



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:** May 21, 2019  
**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: Jeff Wilson, Assistant Director (805) 568-2518  
**SUBJECT:** Gypsy Canyon Creek Bank and Road Repair Emergency Permit  
Case No. 19EMP-00000-00002, Lompoc Area, Fourth 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 the Gypsy Canyon Creek Bank and Road Repair Emergency Permit 19EMP-00000-00002, which authorized the repair of an eroded paved road, road bed, culvert, and adjacent creek bank. A copy of the Emergency Permit is included herein as Attachment 1;
- b) Determine that issuance of the emergency permit is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15269(b), as this action was an emergency repair to a road in order to maintain public safety and welfare as specified in Attachment 2 of this Board Letter; and
- c) 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, as specified in Attachment 3 of this Board letter.

## **Background**

Gypsy Canyon Road is 20 foot wide paved private road. During the heavy rains experienced on March 2, 2019 (0.84" of rainfall) and March 6, 2019 (1.14" of rainfall), a drainage culvert located under a portion of Gypsy Canyon Road near the western property line on a parcel known as 2100 Gypsy Canyon Road became blocked. The culvert discharges into the adjacent un-named blue line creek. This blockage, along with the continued rain on March 2, 2019 and March 6, 2019, caused a portion of Gypsy Canyon Road to be eroded and damaged. Specifically, 6.5 feet of the Class II paved roadway was destroyed and washed away into the creek bed. The un-named blue line creek bank adjacent to Gypsy Canyon Road was also damaged by the road debris. The blocked culvert located under Gypsy Canyon Road was also damaged and no longer serves its purpose of directing water under the road and into the creek bed. The damage reduced the unusable portion of the road from 20 ft. to 13.5 ft. and caused the Class II road bed to be unstable. The eroded portion of the road and creek bank posed a safety hazard to passersby that rely on the road for access to their properties. The narrowed portion of the road also poses a safety hazard to emergency responders that would be needed in case of an emergency situation on the nearby parcels. 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 for access.

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 will include best management practices for water quality and prevention of siltation of the creek. A biologist will monitor the repair effort to detect and protect any sensitive animal or riparian species. The eroded area is located in the southwest portion of the parcel known as 2100 Gypsy Canyon Road, Lompoc (APN 099-100-067). On March 26, 2019, the County issued an Emergency Permit to L & P Consultants to allow for the repairs.

Pursuant to Section 35.82.090 of the Land Use and Development Code, when an Emergency Permit is issued, the Director of Planning and Development is required to provide a written report to the Board of Supervisors regarding the nature of the emergency and the work involved. This notification fulfills the ordinance requirements.

## **Summary Text**

Section 35.82.090 of the County Land Use and Development Code authorizes the Director of the Planning and Development Department (P&D) to temporarily defer standard permit requirements of the Zoning Ordinance and issue an Emergency Permit when emergency action is warranted. The nature of the emergency in this instance is that failure to immediately repair the road, culvert, and creek bank could lead to an extended period of time in which this roadway is not available for access for the parcels that live up the road. Additionally, this roadway serves as a route for emergency responders in the case of an emergency on one of the parcels neighboring parcels.

On March 19, 2019, Mark Lloyd of L & P Consultants submitted an application for an Emergency Permit to repair the road, Class II base material, culvert, and creek bank that were damaged on March 2, 2019 and March 6, 2019. Planning and Development staff reviewed the application and established that

the repairs to the private road and associated creek bank constituted an emergency. On March 26, 2019, the County issued an Emergency Permit to L & P Consultants to allow for the repairs.

Planning and Development approved the Emergency Permit on March 26, 2019 for emergency repair of Gypsy Canyon Road, culvert, and creek bank located at 2100 Gypsy Canyon Road, Lompoc, Assessor's Parcel Number 099-100-067. Pursuant to County Land Use and Development Code Section 35.82.090, an Emergency Permit does not constitute an entitlement to development. Section 35.82.090.G requires an application for a Land Use Permit no later than 30 days following the granting of an Emergency Permit. An application for a Land Use Permit was submitted on April 25, 2019.

Issuance of the Emergency Permit is consistent with the Comprehensive Plan, as the action provides an immediate response to an emergency situation in the interest of health, safety, and public welfare. P&D granted the Emergency Permit based on a statutory exemption (CEQA Guidelines Section 15269(b)). A copy of the CEQA Exemption is included herein as Attachment 2.

### **Fiscal and Facilities Impacts:**

County costs for preparing the Emergency Permit are reimbursed by the applicant in conformance with the current Board-approved fee resolution. Funding for this project is budgeted in the Permitting Budget Program on page D-272 of the FY 2018-19 budget. The fixed fee for an Emergency Permit is \$2,810.00. Future permitting costs will be paid by the applicant.

### **Attachments:**

Attachment 1: Emergency Permit 19EMP-00000-00002 (with Site Plans)

Attachment 2: CEQA Exemption Supporting Emergency Permit

Attachment 3: CEQA Exemption Supporting Board Receipt and File of Report

Authored by: Gwen Beyeler, Planner (805) 934-6269