

# Th11b

**CALIFORNIA COASTAL COMMISSION**

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**STAFF REPORT: APPEAL**  
**DE NOVO HEARING**

LOCAL GOVERNMENT: County of Ventura

DECISION: Approval with Conditions

APPEAL NO.: A-4-VNT-96-318 (formerly A-4-VNT-016)

APPLICANT: California Department of Transportation (Caltrans)

APPELLANT: Geoffrey Latham

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

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

SUBSTANTIVE FILE DOCUMENTS: County of Ventura certified Local Coastal Program; County of Ventura administrative record for coastal development permit CUP-4942 (Caltrans); Coastal Commission Consistency Determination CC 7-95 (Caltrans); "Statewide Interpretive Guidelines for Wetlands and other Wet Environmentally Sensitive Habitats," California Coastal Commission, February 4, 1981; Coastal development permits: 1-96-08, Caltrans, Little River; 4-95-252, Department of Parks and Recreation, Gaviota State Beach; Caltrans letters from Jim Perano to Steve Scholl, July 18, 1997 and July 23, 1997.

**SUMMARY OF STAFF RECOMMENDATION:**

On April 10, 1997 the Commission took public testimony and determined that the appeal of Geoffrey Latham raised a substantial issue regarding project conformance with the County of Ventura certified Local Coastal Program (LCP). Caltrans has revised the project description to incorporate measures developed through local review by Santa Barbara and Ventura Counties regarding project implementation, mitigation monitoring, and reporting. Staff recommends approval with Special Conditions regarding condition compliance with this revised project description submitted by Caltrans.

I. DE NOVO HEARING PROCEDURES

When the Commission finds that substantial issue does exist, the Commission will proceed to a full public hearing on the merits of the project at the same time or at a subsequent meeting. If the Commission conducts a de novo hearing on the permit application, the applicable test of the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program pursuant to Section 30604(b) of the Coastal Act.

In addition, PRC Section 30604(c) of the Coastal Act requires that, for development between the first public road and the sea, or the shoreline of any body of water, a finding must be made by the approving agency, whether the local government or Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.

Any person may testify during the de novo stage of an appeal.

II. STAFF RECOMMENDATION

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 Ventura 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 I

I move that the Commission adopt the following findings and approve the project (A-4-VNT-96-318) as approved by the County of Ventura, and as subsequently modified by the applicant through Exhibits 1, 1a and 2.

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

III. Standard Conditions

1. Notice of Receipt and Acknowledgment. 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 office.
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 proposal as 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 or 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.

#### IV. SPECIAL CONDITIONS

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 (CUP-4942) for this project: #2, 3, 5, 6, 7, 8, and 10. (A copy of these conditions is included in Exhibit #2 attached to this staff report.)
2. The applicant shall coordinate and cooperate with the County of Ventura in the development of all mitigation and monitoring plans stipulated in the special conditions attached to the County's Conditional Use Permit (CUP-4942) 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 conditions. (A copy of these conditions is included in Exhibit #2 attached to this staff report.)

#### V. RECOMMENDED FINDINGS AND DECLARATIONS

##### A. Project Description and Background.

##### 1. Ventura County Decision

At their meeting of November 5, 1996, the Ventura County Board of Supervisors approved the request of Caltrans to replace two bridges and realign Highway 150 in Ventura County. The Board action was on an appeal of a denial of the project, CUP-4942 (Caltrans), by the County Planning Commission. In a separate letter to Caltrans, the Board encouraged the agency to modify the culvert under the 101 Freeway downstream to remove barriers and restore historical patterns of fish migration.

Local government approval was subject to a number of conditions. The conditions of approval are attached to this report as Exhibit 2. Numerous

mitigation measures were incorporated by reference from the FEIR (pp. 35 - 40) as part of County approval including: revegetation of all disturbed areas and other areas; creation of new wetland areas; controls on construction practices; and protection of rare, endangered or otherwise sensitive species.

The approval with conditions was appealed to the Coastal Commission by Geoffrey Latham and the appeal was filed on December 5, 1996. The appellant contended that the project was inconsistent with the Ventura County Local Coastal Program because the development would have a significant impact on the Rincon Creek corridor which is an environmentally sensitive habitat area (ESHA). The appellant cited two sections of the Local Coastal Program zoning ordinance: Section 8175-5.9 - Public Works Facilities and 8178-2.4.d - Specific Standards Wetlands.

On April 10, 1997 the Commission took public testimony and determined that the appeal raised a substantial issue regarding project conformance with the County of Ventura certified Local Coastal Program (LCP). The de novo hearing was postponed. The postponement allowed the County of Santa Barbara to take action on their portion of the same project.

The project straddles the County line between Santa Barbara and Ventura Counties county line. Most of the roadway realignment will take place in Ventura County while the bridge replacement is divided between the two Counties.

## 2. County of Santa Barbara Decision

The County of Santa Barbara issued a Conditional Use Permit (96-CP-023) for the entire project on May 20, 1997. The County further modified the project to clarify issues regarding protection of agriculture, bridge design, and provision of a fish passage facility at U.S. Highway 101. The Commission received an appeal of the County's action on June 12, 1997. The project was approved with a number of special conditions: construction activities to reduce erosion and sedimentation and to protect environmentally sensitive habitats associated with Rincon Creek; a tree and creek protection replacement program; a dedication of a conservation easement over the wetland/riparian oak woodland habitat; a stream alteration agreement from the California Department of Fish and Game and a 404 permit from the U.S. Army Corps of Engineers; work within the stream channel and use of concrete outlet structures; timing of construction; controlling the spread of avocado root rot fungus; providing for an archaeological monitoring; coordinating with the U.S. Fish and Wildlife Service for any listed species; plans and specifications for a fish passage facility at U.S. Highway 101 crossing.

The County of Santa Barbara conditions contain measures which are similar to those required by Ventura County, such as tree protection using a certified arborist. The conditions also introduce additional resource protection measures not addressed in the Ventura County conditions of approval. Significant changes to the project introduced through these conditions through the amended project description (See Exhibit I) include: (1) a fish passage facility to be constructed at the U.S. 101 Highway crossing downstream to allow the migration of steelhead trout past both bridges into the headwaters of Rincon Creek; (2) a Storm Water Pollution Plan prepared by the construction contractor and submitted and approved by the California Regional Water Quality Control Board prior to commencement of construction of the project; and (3) dedication of a .87 acre conservation easement.

### 3. Federal Consistency Determination

At their meeting of March 8, 1995 the Coastal Commission approved a consistency determination for the whole project in both Counties. Federal consistency review under the Coastal Zone Management Act (CZMA) was triggered by Caltrans' application for both Federal Highway Administration (FHWA) funding and a Section 404 permit from the U.S. Army Corps of Engineers. Because the project at that time did not contain all detailed, site-specific information, the consistency review focused on the preferred alternative location and major design features of the project, and, to the extent then anticipated, the project's impacts on coastal zone resources.

For the subject consistency certification the standard of review was Chapter 3 of the Coastal Act. The Commission found that the project was consistent with Coastal Act wetland policies (Section 30233) as 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 extent of buffer area available between the road and the creek; (2) incorporating a design that would improve fish passage, consistent with recommendations of the Department of Fish and Game (CDFG); and (3) including commitments for partial restoration of downstream fish blockage (at Highway 101). The findings indicate, further, that most of the project's agricultural impacts would be mitigated, and that the project would, by decreasing public safety hazards, improve public bicycle and vehicular access to the coast.

As noted in the consistency determination staff report, the staff would normally combine the Commission's consistency and permit reviews in order to expedite processing and avoid duplicative hearings. However, in that case choices among basic project alternatives had to be made early as required by the federal funding agency prior to the final acceptance of the Environmental Impact Statement (EIS) and award of funds.

