



EMERGENCY PERMIT

15EMP-00000-00012

**Countywide:**

Subject to the requirements of Section 35.82.090 of the Santa Barbara County Land Use & Development Code.

Case Name: Myers Trust Boulder Removal
Case Number: 15EMP-00000-00012
Site Address: 949 Toro Canyon Road, Santa Barbara, CA 93108
APN: 155-020-004
Applicant/Agent Name: Laurel Perez
1625 State Street Suite 1
Santa Barbara, CA 93101
(805) 966-2758

ZONING PERMIT
ISSUED
SANTA BARBARA COUNTY PLANNING & DEVELOPMENT

South County Office
123 E. Anapamu Street
Santa Barbara, CA 93101
(805) 568-2000

Energy Division
123 E. Anapamu Street
Santa Barbara, CA 93101
(805) 568-2040

North County Office
624 W. Foster Road
Santa Maria, CA 93454
(805) 934-6250

PERMIT APPROVAL:

This is to inform you that an Emergency Permit has been approved for:

The project is for an Emergency Permit to allow removal and relocation of large boulders and debris deposited without permits within Toro Canyon Creek. Only boulders and debris identified and approved for removal by Planning and Development will be removed and relocated to an offsite location. The project also allows installation of erosion control measures per specified plans approved by Planning and Development, including silt fences, fiber rolls, and erosion control blankets. The boulders will be removed with a skip loader and placed into a dump truck on Toro Canyon Road before being relocated offsite. The work will be overseen by a County-qualified wildlife biologist and conducted in accordance with County Emergency Permit Conditions of Approval and required conditions from a California Department of Fish and Wildlife Streambed Alteration Agreement (Notification No. 1600-2015-0148-R5). The project will take one week or less to complete. A subsequent Land Use Permit will require a mitigation component to restore disturbed areas of Toro Canyon Creek and adjacent riparian habitat to pre-violation conditions. The property is a 36.68-acre parcel zoned MT-TORO-100 and shown as Assessor's Parcel Number 155-020-004, located at 949 Toro Canyon Road in the Toro Canyon Community Plan Area, First Supervisorial District.

The National Oceanic and Atmospheric Administration (NOAA) has observed atmospheric and oceanic anomalies indicating a strong El Niño through winter 2015-2016 in the Northern Hemisphere. If not removed prior to heavy rains expected this winter, boulders and other debris deposited within Toro Canyon Creek could potentially obstruct the natural flow of the creek, resulting in flooding and other associated damages that could endanger people and property in the vicinity.

Therefore, this situation constitutes an emergency in accordance with the applicable Development Code indicated above and immediate action is warranted. As the required findings (listed below) can be made, the emergency work is hereby approved, subject to compliance with the attached conditions of approval. This permit is not valid until signed by the owner/applicant and subsequently issued by the Department upon verification that all conditions of approval requiring action prior to permit issuance are satisfied.

Sincerely,



ALICE MCCURDY
Deputy Director

APPROVAL DATE: Jan 11, 2016

FINDINGS OF APPROVAL:

A. Findings required for all Emergency Permits. In compliance with Subsection 35.82.090.E.2 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Emergency Permit the Director shall first make all of the following findings:

a. An emergency exists and requires action more quickly than provided for by the customary procedures for permit processing.

The National Oceanic and Atmospheric Administration (NOAA) has observed atmospheric and oceanic anomalies indicating a strong El Niño through winter 2015-2016 in the Northern Hemisphere. If not removed prior to heavy rains expected this winter, boulders and other debris previously deposited by the applicant within Toro Canyon Creek could potentially obstruct the natural flow of the creek, resulting in flooding and other associated damages that could endanger people and property in the vicinity. The property has an open zoning enforcement case and the applicant has submitted an application for a Land Use Permit to allow for removal of the boulders that were placed within the creek and to complete required restoration work to restore the creek to pre-violation conditions. However, staff has determined the Land Use Permit will require more time to process than is available to address the potential flooding dangers posed by the boulders and debris. Therefore, an emergency exists and this finding can be made.

b. The action proposed is consistent with the policies of the Comprehensive Plan, including any applicable community or area plan and the requirements of this Development Code.

