

CHAPTER 14 OF THE COUNTY CODE

GRADING 05ORD-00000-00010

Sec. 14-6. Scope; general.

(a) Except as herein provided, these regulations, including the incorporation of relevant Best Management Practices, shall apply to all new grading, excavations, fills, 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, exceeds fifty (50) cubic yards; or the cut or fill exceeds three (3) feet in vertical distance to the natural contour of the land. 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 ordinance. No work subject to the provisions of this chapter shall be commenced, maintained or completed, in violation of these regulations.

Notwithstanding these regulations, no person shall cause or allow a significant environmental impact to occur as a result of new grading as defined herein, including grading that is otherwise exempt from these regulations. In the event that the Director determines that a significant environmental impact is likely to occur or has occurred as a result of new grading, the Director may deny or revoke a grading permit and a land use permit for such grading. If necessary, the Director may also require grading and land use permits for work that is otherwise exempt from these regulations in order to address the significant environmental impact identified.

The term “grading,” for purposes of this chapter, shall not include [the following](#):

(1) surface mining or quarrying operations (including the extraction and stockpiling of excavated products and the reclamation of mined lands) carried out under a vested rights determination, or under a permit or reclamation plan approval issued pursuant to the county’s surface mining and reclamation (SMARA) ordinances. The county’s surface mining and

Deleted: 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 Ordinance.

Deleted: Native oak tree removal of protected and unprotected size, as defined in Appendix A, that is subject to and performed consistent with the Guidelines for Native Oak Tree Removal as set out in Appendix A to this Ordinance is not subject to the significant environmental impact clause above. All other oak tree removal that involves grading is still subject to the requirements of this Ordinance.¹

reclamation ordinances contain provisions for the imposition of appropriate engineering and geologic standards and other environmental mitigation requirements for surface mining permits and reclamation plans, together with associated fees payable to the Director.

[\(2\) Native oak tree removal exempt from or subject to the Oak Tree Protection and Regeneration Ordinance, found in Article IX of Chapter 35 of the Santa Barbara County Code. All other oak tree removal that involves grading is still subject to the requirements of the ordinance.](#)¹

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(b) Aside from areas designated as open space on the Orcutt Community Plan Open Space Areas Map, these regulations shall not apply to the following exceptions:

(1) The stockpiling of rock, sand, aggregate involved in the construction of a building authorized by valid county building permit, as appear on approved plans;

(2) Excavation and fill of trenches for utility lines not exceeding twenty-four (24) inches wide or an average of five (5) feet deep, or holes for utility poles or anchors and minor grading accessory thereto;

(3) Excavation and fill of trenches for maintenance and repair of existing oil and natural gas transmission lines, within established petroleum producing areas, but not within two hundred feet of an exterior boundary of a petroleum producing area, or within two hundred feet of any residential development including three or more housing units, or for any amount of grading in excess of five hundred cubic yards of material;

(4) The initial excavation and fill necessary to effect such temporary repair or maintenance of oil and gas and utility lines (located outside of an existing oil producing area) as can be completed within seven days of commencement where such excavation or fill does not exceed a total of one hundred cubic yards of material and where all work is protected, as may be required, by a safety fence or other similar protective device;

(5) Temporary holes or trenches for geological, geotechnical and archeological exploration, not exceeding one hundred cubic yards of material, where such holes or trenches are protected by a safety fence meeting Occupational Safety and Health Agency standards;

(6) The excavation of material below finished grade for tanks, vaults, basements, swimming pools, bomb shelters or footings of a building or structure where such excavation is authorized and under the provisions of a valid county building permit;

(7) The excavation or deposit of earth materials within a property dedicated, used, or to be used, for cemetery purposes, except where such grading is intended to support structures or affects natural drainage patterns;

(8) The maintenance and construction work within the prescribed easements of the Santa Barbara County Flood Control and Water Conservation District;

(9) The digging of trenches or holes for utility poles and anchors, or underground electric and natural gas vaults that do not exceed fifty (50) cubic yards in volume, by public companies within their easements and that are regulated by the California Public Utilities Commission.

(c) The digging of trenches or holes under the specific authority of a public agency within their prescribed easements and not exempt under subsection (b)(3) of this section will be subject to a plan review for determination of whether a full grading permit will be necessary. Such plan review shall include an evaluation of environmental and accepted engineering practices. (Ord. No. 3937, § 1; Ord. No. 4100, § 1; Ord. No. 4278, § 1; Ord. No. 4477, § 1; Ord. No. 4491, § 1)

Sec. 14-7. Definitions.

The following definitions pertaining to grading and erosion control shall apply to the interpretation and enforcement of this chapter.

Director. Director of the Department of Planning and Development for the County of Santa Barbara, or authorized representative.

Deleted: For the purposes of native oak tree removal, the director may be either the Agricultural Commissioner or the Director of Planning and Development or their authorized representatives.

Sec. 14-8. Grading for agricultural practices.

