

# EMERGENCY PERMIT

## 23EMP-00009



**Countywide:**

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

**Case Name:** Wallover LLC – Emergency Permit  
**Case Number:** 23EMP-00009  
**Site Address:** Vereda Del Ciervo  
**APN:** 079-090-007  
**Applicant/Agent Name:** Alan Mcleod  
**Owner Name:** Ross Dworman

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

Energy and Minerals Division  
123 E. Anapamu Street  
Santa Barbara, CA 93101  
(805) 568-2000

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

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## **PERMIT APPROVAL:**

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

*The proposed project is to mitigate the dangerous and emergency conditions that have been created due to an active 200-foot-wide by 300-foot-long landslide that occurred in early April 2023. The landslide originated on the western-facing hillside of Assessor's Parcel Number (APN) 079-090-007, and slid onto the properties at 292 and 324 Vereda Del Ciervo, whose APNs are 079-274-002 and 079-274-001, respectively.*

*The project is under the direction of a Preliminary Geologic Report for Landslide Evaluation that was prepared by Adam Simmons on April 7, 2023. The report calls for the creation of drainage channels on the surface of the slide in order to alleviate ponding water at the surface of the slide; construction of a pile supported steel deflection wall if the landslide continues to advance towards the structures; and a drainage control system that must be approved by a Civil Engineer.*

*Along with the recommendations from the aforementioned Geologic Report, grading is proposed to establish access to the top of the slide on APN 079-090-007. Excavation is also proposed at the top of the slide to allow for a geologist to determine the depth of the slide plane. The project also includes a trench drain system at the base of the slide on APNs. 079-274-001 and 079-274-002 that will house a sump pump to remove excess water that is seeping from the oversaturated hillside. This system will filter the excess water of silt and sediment and then pump it to Vereda Del Ciervo which drains south to a drop inlet at the corner of Vereda Del Ciervo and Vereda Pradera.*

*The total grading amounts are currently unknown. Tree removal by the owners is not proposed, but may be necessary to allow for access to the slide. The parcels will continue to be served by the Goleta Sanitary District, the Goleta Water District, and the Santa Barbara County Fire Department. Access to APN 079-090-007 will continue to be provided off of Vereda Pradera, and access to APN 079-274-001 and 079-274-002 will continue to be provided off of Vereda Del Ciervo. APN 079-090-007 is zoned AG-II-100. APNs 079-274-001 and 079-274-002 are both zoned 1-E-1 and located at 324 and 292 Vereda Del Ciervo, respectively. All parcels are located in the Eastern Goleta Valley Community Plan, Second District.*

Therefore, this situation constitutes an emergency in accordance with Section 35.82.090 of the Santa Barbara County Land Use & Development Code, 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,

A handwritten signature in blue ink, appearing to read "Lisa Plowman", with a long horizontal flourish extending to the right.

Lisa Plowman, Director

APPROVAL DATE:                      May 31, 2023

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**OWNER/APPLICANT AGREEMENT:**

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions of approval incorporated herein. The undersigned also acknowledges and agrees that:

- This Emergency Permit provides only temporary authorization for the proposed action and other applicable permits (such as a Conditional Use Permit, Coastal Development Permit, Land Use Permit, Building Permit) are required by law to validate the emergency work as permanent.
- Any evidence or findings contained herein, or upon which this permit relies, shall not constitute any limitation on the authority of the County to issue, grant, deny, rescind, or revoke this permit or any future permit(s) required for the activities described herein, or on the authority of the County to analyze, mitigate, or condition any future permit(s) required for the activities described herein.
- This permit does not authorize any work or construction activities outside of the scope of the project as indicated in the project description, conditions of approval and approved plans.
- This permit shall not be construed to authorize any violation of County ordinance or policy, or the violation of any State or Federal regulation.

Ross Dworman, Wallover Inc.

Print Name



Signature

6.8.2023

Date

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**PERMIT ISSUANCE:**

Soren Kringel

Print Name

Signature

June 8, 2023

Date

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## **BACKGROUND:**

*The proposed project is located at APNs 079-090-007, 079-274-001, and 079-274-002 in the Eastern Goleta Valley Community Plan area and in the inland area of the County. APN 079-090-007 is devoted to agriculture and currently contains orchards and agricultural roads. APN 079-274-001, located at 324 Vereda Del Ciervo, is a 0.85-acre parcel zoned 1-E-1. The single-family residence on the parcel was constructed in 1990, and has had no land use approvals in over two decades. APN 079-274-002, located at 292 Vereda Del Ciervo, is a 0.87-acre parcel zoned 1-E-1. The single-family residence on the parcel was constructed in 1990, and has had no land use approvals in over two decades.*

*This project would address the emergency situation created by a landslide that occurred in early April 2023, which flowed from the western facing slope of the agricultural parcel (APN 079-090-007), to the two residential parcels below at APNs 079-274-001 and 079-274-002. This has resulted in dangerous emergency conditions for the inhabitants of the two residential parcels mentioned above, as well as the inhabitants of the surrounding parcels on Vereda Del Ciervo.*

## **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 Director finds that an emergency exists and requires action more quickly than provided for by the customary procedures for permit processing. The proposed project for grading and dewatering of the landslide behind two single family residences at 292 and 324 Vereda Del Ciervo is an emergency because the April 2023 landslide has created dangerous emergency conditions for the two single family dwellings and their inhabitants. Immediate action is required to assess and mitigate the damage and danger that the landslide has caused.

