



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 &
Development
Department No.: 053
For Agenda Of: September 12, 2023
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) *Lisa Plowman*
Contact Info: Travis Seawards, Deputy Director (805) 934-6559

SUBJECT: Report on Case No. 23EMP-00007, SoCal Edison – Emergency Permit Transmission Right Of Way Storm Recovery, End of Tunnel Road, Mission Canyon Area, First Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Receive and file this report on Emergency Permit Case No. 23EMP-00007, approved by the Director of Planning & Development on May 19, 2023, which authorized the clean-up and maintenance of the existing access road at the end of Tunnel Road; and
- b) 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.

Summary Text:

This Board item is a report on Southern California Edison's Emergency Permit for work in Mission Canyon following the 2023 winter storms. 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 standard permit requirements of the LUDC and issue an Emergency Permit when an emergency action is warranted. Section 35.82.090.I of the LUDC requires the Director of P&D to report in writing to the

Board of Supervisors the nature of the emergency and the work involved. This report satisfies this requirement.

The nature of the emergency in this instance is that following the 2023 winter storms, the Tunnel Trail access road was dangerous and impassable due to debris and road damage from the storms. Immediate repair to the access road was necessary in order for Southern California Edison (SCE) to conduct inspections, maintain critical electrical infrastructure, and maintain reliable power in the community.

Discussion

The access road and trail is located at the end of Tunnel Road. The lower portion of the access road is also used by hikers to connect to the Jesusita Trail and visit Inspiration Point. The access road forks from the route to Inspiration Point and is called the Mission Canyon Catway where it leads up to the SCE electrical infrastructure. During the January and February 2023 storms, soil and debris fell onto the access road and trail, making access dangerous and impassable for vehicles and equipment. The Tunnel Trail access road provides access to critical infrastructure including a 66kV transmission line that is part of a network that serves approximately 82,700 metered SCE customers in Goleta, Carpinteria, and Santa Barbara County. Access to the transmission line via the Tunnel Trail access road is critical to maintain reliable electricity and address demand during emergency conditions.

The scope of the emergency work was limited to the repair of the roadway that was immediately necessary to repair access to the transmission structures. Repair work included cleaning up rock fall debris, filling in road ruts, repair of existing berms near existing drains, and use of a rock crusher to break down the rock and soil material. No new drains, berms, or substantial grade modifications were included in the proposed project.

SCE contacted the County in February to discuss the nature of the project and emergency conditions. The Director of P&D authorized the emergency work to begin on February 22, 2023. Mobilization began on March 3, 2023, with a Parking Plan, Traffic Control Plan, and Erosion and Sediment Control Plan in place. The Emergency Permit was issued by the Director on June 1, 2023, and the cleanup and maintenance work was completed on Friday, May 26, 2023.

Pursuant to the LUDC Section 35.82.090, a notice was mailed to surrounding property owners and the Mission Canyon Association on April 28, 2023. Public comment by phone, email, and mail was accepted up until the date of a decision on the Emergency Permit project. P&D received public comment from Marc Chytilo, a resident of Mission Canyon and part of the organization The Friends of Mission Canyon. Mr. Chytilo expressed concern about the cumulative effect of projects in the area including the trail closure, potential impacts to biological resources, and potential erosion/sedimentation issues. The CEQA Exemption for emergency action (CEQA Guidelines Section 15269) does not require an analysis of cumulative impacts. However, future SCE projects in this location requiring environmental review will include a cumulative analysis that takes this work into account. Staff worked with SCE to limit the project to the existing road prism to reduce any impact to biological resources. Some vegetation that was overgrowing the roadway was trimmed or cut back, but no trees or resources were removed outside of the roadway. In addition, the applicant included an Erosion and Sediment Control Plan that implemented storm water best management practices in order to reduce erosion during construction. Mr. Chytilo was also concerned that work may occur outside of SCE's easement. Staff reviewed the easement language and project plans to ensure that the work was contained within the easement area. Staff also received a

call from Lamara Heartwell, a neighbor in Mission Canyon, who asked that work not be allowed on weekends. However, due to the emergency nature of the project, emergency repair work was required to occur on weekends in order to address the situation in a timely manner and to reduce the total trail closure timeframe.

Pursuant to Section 35.82.090.F of the LUDC, an Emergency Permit does not constitute an entitlement, and an application for the applicable planning permit must be submitted within 30 days following the issuance of the Emergency Permit. A Land Use Permit (LUP) is required in order to permit the work described in the Emergency Permit. The applicant submitted a LUP application on Friday, June 23, 2023, and that permit is currently in process.

Issuance of the Emergency Permit was consistent with the LUDC, as the action provided an immediate response to an emergency situation in the interest of health, safety, and public welfare. SCE owns, operates, and maintains electrical infrastructure that serves the South County community, and maintaining access to this equipment is critical to ensuring that they provide safe and reliable electrical service to the community. P&D granted the Emergency Permit based on the statutory exemption identified in CEQA Guidelines Section 15269(c) due to a critical need by SCE to access and maintain electrical infrastructure that serves the South County of Santa Barbara. A copy of the filed CEQA Notice of Exemption is included herein as Attachment 2. The Board's receiving and filing of this report is an administrative action under State CEQA Guidelines Section 15378(b)(5) that does not constitute a separate project for purposes of environmental review.

Fiscal and Facilities Impacts:

Budgeted: Yes

County staff costs for preparing the Emergency Permit are reimbursed by the applicant in conformance with the current Board-adopted fee ordinance. The estimated total cost to process this emergency permit is approximately 35 staff hours, which equates to \$9,870. Funding for this project is budgeted in the Planning and Development Department's Permitting Budget Program as shown on page 313 of the County of Santa Barbara Fiscal Year 2023-24 Adopted Budget. Future permitting costs associated with this project will be borne by the applicant.

Attachments:

1. Emergency Permit 23EMP-00007
2. CEQA Notice of Exemption – Section 15269(c)
3. Project Plans
4. Parking Plan
5. Erosion and Sediment Control Plan

Authored by:

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cc: Southern California Edison, Attn: Jason Carson, 26100 Menifee Road, Romoland, CA 92585