No new construction or grading is proposed as part of the project. The emergency action is to reduce flood risks by removing unnaturally occurring obstructions in Toro Canyon Creek, which will also have the effect of facilitating restoration of creek and riparian habitat on the subject parcel to pre-violation conditions. As this is a restoration activity rather than new development within a creek and Environmentally Sensitive Habitat, the proposed action is consistent with the biological policies of the Comprehensive Plan, the Toro Canyon Community Plan, and the County LUDC, which allow and encourage restoration within Environmentally Sensitive Habitat.

c. Public comment on the proposed emergency action has been reviewed.

Per Section 35.82.090.E.1 of the County LUDC, noticing is not required to precede commencement of emergency work. The following public noticing of an application for an Emergency Permit is required pursuant to Section 35.106.070.A of the County LUDC: (1) a notice shall be mailed to all residents within a 300-foot radius of the exterior boundaries of the affected boundary; and (2) the Department shall post a notice in three locations of the subject property. Proof of completion of required noticing is contained within the case file. No comments were received from the public with regard to this

application. If comments are received at a later date, there will be additional opportunity for review of public comments during processing of the associated Land Use Permit (Case No. 15LUP-00000-00380) required to validate the boulder and debris removal.

EMERGENCY PERMIT CONDITIONS OF APPROVAL

1. This Emergency Permit is based upon and limited to compliance with the project description, and the conditions of approval set forth below. Any deviations from the project description or conditions must be reviewed and approved by the County for conformity with this approval. Deviations without the above-described approval will constitute a violation of permit approval. If it is determined that project activity is occurring in violation of any or all of the following conditions, the Director may revoke this permit and all authorization for development. The decision of the Director to revoke the Emergency Permit may be appealed to the County Planning Commission.

The project description is as follows:

The project is for an Emergency Permit to allow removal and relocation of large boulders and debris deposited without permits within Toro Canyon Creek. Only boulders and debris identified and approved for removal by Planning and Development will be removed and relocated to an offsite location. The project also allows installation of erosion control measures per specified plans approved by Planning and Development, including silt fences, fiber rolls, and erosion control blankets. The boulders will be removed with a skip loader and placed into a dump truck on Toro Canyon Road before being relocated offsite. The work will be overseen by a County-qualified wildlife biologist and conducted in accordance with County Emergency Permit Conditions of Approval and required conditions from a California Department of Fish and Wildlife Streambed Alteration Agreement (Notification No. 1600-2015-0148-R5). The project will take one week or less to complete. A subsequent Land Use Permit will require a mitigation component to restore disturbed areas of Toro Canyon Creek and adjacent riparian habitat to pre-violation conditions. The property is a 36.68-acre parcel zoned MT-TORO-100 and shown as Assessor's Parcel Number 155-020-004, located at 949 Toro Canyon Road in the Toro Canyon Community Plan Area, First Supervisorial District.

2. An application(s) for the required permit necessary to validate the emergency work as permanent shall be submitted by the applicant to the Department no later than 30 days following the issuance of this Emergency Permit. The permit required for the proposed emergency work include a Land Use Permit pursuant to Section 35.82.110 of the County Land Use Development Code.
3. Any materials required for a completed application, as identified in the initial review of the original application required pursuant to Condition #2 above, shall be submitted within 90 days after written notification of the application deficiencies is provided to the applicant. This time period may be extended by the Director.