### 4. Findings for Approval as Conditioned

As noted above, Santa Barbara conditions introduced resource protection measures not addressed in the Ventura County conditions of approval including a fish passage facility, a Storm Water Pollution Plan, and dedication of a .87 conservation easement. Caltrans incorporated implementation of these conditions into the entire project within both Counties. (See Exhibit 1) Further, Caltrans has incorporated into the project the conditions of approval of Ventura County. (See Exhibit 2)

However, because there is need to ensure consistent and comprehensive implementation of the project, and coordination with both Counties, the above conditions are required. Conditions 1 and 2 (above) require submittal of evidence of having complied with Ventura County prior-to-issuance permit conditions, coordination and cooperation with the County in the development of all mitigation and monitoring plans, including evidence of having complied with all special conditions, and, upon completion of the bridge replacement and highway realignment, provision of a status report for the Executive Director.

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

#### B. Proposed Project and Project Alternatives

The proposed project is located on State Route 150. In the project vicinity, 150 is located in a agricultural area where the primary agricultural use is for avocado, lemon, and tropical fruit orchards. Route 150 is a major link to coastal and inland cities when Highway 101 has been closed, as it has been in recent years by flooding of the Ventura River, landslides, or hazardous material spills. The 101 Freeway runs along the immediate coast between a ridge of coastal hills and the beach between Rincon Point and the City of Ventura.

The project approved by the County of Ventura includes replacement (straightening) of 0.6 miles of highway [total is for both Counties] and rebuilding of two bridges. The northernmost bridge (51-141) will be replaced but remain in the same location. The second, southernmost bridge (51-140) will be replaced and the location moved to sixty feet south of the existing location.

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 make left and right hand turns difficult for farm equipment. The widened road and bridges (32 ft. wide), and realigned intersection of Highway 150 and 192 would more safely pass agricultural vehicles which frequently utilize the area.

Both bridges and the roadway cross Rincon Creek, which defines the boundary between Ventura and Santa Barbara Counties. The proposed project also includes fill for slope protection and fish enhancement facilities in riparian wetland habitat. The project includes work in Santa Barbara County for reconfiguration of the Highway 150/192 intersection. These findings address the project as confined to the Ventura County portions of each bridge and the related highway improvements.

Wetlands and riparian corridors constitute Environmentally Sensitive Habitat Areas (ESHAs). For this project, the wetland was defined as Rincon Creek including of the entire width of the bottom of the stream channel extending approximately two feet up the sides of the stream banks. In both Counties, a total of approximately 0.15 acres of aquatic emergent and scrub-shrub wetlands would be filled with a combination of rock, sand, and gravel, of which 0.06 acres would constitute permanent fill and the remaining 0.09 acres would constitute temporary fill. 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 acres of habitat created would be 2.25 acres in both Counties. Trees removed would be replaced on a 10:1 ratio with in-kind species. According to Caltrans (personal communication), since the area affected by the project in the stream is evenly divided between both Counties, the permanent loss of wetland in Ventura County is .03 acres based on the centerline of the stream as the County boundary.

Because of the sensitive nature of the project involving an ESHA, especially in light of past Coastal Commission decisions, consideration of project alternatives as part of local review was necessary to ensure conformance with the certified LCP. A number of alignment alternatives were considered as part of environmental review, including relinquishment of the roadway from the State Highway system, widening of the existing bridges, and abandonment of the project altogether. No alternative bridge locations were available that would alleviate the need for wetlands-encroaching slope protection.

Fill was necessary because, even though the abutments of the new single span (no center pier) bridges would not be placed within the wetlands, they did require protection from potential erosion caused by both ordinary and high-water levels. The fisheries restoration work that was part of the project also required fill i.e. placement of rock weirs perpendicular to the creek's flow line.

On the stream slopes, protection alternatives considered included the rock slope protection currently proposed, concrete slope paving, sacked concrete, gabion wire baskets, interlocking concrete pavers and bioengineered slope protection (i.e., the use of natural living materials such as brush or willow cuttings for stabilization). The bioengineered methods were shown through the local review process to have not proven durability and effectiveness under the peak "flash-flood" nature of southern California streams such as Rincon Creek. Rock slope protection was the option found most compatible with the proposed fisheries restoration work.

### C. Conformance to Land Use Plan Standards

#### a. Agricultural Land Use

The proposed development is an area designated Agriculture in the LUP. This designation is intended to identify and preserve agricultural land for cultivation of plant crops and raising of animals.

The LUP contains the General Statement that:

2. The maximum amount of prime agricultural land is preserved for agricultural use.

The applicable LCP policy for protection of agriculture is found in the North Coast section:

#### Objective:

To preserve agricultural lands in the North Coast to the maximum extent feasible.

#### Policies:

...

4. New or expanded public works facilities will be sited or designed to mitigate environmental impact on agricultural lands.

The project has a land use designated of Agriculture. Agriculture is a land use category which provides for "... the cultivation of plant crops and the raising of animals." Such lands include existing agricultural use, existing agricultural preserves, and prime soils. Principal permitted uses are: crops for food and fiber; orchards and vineyards; field or row crops; drying and storage of crops, hay, straw, and seed; growing and harvesting of flowers, ornamentals, and turf; and animal breeding, pasturing, or ranching. The minimum lot size is 40 acres. The LUP preserves prime soils through conserving soils, minimizing erosion, creating stable urban-rural boundaries, and protecting non-prime land. This land is classified as Prime Soils on Figure 6 in the LUP. The land is in Williamson Act contracts, although this designation is not recognized on LUP Figure 6 or the related text in the LUP. The subject land is classified as being of Statewide Significance in the Important Farmland Inventory. The agricultural lands in this area generally rated as prime.

The proposed project is consistent with LUP policies because the project is sited and designed to mitigate impact on agricultural land. The project includes measures to avoid adverse effects of the project on agricultural land. For example, avocado root rot fungus (*Phytophthora cinnamomi*) is a significant problem in the project area. The project includes mapping of the infected area. Construction will be staged to prevent the spread to adjacent orchards. Equipment leaving the area will be disinfected. The project was reviewed by the County Agriculture Department, which did not object to the project.

The realignment of 0.6 miles of Highway 150 to accommodate the replacement bridges and eliminate a short looping curve would result in the removal of agricultural lands, a portion of which is currently in lemon production. The total affected agricultural land, as recently revised by Caltrans (see Exhibit 4), is 4.03 acres. Approximately 1.5 acres of this agricultural land would be restored to native riparian and oak woodland land habitat. The LCP provides that this is one of the permitted uses of agricultural lands. Agricultural lands not used for the project will be made available for return to the local farmers concerned.

Most of the parcels are part of larger holdings, which, as noted below, diminishes the impact of loss of small areas at the periphery of these lands for highway improvements. All parcels affected by the project retain significant acreage for viable agriculture, and the project would not conflict with agricultural operations. Sale of the agricultural lands to Caltrans for the project does not affect the minimum size criteria of the Agricultural Preserve program on the two parcels participating in the program. In Ventura County, where a portion of the lemon orchard would be affected by relocation on the Highway, 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 County findings note that the amount of land to be removed is not considered as significant in the environmental document (FEIR), although it would be considered as a 'cumulative' impact under the County's Initial Study Assessment Guidelines.

Project alternatives considered in designing the project would result in an increased consumption of agricultural land. Productive agricultural lands would be displaced and fragmented if the bridges within the Rincon Creek corridor were eliminated by keeping the highway on one side of Rincon Creek.



