



EMERGENCY PERMIT

08EMP-00000-00007



Countywide:

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



Montecito:

Subject to the requirements of Section 35.472.080 of the Santa Barbara County Montecito Land Use & Development Code

Case Name: Salentine Slope Repair

Case Number: 08EMP-00000-00007

Project Address: 1225 Franklin Ranch Road

A.P.N.: 077-030-025

Applicant/ Owner: John Salentine

Agent Name: Jennifer Foster, Foster Permitting & Planning Services

South County Office

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

Energy Division

123 E. Anapamu Street
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 the following project:

The project is for an Emergency Permit to allow for the stabilization and repair of a superficial landslide. The hillside of concern contains the Cachuma Operations Maintenance Board (COMB) South Coast Conduit waterline and a Goleta Water District waterline. A superficial landslide has destabilized the south-facing slope where the water lines are located and the applicant is undertaking the work at the request of COMB (see May 15, 2008 letter from Operations Supervisor Bret Gray). Grading will total 3,600 cubic yards including 1,360 cubic yards of cut and 2,240 cubic yards of import. No trees are proposed for removal. The subject property is currently vacant. Access will continue to be provided off of Franklin Ranch Road. The property is a 5-acre parcel zoned RR-5 and shown as Assessor's Parcel Number 077-030-025, located at 1225 Franklin Ranch Road in the Goleta Area, Second Supervisorial District.

A May 15, 2008 letter from COMB Operations Supervisor Brett Gray states the following:

“The Cachuma Operations Maintenance Board (COMB) operates and maintains the South Coast Conduit (SCC) which is a 48-inch diameter pipeline that supplies approximately 80% of the water to the south coast communities of Santa Barbara County. The SCC runs through the property at 1225 Franklin Ranch Road and we have recently become aware of the slope instability that could adversely affect the SCC as noted in the Campbell Geo letter of May 12, 2008. It is very important that the hillside be stabilized to ensure the integrity of the SCC as soon as possible but not later than the beginning of the 2008/2009 winter season. It is of utmost importance that the integrity of this line is not compromised due to a slope failure as that could cause major disruption in water service to the south coast communities. Furthermore, if the slope fails during the rainy season, it could take longer due to erosion and potential weather delays.”

Additionally, COMB engineers have reviewed and approved the proposed grading/drainage plans as detailed in their October 30, 2008 letter to the County of Santa Barbara.

As discussed above, this situation constitutes an emergency in accordance with the applicable Development Code indicated above and immediate action is warranted to repair the south-facing slope which contains the Goleta Water District and COMB water supply lines. 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,

JOHN BAKER
Director of Planning and Development

APPROVAL DATE: _____, 2008

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.

Print Name

Signature

Date

PERMIT ISSUANCE:

Print Name

Signature

Date

BACKGROUND:

The overall goal of the project is to repair a slope failure that occurred

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 35.82.090 of the Countywide Land Use & Development Code, an Emergency Permit may be granted if the Director makes the following findings:

a. An emergency exists and requires action more quickly than provided for by the procedures for permit processing.

The overall goal of the Salentine Slope Repair is to repair a superficial slide that occurred on a south-facing slope just south of the approved building envelope. The slope in need of repair contains the Cachuma Operations Maintenance Board (COMB) South Coast Conduit waterline and a Goleta Water District waterline. These waterlines provide potable water for the majority of the Santa Barbara south coast residents. In a May 15, 2008 letter, COMB's Operations Supervisor, Brett Gray, recommends that the repair work be implemented immediately in order to address the imminent threat to two water lines posed by the existing, unrepaired landslide.

According to Brett Gray, COMB operations supervisor, "It is very important that the hillside be stabilized to ensure the integrity of the SCC as soon as possible but not later than the beginning of the 2008/2009 winter season. It is of utmost importance that the integrity of this line is not compromised due to a slope failure as that could cause major disruption in water service to the south coast communities. Furthermore, if the slope fails during the rainy season, it could take longer due to erosion and potential weather delays." For these reasons, Planning & Development agrees that an Emergency Permit is justified to allow work to begin on the slope repair project without delay. Under the Emergency Permit (08EMP-00000-00007), work would be undertaken prior to the 2008/2009 winter rainy season. The County grading supervisor, Jeff Thomas has reviewed the scope of the slide and approved the nature of the emergency. Additionally, the County's approved geotechnical engineering firm, Geodynamics, has peer-reviewed the applicant's geotechnical engineering report and related plans and concurs with the scope of work detailed therein.

b. The action proposed is consistent with the policies of the Comprehensive Plan, including any applicable community or area plan and the requirements of the Development Code.

The proposed project would be consistent with the Comprehensive Plan including the Goleta Community Plan, as it would work to restore the stability of a slope containing the COMB South Coast Conduit (SCC) and a Goleta Water District supply line. The existing, unrepaired slide has undermined the stability of the slope and heavy rains during the upcoming winter season could act to further destabilize the slope, possibly compromising one or both of the water supply lines.