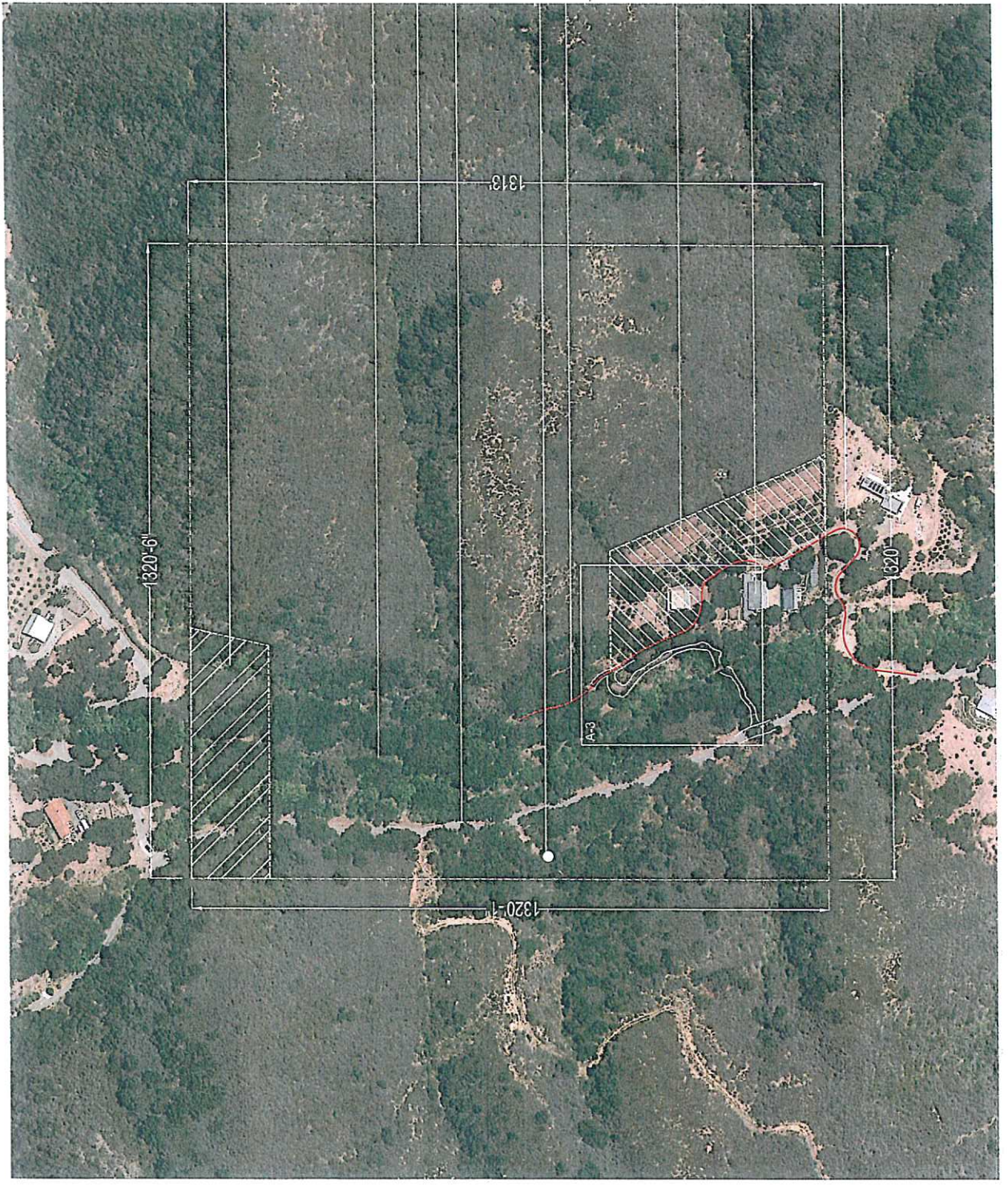
4. Only that emergency work specifically requested and deemed an emergency for the specific property mentioned is authorized. Any additional emergency work requires separate authorization from the Director. The work authorized by this permit must be commenced within 30 days of the date of issuance of the emergency permit.
5. This permit does not preclude the necessity to obtain authorization and/or permits from other Departments or agencies.
6. The Director may order the work authorized under this emergency permit to stop immediately if it is determined that unanticipated and substantial adverse environmental effects may occur with continued construction.
7. **Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. The ESCP shall incorporate Best Management Practices, be designed to minimize erosion during construction, protect natural watercourses/creeks, and convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The ESCP shall be implemented for the duration of construction.
PLAN REQUIREMENTS: The ESCP shall be depicted on construction plans.
TIMING: The Owner/Applicant shall implement the ESCP prior to commencement of construction.
8. **Bio-20 Equipment Storage-Construction.** The Owner/Applicant shall designate a construction equipment filling and storage area(s) to contain spills, facilitate clean-up and proper disposal, and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and should be located at least 100 feet from any storm drain, waterbody or sensitive biological resources, unless otherwise approved by P&D.
PLAN REQUIREMENTS: The Owner/Applicant shall designate storage area(s) on construction plans.
TIMING: The Owner/Applicant shall install the area prior to commencement of construction.
9. **Parking-02 Onsite Construction Parking.** All construction-related vehicles, equipment staging and storage areas shall be located onsite and outside of the road and highway right of way unless otherwise approved by P&D. The Owner/Applicant shall provide all construction personnel with a written notice of this requirement and a description of approved parking, staging and storage areas. The notice shall also include the name and phone number of the Owner/Applicant's designee responsible for enforcement of this restriction.
PLAN REQUIREMENTS: Designated construction personnel parking area(s) shall be depicted on construction plans.
TIMING: This restriction shall be maintained until completion of the project.
10. **Rules-29 Other Dept Conditions.** The applicant agrees to comply with all the rules and conditions in the California Department of Fish and Wildlife Streambed Alteration Agreement (Notification No. 1600-2015-0148-R5), included for reference in Attachment B to this Emergency Permit.