In summary, the project is an allowed use in an agricultural area and is conditioned to conform with the LUP policies for protection of agriculture.

b. North Coast Creek Corridor Policies

The project is in the Rincon Creek corridor ESHA and is consistent with LUP objectives and policies for the North Coast, one of three segments of the coastline of Ventura County. The project is consistent with the LUP provision for maintenance of native vegetation in creek corridors to help diffuse floods and runoff, minimize soil erosion, and retard sedimentation.

The North Coast segment is a self-contained set of background material, objectives, policies, and standards for that portion of the coast. The North Coast is the area between Rincon Point (Santa Barbara/Ventura County line) and the Ventura River. The certified LUP North Coast section (p. 28) notes that Rincon Creek is the only perennial riparian corridor on the North Coast. The objective stated in the LUP (p. 28) for such areas is:

Objective:

To maintain creek corridors in as natural a state as possible while still accommodating the needs of public health and safety.

Policies to carry out this objective (LUP, p. 28) include [Note: the following numbers are the same as used by the County, LUP, p. 28]:

1. All projects on land either in a stream or creek corridor or within 100 feet of such corridor (buffer area), shall be sited and designed to prevent impacts which would significantly degrade riparian habitats, and shall be compatible with the continuance of such habitats.
2. Substantial alterations (channelizations, dams, etc.) to river, stream, or creek corridors are limited to:
  - a) necessary water supply projects;
  - b) 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;
  - c) developments where the primary function is the improvement of fish and wildlife habitat.
3. Projects allowed per the above policies will incorporate the best mitigation measures feasible.
4. Criteria set forth in the adopted Coastal Commission's "Statewide Interpretive Guidelines for Wetlands and other Environmentally Sensitive Wet Habitats" will be used in evaluating projects proposed within the Rincon Creek corridor.

The proposed project involves permanent and temporary impacts to wetlands. In designing the project, Caltrans consulted with the California Department of Fish and Game (DFG) and Federal Fish and Wildlife Service (FWS) as shown in the County administrative record i.e. the "Endangered Species Biological Assessment", Appendix in Caltrans' EIR/S. This included a conceptual mitigation plan for the various habitat, wetland, and tree removal impacts, as well as a plan to improve fish passage for steelhead rainbow trout (Oncorhynchus mykiss), an anadromous species which is a Federal candidate endangered species and a State Species of Special Concern.

Caltrans agreed that these measures were incorporated into the final project "Plans and Special Provisions" for project construction including placing a series of rock weirs or check dams perpendicular to the flow line, and raising the streambed gradient by backfilling the areas between weirs with clean sand and gravel and topping that with material removed from the streambed during bridge construction. The Fish and Wildlife Service (FWS) stated that the proposed mitigation measures were "adequate and appropriate," and that the proposed fish passage facilities "should greatly enhance the potential restoration of the steelhead run in Rincon Creek."

Caltrans discovered during review of the project that the yellow warbler (Dendroica petechia brewsteri), a California Species of Special Concern, was using the project area riparian habitat for breeding purposes. Use by the warbler is primarily of the large trees on the Ventura County side of the project. This discovery resulted in highway alignment to replace Bridge 51-141 at the current location with a slight skew which moved the alignment easterly of the bridge through the middle of the adjacent avocado orchard. Caltrans agreed that removal of any trees will not be undertaken during nesting season (15 April/31 July).

The administrative record indicates consideration of the Red-legged frog (Rana aurora draytonii) in the project design and County conditions of approval. The frog was recently listed as a threatened species (May 23, 1996). According to the Fish and Wildlife Service (personal communication) their internal list does not indicate the presence of this species in Rincon Creek, although it still could exist there. Caltrans has noted in the environmental document that they will annually survey for the presence of this species and also noted during the local hearings that they will relocate any frogs that are found as part of construction procedures.

The project in both Counties involves temporary impacts to 0.09 acres of riparian wetlands which will be affected by construction activities and 0.6 acres would be permanently replaced by the bridge abutments and bank protection. The current bridge design has been selected from several alternatives as least damaging to existing habitats, and incorporates mitigation measures which fully off-set the projects impacts to wetland and riparian vegetation. In both Counties approximately 1.0 acres of riparian woodland and 0.25 acres of freshwater wetlands would be revegetated and restored. The temporary construction impacts of short duration are incidental to the replacement of the bridge. Construction impacts can adversely affect streams, and are addressed in the project EIR. These potential impacts were not found substantial by the County under the LUP policies for North Coast creek corridors.

In Ventura County the permanent loss of 0.03 acres of wetlands, although a

small amount of approximately 1300 sq. ft., deserves further consideration. In past Coastal Commission actions, including the Consistency determination for this project, the Commission has recognized that some roads and bridges will require repair, maintenance, or improvements that require wetland fill. The Commission's Wetland Guidelines, incorporated as an appendix to the certified LUP, allow for fill associated with road work, if that work does not result in an increase in traffic capacity of the road. According to Caltrans, the proposed project will not increase the capacity of the road and the County found that the project was necessary to maintain traffic capacity where there is no alternative. The proposed project would not add additional lanes, it would only upgrade this section of highway to current standards from those in use when the highway was constructed in 1927.

The following shows how the project as conditioned conforms to the above-noted policies on creek corridors. The policy numbers refer to sections of the LUP quoted above.

1. Policy 1 -- Siting and design/continuation of wetland: The siting and design of the project as conditioned by the County, described in preceding sections, does conform to Policy 1 (above) because all feasible mitigation measures have been utilized and impacts on riparian habitats have been mitigated. The project once completed will be compatible with the continuance of such habitats through the mechanisms included in the project design or imposed by the County through their conditional use permit.

Caltrans has selected the alternative entailing the least amount of wetland fill and mitigated the small amount of wetland fill. To mitigate the loss of wetland habitat, Caltrans committed to at least a 3:1 mitigation ratio in terms of area to be restored and is 10:1 in terms of tree replacement. Caltrans indicates that mitigation for the 0.06 acre in lost wetlands would occur through, for both Counties, the creation of approximately 2000 square feet of wetlands and the enhancement of approximately 1600 square feet of degraded wetlands. A more detailed discussion of mitigation measures is found in 3. (below).

The total permanent wetland loss, as previously noted, would be approximately .03 acres in Ventura County. Part of the permanently lost wetland would be due to the placement of the rock weirs associated with the fisheries restoration work. The mitigation measures undertaken by Caltrans not only mitigate project impacts, but enhance the habitat in adjacent areas, such as right-of-way to be restored to adjacent property owners. The fill is to be carried out in a manner avoiding significant habitat disruption, and enhances the functional capacity of the wetland.

2. Policy 2 -- Substantial alteration. The project, see above, is not a substantial alteration to the Rincon Creek corridor. The proposed development is an allowed use because it improves fish and wildlife habitat and provides flood protection. The project qualifies as a restoration project because of the measures undertaken to ensure vegetation replacement and fish passage.

The fish passage facilities are allowable because the primary function is the improvement of fish and wildlife habitat. The mitigation required for these facilities is addressed in the changes to the project developed

through the County review process and conditions of approval, as described in these findings.

The realignment of a small section of streambank is also consistent with the County policy because no other method for protecting existing structures is feasible and because it is needed for public safety. The project would remediate a previous problem caused by inadequate design of the existing bridge, and it would reduce flooding problems compared to the existing situation.

The project would not cause or contribute to a flood hazard. The western replacement bridge has been designed to withstand the flows associated with 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-years flood flow, and therefore reduces the likelihood of damage to this structure from flooding.

3. Policy 3 -- Incorporation of Best Feasible Mitigation. This policy requires that projects which are allowed incorporate the best mitigation measures feasible. The County review process determined that the mitigation measures required are the best feasible measures. As noted by the County findings, they have applied all applicable policies of the LCP as developed through their permit review and environmental review process.

