

EMERGENCY PERMIT

19EMP-00000-00002



- Countywide:**
Subject to the requirements of Section 35.82.090 of the Santa Barbara County Land Use & Development Code.

Case Name: Gypsy Canyon Creek Bank and Road Repair
Case Number: 19EMP-00000-00002
Site Address: 2100 Gypsy Canyon
APN: 099-100-067
Applicant/Agent Name: Mark Lloyd, L&P Consultants
Owner Name: Purisima Preserve, LLC

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

Energy and Minerals Division
123 E. Anapamu Street
Santa Barbara, CA 93101
(805) 568-2000

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:

Repair of an un-named blue creek bank adjacent and westerly of Gypsy Canyon Road and a paved 20 ft.-wide road and roadbed that has eroded due to a blocked drainage culvert that crosses the road and discharges into the un-named blue line creek. Repair will consist of placing earthen fill and stabilization blocks in order to re-establish the creek bank to the pre-eroded slope and gradient. The repair includes placement of earthen fill and aggregate base to re-establish the road section. As part of the repair, replacement drainage culverts would be installed and concrete drainage swale would be constructed across the road to direct and discharge collected surface storm runoff. The repair effort would include BMPs for water quality and prevention of siltation of the creek. The repair effort would be monitored by a biologist to detect and protect any sensitive animal or riparian species. This repair constitutes an emergency, because 6.5 ft. of the paved road is currently eroded and unusable and the eroded portions pose a safety hazard. Continued erosion from the storm drainage will further erode the road, thereby causing the road to become wholly unusable and creating an exacerbated safety hazard for properties located upstream that are reliant on the road.

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. 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,



DIANNE BLACK
Director, Planning and Development

APPROVAL DATE: 3 26, 2019

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 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 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.

MARK LLOYD  3/27/2019
Print Name Signature Date

PERMIT ISSUANCE:

JEFFREY G. WILSON  3/26/2019
Print Name Signature Date

BACKGROUND:

On March 19, 2019, an application for Emergency Permit was submitted to repair an un-named paved road and un-named blue line creek bank that was partially destroyed in a storm event due to a blocked drainage culvert. [Provide a discussion of the location and physical characteristics of the project, including a full description of the onsite condition requiring emergency actions. The level of existing development, the permit history, and any past emergency actions at the site should be described.]

FINDINGS OF APPROVAL:

1. In compliance with Subsection 35.82.090.E.2 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Emergency Permit the Director shall first make all of the following findings:
 - a. *An emergency exists and requires action more quickly than provided for by the customary procedures for permit processing.*
 - b. *The action proposed is consistent with the policies of the Comprehensive Plan, including any applicable community or area plan and the requirements of this Development Code.*

The emergency action is consistent with the Comprehensive Plan as described below with reference to applicable policies:

Hillside and Watershed Policy 1: Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.

The road, creek bank, and culvert repair requires approximately 25 cubic yards of fill and no cut. This amount of fill represents the minimal amount necessary to repair the road and creek bank. Therefore, the project is consistent with this policy.

Hillside and Watershed Policy 2: All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.

The road, creek bank, and culvert repair efforts will take place in the existing road area and creek bank area. No native trees exist in the repair site, and trees located on the other side of the road will not be impacted by the repair efforts. The project will stabilize currently unstable creek bank and road area. Therefore, the project is consistent with this policy.

Hillside and Watershed Policy 5: Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have

been disturbed during grading or development. All cut and fill slopes shall be stabilized as rapidly as possible with planting of native grasses and shrubs, appropriate non-native plants, or with accepted landscaping.

Condition No. 7, herein, requires the Owner/Applicant to acquire necessary grading and erosion-control permits from Santa Barbara County to prescribe suitable stabilization for protection of soils in the disturbed area. The applicable grading and erosion-control permits will prescribe other vegetation required.

Hillside and Watershed Policy 6: Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Water runoff shall be retained onsite whenever possible to facilitate groundwater recharge.

The existing drainage culvert will be repaired; however, the flow of the drainage will remain the same and will continue to discharge into the un-named blue line creek. The existing drainage pattern is the suitable watercourse to prevent further down-gradient erosion. Therefore, the project is consistent with this policy.

Hillside and Watershed Policy 7: Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.

Condition No. 8, herein, requires the Owner/Applicant to designate a construction equipment filling and storage area to contain spills, facilitate clean-up and proper disposal, and prevent contamination from discharging off-site. Therefore, the project is consistent with this policy.