Attachments:

- A. Site Plans
- B. California Department of Fish and Wildlife Streambed Alteration Agreement (Notification No. 1600-2015-0148-R5)

cc: Supervisor, First District
Alice McCurdy, P&D Deputy Director
Alex Tuttle, Supervising Planner
Sean Herron, Planner

G:\GROUP\PERMITTING\Case Files\EMP\2015\15EMP-00000-00012 Myers Boulder Removal\Emergency Permit.doc



Boulder/Debris Removal
 949 Toro Canyon Rd
 Santa Barbara, CA 93109

PROFESSIONALS
Darton Myers Associates, Inc. Architect
 310.208.2227

Harry P. Fowler P.E.
 Civil Engineer
 1029 Santa Barbara St.
 Santa Barbara, CA 93109
 805.252.2183

Davis Land Surveying
 Surveyor
 44 Helena Ave.
 Santa Barbara, CA 93101
 805.564.0756

Suzanne Ellodge Planning
 Permitting Services
 Expeditor
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 Santa Barbara, CA 93101
 805.966.2756

Jacqueline Worsen @ Impact Sciences
 Biologist
 803 Comarillo Springs Rd.
 Camarillo, CA 93012
 805.437.1900

Conservation Easement
 @ ~1.85 Acres

Toro Canyon Creek

Property Line

Toro Canyon Road

Existing Well #3

Existing Dirt Service Road

Existing AG

Existing Residence
 (4 buildings @ 6,000SF total)

Existing Driveway

APN# - 155-020-004
 Parcel Size Gross - 38.68AC
 Net - 40AC



SHEET TITLE
 Site Aerial

SCALE
 200'

DATE
 23 December 2015

ISSUED FOR

DRAWN BY
 G. Myers
 Checked by: J. Myers
 Date: 12/23/15
 Scale: 200'
 Project: Toro Canyon Rd
 Sheet: A-1

A-1

**Boulder/Debris
Removal**

949 Toro Canyon Rd
Santa Barbara, CA 93108

PROFESSIONALS
Dartan Myers Associates,
Inc. Architect
310.208.2227

Harry P. Fowler P.E.
Civil Engineer
265 Old Grove Dr.
Santa Barbara, CA 93108
805.262.3183

Davis Land Surveying
Surveyor
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Suzanna Elledge Planning
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Expeditor
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Santa Barbara, CA 93101
805.966.2758

Jacqueline Warden @
Warden & Associates
Biologist
803 Comanche Springs Rd.
Camarillo, CA 93012
805.437.1900

PLAN

LEGEND



SHEET TITLE
Boulder/Debris
Removal Plan
SCALE
NTS
DATE
23 December 2015
ISSUED FOR