The mitigation measures incorporated by reference from the FEIR (pp. 35 - 40) as part of County approval and as incorporated in the project description of this permit include:

- o Revegetation of all disturbed areas.
- o Revegetation of other areas in the new highway right-of-way which are not disturbed.
- o Creation of new wetland area through excavation and contouring of streambanks and removal of paved invert and rubble in the streambed.
- o Planting of approximately 650 trees (total in both Counties) with mitigation ratios for tree replacement of:

<u>Species Impacted</u>	<u>Ratio</u>	<u>Number of Replacement trees</u>
47 Coast live oak	10:1	470
11 Sycamore	10:1	110
20 Arroyo willow	5:1	100
8 Walnut	10:1	80
1 Cottonwood	10:1	10
8 White Alder	10:1	80

- o Designated ESH protected area on the contract plans.
- o Fencing and other measures to control clearing and grubbing.
- o Hiring of separate contractors for revegetation efforts who specialize in that kind of work.

- o Innoculation (except for willows), fencing, irrigation, weeding, and monitoring of saplings for first five years, with monitoring only for an additional three years.
- o Preparation of annual reports documenting individual plant survival rates and status of site utilization by the Yellow Warbler.
- o Replacement of plants as determined by annual reports to ensure 80 % replacement in 3 years and 50 % replacement in 8 years.
- o Use of a 1.1 acre parcel as a mitigation bank planted at the same time.
- o Returning unused land to the adjacent property owners, with voluntary revegetation of these areas upon request, with Caltrans performing the work directly as a last resort.
- o Collection and stockpiling of duff for subsequent use.
- o Relocating species such as the red-legged frog and Pacific pond turtle just prior to construction.

These measures mitigate potential impacts on the steelhead trout and yellow warbler and other affected wildlife and compensate for the loss of vegetated wetlands and upland areas, in addition to restoring habitat in the stream and the buffer areas. Approximately 1.0 acres of riparian woodland and 0.25 acres of freshwater wetlands would be revegetated and restored in both Counties. This project includes other restoration areas enabling the Commission to find that the project has resulted in a net benefit to the area. This includes restoration measures, such as the higher replacement ratios and timelines of the monitoring program, which are similar or more extensive than found in past Commission actions. (see substantive file documents).

Approximately .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. Reestablishment of riparian habitat on those portion of the old road bed, adjacent to the stream, and .87 acre conservation easement area near the western bridge would expand and enhance the existing riparian/oak woodland habitats in these areas. The highway realignment would increase the buffer between the Rincon Creek and the highway in two locations: just to the east of the western bridge and just to the south of the eastern bridge. The remainder of the highway realignment would be located in its present location. As a consequence there would be no reduction in the current buffers between and Rincon Creek and the highway, but a net increase in the buffer area.

As noted above, the applicant has since agreed to inclusion of resource protection conditions developed under Santa Barbara County review to the entire project.

4. Policy 4 -- Wetlands Guidelines: The County Wetlands Guidelines found in the LCP do allow limited expansion of roadbeds and bridges necessary to maintain existing traffic capacity when there is no other alternative. The bridge and roadway are clearly public improvements necessary to

maintain existing traffic capacity. Therefore, the Commission finds that these improvements conform to the referenced LUP policy 4 (above).

c. Conformance to Zoning Ordinance Standards

The proposed development is an allowed land use under the Agriculture designation in the certified LCP Zoning Ordinance, which permits non-County initiated public works facilities. The LUP allows public works such as a roads and bridges if designed to serve potential population and mitigate impacts on agriculture:

Sec. 8175 - 5.9 - Public Works Facilities - Public Works facilities are subject to the provisions of this Section and all other provisions of this Chapter and the LCP land use plan. The types of facilities include, but are not limited to, the following: Roads, reservoirs, drainage channels, watercourses, flood control projects, pump stations, utility lines, septic systems, water wells and water storage tanks.

- a. New or expanded public works facilities (including roads, flood control measures, water and sanitation) shall be designed to serve only the potential population of the unincorporated and incorporated areas within LCP boundaries, and to eliminate impacts on agriculture, open space lands, and environmentally sensitive habitats.
- b. New service extensions required beyond the stable urban boundary (as shown on the LCP Land Use Plan maps) must be designed to mitigate any effects on agricultural viability.

This is an allowed project designed to serve only the potential population of the area and is not growth inducing. The capacity of the roadway will not change except for potential bicycle traffic which is encouraged by the Recreation and Access policies of the certified LCP. Further, the project mitigates or eliminates impacts on ESHAs as discussed above.

The project also conforms with County ordinance standards for protection of the Rincon Creek corridor, which is an ESHA site:

Sec. 8178 - 2.4 - Specific Standards - The following specific standards shall apply to the types of habitats listed.

...

c. Creek Corridors

- (1) All developments on land either in a stream or creek corridor or within 100 feet of such corridor (buffer area), shall be sited and designed to prevent impacts which would significantly degrade riparian habitats, and shall be compatible with the continuance of such habitats.
- (2) Substantial alterations (channelizations, dams, etc.) to river, stream, or creek corridors are limited to: water supply projects

necessary to agricultural operations or to serve developments permitted by the LCP Land Use Plan designations; flood control projects where no other method for protecting existing structures in the flood planing is feasible, and where such protection is necessary for public safety or to protect existing development; or developments where the primary function is the improvement of fish and wildlife habitat.

- (3) Developments allowed per the above policies shall incorporate the best mitigation measures feasible.

d. Wetlands

- (1) All developments on land either in a designated wetland, or within 100 feet of such designation, shall be sited and designed to prevent impacts which would significantly degrade the viability of the wetland. The purposes of such projects shall be limited to those in Section 30233(a) of the Coastal Act.
- (2) Where any dike or fill development is permitted in wetlands, mitigation measures shall, at a minimum, include those listed in Section 30607.1 of the Coastal Act. Other reasonable measures shall also be required as determined by the County to carry out the provisions of Sections 30233 (b and c) of the Coastal Act.
- (3) Habitat mitigation shall include, but not be limited to, timing of the project to avoid disruption of breeding and/or nesting of birds and fishes, minimal removal of native vegetation, reclamation or enhancement as specified in the California Coastal Commission "Interpretive Guidelines for Wetlands" and a plan for spoils consistent with paragraph (4) below. The Department of Fish and Game, as well as other appropriate agencies, shall be consulted as to appropriate mitigation measures.

...

The language of Zoning Ordinance Section c. (1) through (3) Creek Corridors repeats the policy language found in the North Coast segment of the certified LUP. For the reasons stated in the preceding sections of these findings, the proposed development is consistent with these standards. The project is sited and designed to prevent impacts which would significantly degrade the viability of the wetland, for the reasons indicated above relative to the LUP, including the above-referenced Section d. Wetlands and Coastal Act provisions referred to by the ordinance. The project is consistent with the referenced purposes of a project in a wetland, as found in the PRC Section 30233(a), because it is for incidental public purposes and nature restoration. The fill is to be carried out in a manner avoiding significant habitat disruption, and enhances the functional capacity. County findings show that the project was examined under aegis of the Wetlands Guidelines and that habitat mitigation includes timing of the project, minimal removal of vegetation, and reclamation and enhancement.

The referenced Coastal Act policies in the above Zoning Ordinance are Sections 30233 and 30607.1, included in the text of the certified LUP (pp. 13 - 14), are as follows. [Note: there are minor differences between the language that follows and that found in the Coastal Act as amended]:

PRC Section 30233 states (in part):

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

...

