



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and
Development
Department No.: 053
For Agenda Of: February 5, 2019
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Dianne Black, Director (805) 568-2086
Director(s)
Contact Info: Jeff Wilson, Deputy Director (805) 568-2518
SUBJECT: **Montecito Debris Flow Protection Plan – Emergency Permit for 11 Debris Nets
Case No. 18EMP-00000-00007, Montecito Community Plan Area, First
Supervisorial District**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Receive and file this report on the Montecito Debris Flow Protection Plan Emergency Permit 18EMP-00000-00007, which authorized the installation of 11 Geobrug flexible debris control nets to reduce the volume and intensity of potential future debris flows in the canyons located above the community of Montecito. A copy of the Emergency Permit is included herein as Attachment 1, the site plans associated with the Emergency Permit are included herein as Attachment 2, and the California Environmental Quality Act (CEQA) exemption is included herein as Attachment 3; and
- b) Determine that receiving and filing this report is not a project pursuant to CEQA Guidelines Section 15378(b)(5), as it is an administrative government activity that will not result in direct or indirect physical changes in the environment, as specified in Attachment 4 of this Board letter.

Background:

The Thomas Fire began on December 4, 2017 and burned 281,893 acres, including mountainous areas in south Santa Barbara County adjacent to the communities of Montecito, Summerland, and Carpinteria. According to the California Department of Forestry and Fire Protection (CAL FIRE), the Thomas Fire is

the second largest wildfire in California history, and the ninth most destructive fire in California history. As a result, the hillsides above Montecito were severely burned. The Montecito area, including the creeks and canyons where debris nets are authorized for installation, was the subject of the January 9, 2018 catastrophic debris flows, which resulted in the loss of 23 lives as well as damage and/or destruction of approximately 470 structures. Given the denuded hillside above the Montecito area, the area remains at risk of dangerous debris flow events during the upcoming winter rain season. An abundant supply of sediment remains, including loose sediment on the watershed slopes, loose sediment concentrated in watershed channels, and erodible sediment exposed in channel banks. Debris flow nets are meant to reduce the volume and intensity of debris flows in the canyons located above the community of Montecito by resisting the velocities and dynamic and static pressures unique to debris flows.

On December 21, 2018, the County issued an Emergency Permit to the Partnership for Resilient Communities (TPRC) to allow for the installation, one year of maintenance, and removal of 11 Geobrug flexible debris control nets located in three canyons north of the community of Montecito, including Cold Spring Canyon, San Ysidro Canyon, and Buena Vista Canyon. Retention of the nets beyond the initial one-year period would require additional planning approvals.

Section 35-472.090(I) of the Montecito Land Use and Development Code (MLUDC) requires the Director to submit a written report describing the nature of the emergency and the work involved to the Board of Supervisors after issuing an Emergency Permit. This Board Letter fulfills the ordinance requirements.

Summary Text:

Section 35.472.090 of the MLUDC authorizes the Director of the Planning and Development Department (P&D) to temporarily defer standard permit requirements of the MLUDC and issue an Emergency Permit when emergency action is warranted. The nature of the emergency in this instance is that the lack of vegetation present to stabilize the hillsides above the Montecito area continues to pose an imminent risk of debris flows should there be a short duration, high intensity rainfall event. Specifically, the Public Works Department stated in a memorandum to P&D staff dated December 10, 2018 that it is:

“in absolute belief that a state of emergency still exists in Montecito. Based on experiences, the threat of increased debris and runoff can last for up to five years following a fire. This case was illustrated this past November where we saw a dramatic increase in runoff in creeks below the fire and deposition of rocks and debris in our basins, which we are still clearing out as of this week. We are still in a delicate situation and as such still have an extreme risk below the Thomas Fire area...The County has continued its continuation of an emergency at the Board as well” (Attachment 9).

In addition, the National Oceanographic and Atmospheric Administration (NOAA) indicates that “there’s a 90% chance that El Niño will arrive soon and continue through the winter,” which increases the chances that the region will experience an extreme winter season (<https://www.climate.gov/enso> (December 20, 2018)).

