



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 & Development
Department No.: 053
For Agenda Of: October 17, 2023
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Lisa Plowman, Director (805) 568-2086
Director(s)
Contact Info: John Zorovich, Deputy Director (805) 568-2519
SUBJECT: Report on Case No. 23EMP-00008: Emergency Permit to allow the repair of an exposed section of SoCal Gas Transmission Line 1004 within Rincon Creek near Highway 150/Rincon Road in the First Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Receive and file this report on Emergency Permit Case No. 23EMP-00008, approved by the Director of Planning & Development on May 23, 2023, which authorized the excavation and repair of gas transmission pipeline Line 1004; 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.

Summary Text:

Section 35-171 of the Article II Coastal Zoning Ordinance (CZO) authorizes the Director of the Planning & Development Department (P&D) to temporarily defer standard permit requirements of the CZO and issue an Emergency Permit when an emergency action is warranted. The nature of the emergency in this instance is that approximately 10 feet of pressurized natural gas transmission pipeline was exposed during the January 2023 storms and subsequent flood events, which eroded Rincon Creek's northwest slope.

The Emergency Permit was issued on May 23, 2023. The proposed project included clearing an adjacent agricultural area to prepare a laydown area, hand-excavating an anchor trench approximately 20 feet long, 3 feet wide, and 2 feet deep, and installing "Tuff N Nuff Rockshield" and sandbags around the exposed pipe, secured with ratchet straps. Work took place from the top of the bank with either a crane or excavator

lowering materials down the bank from a distance far enough back to prevent additional bank failure. Emergency repairs took a week to complete.

Pursuant to Article II Section 35-171.5.1, a notice was mailed to the surrounding property owners and residents. Additionally, placard notices were posted at three locations on the subject property. Public comment by phone, email, and mail was accepted up until the date of the decision for the Emergency Permit project. P&D did not receive any public comment regarding the issuance of the Emergency Permit.

Pursuant to Article II Section 35-171.5.3, an Emergency Permit does not constitute an entitlement to allow for development, and an application for the applicable planning permit must be submitted within 30 days following the granting of the Emergency Permit. A Coastal Development Permit with a public hearing (CDH) is required in order to permit the work described in the Emergency Permit. The applicant submitted the CDH application is on June 22, 2023.

Issuance of the Emergency Permit was consistent with Article II, as the action provided an immediate response to an emergency situation in the interest of health, safety, and public welfare. The Department granted the Emergency Permit based on a statutory exemption (CEQA Guidelines Section 15269(b)) due to the need to maintain essential public service facilities posed by the threat of the exposed pressurized natural gas transmission pipeline and the potential for release of natural gas into the environment. A copy of the CEQA Exemption is included herein as Attachment 2. The Board's receiving and filing of this report is an administrative action under State CEQA Guidelines Section 15378(b)(5) that does not constitute a separate project for purposes of environmental review.

Pursuant to Article II Section 35-171.6, the Director of P&D is required to report in writing to the Board of Supervisors and the California Coastal Commission the nature of the emergency and the work involved. This report satisfies that requirement.

Background:

The project site is located along the northwest bank of Rincon Creek, within private land approximately 800 feet east of Rincon Hills Road and 250 feet south of Rincon Road (State Route 150), 0.6 miles east of the City of Carpinteria in unincorporated Santa Barbara County. The line became exposed in January of 2023 when winter storms brought heavy precipitation to the area, which resulted in significant stormwater runoff that scoured the creek bottom and banks. Flow levels have since receded, allowing the emergency work to be performed.

Fiscal and Facilities Impacts:

County staff costs for preparing the Emergency Permit are reimbursed by the applicant in conformance with the current Board-adopted fee ordinance. The estimated total cost to process this Emergency Permit is approximately 20 staff hours, which equates to \$5,640.00. Funding for this project is budgeted in the Planning and Development Department's Permitting Budget Program as shown on page 313 of the County of Santa Barbara Fiscal Year (FY) 2023-24 Adopted Budget.

Attachments:

1. Emergency Permit 23EMP-00008
2. CEQA Notice of Exemption

Authored by:

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