DRAWN BY
C. Davis Land Surveying, Inc. 2015
D. Myers Associates, Inc. 2015
S. Elledge Planning, Inc. 2015
J. Warden & Associates, Inc. 2015

Property Line

Toro Canyon Creek

Existing Well #3

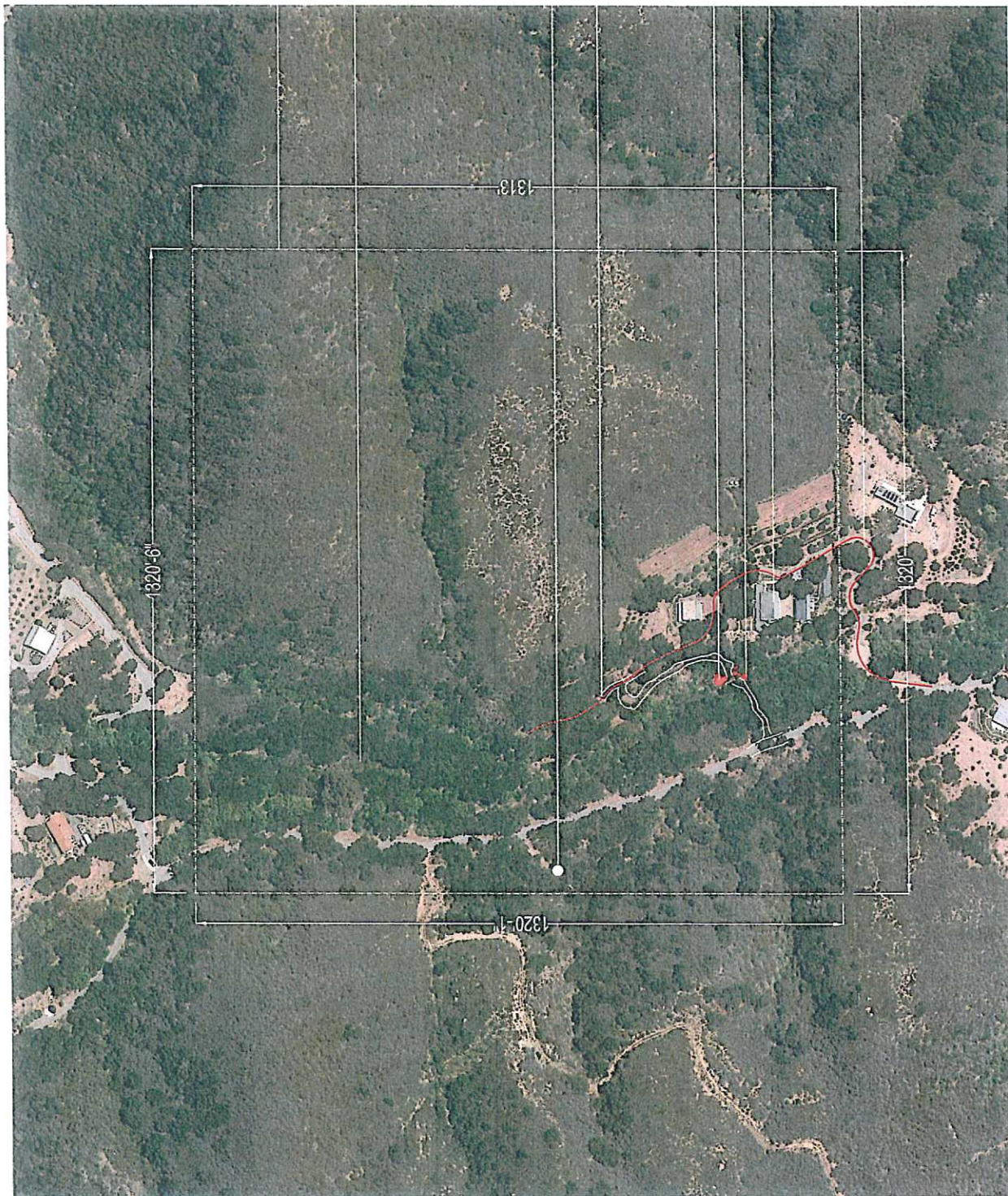
Existing Dirt Service Road

Location of Debris (to be removed)