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

...

(7) Restoration purposes.

...

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

PRC Section 30607.1 states:

Where any dike and fill development is permitted in wetlands in conformity with this division, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface areas shall be dedicated to an appropriate public agency, or such replacement site shall be purchased before the dike or fill development may proceed. Such mitigation measures shall not be required for temporary or short-term fill or diking; provided, that a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time.



The project conforms with the three-part test of the LCP Zoning Ordinance, which is the same as that found in the Coastal Act. The project is one of the allowable uses, is the least damaging feasible alternative, and includes feasible mitigation measures to minimize adverse environmental effects. Therefore, the project as conditioned, is consistent with the Ventura County LCP.

d. Local Government Condition Compliance

The County of Ventura 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 (CUP-4942). 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 Ventura County Local Coastal Program.

8059A

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

PETE WILSON, Governor

## DEPARTMENT OF TRANSPORTATION

50 Higuera Street  
SAN LUIS OBISPO, CA 93401-5415  
TELEPHONE: (805) 548-3111  
TDD (805) 548-3259

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,

*James L. Perano*  
Jim Perano  
Project Manager

EXHIBIT NO.	1
APPLICATION NO.	
A-4-VNT-96-318 Caltrans	
Santa Barbara Co. Conds.	



# 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.	1a
APPLICATION NO.	
A-4-VNT-96-318 Caltrans	
Santa Barbara Co. Conds.	

RECEIVED

JUN 02 1997

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Page 1 of 12

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:

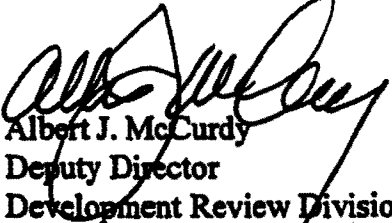
1. Uphold the Zoning Administrator's July 8, 1996 decision as set forth in the action letter dated July 15, 1996, and approve the project subject to the findings included in Attachment A and the conditions of approval included in Attachment B as revised in the Board Report dated May 20, 1997 and as described 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 35-182.4, 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

xc: 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\WP\CP\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:

TO: 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:

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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.

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:

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**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

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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.



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**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.

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**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

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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.

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**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  
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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

## DEPARTMENT OF TRANSPORTATION

50 Higuera Street  
SAN LUIS OBISPO, CA 93401-6418  
TELEPHONE: (805) 548-3111  
TDD (805) 548-3289



July 23, 1997

05-SB-150-1.0\1.6  
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)

Dear Mr. Scholl:

In my July 18, 1997, letter regarding the incorporation of the Santa Barbara County permit conditions into the above referenced project, I neglected to mention that all conditions of the Ventura County Coastal Development Permit Conditional Use Permit 4942 are to be incorporated into this project also. Caltrans shall file with the Executive Director proof in the form of final clearances from Ventura County that all conditions of the County of Ventura Coastal Development Permit (Conditional Use Permit No. CUP 4942) have been met. This will include monitoring the project and mitigating project impacts as identified through the Ventura County environmental and permit review.

Sincerely,

James R. Perano  
Project Manager

EXHIBIT NO. 2
APPLICATION NO.
A-4-VNT-96-318 p1 of 3
Ventura County Conditions

PUBLIC HEARING DATE: September 12, 1996

APPROVAL DATE:

PAGE: 2 of 3

program and planting program, as noted below, shall be submitted to the Planning Division for approval. A tree and creek protection and replacement program, prepared by an arborist/biologist shall be implemented.

- b. Incorporated by reference herein are the mitigation proposed by Caltrans, FEIR, pp. 35-40; FEIR, Appendix I, Endangered Species Biological Assessment, Conceptual Mitigation Plan, Attachment E.
- c. 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 prior to issuance of Coastal Development Permit.

6. Light Standards:

- a. Prior to the issuance of a Zoning Clearance, all light fixtures and locations shall be shown on the plot plan. Light standards shall have a maximum height of 35 feet.
- b. Light standards shall be shielded and directed downward to avoid light and glare toward the residential area.

7. Signs:

Prior to the issuance of a Zoning Clearance, a comprehensive sign plan demonstrating ordinance compliance shall be approved by the Planning Director.

8. Utilities:

All utility connections on the site shall be placed underground from the property line.

9. Limitations of this Permit:

If any of the conditions or limitations of this Permit are held to be invalid, that holding shall not invalidate any of the remaining conditions or limitations set forth.

B. FLOOD CONTROL DISTRICT CONDITION:

10. Flood Control/Drainage:

- a. Prior to any work being conducted within the 100 year flood plain, the developer shall obtain a Flood Plain Development Permit pursuant to the provisions of the Flood Plain Management Ordinance No. 3841.

Pursuant to the Flood Plain Management Ordinance, the permittee shall not construct, locate, extend or alter any structure or land without full compliance with the terms and conditions of this ordinance and other applicable regulations.



A. PLANNING DIVISION CONDITIONS:

1. Permitted Land Uses:

- a. This Conditional Use Permit is granted for the use of the land as a highway and two bridges and appurtenant mitigation areas.
- b. This Conditional Use Permit is granted for the bridges, landscape areas, and roadway, as shown on the Plot Plan labeled Exhibit "A".
- c. The design of the roadway and bridges shall be as shown on the Plan labeled Exhibit "B".

2. Compliance with Coastal Plan and Coastal Zoning Ordinance:

- a. CUP-4942 shall be constructed in full compliance with those applicable portions of the Ventura County Coastal Plan and Zoning Ordinance (Attachments 1 and 2).
- b. CUP-4942 shall be constructed in full compliance with the mitigation measures contained in Caltrans FEIR and NOD (Attachments 3 ~~and 4~~ and Ex.

3. Responsibilities Prior to Construction and Use Inauguration:

- a. Prior to issuance of Zoning Clearance No. 1, Caltrans shall develop and submit a mitigation monitoring plan to the Planning Division which is in full compliance with Public Resources Code Section 21081.6
- b. Prior to construction, Zoning Clearance No. 1 shall be obtained from the Planning Division.
- c. Prior to the issuance of a Zoning Clearance, the following conditions shall be met:  
  
2, 5, 6, 7, 8, and 10.
- d. Use inauguration of the facility will only occur after Zoning Clearance No. 2 has been issued. Zoning Clearance No. 2 will be issued by the Resource Management Agency upon verification that all project conditions have been implemented.

4. Permit Modification:

Any minor changes to this Permit shall require the submittal of an application for a minor modification and any major changes to this Permit shall require the submittal of a Major Modification application. Changes that do not alter any findings pursuant to the Ventura County Coastal Ordinance Code may be approved as a Permit Adjustment.

