



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: 4/4/17
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Glenn Russell, Ph.D., Director (805) 568- 2085
Director(s)
Contact Info: Jeff Wilson, Deputy Director (805) 568-2518
SUBJECT: El Capitan Canyon Grading Emergency Permit

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: No

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Receive and file this report on Emergency Permit 17EMP-00000-00001, which authorized excavation to create positive flow in the El Capitan Creek which was obstructed by debris and boulders from the storm of January 20, 2017. A copy of the Emergency Permit is included herein as Attachment A;
- b) Determine that issuance of the emergency permit is exempt from the California Environmental Quality Act (CEQA) pursuant CEQA Guidelines section 15269(c), as this action was necessary to prevent or mitigate an emergency as specified in Attachment B 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.

Background

The El Capitan Campground, which flanks El Capitan Creek, has been in continuous operation on the Gaviota Coast since its inception in 1970. The subject property is zoned AG-II-100 and shown as

Assessor's Parcel Number 081-230-036 et al., located at 11560 Calle Real on the Gaviota Coast, Third Supervisorial District.

On June 2, 2004, the Planning Commission approved 01CUP-00000-00096 which incorporated the then vested rights of the campground and organized and improved the then future campground operations to minimize environmental impacts to El Capitan Creek. The campground has operated under this CUP, as modified over the years to accommodate new development, such as new Area F campground facilities, since that time.

On January 20, 2017, a severe winter storm caused mudflows upstream of the campground which filled the streambed with debris and boulders causing storm waters to divert from their standard channel and flood the campgrounds, endangering campers, and causing physical damage to the campground facilities.

On February 2, 2017, the County issued an Emergency Permit to Roger Himovitz, the campground owner, to allow for excavation of the debris and boulders in the creek to recreate positive flows through the creek channel and to the ocean thereby abating concerns about public safety and private property damage. This Board letter reports on the Emergency Permit.

Summary Text:

Section 35-171.2 of the Article II Coastal Zoning Ordinance authorizes the Director of the Planning and Development Department (P&D) to temporarily defer standard permit requirements of the Coastal Zoning Ordinance and issue an Emergency Permit when emergency action is warranted. Section 35-171.6 of the Article II Coastal Zoning Ordinance requires the Director to submit a written report describing the nature of the emergency and the work involved to the Board of Supervisors after issuing an Emergency Permit. This notification fulfills the ordinance requirements.

On January 20, 2017, the County of Santa Barbara witnessed an extreme storm event which caused landslides in the area upstream of El Capitan Canyon Campground. As a result, El Capitan Canyon Creek was filled with debris causing flooding and damage to the campgrounds. Positive flow to the ocean was interrupted. Emergency Permit 17EMP-00000-00001, authorized the removal of debris and boulders from the lower creek area, from approximately the existing El Capitan Canyon Creek culvert at Highway 101 to the coastal zone boundary.

P&D issued the subject Emergency Permit on February 2, 2017. On February 2, 2017, pursuant to Article II, Section 35-171.6.1, the California Coastal Commission staff was notified, in writing, of the issuance of the Emergency Permit. Pursuant to Article II, Section 35-171.5.1, a notice was mailed to surrounding property owners and residents, and three (3) notices were posted at the campground.

Pursuant to Article II Coastal Zoning Ordinance Section 35-171.5.3, an Emergency Permit does not constitute an entitlement to development. Section 35-171.5.3 requires an application for a Coastal Development Permit and any discretionary permit no later than 30 days following the granting of an Emergency Permit. On February 24, 2017, P&D received a request to extend the timeframe needed to submit a follow on Coastal Development Permit as a result of increased damage from the storm of February 17, 2017 and the resulting need to reexamine the extent of development needed to stabilize the

situation. P&D authorized that time extension on February 28, 2017 to extend to April 15, 2017, the nominal end of the rainy season.

Issuance of the Emergency Permit is consistent with the Coastal Land Use Plan and the Article II Coastal Zoning Ordinance, 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(c)) due to the need to prevent or mitigate the potential emergency of further flooding along El Capitan Creek that could endanger people in the vicinity and cause further damage to the Campground facilities. A copy of the CEQA Exemption is included herein as Attachment B.

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. Permit revenues are budgeted in the Permitting budget program on page D-289 of the adopted 2016-2018 fiscal year budget. The fixed fee for an Emergency Permit is \$2,673.74. Future permitting costs will be paid by the applicants.

Attachments:

Attachment A: Emergency Permit 16EMP-00000-00006 (with Site Plans)

Attachment B: CEQA Exemption Supporting Emergency Permit

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

CC: Coastal Program Analyst, California Coastal Commission, 89 S. California St #200, Ventura, CA 93001

Authored by: Anne Almy