Location of Boulders (to be removed)

Existing Residence

Existing Driveway





Boulder/Debris Removal
 919 Toro Canyon Rd
 Santa Barbara, CA 93108

PROFESSIONALS
Borden Myers Associates,
Inc. Architect
 310.208.2727

Harry P. Fowler P.E.,
 Civil Engineer
 185 Oak Grove Dr.
 Santa Barbara, CA 93108
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David Land Surveying
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 44 Hildena Ave.
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Suzanne Ellisdop Planning
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 805.962.7235

Jacqueline Worden @
 Environmental Sciences
 Biologist
 803 Comodillo Springs Rd.
 Comodillo, CA 93012
 805.437.1900

Existing Dirt Service Road

Top of Upper Bank

Toro Canyon Road

Debris (to be removed)

Top of Lower Creek Bank

Boulders (to be removed)

Toro Canyon Creek

Existing Residence



SHEET TITLE
 Creek Survey
SCALE
 40'
DATE
 23 December 2015
ISSUED FOR

DRAWN BY
 Charles Myers, Inc. 3/11
 10000 Santa Barbara St.
 Santa Barbara, CA 93101
 805.437.1900
 www.bordenmyers.com

Note : this survey shows pro forma, artistic-rendered tree canopies, per surveyor standards; the actual tree canopies will be reflected on an arborist report to be submitted subsequently.

**Rouder/Delays
Removal**
510 Iron Canyon Rd
Santa Barbara, CA 93105

**Barton Horn, Consultant,
Inc. Architect**
310.759.4227

Mary H. Fowler P.E.
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505 Olive St.
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Davis Land Surveying
Surveyor
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805.564.0256

**Suzanne Elledge Planning
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Epiditor
5029 Santa Barbara St.
Santa Barbara, CA 93101
805.564.0256

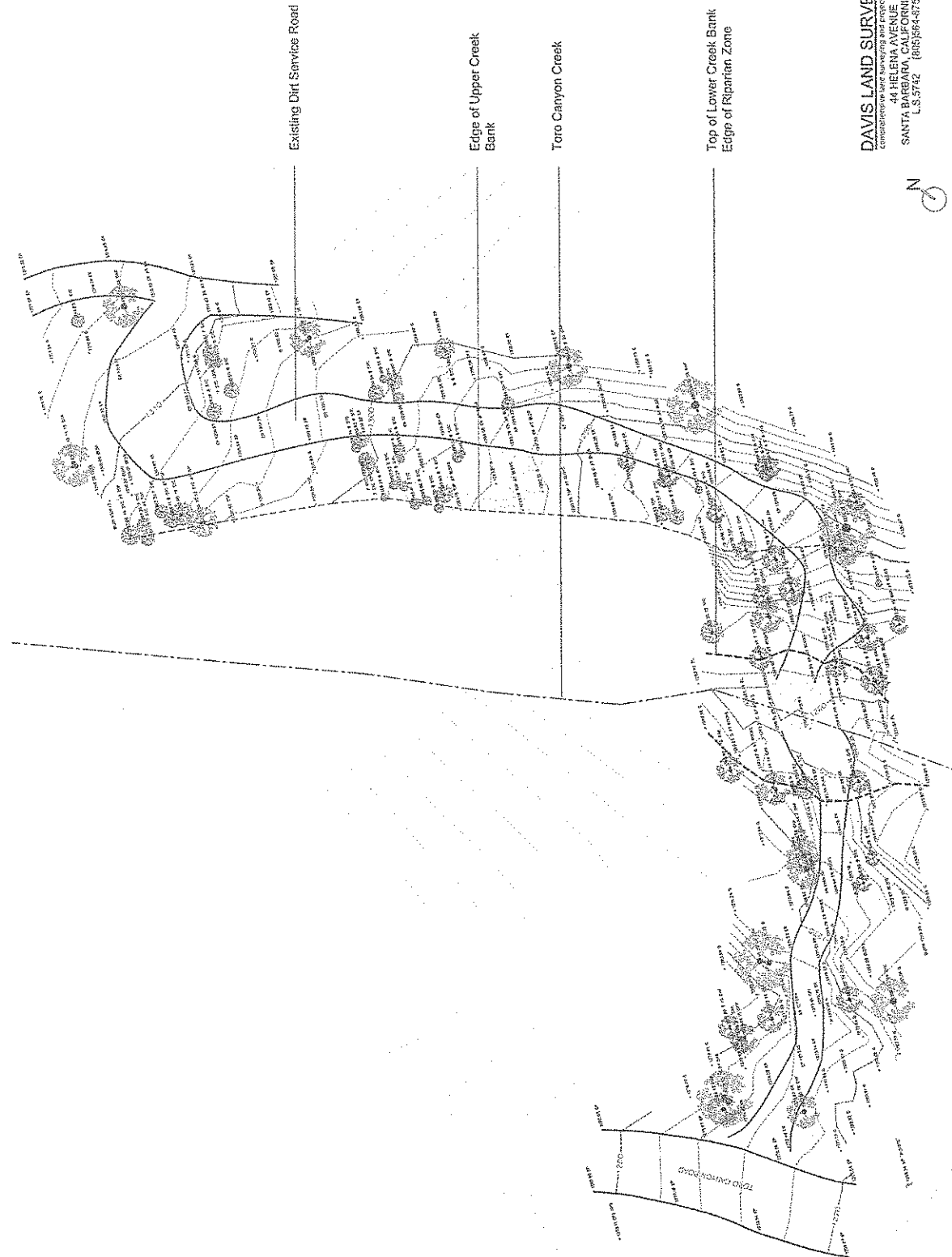
**Jacques Norton &
Associates**
Landscape Architects
803 Comanche Springs Rd,
Comanche, CA 93012
925.437.1900