5. Biological Resources: (Wetlands, Sensitive Species, Fisheries, and Terrestrial Wildlife Habitat)

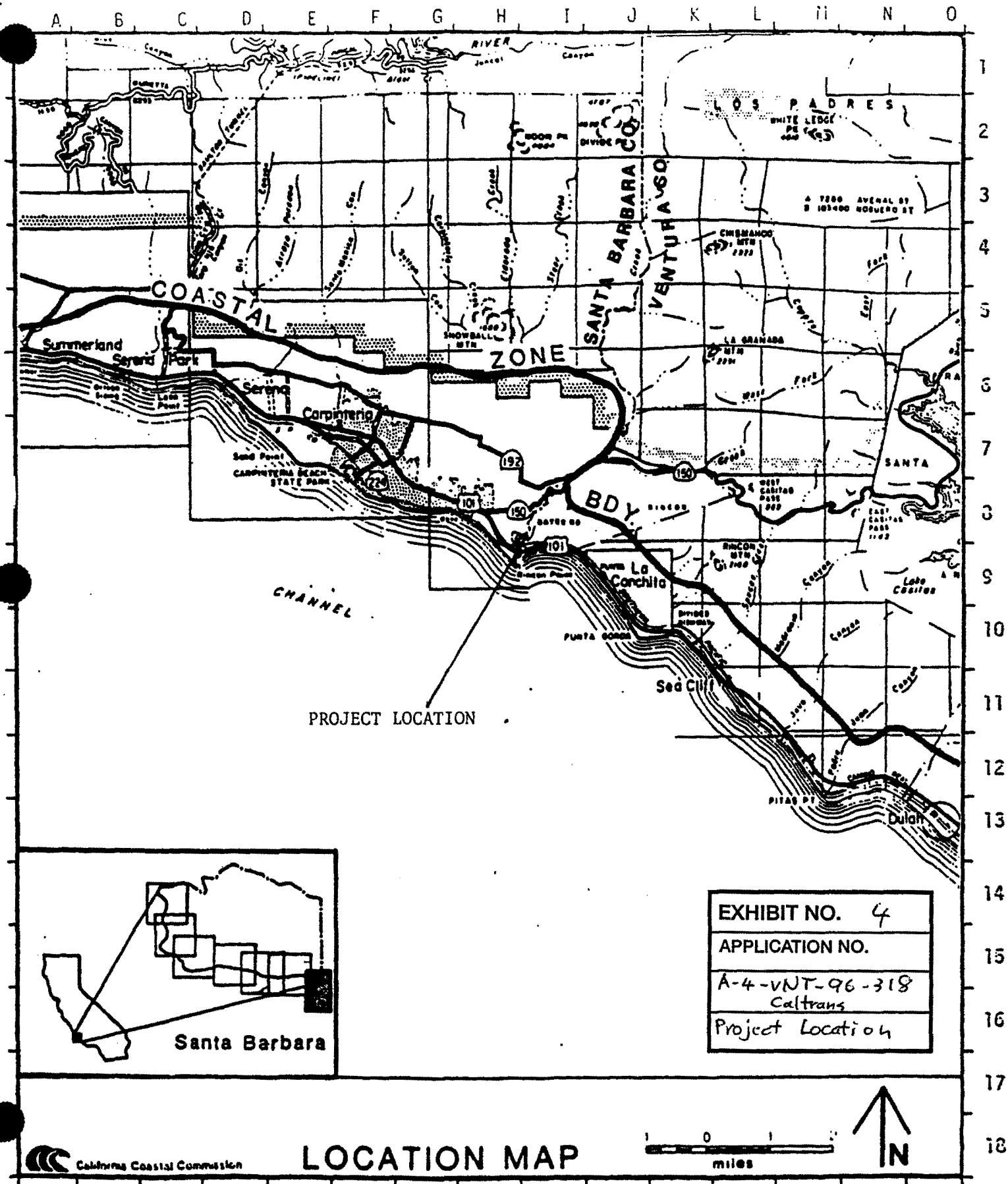
- a. Prior to the issuance of a Zoning Clearance, three sets of Landscaping and Irrigation Plans, together with a maintenance

EXHIBIT NO. 3
APPLICATION NO.
A-4-VNT-96-318 Caltrans
Agricultural Lands

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.

