

EMERGENCY PERMIT

23EMP-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.

Case Name: Guadalupe Dunes Road Repair Emergency Permit
Case Number: 23EMP-00004
Site Address: 6350 West Main Street, Guadalupe, CA 93434
APN: 113-020-021
Applicant/Agent Name: Morgan Jones, Public Works Transportation Division
Owner Name: County of Santa Barbara

ZONING PERMIT
ISSUED

SANTA BARBARA COUNTY PLANNING & DEVELOPMENT

PERMIT APPROVAL:

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

The proposed project is for the replacement of a 600-foot-long segment of an existing road and the repair of a 1,400-foot-long segment of the roadway. The replaced segment will be shifted a maximum of 25 feet southeast from where the road was previously located. The repair will include the repair of an existing drainage ditch along the road and the installation of 9 new culverts. The portion of the road to be replaced was destroyed and the portion to be repaired was damaged during the January 2023 storm event. The road replacement and repair will reconnect the Rancho Guadalupe Dunes County Park entrance road to the Guadalupe Dunes public parking lot. The road will be approximately 18 feet wide and will be paved with asphalt on top of compacted road base. Temporary construction impacts will span up to 15 feet from the edge of the roadway. A qualified biologist will conduct a survey for California least tern and western snowy plover prior to construction. The biologist will monitor all construction activities and provide training for construction staff. A qualified archaeologist will conduct a pedestrian survey prior to commencement of construction and will monitor all construction activities.

The project constitutes an emergency because the damaged road is the only access road to the Rancho Guadalupe Dunes County Park. March 1 through September 31 is the established nesting season for the western snowy plover. The Santa Barbara County Parks Division staff requires access to the park to be able to protect the western snowy plover nesting habitat. Additionally, the Santa Barbara County Public Health Department requires access to monitor water quality, as well as several agencies and non-government organizations, such as the California Department of Fish and Wildlife, accessing the area for data collection. Collected data may indicate the need for water quality and safety warnings or actions by the County. The road is also used by emergency services, such as the Santa Barbara County Fire and Sherriff Departments, and provides coastal access to the nearby communities. Therefore, emergency action is warranted and necessary.

Grading for the road replacement will include approximately 420 cubic yards of road base fill and approximately 150 cubic yards of cut and 408 cubic yards of fill for road contouring. Grading for the road repair will include approximately 1,380 cubic yards of road base fill and 5,200 cubic yards of excavation of flood spoils. No trees are proposed for removal. No

removal of sensitive plants is anticipated. In the event of unanticipated removal of native vegetation, replanting would occur at a ratio of three to one for each plant removed, under the direction of a biologist. Staging and construction areas will be located on existing paved areas within the Park to avoid vehicle and foot traffic on vegetated dunes. The work is expected to be completed within 30 days of permit issuance. The parcel will continue to be served by the Santa Barbara County Fire Department. Access will continue to be provided off of West Main Street. The property is a 488-acre parcel zoned RES-320 and shown as Assessor's Parcel Number 113-020-021, located at 6350 West Main Street in the Guadalupe area, Fifth Supervisorial District.

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. The project is exempt from environmental review pursuant to CEQA Guidelines Section 15269(c), which exempts "specific actions necessary to prevent or mitigate an emergency" (see Attachment C). 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,



Lisa Plowman, Director

APPROVAL DATE: __July 7, 2023

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 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.

Morgan Jones

Print Name



Signature

July 10, 2023

Date

PERMIT ISSUANCE:

Kylie Brown

Print Name

Signature

7/11/2023

Date

BACKGROUND:

The proposed project is located at 6350 West Main Street in the Guadalupe area. The subject property is developed as the Rancho Guadalupe Dunes County Park. On March 14, 2001, Conditional Use Permit (CUP) Case No. 01CUP-00000-00035 and Development Plan (DVP) Case No. 00DVP-00000-06012 were approved to allow construction of the Rancho Guadalupe Dunes County Park. On January 4, 2012, Coastal Development Permit (CDH) Case No. 11CDH-00000-00052 was approved to allow the reconstruction of an approximately 2,300-foot-long road segment that would connect the Rancho Guadalupe Dunes County Park entrance road to the Guadalupe Dunes public parking lot.

The project would address the emergency situation created by the January 2023 storm event which washed away a segment of the road connecting the Rancho Guadalupe Dunes County Park entrance road to the Guadalupe Dunes public parking lot. The reconstruction of the road segment is necessary to restore access to the Rancho Guadalupe Dunes County Park.

