



**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:** April 14, 2009  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:** N/A  
**Vote Required:** No Vote Required

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**TO:** Board of Supervisors

**FROM:** Department John Baker, Director, Planning and Development  
Director(s) (805) 568-2985  
Contact Info: Dave Ward, Deputy Director, Planning and Development  
(805) 568-2520

**SUBJECT:** Painted Cave Mutual Water Company Tank Replacement  
Emergency Permit 09EMP-00000-00005  
Second Supervisorial District

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**County Counsel Concurrence**

As to form: N/A

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrence:**

As to form: N/A

**Recommended Actions:**

Receive and file this report on Emergency Permit 09EMP-00000-00005, which authorized the Painted Cave Mutual Water Company to replace two existing 22,000 gallon water tanks with one 82,000 gallon water tank on a 0.42-acre parcel (Assessor Parcel Number 153-131-002) located within the Painted Cave community. (A copy of the Emergency Permit is enclosed.)

**Summary Text:**

Section 35.82.090 of the Land Use and Development Code (LUDC) authorizes the Director of the Planning and Development Department (P&D) to temporarily defer the permit requirements of the LUDC and issue an Emergency Permit when emergency action is warranted by a person or public agency. Section 35.82.090.I.1 of the LUDC requires the Director to submit a written report describing the emergency action to the Board of Supervisors after issuing an Emergency Permit.

P&D issued an Emergency Permit to the Painted Cave Mutual Water Company on March 19, 2009. The subject parcel includes two 22,000-gallon steel water tanks and one 15,000-gallon fiberglass water tank. These tanks currently provide water for domestic and fire-protection purposes to 75 single-family residences. The 22,000 gallon water tanks were installed more than 50 years ago and are now in poor

condition. As stated in the applicant's permit application, "Inspections by the water system's certified operator have documented significant loss of structure material due to corrosion, and in recent months, the deteriorated condition has advanced to include seepage of water at several locations . . ."

Replacing the 22,000 gallon water tanks would normally require a Minor Conditional Use Permit, Zoning Clearance, Grading Permit and Building Permit. Processing these permits would take approximately four to six months. The Emergency Permit allows the applicant to immediately order and install the proposed 82,000 gallon water tank.

The Emergency Permit will help minimize risks to health, safety and property posed by the possible failure of the 22,000 gallon water tanks. These water tanks provide approximately 75 percent of the water storage capacity of the water system for the Painted Cave community. Prompt installation of the proposed water tank will minimize the risk of an unplanned interruption of water service for domestic and fire-protection purposes. Immediate action will also help ensure that the proposed water tank is installed before the approaching wildfire season.

The project is consistent with the Comprehensive Plan and LUDC. The applicant revised several aspects of the project to ensure consistency with the policies of the Comprehensive Plan, such as revising the project to minimize grading and preserve existing landforms according to the Hillside and Watershed Protection Policies. In addition, the Emergency Permit includes conditions to ensure that the project complies with policies regarding noise, sedimentation and archaeological resources. The proposed water tank is an allowed use on the subject parcel. It complies with height, setback and other applicable standards of the LUDC.

**Background:**

The subject parcel is located approximately one-mile north of the junction of Highway 154 and Painted Cave Road in the foothills of the San Ynez Mountains. The subject parcel and the surrounding parcels are zoned Residential Ranchette (RR-10). The surrounding parcels range from approximately 0.25 to 6.0 acres in size and typically include single-family residences.

The Emergency Permit includes a complete project description and project plans. In summary, the proposed 82,000 gallon water tank will be located in the same location as the two existing 22,000 gallon water tanks. The proposed water tank will be approximately 12 feet in height and 34 feet in diameter. The project requires approximately 400 cubic yards of cut and 20 cubic yards of fill. Approximately 380 cubic yards of excess excavation material will be exported. Excess excavation material will be temporarily placed at a stockpile site located approximately 50 feet northeast of the existing water tanks (APN 153-150-020).

The project will be completed within approximately 15 weeks. The applicant plans to immediately order the proposed water tank. The manufacturer requires approximately 10 weeks to manufacture and deliver the tank. The contractor will take approximately three weeks to complete grading, demolition and installation activities.

The applicant is preparing applications for a Minor Conditional Use Permit and Zoning Clearance for the project. As required in Section 35.82.090.G of the LUDC, the applicant intends to submit these applications to P&D no later than 30 days following issuance of the Emergency Permit.

**Performance Measure:**

N/A

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

County costs for preparing the Emergency Permit are reimbursed by the applicant in conformance with the current Board approved fee resolution. Permit revenues are budgeted in Departmental Revenues of the Development Review South Division on page D-301 of the adopted 2008-2009 fiscal year budget.

**Staffing Impacts:**

**Legal Positions:**

N/A

**FTEs:**

N/A

**Special Instructions:**

N/A

**Attachments:**

Emergency Permit 09EMP-00000-00005

**Authored by:**

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**cc:**

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