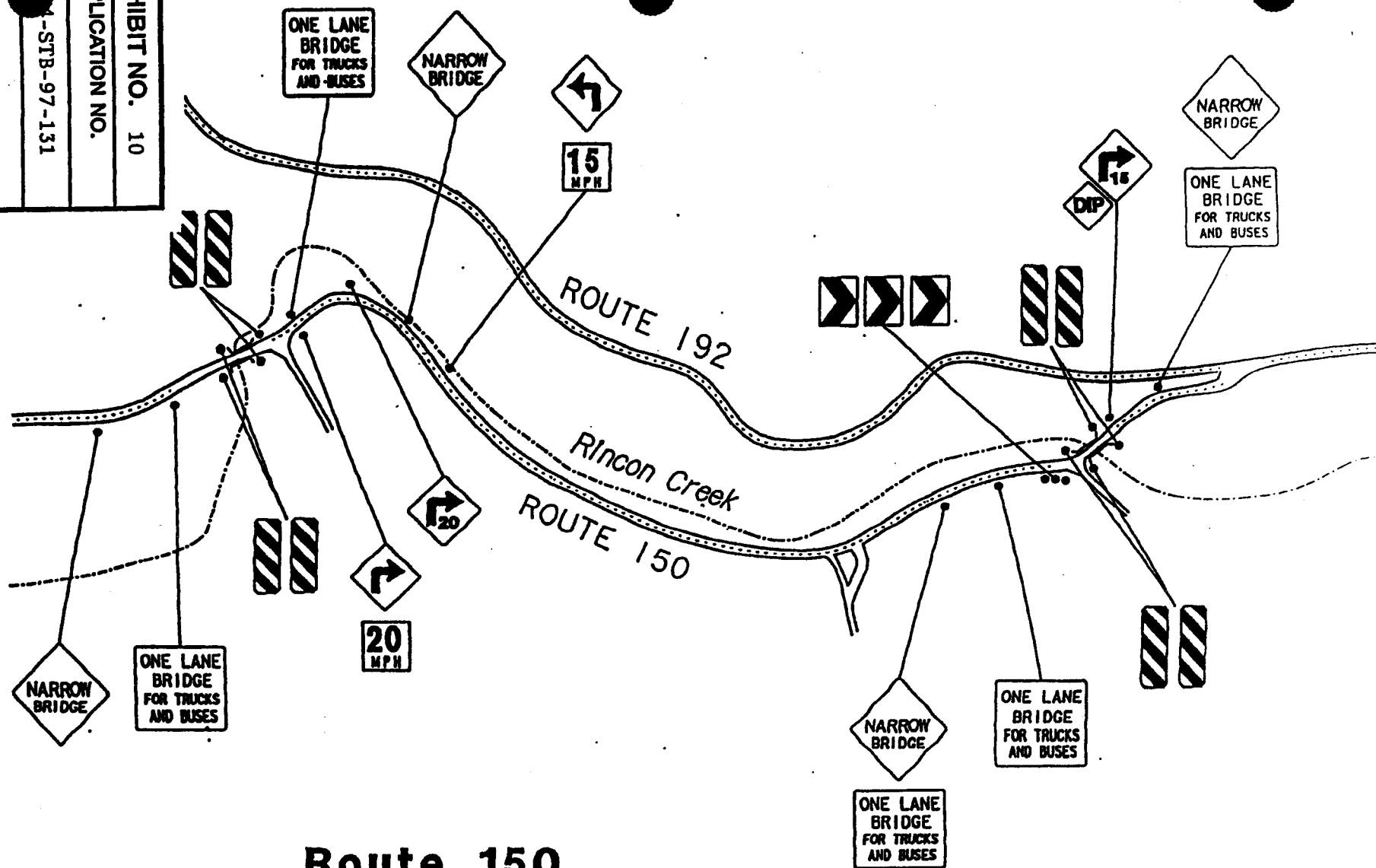
**APPLICATION NO.**

**A-4-STB-97-131**

**CalTrans**



EXHIBIT NO. 10  
APPLICATION NO.  
4-STB-97-131



## Route 150 Existing Warning Signs



EXHIBIT NO. 11

APPLICATION NO.

A-4-STB-97-131

CalTrans

AGRICULTURAL LANDS AFFECTED  
SANTA BARBARA & VENTURA COUNTIES

PARCEL	ORIGINAL ACREAGE	ACREAGE PURCHASED	REMAINING ACREAGE	ZONING	AG PRESERVE	CO.
001-200-22 KIES*	61.92	0.14 (1989)	61.78	AG-1-10	NO	SB
001-200-11 PARSONS	22.60	0.52 (1989)	22.08	AG-1-10	NO	SB
001-440-4 VANDERKAR	0.83 (1989)	0.07 (1989) 0.18 (1996)	0.58 (1996)	AG-1-10	NO	SB
001-450-5 WHEELER	14.90 (1989)	0.15 (1989) 0.01 (1996)	14.74 (1996)	AG-1-40	NO	SB
001-450-2 RAYA	7.77	1.63 (1989)	6.14	AG-1-5	YES	SB
001-450-6 CALIF TROPICS *	3.08	0.16 (1989)	2.92	AG-1-10	YES	SB
001-450-1 CALIF TROPICS *	19.28	0.16 (1989)	19.12	AG-1-10	YES	SB
008-160-14 Abbott	55.82	2.5 (1996) easement	53.32	A-40	YES	V
008-160-22 Barnard	16.42	1.16 (1989)	15.26	A-40	YES	V
008-130-49 Brown	2.63	.37 (1989)	2.26	A-40	YES	V
Total SB	130.38	3.02	127.36			
Total V	74.87	4.03	70.84			

\* The Kies and Calif Tropic properties purchased in 1989 and totaling 0.46 are no longer necessary for construction of the project, and will become excess land after construction is completed.



## DEPARTMENT OF TRANSPORTATION

500 South Street  
SANTA BARBARA, CA 93401-5415  
TELEPHONE: (805) 549-3111  
TDD (805) 549-3259



July 18, 1997

05-SB\Ven-150-1.0\1.7  
Rincon Creek Bridges  
282801

Mr. Steve Scholl  
California Coastal Commission  
89 South California Street, Suite 200  
Ventura, CA 93001

Attn: Mr. Jack Ainsworth

SUBJECT: Appeal Nos. A-4-96-318 (formerly A-4-VNT-016) and  
A-4-SBT-97-131

Dear Mr. Scholl:

In anticipation that the California Coastal Commission will accept appeal A-4-STB-97-131 on a substantial issue finding, as was the case for the Ventura County portion of this project (A-4-96-318), Caltrans wishes to amend the proposed project description to include the attached mitigation and monitoring conditions imposed by Santa Barbara County during their review of this project. To ensure consistency during project implementation, we also wish to amend the Ventura County portion of the project description to include these same mitigation and monitoring requirements.

If you have questions regarding this request, please contact Chuck Cesena of my staff at (805) 549-3622.

Sincerely,

Jim Perano  
Project Manager

EXHIBIT NO. 12

APPLICATION NO.

A-4-STB-97-131

CalTrans