FINDINGS OF APPROVAL:

1. The approval of this project shall not be held to permit or to be an approval of a violation of County Ordinance or State Law.

The approval of this Emergency Permit will not permit or approve any violation of County Ordinance or State Law. Condition of Approval 2 requires that an application for the required permits necessary to validate the emergency work as permanent be submitted by the applicant no later than 30 days following the issuance of the Emergency Permit. Processing of the required follow-on permit will ensure that the project is reviewed for, and completed in compliance with, applicable regulations.

2. In compliance with Section 35-171.5.2 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for an Emergency Permit the Director shall first make all of the following findings, as applicable:
 - 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.*

The proposed project to replace a segment of the existing road to reconnect the Rancho Guadalupe Dunes County Park entrance road to the Guadalupe Dunes public parking lot is an emergency because the 2023 storm event destroyed the road segment and cut off access from the Guadalupe Dunes County Park.

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

No public comment on the proposed emergency action has been received. A mailed notice was sent to all owners within 300 feet of the parcel and all occupants within 100 feet of the parcel on July 5, 2023. Three notice placards for the proposed development have been posted onsite.

c. The action proposed is consistent with the requirements of the Coastal Land Use Plan and Coastal Zoning Ordinance.

A summary of the key Coastal Land Use Plan and Coastal Zoning Ordinance policies is included below.

Coastal Land Use Plan Policy 9-4: All permitted industrial and recreational uses shall be regulated both during construction and operation to protect critical bird habitats during breeding and nesting seasons. Controls may include restriction of access, noise abatement, restriction of hours of operations of public or private facilities.

Consistent. The proposed project is consistent with the policy requirements to protect critical bird habitats during breeding and nesting seasons because the project is to reconstruct the access road to the Rancho Guadalupe Dunes County Park to allow staff to install protective fencing around the western snowy plover nesting habitat and to monitor the habitat. A qualified biologist will conduct a survey for California least tern and western snowy plover prior to construction and will monitor all construction activities and provide training for construction staff to ensure the construction activities do not interfere with critical bird habitats.

Coastal Land Use Plan Policy 9-5: For all permitted uses, including recreation, foot traffic on vegetated dunes shall be minimized. Where access through dunes is necessary, well-defined footpaths shall be developed and used.

Consistent. The proposed project is consistent with the policy requirement to minimize foot traffic on vegetated dunes because the project would not permit or establish foot traffic on vegetated dunes and the project would reconstruct the access road to the Rancho Guadalupe Dunes County Park to reestablish the well-defined access route to the park.

Coastal Land Use Plan Policy 10-1: All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, archaeological, and other classes of cultural sites.

Coastal Land Use Plan Policy 10-2: When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.

Coastal Land Use Plan Policy 10-3: *When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.*

Consistent. The proposed project is consistent with the policy requirements to avoid impacts to cultural sites because a qualified archaeologist will conduct a pedestrian survey prior to commencement of construction and will monitor all construction activities. Additionally, condition 9 requires monitoring by an archeologist and Native American monitor during construction and to halt work in the event that unanticipated cultural resources are discovered.

Article II. Section 35-97.8.1: *Because of their statewide significance, coastal dune habitats shall be preserved and protected from all but resource dependent, scientific, educational, and light recreational uses... Disturbance or destruction of any dune vegetation shall be prohibited, unless no feasible alternative exists, and then only if re-vegetation is made a condition of development approval. Such re-vegetation shall be with native California plants propagated from the disturbed sites or from the same species at adjacent sites.*

Consistent. The proposed project is consistent with the policy requirement to preserve and protect coastal dune habitats because no removal of dune vegetation is proposed and the proposed project will reestablish the well-defined access route to the park to avoid traffic crossing other portions of the dunes.

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, which exempts “specific actions necessary to prevent or mitigate an emergency.” Emergency action is warranted in this case because the 2023 storm event destroyed the existing access road connecting the Rancho Guadalupe Dunes County Park entrance road to the Guadalupe Dunes public parking lot. Access to the park is required to protect critical bird habitats, to monitor water quality, and for use by emergency services. Therefore, this statutory exemption applies to the proposed project.

