

SANTA BARBARA COUNTY BOARD AGENDA LETTER



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

Agenda Number:
Prepared on: 1/24/05
Department Name: Planning and Development
Department No.: 053
Agenda Date: 2/1/05
Placement: Administrative
Estimate Time: N/A
Continued Item: NO
If Yes, date from: N/A

TO: Board of Supervisors

FROM: Valentin Alexeeff, Director of Planning and Development

STAFF CONTACT: Brian R. Baca
Engineering Geologist 568-2004

SUBJECT: **Overgaag Soil Stockpile Emergency Permit, 05EMP-0000-00004:**
Informational report on issuance of emergency permit.
6954 Gobernador Canyon Road, Carpinteria area, APN 001-050-038,
First Supervisorial District

Recommendation(s):

That the Board of Supervisors:

Receive the Director's report regarding an Emergency Permit issued to Karen Bray, agent for the landowner, to temporarily authorize the placement of 12,000 cubic yards of soil on the subject property to facilitate the restoration and maintenance of County and U.S. Army Corps of Engineers flood control facilities affected by the recent winter storms.

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with Goal No. 2., A Safe and Healthy Community in Which to Live, Work and Visit.

Executive Summary and Discussion:

Pursuant to Section 35-171 of Article II of the County's Zoning Ordinance, when an Emergency Permit is issued, the Director of the Planning and Development Department must report the nature of the emergency and the work involved to the Board of Supervisors in writing. This notification fulfills the ordinance requirement. The California Coastal Commission has also been notified of the issuance of this emergency permit.

The subject emergency permit, approved and issued on January 21, 2005, authorized the emergency placement of approximately five thousand cubic yards (5,000 cy) of soil removed from County and U.S. Corps of

Engineers flood control basins into a stockpile on the subject property. The stockpile would be approximately rectangular in shape, occupy an area of about one acre, and be a maximum of three feet in height. It would be set back a minimum distance of fifty (50) feet from the top of bank of Gobernador Creek. Various erosion control measures such as silt fencing, straw wattles and hay bales are proposed to be installed on the downhill side of the stockpile to limit erosion. The stockpile would be located on the southern portion of the subject property adjacent to Gobernador Canyon Road.

Background Information

Severe winter storms that periodically affect Santa Barbara County result in substantial erosion and the accumulation of silt, sand and gravel in the numerous detention and debris basins operated by public agencies to alleviate downstream flooding hazards. Immediately after these severe weather events, it is the standard practice to clean out these basins immediately so that their function is not impaired for potential subsequent storm events. The recent storms of December 2004 and January 2005 have resulted in the expected inundation of flood control facilities with soil and rock material. Removal of this earth material requires the identification and rapid permitting of a temporary disposal site. The emergency permit authorizes the temporary use of the subject parcel as a soil stockpile to accomplish the clean out of flood control facilities.

For more information on the specifics of the emergency work, please refer to the attached permit.

Mandates and Service Levels:

None

Fiscal and Facilities Impacts:

County costs for the preparation of the emergency permit are reimbursed by grant funds provided by the federal government in response to the declared state of emergency. The project causes no fiscal or facilities impacts to the County.

Special Instructions:

None

Concurrence:

County Counsel

Attachments:

Emergency Permit (05EMP-00000-00004 issued 1/21/05)

EMERGENCY PERMIT

05EMP-00000-00004



- Coastal Zone:**
Subject to the requirements of Section 35-171.2 of the Article II Coastal Zoning Ordinance and the policies of the Coastal Land Use Plan.
- Inland Area:**
Subject to the requirements of Section 35-322 of the Article III Inland Zoning Ordinance and the policies of the County Comprehensive Plan.

Case Name: Overgaag Soil Stockpile
Case Number: 05EMP-00000-00004
Site Address: 6954 Gobernador Canyon Road
APN: 001-050-038
Applicant/Agent Name: Karen Bray (Rockwood General Contractors)
Owner Name: Joe Overgaag

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

Energy Division
30 E. Figueroa St.
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 emergency actions to temporarily stockpile soil excavated from flood control facilities at various areas along the South Coast of Santa Barbara County. The work would include the following:

Placement of approximately five thousand cubic yards (5,000 cy) of soil removed from County and U.S. Corps of Engineers flood control basins into a stockpile on the subject property. The stockpile would be approximately rectangular in shape, occupy an area of about one acre, and be a maximum of three feet in height. It would be set back a minimum distance of fifty (50) feet from the top of bank of Gobernador Creek. Various erosion control measures such as silt fencing, straw wattles and hay bales are proposed to be installed on the downhill side of the stockpile to limit erosion. The stockpile would be located on the southern portion of the subject property adjacent to Gobernador Canyon Road.

The winter storms of December 2004 and January 2005 have caused severe erosion in the foothill areas of the South Coast of Santa Barbara County. Detention and debris basins operated by public agencies including the Santa Barbara County Flood Control District and the U.S. Army Corps of Engineers, have been inundated with soil and rock material. Without removal of this earth material, these basins ability to reduce downstream flood hazards and damage to buildings and property would be substantially impaired. These basins must be cleaned out and the excavated soil hauled to a temporary stockpile site prior to the next series of winter storms. Therefore, this situation constitutes an emergency in accordance with the applicable zoning ordinance 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 Planning and Development Department upon verification that all conditions of approval requiring action prior to permit issuance are satisfied.

