



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: 08/29/2017
Placement: Set Hearing
Estimated Tme: 10 minutes on 09/12/2017, Departmental

Continued Item: No

If Yes, date from:

Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director Dr. Glenn Russell, PhD, Director, (805) 568-2085
Contact Info: Steve Mason, Assistant Director, (805) 568-2070
SUBJECT: Amendments to Chapter 14, Grading Code

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: N/A

Recommended Actions:

On August 29, 2017, that the Board of Supervisors set a hearing for September 12, 2017 to:

- a) Approve the introduction (first reading) of an Ordinance, amending Chapter 14 of the Santa Barbara County Code, Grading Code, to clarify the 50 cubic yard exemption and add language to the definition of compaction to exclude compaction as a factor in the calculation of grading;
- b) Read the title of the Ordinance and waive full reading of the Ordinance; and
- c) Continue the hearing to the Administrative Agenda of September 19, 2017 to:
 - i. Consider and approve the adoption (second reading) of an Ordinance amending Chapter 14 of the Santa Barbara County Code, Grading Code, to clarify the 50 cubic yard exemption and add language to the definition of compaction to exclude compaction as a factor in the calculation of grading; and
 - ii. Determine that this ordinance amendment and resolution are exempt from the California Environmental Quality Act pursuant to CEQA Section 15061(b)(3), because there is no

possibility that the action in question may have a significant effect on the environment (Attachment E).

Summary Text:

This agenda item introduces and schedules a public hearing for September 12, 2017 for the amendments to Chapter 14 of the Santa Barbara County Code, Grading Code that will clarify the permit exemption for grading of less than 50 cubic yards, and add language to the definition of compaction to exclude compaction as a factor in the calculation of grading.

BACKGROUND:

The Santa Barbara County Grand Jury report titled Santa Barbara County – Grading Code, Where the Dozer Meets the Dirt, Poorly Defined and Unevenly Enforced, investigated a variety of subject areas of grading operations in Planning and Development. In the Board’s response to the Grand Jury’s report, (Attachment D), amendments to the Grading Code were proposed to address three findings in the report.

Findings numbered 1 and 4 of the report relate to provisions in the Grading Code that exclude grading of less than 50 cubic yards from a permit. The Grand Jury noted that there was no time frame for this exemption, which could conceivably allow multiple grading operations of less than 50 cubic yards to avoid obtaining a permit for a grading of more than 50 cubic yards.

While Planning and Development staff has not observed an instance where multiple < 50 cubic yard grading operations were occurring to bypass the permit requirement, staff is recommending additional language to clarify the exemption in the Grading Code. The proposed language in underline below further defines this exemption to exclude multiple grading operations less than 50 cubic yards, regardless of timing for the purposes of bypassing the need for a grading permit. Agricultural grading provisions will not be affected by this change.

Sec. 14-6. - Scope; general regulations.

- (a) Except as herein provided or exempted elsewhere in this chapter, these regulations, including the incorporation of relevant best management practices, shall apply to all new grading, excavations, fills, non-agricultural land disturbance, erosion and sediment control measures, drainage devices, cuts, borrow pits, stockpiling, compaction of fill, and land reclamation projects on privately owned land where the transported amount of materials individually for any of the abovementioned operation(s) (I) exceeds fifty cubic yards, **except where multiple operations less than fifty cubic yards are undertaken to achieve a specific purpose that in total exceed fifty cubic yards and would otherwise require a grading permit**; (II) causes a cut or fill which exceeds three feet in vertical distance to the natural contour of the land; (III) cause any changes in elevation to the natural contour within the watercourse/drainageway setback, regardless of volume moved; (IV) disturb an area of land in excess of that outlined in section 14-9.2b of this chapter. Agricultural grading, whether exempt or required to be permitted hereunder, is not subject to NPDES Phase II storm water regulations or the local storm water requirements imposed by this chapter. No work subject to the provisions of this chapter shall be commenced, maintained or completed, in violation of these regulations. These regulations shall also apply to native oak tree removal that is subject to the guidelines for native oak tree removal in Appendix A to this chapter.

Finding 5 of the report stated that the degree of soil compaction is not addressed in the calculation of grading for exemptions. The Board’s response to this finding stated that the Grading Code would be

amended to exclude compaction as a factor in the calculation of grading. Below in underline is the proposed change to Sec. 14-7. – Definitions:

Compaction. The densification of a fill by mechanical means. **Compaction is not a factor in the calculation of cubic yardage for cut or fill.**

Fiscal and Facilities Impact:

Costs associated with the amendment of Chapter 14 and the preparation of this report are included in the Permitting program on page D-289 of the adopted 2017-2019 budget for Planning and Development. There are no facilities impacts.

Special Instruction:

1. The Clerk of the Board shall publish notice and a summary of the proposed ordinance in a newspaper of general circulation in the County of Santa Barbara once at least 5 days prior to the first reading.
2. The Clerk of the Board shall publish within 15 days of passage of the ordinance, a summary of the ordinance in accordance with Government Code section 21524(a).
3. The Clerk of the Board shall send a copy of the signed and numbered ordinance and minute order to the Planning & Development Department, attention Massoud Abolhoda.

Attachments:

- A. Ordinance amending Chapter 14, Grading Code (strikethrough version)
- B. Ordinance amending Chapter 14, Grading Code (clean version)
- C. Current Chapter 14 of the Santa Barbara County Code, Grading Code
- D. Board Response to Grand Jury Report
- E. CEQA Exemption Notice

Authored by:

Steve Mason, Planning and Development