- 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.*

The Director finds that the proposed project is consistent with all applicable policies of the Comprehensive Plan, including the Eastern Goleta Valley Community Plan and the requirements of the County Land Use and Development Code. Selected policies are discussed in detail below.

***Policy HYD-EGV-1.1:*** *Introduction of contaminated urban and agricultural runoff into all coastal waters, including sloughs, rivers, streams, coastal wetlands and intertidal areas, shall be eliminated or minimized.*

**Consistent.** The Director finds that the proposed project is consistent with the policy requirements to avoid the contamination of urban and agricultural runoff into coastal waters because the project will require the excess water to be filtered prior to pumping it onto Vereda Del Ciervo. Planning and Development Staff along with Public Works Water Resources Division have determined that the excess water must be filtered of all sediment, silt and debris prior to being pumped onto Vereda Del Ciervo. Multiple filtration methods have been deemed as acceptable proposals, such as: storing sediment-laden water in a baker tank until the sediment either settles or is treated with coagulants and then settles; storing water in a sediment basin until the sediment either settles or is treated with coagulants and then settles; or using a geotextile filtration system to filter out debris. The applicant has been informed of this requirement and has agreed to provide a satisfactory filtration system, but a specific method has not yet been established.

***DevStd GEO-EGV-2C:*** *All surface water runoff shall be captured and diverted to avoid exposing slopes to potential erosion, consistent with the hydrologic policies of the EGVCP.*

**Consistent.** The proposed project is consistent with the policy requirements to minimize the introduction of contaminated urban and agricultural runoff because the excess water will be filtered prior to being pumped to a drop inlet on the corner of Vereda Del Ciervo and Vereda Pradera via street drainage on Vereda Del Ciervo. Additionally, the water is naturally occurring groundwater from the oversaturated hillside on the adjacent agricultural parcel due to abnormally heavy rains from this past winter and spring, and has not been contaminated. Furthermore, during a site visit on May 4, 2023, it was observed that natural groundwater seepage from the hillside already existed and drains to the same drop inlet that is proposed for the dewatering plan.

***Policy GEO-EGV-2.2:*** *No development shall be allowed on slopes of 30 percent or greater. Ground disturbances and development on slopes of 20 percent or greater should be avoided, unless such avoidance would preclude reasonable use of the parcel, wherein the portion of the site which exhibits the least amount of slope shall be utilized. Development on these sites should be designed to minimize combined grading from driveway and building pad creation.*

**Consistent.** The Director finds that the proposed project is consistent with the policy requirements to not allow development on slopes of 30 percent or

greater because all grading pursuant to the emergency permit will be on the top and toe of the slope where the slope is less than 30 percent.

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

The Director finds that no public comment on the proposed emergency action has been received.

## EMERGENCY PERMIT CONDITIONS OF APPROVAL

1. EMP-01 Project Description. 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 Commission/Montecito Commission.

The project description is as follows:

***The proposed project is to mitigate the dangerous and emergency conditions that have been created due to an active 200-foot-wide by 300-foot-long landslide that occurred in early April 2023. The landslide originated on the western-facing hillside of Assessor's Parcel Number (APN) 079-090-007, and slid onto the properties at 292 and 324 Vereda Del Ciervo, whose APNs are 079-274-002 and 079-274-001, respectively.***

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***sediment and then pump it to Vereda Del Ciervo which drains south to a drop inlet at the corner of Vereda Del Ciervo and Vereda Pradera.***

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2. EMP-02 Follow Up Application Required. An application(s) for the required permits 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 permits required for the proposed emergency work include either a land use permit pursuant to LUDC Section 35.28.100.C.1.4 for grading in excess of 50 cubic yards of cut or fill, or a minor conditional use permit pursuant to LUDC 35.30.070.C. if any retaining walls are proposed to be greater than eight feet in height. A grading permit will also be required pursuant to County Code Chapter 15.
3. EMP-03 Completeness Items. 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. EMP-04 Authorized Work Only. 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. EMP-05 Other County Agency Permits. This permit does not preclude the necessity to obtain authorization and/or permits from other Departments or agencies.
6. EMP-06 Stop Work Order. 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. Noise-02 Construction Hours. The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 8:00 a.m. and 5:00 p.m. Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include



the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein. PLAN REQUIREMENTS: The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries. TIMING: Signs shall be posted prior to commencement of construction and maintained throughout construction. MONITORING: Building inspectors staff shall spot check and respond to complaints.

8. Bio-20 Equipment Storage-Construction. The Owner/Applicant shall designate one or more construction equipment filling and storage areas to contain spills, facilitate cleanup 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 shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources. PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all Land Use and Grading permits. TIMING: The Owner/Applicant shall install the area prior to commencement of construction. MONITORING: Building and safety staff shall ensure compliance prior to and throughout construction.
9. Bio-20a Equipment Washout-Construction. The Owner/Applicant shall designate one or more washout areas for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in these areas and removed from the site as needed to avoid spill. The areas shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources. PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all future Land Use Permits: The Owner/Applicant shall install the area prior to commencement of construction. MONITORING: Building and safety staff shall ensure compliance prior to and throughout construction.
10. Rules-05 Acceptance of Conditions. The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
11. Rules-23 Processing Fees Required. Prior to issuance of Land Use Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
12. Rules-33 Indemnity and Separation. The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or 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 this project.

Attachments:

- A. Site Plan
- B. CEQA Exemptions

cc: Supervisor, Second District  
P&D Deputy Director  
Shannon Reese, Supervising Planner, P&D  
Soren Kringel, P&D Planner