Sincerely,

VALENTIN ALEXEEFF
Director

APPROVAL DATE: January 21, 2005

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) 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 of Santa Barbara 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 of Santa Barbara 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.

Print Name

Signature

Date

PERMIT ISSUANCE:

Print Name

(For Valentin Alexeeff, Director)

Signature

Date

BACKGROUND:

Severe winter storms that periodically affect Santa Barbara County result in substantial erosion and the accumulation of silt, sand and gravel in the numerous detention and debris basins operated by public agencies to alleviate downstream flooding hazards. Immediately after these severe weather events, it is the standard practice to clean out these basins immediately so that their function is not impaired for potential subsequent storm events. The recent storms of December 2004 and January 2005 have resulted in the expected inundation of flood control facilities with soil and rock material. Removal of this earth material requires the identification and rapid permitting of a temporary disposal site. This emergency permit authorizes the temporary use of the subject parcel as a soil stockpile to accomplish the clean out of flood control facilities.

FINDINGS OF APPROVAL:

1. The approval of this project shall not be held to permit or to be an approval of a violation of any provision of any County Ordinance or State Law.
2. Pursuant to Section 35-171.5 of Article II (for projects in the Coastal Zone) or Section 35-322.5.2 of Article III (for projects in the Inland Area) , an Emergency Permit may be granted if the Director of the Planning and Development Department makes the following findings:
 - a. *An emergency exists and requires action more quickly than provided for by the procedures for permit processing, and the action will be completed within 30 days unless otherwise specified by the terms of the permit.*

Flood control debris and detention basins operated by public agencies have been inundated with soil and rock material as a result of the recent winter storms. This situation has been declared an emergency by the Governor of the State of California. The earth materials must be removed from these basins in order for these facilities to adequately protect public health and safety. Therefore, this situation constitutes an emergency in accordance with the applicable zoning ordinance 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 Planning and Development Department upon verification that all conditions of approval requiring action prior to permit issuance are satisfied.

- b. *The action proposed is consistent with the policies of the Coastal Land Use Plan and the requirements of the Article II Coastal Zoning Ordinance (for projects in the Coastal Zone), or the action is consistent with the policies of the Comprehensive Plan and the requirements of the Article III Zoning Ordinance (for projects in the Inland Area).*

Coastal Act Policy 30253 seeks to “minimize risks to life and property...”. The proposed project would alleviate flooding-related public safety hazards, reduce potential damage to public facilities, and minimize the potential loss of property consistent with this policy. Thus, the proposed work is consistent with the policies of the Coastal Land Use Plan and the requirements of the Article II Coastal Zoning Ordinance.

- c. Public comment on the proposed emergency action has been reviewed if time allows. (Coastal Zone only)*

The nature and existence of the emergency situation is known to the public through the Governor's declaration and well as the coverage by virtually every media outlet. In the case of the current project, immediate action is required to alleviate an existing hazard to public safety and to prevent further loss of public facilities. Thus, time does not allow for public comment specific to this proposed project prior to taking action.

3. This action is not subject to the provisions of the California Environmental Quality Act, pursuant to State CEQA Guidelines Section 15269, statutory exemption for emergency projects.

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 of Planning and Development may revoke this permit and all authorization for development. The decision of the Director to revoke the Emergency Permit may be appealed to the Planning Commission.

The project description is as follows:

Placement of approximately five thousand cubic yards (5,000 cy) of soil removed from County and U.S. Corps of Engineers flood control basins into a stockpile on the subject property. The stockpile would be approximately rectangular in shape, occupy an area of about one acre, and be a maximum of three feet in height. It would be set back a minimum distance of fifty (50) feet from the top of bank of Gobernador Creek. Various erosion control measures such as silt fencing, straw waddles and hay bales are proposed to be installed on the downhill side of the stockpile to limit erosion. The stockpile would be located on the southern portion of the subject property adjacent to Gobernador Canyon Road. (Refer to the site plan attached to this permit.)

2. An application(s) for the required permits necessary to validate any portion of the emergency work as permanent shall be submitted by the applicant to the Planning and Development Department no later than 30 days following the issuance of this Emergency Permit. The permits required for the proposed emergency work include a Coastal Development Permit with Hearing pursuant to Section 5-169.5 of the Article II Zoning Ordinance.
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 of Planning and Development.

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 of Planning and Development. The work authorized by this permit must be commenced within 30 days of the date of issuance of the permit and completed within 30 days after the beginning of construction. If construction activities are proposed by the applicant to commence after 30 days, separate authorization by the Director of P&D is required.
5. This permit does not preclude the necessity to obtain authorization and/or permits from other County Departments or other agencies.
6. The Director of Planning and Development 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. The project is subject to the terms and conditions of Grading Permit 05GRD-00000-00009 issued by the County Building and Safety Division.
8. This Emergency Permit is not valid until signed by the applicant and subsequently issued by Planning and Development.

Attachments:

- A. Index Map
- B. Site Plan

cc: Salud Carbajal, First District Supervisor
Dianne Meester, P&D
Jackie Campbell, P&D
Mike Zimmer, P&D
Shana Gray, Calif. Coastal Comm., 89 S. California Street, Ventura CA 93001