(a) The county recognizes the importance of agriculture and shall provide for protection and conservation and the promulgation of safe and environmentally sane earthwork practices. Therefore, grading for the production of food and fiber, the growing of plants, the raising and keeping of livestock incidental to agriculture shall be exempt as provided in this chapter. Such agriculturally associated earthwork as grading for recognized, normal and usual agricultural practices to prepare a field for a crop or range improvement, including such harrowing, disking, ridging, listing, fire breaks, chaining, maintenance of existing agricultural roads, and construction of support roads on land with a natural gradient of less than thirty percent, and similar practices which provide prudent measures for erosion control, and which conform to the

recommendations of guidelines made or promulgated by the Santa Barbara County Agricultural Advisory Committee is exempt. Agricultural leveling, pursuant to normal and usual agricultural practices, which does not result in any cut or fill which exceeds, at any point, three (3) feet from the natural contour of the surface of the land, and which conforms to recommendations or guidelines made or promulgated by the Santa Barbara County Agricultural Advisory Committee is also exempt. In order to qualify for exemption under the provisions of this subdivision, the grading must be conducted upon a parcel or contiguous parcels of land exceeding twenty acres in size under one ownership upon which crops are grown or livestock is raised. In addition, the property must be in an agriculturally zoned district and/or land use designation with no other special overlay district or designation, as shown on the adopted county zoning maps or comprehensive plan land use maps.

~~(b) Agricultural grading not exempt under subsection (a) of this section on slopes with a natural gradient over thirty percent and where earthwork exceeds fifty (50) cubic yards in volume and/or when excavation and fills are made in excess of three (3) feet in vertical distance to the natural contour shall require an erosion control permit for agriculturally associated grading such as:~~

Deleted: Native oak tree removal associated with the agricultural practices listed above that is subject to and complies with the Guidelines for Native Oak Tree Removal set forth in Appendix A to this Ordinance is exempt unless a Grading Permit is required under Subsection (c) below. ¶

- (1) Grading to establish any new agricultural road, as defined in this chapter;
- (2) Terracing and leveling where the cut or fill slope exceeds three (3) feet in depth or height.

Note: The Director may waive the requirements for the issuance of an erosion control permit if the proposed grading meets the departmental regulations for erosion control permit waiver.

(c) Agricultural grading for the following projects and including the following practices is not exempted under subsections (a) and (b) of this section, and shall comply with all other provisions of this chapter.

- (1) Excavation or fill upon which a building which requires a county building permit is to be supported;
- (2) The entire length of any access driveway from an existing road to any building which requires a county building permit or site for such building;
- (3) The grading is in excess of fifty (50) cubic yards within two hundred (200) feet of any exterior property line;

(4) Grading for areas which are to be used for commercial wholesale or retail nursery operations, or grading for the construction of greenhouses, commercial shade structures, or buildings for which a county building permit may otherwise be required;

(5) Grading for horse training facilities, horse tracks, arenas, polo fields, or commercial horse breeding facilities;

(6) Grading within fifty (50) feet of the top of the bank of any stream, creek or natural watercourse;

(7) The construction of water impounding structures of earth (which are not under the direct control of the State of California or the federal government) where the maximum depth to which water may be impounded is five (5) feet or more where one (1) acre-foot or more of water will be impounded, and is located within two hundred (200) feet of the property line;

(8) Grading on agricultural land on slopes over thirty percent which does not meet the departmental regulations for an erosion control permit waiver and which is not deemed appropriate by the Agricultural Advisory Committee, or any grading where there is potential for significant environmental damage. The significant environmental damage clause does not apply to native oak tree removal exempt from or subject to the Oak Tree Protection and Regeneration Ordinance, found in Article IX of Chapter 35 of the Santa Barbara County Code. All other oak tree removal that involves grading is still subject to the requirements of this Section.³;

Deleted: of protected and unprotected size, as defined in Appendix A, that is subject to and complies with the Guidelines for Native Oak Tree Removal in Appendix A to this Ordinance
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(9) Agriculturally associated grading within five hundred (500) feet of any urban boundary line. (Ord. No. 3937, § 1; Ord. No. 4477, § 1; Ord. No. 4491, § 4; Ord. No. 4491, § 5)

³ "All other oak tree removal" refers to removal of oaks in the urban areas and in zone districts in rural areas that are not subject to Article IX. Article IX applies to Agriculture I, Agriculture II, Mountainous Goleta, and Resource Management zone districts of Article III of Chapter 35 of the Santa Barbara County Code; Agriculture I and Resource Management zone districts of Article IV of Chapter 35 of the Santa Barbara County Code; and Unlimited Agriculture, Exclusive Agriculture, Watershed Agriculture, General Agriculture, Intensive General Agriculture, and Limited Agriculture zone districts of Article V of the Santa Barbara County Ordinance 661.

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Grading Ordinance Guidelines for
Native Oak Tree Removal
(Ord. No. 4491, §6)