PROJECT TITLE
Site Survey
SCALE
30"
DATE
23 December 2015
ISSUED FOR

DRAWN BY
C. Davis
Checked by: M. Fowler
Date: 12/23/15
Scale: 30"
Project: 15-001

A-4



Existing Dirt Service Road

Edge of Upper Creek
Bank

Toro Canyon Creek

Top of Lower Creek Bank
Edge of Riparian Zone

DAVIS LAND SURVEYING
Computerized land surveying and project computing
44 HELENA AVENUE
SANTA BARBARA, CALIFORNIA 93101
L.S. 0742 (805)564-0256



Note: this survey shows pro forma, artistic-rendered tree canopies, per surveyor standards; the actual tree canopies will be reflected on an arborist report to be submitted subsequently.

Boulder/Debris Removal
 949 Toro Canyon Rd
 Santa Barbara, CA 93108

BRIDGE ARCHITECTURE
 Bruce Myers Associates, Inc.
 Architects
 310.203.2227

Harry P. Fowler P.E.
 Civil Engineer
 785 Oak Grove Dr.
 Santa Barbara, CA 93108
 805.982.3183

Davis Land Surveying
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Permitting Services
 Permitting
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 805.437.1900



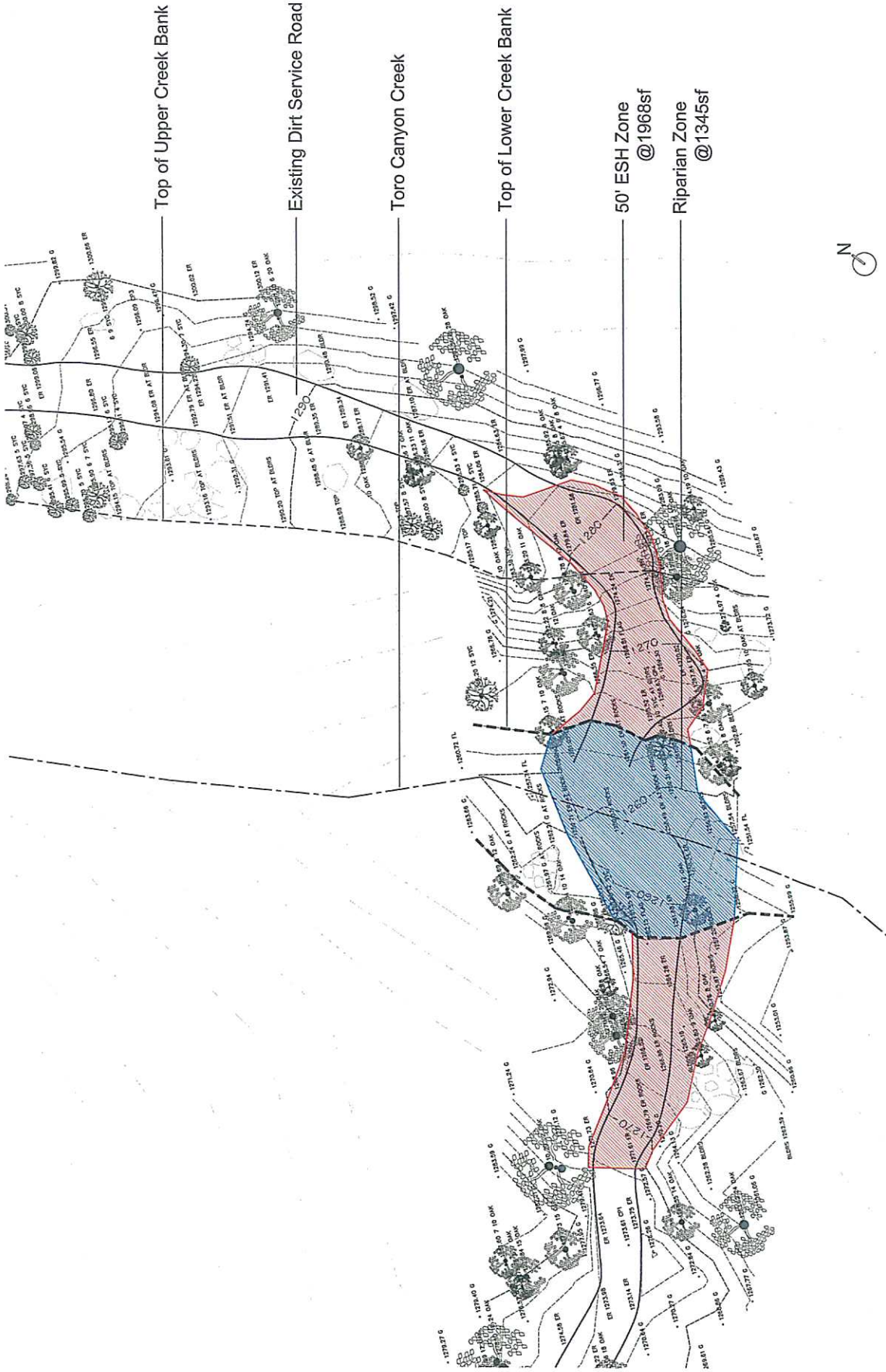
SHEET TITLE
 Riparian/ESH
 Zone Plan
 20"

DATE
 23 December 2015
ISSUED FOR

DRAWN BY
 GMA/MA/ML, Inc. 2015
 11000 Santa Barbara St., Suite 100
 Santa Barbara, CA 93101
 805.966.2726

A-5

Note : this survey shows pro forma, artistic-rendered tree canopies, per surveyor standards; the actual tree canopies will be reflected on an arborist report to be submitted subsequently.





949 Toro Canyon Creek
1/6/2016

VIEW SOUTH

NOTE: There are 8-10 large boulders being stored in streambed awaiting removal. They are easily identified as "brown" in color vs. "green existing". Boulders in this photograph to be removed are numbered in **RED**.



949 Toro Canyon Creek
1/6/2016

VIEW SOUTH



949 Toro Canyon Creek
1/6/2016

VIEW SOUTH - below temporary stored boulders

NOTE: drop in streambed



949 Toro Canyon Creek
1/6/2016

VIEW OF TOP OF BANK SOUTH - showing creek bed and debris
to be removed.









