



**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: October 19, 2010
Placement: Set Hearing
Estimated Time: 45 min on 11/2/2010
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director Dr. Glenn Russell, Director : Ph.D, (805) 568-2084
Contact Info: Mike Zimmer, Building Official, (805) 568-3120
SUBJECT: Amendments to Chapter 14 of the Santa Barbara County Code; Grading Ordinance

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 set hearing for November 2, 2010 to:

1. Find that the adoption of this ordinance is categorically exempt from the California Environmental Quality Act in compliance with Section 15307 (Actions by Regulatory Agencies for Protection of Natural Resources) and Section 15308 (Actions by Regulatory Agencies for Protection of the Environment), of the Guidelines for Implementation of CEQA (Attachment A);
2. Consider the introduction (first reading) of an ordinance amending Chapter 14 of the Santa Barbara County Code relating to grading, drainage, erosion, sediment and pollution control regulations and permitting; and
3. Set for November 9, 2010 the adoption (second reading) of an ordinance amending Chapter 14 of the Santa Barbara County Code relating to grading, drainage, erosion, sediment and pollution control regulations and permitting.

Summary Text:

As a result of an audit by the Regional Water Quality Control Board (RWQCB) the Grading Section of the Planning and Development Department is proposing modifications to the grading ordinance to address water quality concerns related to building and grading construction, large landscaping projects (> 1 acre) or land disturbance near a watercourse or drainage way. This will be accomplished through proposed regulations in sections 14-6 (Scope; General Regulations), 14-7 (Definitions) and 14-9.2 (Pollution, Sediment & Erosion Control Permits, Applications and Inspections). The proposed

amendments will NOT alter the current agricultural grading or erosion control permit regulations, although, minor amendments are proposed to clarify the application of the existing regulations. Additionally, some minor code update items are proposed, including revising grading standards, enforcement clarifications, appeal processes and administrative items.

In response to the RWQCB's audit and recommendation to make changes to Santa Barbara County's grading Code to protect water quality, the Building and Safety Division is proposing to expand the scope and application of the grading code to include permit requirements for non-agricultural land disturbances. All grading permits currently require pollution, sediment and erosion control plans as part of the grading plan. The new Pollution, Sediment and Erosion Control permit requirements as proposed in the amendments to the County Grading Code will apply to non-agricultural land disturbances where grading permits would not be required.

The proposed amendments would require a "Pollution, Sediment and Erosion Control" permit for any non-agricultural land disturbance whenever one (1) acre or more of land is disturbed; or if more than 5000 square feet of land is disturbed on slopes greater than 30 percent; or if more than 5000 square feet of land is disturbed within 50 feet of any watercourse or drainage way. There is an exception for land disturbance that is less than one (1) acre on slopes greater than 30 percent and within 50 feet of a drainage way if the work is performed outside the rainy season (November 1 – April 15) provided the area is re-stabilized by November 1st. However, disturbances greater than 5,000 square feet within 50 feet of a watercourse (creek, stream, river, etc.) require permits year round.

The Building and Safety and Project Clean Water Divisions have met with a representative from the RWQCB and discussed the proposed changes to the Grading Ordinance. The RWQCB representative indicated that we have adequately addressed their concerns with the proposed changes to the Grading Ordinance.

The Building and Safety Division held two (2) public workshops in Santa Barbara and two (2) public workshops in Santa Maria, to provide an opportunity for stakeholders to review and comment on the proposed amendments to the Grading Code. In addition, copies of the proposed amendments to the Grading Code have been posted on the Building and Safety web site since June 9, 2010. Building and Safety also met with the Building Industry Advisory Group and the Agricultural Advisory Committee.

Background:

The Building and Safety Division enforces the regulations in Chapter 14 of the Santa Barbara County Code which includes grading in excess of 50 cubic yards and erosion and sediment control measures for all grading projects. The proposed amendments are primarily aligned with Goal No. 2: A safe and healthy community in which to live, work, and visit.

Fiscal and Facilities Impacts:

The cost of preparing these amendments is approximately \$ 5,700.00. Funding for this work is provided in the Planning and Development adopted FY 2010-11 budget listed in the Building and Safety Division on page D- 338. Costs associated with implementation of these ordinance changes are offset with permit revenues.

Special Instructions:

Direct the Clerk of the Board to notice the proposed ordinance amendments in a newspaper of general circulation in the County of Santa Barbara; once at least 5 days prior to the first reading and again in accordance with section two of the ordinance within fifteen days after its passage

Attachments:

- A: CEQA exemption notice
- B: Amended Grading Code reflecting final language
- C: Current Grading Code strikeout showing additions and deletions

Authored by:

Jeff Thomas, Supervising Building Inspector

cc:

Dianne Black, Director, Development Services
Steve Mason, Deputy Director Administration
Kevin Ready, Senior County Counsel