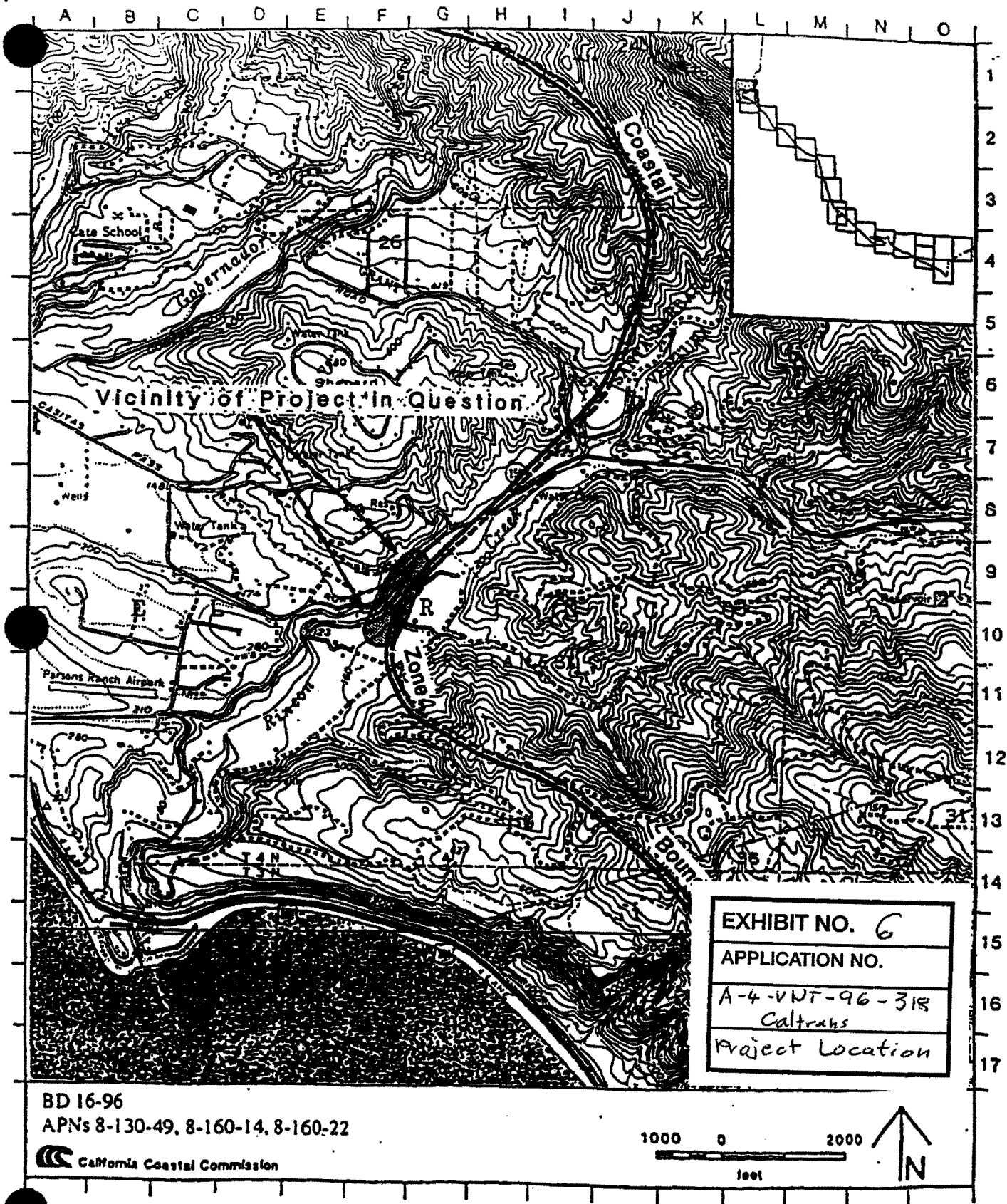


California Coastal Commission

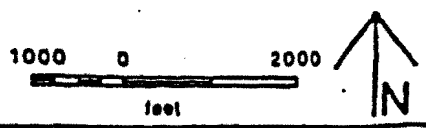
LOCATION MAP

County of Santa Barbara

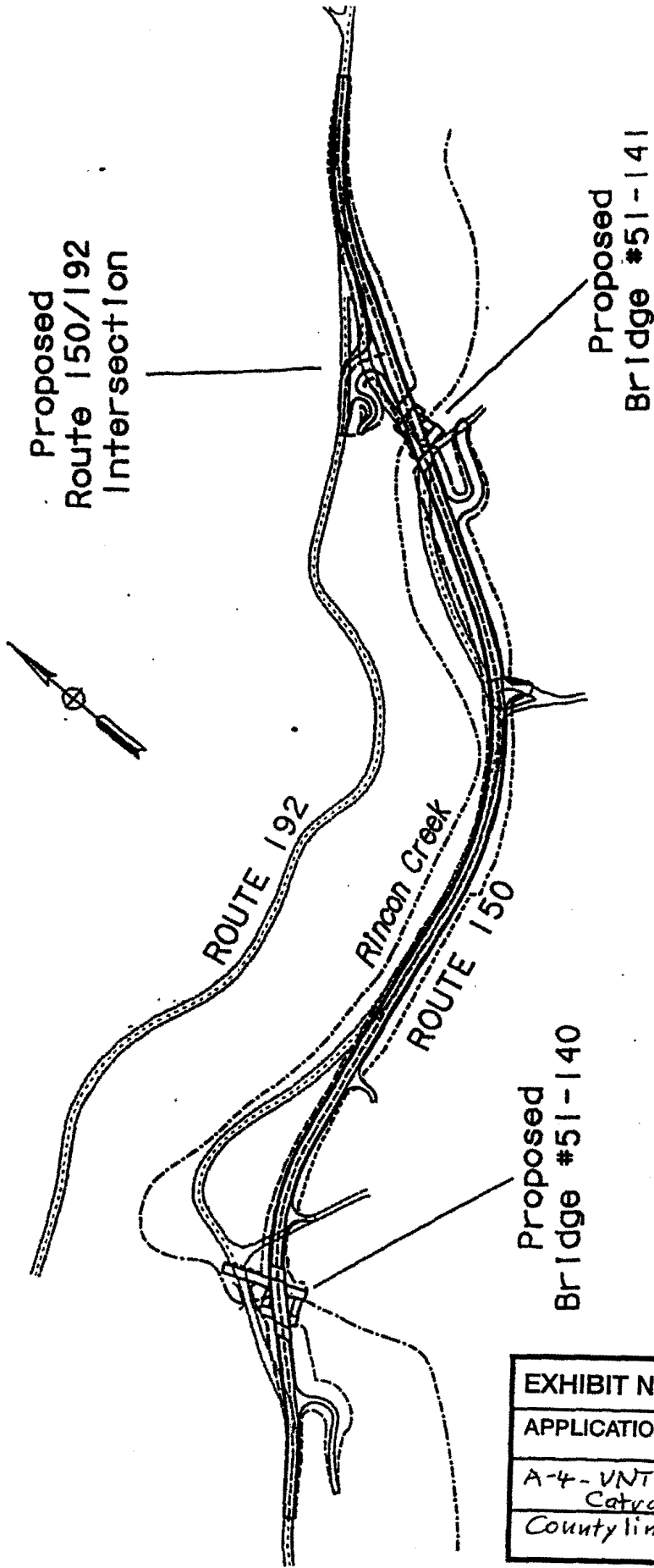




BD 16-96  
APNs 8-130-49, 8-160-14, 8-160-22







# Route 150 Proposed Alignment

EXHIBIT NO.	8
APPLICATION NO.	
A-4-VNT-96-318	
Countyline/Project	Catrans
Route	

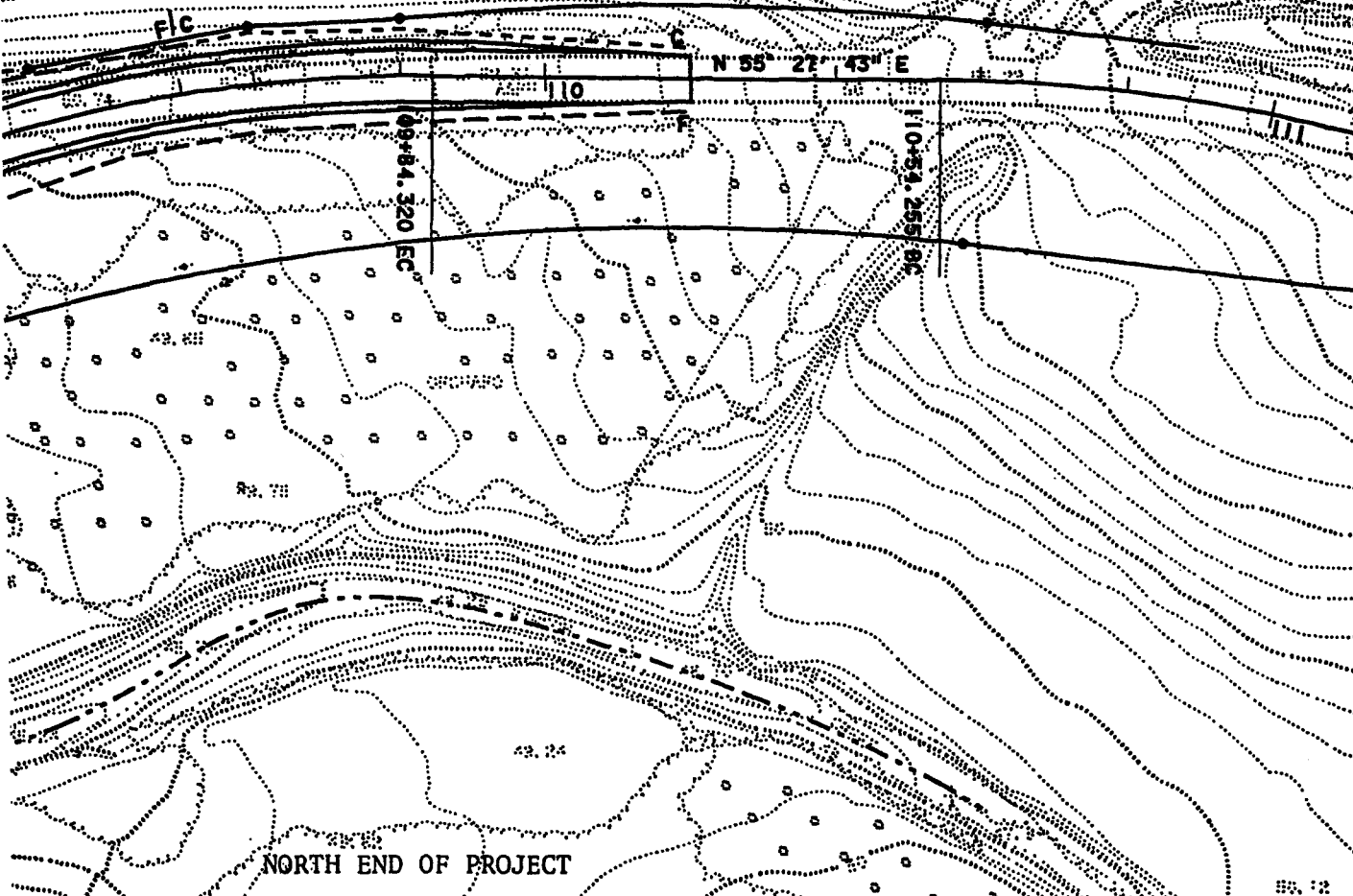
EXHIBIT NO. 9

APPLICATION NO.