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

A notice to the public is not required to precede the actual commencement of emergency work, pursuant to Section 35.82.090.E1 and 35.106.070.A of the Santa Barbara County Land Use and Development Code. The following public noticing of an application for an Emergency Permit is required pursuant to Section 35.106.070.A: (1) a notice shall be mailed to all residents within a 100-foot radius of the exterior boundaries of the affected boundary, and (2) the Department shall post a notice in three locations on the subject lot. Proof of required noticing being made is contained within the file for this application. No comments were received from the public with regard to this application. The public will have additional opportunity to comment on the actions permitted via this permit during the noticing and processing of required follow-up permit. Therefore, this finding can be made.

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

The project description is as follows:

Repair of an un-named blue creek bank adjacent and westerly of Gypsy Canyon Road and a paved 20 ft.-wide road and roadbed that has eroded due to a blocked drainage culvert that crosses the road and discharges into the un-named blue line creek. Repair will consist of placing earthen fill and stabilization blocks in order to re-establish the creek bank to the pre-eroded slope and gradient. The repair includes placement of earthen fill and aggregate base to re-establish the road section. As part of the repair, replacement drainage culverts would be installed and concrete drainage swale would be constructed across the road to direct and discharge collected surface storm runoff. The repair effort would include BMPs for water quality and prevention of siltation of the creek. The repair effort would be monitored by a biologist to detect and protect any sensitive animal or riparian species. This repair constitutes an emergency, because 6.5 ft. of the paved road is currently eroded and unusable and the eroded portions pose a safety hazard. Continued erosion from the storm drainage will further erode the road, thereby causing the road to become wholly unusable and creating an exacerbated safety hazard for properties located upstream that are reliant on the road.

2. An application(s) for the required permits necessary to validate the emergency work as permanent shall be submitted by the applicant to the Department no later than 30 days following the issuance of this Emergency Permit. The permits required for the proposed emergency work include a Land Use Permit pursuant to Section 35.82.110 of the County Land Use Development Code and a Grading Permit pursuant to Section 14-10 of the County Grading Code.
3. Any materials required for a completed application, as identified in the initial review of the original application required pursuant to Condition No. 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.
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. The work authorized by this permit must be commenced within 30 days of the date of issuance of the emergency permit.
5. This permit does not preclude the necessity to obtain authorization and/or permits from other Departments or agencies.

6. The Director 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. **Geo-02 Erosion and Sediment Control Plan.** Where required by the latest edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. Grading and erosion and sediment control plans shall be designed to minimize erosion during construction and shall be implemented for the duration of the grading period and until re-graded areas have been stabilized by structures, long-term erosion control measures or permanent landscaping. The Owner/Applicant shall submit the SWPPP, SWMP or ESCP) using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The SWPPP or ESCP shall be a part of the Grading Plan submittal and will be reviewed for its technical merits by P&D. Information on Erosion Control requirements can be found on the County web site re: Grading Ordinance Chapter 14 (<http://sbcountyplanning.org/building/grading.cfm>) refer to Erosion and Sediment Control Plan Requirements; and in the California Green Code for SWPPP (projects < 1 acre) and/or SWMP requirements. **PLAN REQUIREMENTS:** The grading and SWPPP, SWMP and/or ESCP shall be submitted for review and approved by P&D prior to approval of land use clearances. The plan shall be designed to address erosion, sediment and pollution control during all phases of development of the site until all disturbed areas are permanently stabilized. **TIMING:** The SWPPP requirements shall be implemented prior to the commencement of grading and throughout the year. The ESCP/SWMP requirements shall be implemented between November 1st and April 15th of each year, except pollution control measures shall be implemented year round. **MONITORING:** P&D staff shall perform site inspections throughout the construction phase.
8. **WatConv-04 Equipment Storage-Construction.** The Owner/Applicant shall designate a construction equipment filling and storage area(s) to contain spills, facilitate clean-up 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. **PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all construction plans **TIMING:** The Owner/Applicant shall install the area prior to commencement of construction. **MONITORING:** P&D staff shall ensure compliance prior to and throughout construction.
9. **Bio-03a Onsite Biologist.** The Owner/Applicant shall designate a P&D-approved biologist to be onsite throughout all construction activities. Duties include the responsibility to detect any onsite animal species. **MONITORING:** The Owner/Applicant shall submit to P&D staff the name and contact information for the approved biologist prior to commencement of construction. P&D compliance monitoring staff shall site inspect as appropriate. The monitoring biologist shall submit weekly monitoring reports to P&D.

Attachments:

- A. Site Plan

B. CEQA Exemption

cc: Supervisor Adam, Fourth District
Jeff Wilson, P&D Deputy Director
David Vyeniolo, Grading Inspector, B&S
Gwen Beyeler, Planner

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