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:

The proposed project is for the replacement of a 600-foot-long segment of an existing road and the repair of a 1,400-foot-long segment of roadway. The replaced segment will be shifted a maximum of 25 feet southeast from where the road was previously located. The repair will include the repair of an existing drainage ditch along the road and the installation of 9 new culverts. The portion of the road to be replaced was destroyed and the portion to be repaired was damaged during the January 2023 storm event. The road replacement and repair will reconnect the Rancho Guadalupe Dunes County Park entrance road to the Guadalupe Dunes public parking lot. The road will be approximately 18 feet wide and will be paved with asphalt on top of compacted road base. Temporary construction impacts will span up to 15 feet from the edge of the roadway. A qualified biologist will conduct a survey for California least tern and western snowy plover prior to construction. The biologist will monitor all construction activities and provide training for construction staff. A qualified archaeologist will conduct a pedestrian survey prior to commencement of construction and will monitor all construction activities.

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the direction of a biologist. Staging and construction areas will be located on existing paved areas within the Park to avoid vehicle and foot traffic on vegetated dunes. The work is expected to be completed within 30 days of permit issuance. The parcel will continue to be served by the Santa Barbara County Fire Department. Access will continue to be provided off of West Main Street. The property is a 488-acre parcel zoned RES-320 and shown as Assessor's Parcel Number 113-020-021, located at 6350 West Main Street in the Guadalupe area, Fifth Supervisorial District.

2. An application(s) for the required permits necessary to validate 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 Development Plan Amendment or Revision, pursuant to Article II Section 35-174.10.
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. 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

storage locations on-site in accordance with this condition. TIMING: The Owner/Applicant shall install the area prior to commencement of construction.

8. 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. 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 storage locations on-site in accordance with this condition. TIMING: The Owner/Applicant shall install the area prior to commencement of construction.
9. CulRes-07 Cultural Resource Monitor. The Owner/Applicant shall have all earth disturbances including scarification and placement of fill monitored by a P&D approved archaeologist and a Native American consultant in compliance with the provisions of the County Archaeological Guidelines. TIMING: The Owner/Applicant shall submit to P&D a contract or Letter of Commitment between the Owner/Applicant and the archaeologist, consisting of a project description and scope of work, and once approved, shall execute the contract.
10. CulRes-09 Stop Work at Encounter. The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall immediately contact P&D staff, and retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of the County Archaeological Guidelines and conduct appropriate mitigation funded by the Owner/Applicant. MONITORING: Cultural Resource Monitors shall spot check in the field throughout grading and construction.
11. Special CulRes-01-Pedestrian Survey. A P&D approved archaeologist shall conduct a pedestrian survey for archaeological materials or remains prior to commencement of construction. In the event that archaeological remains are found, the Owner/Applicant shall immediately contact P&D staff and the project Cultural Resource Monitors shall evaluate the significance of the find in compliance with the provisions of the County Archaeological Guidelines and conduct appropriate mitigation funded by the Owner/Applicant. TIMING: The survey shall be completed prior to commencement of construction.
12. Special Bio-01-Biologist Survey. A P&D approved biologist shall conduct a survey for California least tern and western snowy plover prior to commencement of construction. The biologist shall monitor all construction activities and provide training for construction staff. TIMING: The survey shall be completed prior to commencement of construction.

13. Special Bio-03 Vegetation. Sensitive native vegetation shall be avoided when constructing the road alignment. In the event that any sensitive native vegetation suffers unanticipated damaged, it shall be mitigated on a minimum 3:1 ratio for each plant effected. If it becomes necessary to remove any vegetation, the County Biologist shall be consulted prior to work and a protection or removal and re-vegetation plan may be required.
14. SolidW-03 Solid Waste-Construction Site. The Owner/Applicant shall provide an adequate number of covered receptacles for construction and employee trash to prevent trash & debris from blowing offsite, shall ensure waste is picked up weekly or more frequently as needed, and shall ensure site is free of trash and debris when construction is complete. PLAN REQUIREMENTS: The site is to remain trash-free throughout construction.
15. 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.
16. Rules-23 Processing Fees Required. Prior to issuance of Emergency, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
17. 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. Project Plans
- B. CEQA Exemption
- C. Site Photos

cc: P&D Deputy Director
Nicole Lieu, Supervising Planner, P&D
Kylie Brown, P&D Planner
Coastal Program Analyst, Calif. Coastal Comm., 89 S. California Street, Ventura CA 93001