



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: 12/12/17
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: Emergency Road Repair-Cojo Bay Road Emergency Permit
Case No. 17EMP-00000-00011, Gaviota Area, Third Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Receive and file this report on Emergency Permit 17EMP-00000-00011, which authorized the replacement in kind of two culverts and the associated grading required to repair the slope along approximately 120 feet of road shoulder at 10,000 Cojo Bay Road. 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 to 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 subject property is zoned AG-II-100, identified as Assessor's Parcel Number 083-600-016 and located at 10,000 Cojo Bay Road in the Gaviota Area, Third Supervisorial District. The property is used for cattle ranching. Cojo Bay Road is a private road that extends from Jalama Road southward to near Point Conception and Government Point, thence eastward to the Ranch's headquarters and the property's eastern boundary where it borders Hollister Ranch. Cojo Bay Road is the primary paved road serving this portion of the Ranch, and also provides the U.S. Coast Guard and U.S. Air Force access to their leased facility at Point Conception.

In January and February of 2017, a series of storms resulted in runoff that washed out two culvert areas on Cojo Bay Road and caused road shoulder failure between these culverts. On October 6, 2017, the County issued an Emergency Permit to Remington Parcels LLC, the property owner, to allow for the excavation and repair of the slopes and drainage culverts. 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 September 1, 2017, an application for an Emergency Permit was submitted to repair two culverts and intervening road shoulder which were severely damaged by erosion resulting from winter storms in 2017. As a result of the storm damage, the road can no longer safely support heavy equipment and vehicles, creating an emergency situation requiring more immediate action than the customary permit procedures would accommodate. Failure to immediately repair these areas could lead to increased erosion and road failure, rendering large areas of the property inaccessible to both ranch personnel and federal lease-holders of the facility at Point Conception. Both the Air Force and the Coast Guard have requested immediate action to repair the road to maintain safe access and allow timely emergency response to the adjacent property to the east.

P&D issued the subject Emergency Permit on October 6, 2017, authorizing the in-kind replacement of two failed drainage culverts and associated grading required to stabilize the failed road shoulder between the culverts. Pursuant to Article II, Section 35-171.2, a notice was mailed to surrounding property owners and residents, and three (3) notices were posted at the subject property.

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. The follow-on Coastal Development Permit was submitted on November 3, 2017.

Issuance of the Emergency Permit is consistent with the Local Coastal Plan and Article II, 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 restore heavy equipment and vehicle access to the portions of the ranch accessed by the compromised roadway and to prevent or mitigate the potential emergency of further road failure that could endanger. 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-286 of the adopted 2017-2019 fiscal year budget. The fixed fee for an Emergency Permit is \$2,673.24. Future permitting costs will be paid by the applicant.

Attachments:

Attachment A: Emergency Permit 17EMP-00000-00011 (with Site Plans)

Attachment B: CEQA Exemption Supporting Emergency Permit

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

Authored by: Joyce Gerber, Planner (805) 568-3518