A4-VNT-96-318  
Catrans

Project Map

Page 1 of 6



### PROJECT MAP

Alt. D-Modified (short)

SB, Ven-150-kp 1.5/2.7

Rincon Creek

Bridge Replacement

05245-282801

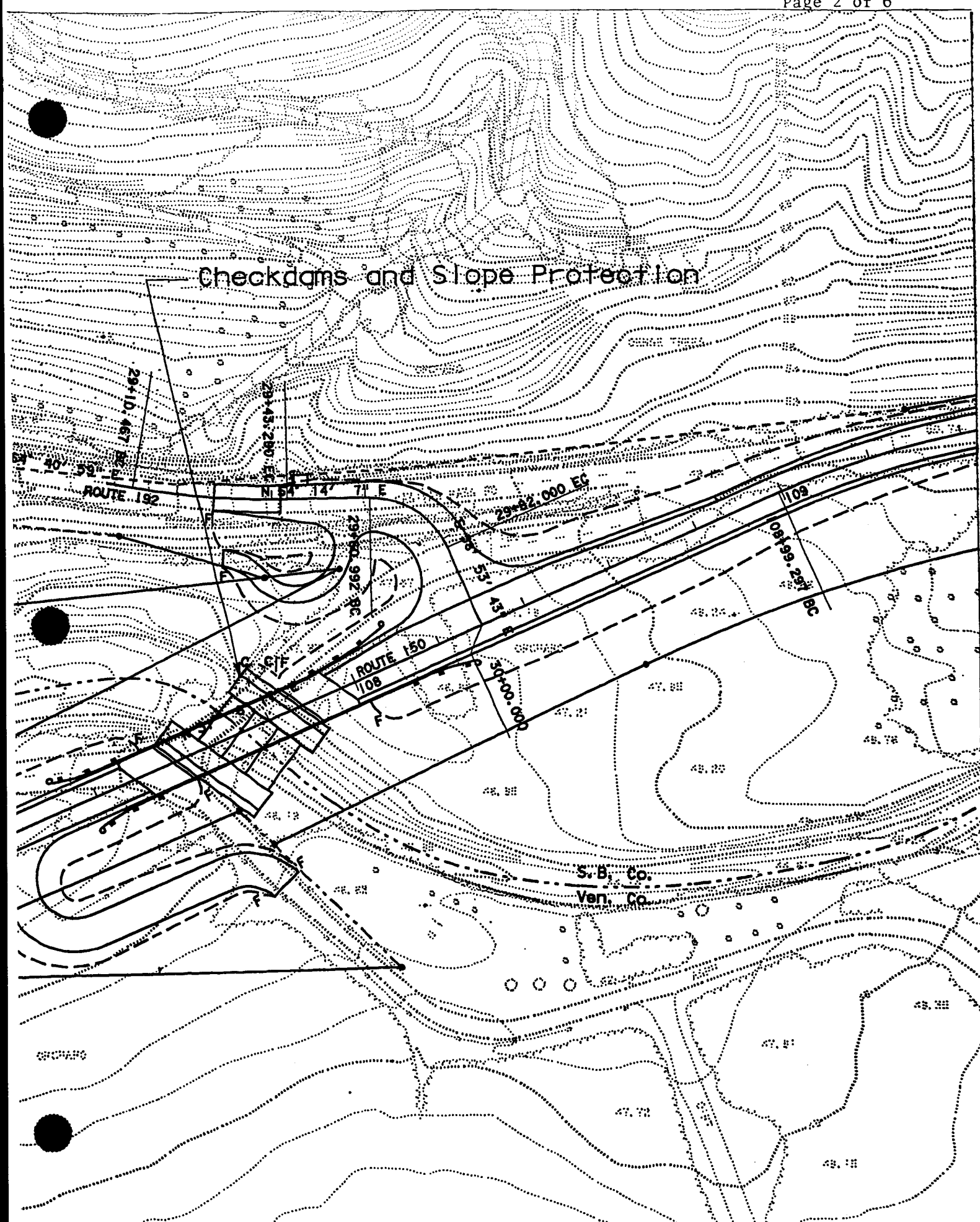
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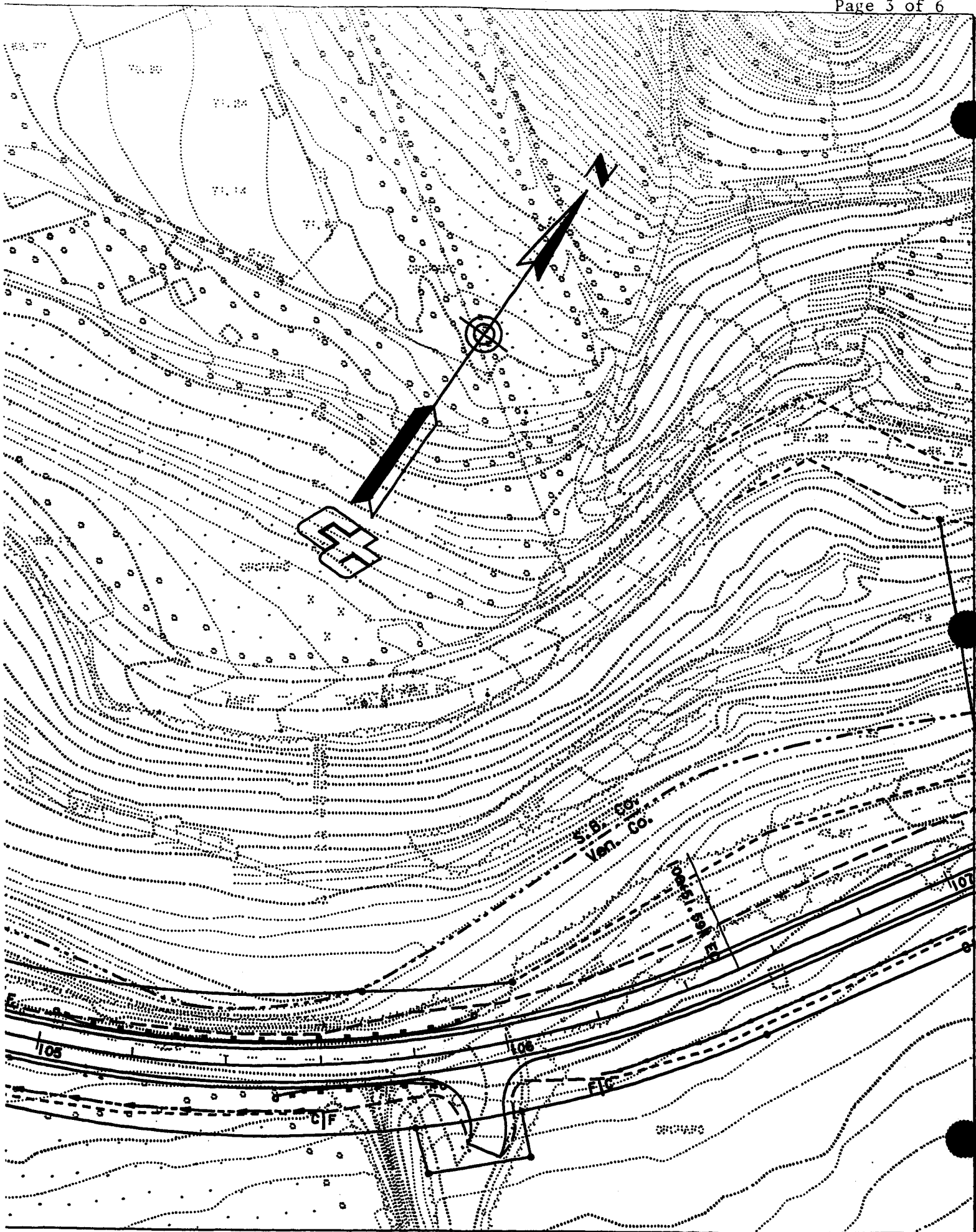
05/08/97





## Checkdams and Slope Protection





Rock Slope Protection To Be Removed