On October 31, 2018, the Partnership for Resilient Communities (TPRC) submitted an application for an Emergency Permit to construct debris nets in Montecito canyons. Subsequent to submittal of the Emergency Permit application, on December 13, 2018, TPRC revised their proposal to adjust the location of one of the nets in San Ysidro Canyon to avoid an existing trail. During this time, P&D staff

worked closely with responsible state and federal agencies with jurisdiction over the project including the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and the Regional Water Quality Control Board, to ensure that any required permitting was closely coordinated.

Once the scope of the project was finalized, including net locations, P&D issued the Emergency Permit on December 21, 2018, authorizing a temporary debris flow prevention and mitigation system consisting of the installation, one year of maintenance, and removal of 11 Geobrug flexible debris control nets in three canyons north of the community of Montecito. The nets consist of steel rings engineered to resist the velocities and dynamic and static pressures unique to debris flows and would be installed at a minimum elevation ranging from three to five feet above the water surface of the low-flow channel to allow for natural stream processes and wildlife use.

This Emergency Permit authorizes two nets to be installed in Cold Spring Canyon (APNs 011-010-027, 011-010-028), two nets to be installed in San Ysidro Canyon (APNs 151-180-019, 007-020-003), and seven nets to be installed in Buena Vista Canyon (APN 007-020-009).

Pursuant to the MLUDC, Section 35-496, a notice was mailed to surrounding property owners, and 13 notices were posted at the subject properties. In addition, a newspaper ad was placed in the Montecito Journal and the Santa Barbara News Press on November 7, 2018. Public comment by phone, email, and mail was accepted up until the date of a decision for the Emergency Permit project. The Planning and Development Department received 64 public comment letters.

The applicant will be required to complete the initial installation of the nets authorized under this Emergency Permit within 60 days of receiving all required agency permits and authorizations. Pursuant to the MLUDC Section 35-472.090(G), an Emergency Permit does not constitute an entitlement to the erection of permanent structures, and an application for the applicable planning permit shall be made within 30 days following the granting of the Emergency Permit. An application for a Development Plan was submitted on January 18, 2019. Any materials required to complete the application shall be submitted within 90 days after the granting of an Emergency Permit (i.e. by March 22, 2019), unless the Director extends the time period. It is anticipated that TPRC will request that the nets remain in place for up to an additional four years as part of an additional separate Development Plan application(s).

The applicant is required to post a performance security with the California Department of Fish and Wildlife (CDFW) to cover the full cost of maintenance for one year and removal of the debris control nets. The performance security shall be approved by CDFW prior to commencement of construction activities.

Issuance of the Emergency Permit is consistent with the MLUDC, as the action provides an immediate response to an emergency situation in the interest of health, safety, and public welfare. P&D granted the Emergency Permit based on a statutory exemption (CEQA Guidelines Section 15269(a)) due to clear and imminent risk to life and property posed by the threat of debris flow events during the upcoming winter rain season. A copy of the CEQA Exemption is included herein as Attachment 3.

Fiscal and Facilities Impacts:

There are no fiscal impacts to the County since the installation and maintenance of the debris control nets are fully funded by the permit applicants, and a security bond for maintenance and removal of the nets will be held by CDFW and approved prior to construction.

The costs for processing this Emergency Permit are fully reimbursed by the applicant per the Planning and Development Department's adopted fee schedule. Processing of the application required a total of approximately 105 staff hours, which equates to \$23,730 in staff fees based on P&D's current fee schedule. This work is funded in the Planning and Development Department Permitting Budget Program, as shown on page D-289 of the Fiscal Year 2018-19 budget. Future permitting costs associated with the follow-on permit will be paid by the applicant.

Attachments:

Attachment 1: Emergency Permit 18EMP-00000-00007

Attachment 2: Emergency Permit Site Plans

Attachment 3: CEQA Exemption Supporting Emergency Permit

Attachment 4: CEQA Exemption Supporting Board Receipt and File of Report

Attachment 5: General Report of Findings (revised December 12, 2018)

Attachment 6: Montecito Debris Flow Mitigation Project, Master Work Plan

Attachment 7: Biological Resources Assessment for the Montecito Debris Flow Mitigation Project

Attachment 8: Addendum to the Biological Resources Assessment for the Montecito Debris Flow Mitigation Project, dated December 14, 2018

Attachment 9: Santa Barbara County Public Works Department Memorandum, dated December 10, 2018

Attachment 10: The Partnership for Resilient Communities – Montecito Emergency Debris Flow Mitigation Project Letter, dated October 22, 2018

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