Land Use Development Policy 4 of the Comprehensive Plan requires that adequate services, including water supply, be available to serve development. According to Brett Gray, COMB operations supervisor, the COMB South Coast Conduit supplies over 80% of the Santa Barbara South Coast potable water. The slope repair project will restore stability to the soils in this area to ensure the ongoing operation of the SCC, as required by the policies of the Comprehensive Plan. Hillside and Watershed Protection Policies 1 and 2 of the Comprehensive Plan require that grading and site preparation be kept to an absolute minimum, and that natural landforms be preserved to the maximum extent feasible. In addition, Goleta Community Plan Policy GEO-GV-6 requires that projects be designed and located to minimize the number of persons and amount of property exposed to seismic hazard. Completion of the project would act to ensure the safety of the public water supply to existing residents of the south coast area with the goal of preventing future potentially catastrophic failures of the natural landform.

The project is also consistent with the following policies of the Goleta Community Plan. AQ-GV-1 requires air pollution from construction activities to be minimized. To address this issue, standard conditions have been placed on the project to control dust and run-off generated by the project's construction activities. In addition, N-GV-1 requires the protection of interior noise-sensitive uses. Standard conditions have been placed on the project to limit noise generating construction activities to protect the surrounding residences from noise impacts during construction.

The proposed slope repair project does not conflict with any requirements of the Countywide Land Use & Development Code.

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

County staff has sent notice of the pending project to neighbors within 300 feet of the subject property. Two public comments were received by neighbors Andy and Jessica Brown (November 3, 2008 personal conversation with Errin Briggs, Planner) who expressed concern about work hours, noise impacts and construction access. Impacts from noise and dust due to construction access and related activities have been addressed in the project conditions of approval. No other public comments related to the proposed project were received.

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

The project description is as follows:

1. The project is for an Emergency Permit to allow for the stabilization and repair of a superficial landslide. The hillside of concern contains the Cachuma Operations Maintenance Board (COMB) South Coast Conduit waterline and a Goleta Water District waterline. A superficial landslide has destabilized the south-facing slope where the water lines are located and the applicant is undertaking the work at the request of COMB (see May 15, 2008 letter from Operations Supervisor Brett Gray). Grading will include 3,600 cubic yards including 1,360 cubic yards of cut and 2,240 cubic yards of import. No trees are proposed for removal. The subject property is currently vacant. Access will continue to be provided off of Franklin Ranch Road. The property is a 5-acre parcel zoned RR-5 and shown as Assessor's Parcel Number 077-030-025, located at 1225 Franklin Ranch Road in the Goleta Area, Second Supervisorial District.

Standard Emergency Permit Conditions:

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 Countywide Land Use Development Code.
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.
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.

Planning & Development Standard Permit Conditions:

7. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site throughout all grading and construction activities. The project shall follow the dust control measures listed below, when deemed safe by the project engineer.
 - a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.

- b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
- c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

MONITORING: County Building & Safety staff shall monitor and perform site inspections to ensure compliance throughout all grading and construction activities.

- 8. The applicant shall designate a person or persons to monitor the dust control program and to order increased watering as necessary when deemed safe by the project engineer, to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress. **Plan Requirements:** The name and telephone number of such persons shall be provided to County Building & Safety and Permit Compliance staff prior to the commencement of all grading and construction activities. **MONITORING:** County Building & Safety staff shall contact the designated monitor as necessary to ensure compliance with dust control measures throughout all grading and construction activities.
- 9. The applicant shall limit excavation and grading to the dry season of the year (i.e. April 15 to November 1) unless a Building & Safety approved erosion and sediment control plan is in place and all measures therein are in effect. All exposed graded surfaces shall be reseeded with ground cover vegetation to minimize erosion when deemed safe by the project engineer. **Plan Requirements:** This requirement shall be noted on all grading and building plans. **MONITORING:** County Building & Safety staff shall monitor and perform site inspections to ensure compliance throughout all grading and construction activities.
- 10. Grading, erosion, and sediment control plans shall be designed to minimize erosion and shall include the following, when deemed safe by the project engineer:
 - a. All entrances/exits to the construction site shall be stabilized (e.g. using rumble plates, gravel beds or other best available technology) to reduce transport of sediment off site. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods.
 - b. Storm drain inlets shall be protected from sediment-laden waters by the use of inlet protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps.

MONITORING: County Building & Safety staff shall monitor and perform site inspections to ensure compliance throughout all grading and construction activities.

- 11. Construction activity for site preparation and for development shall be limited to the hours between 7:30am to 4pm. No construction shall occur on Planning & Development observed holidays (e.g., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as painting are

not subject to these restrictions. **Plan Requirements:** Signs stating these restrictions shall be provided by the applicant and posted on site at a minimum of three locations visible from the public street. **Timing:** Signs shall be in place prior to beginning of all grading and construction activities, and shall remain in place through the duration of all grading and construction activities. Violations may result in suspension of permits. **MONITORING:** County Building & Safety staff shall monitor and perform site inspections to ensure compliance throughout all grading and construction activities.

12. Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded to County Building & Safety and Permit Compliance staff's satisfaction and shall be located at a minimum of 50 feet from occupied residences. **MONITORING:** County Building & Safety staff shall monitor and perform site inspections to ensure compliance throughout all grading and construction activities.
13. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain all applicable Building and Grading Permits from Planning and Development.
14. Developer shall defend, indemnify and hold harmless the County or its agents, 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 the Land Use Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
15. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

cc: Supervisor Wolf, Second District
P&D Deputy Director, Dave Ward
Supervising Planner, P&D, Anne Almy
P&D Planner, Errin Briggs
Tony Bohnett, Grading Inspector [South]