



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 East Anapamu Street, Room 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Planning & Development,  
Public Works  
**Department No.:** 053  
**For Agenda Of:** 8/10/2010  
**Placement:** Administrative  
**Estimated Tme:**  
**Continued Item:**  
**If Yes, date from:** No  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Glenn Russell, Ph.D. Director, Planning & Development (805.568.2085)  
Scott McGolpin Director, Public Works (805.569.3010)  
Contact Info: Mike Zimmer, Building and Safety Manager (805.568.3120)  
Joy Hufschmid, Project Clean Water (805.568.3373)  
**SUBJECT:** In Progress Report on Changes to the Grading Ordinance Addressing Regional Water Quality Control Board Comments on County's Implementation of the County's NPDES Permit

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**County Counsel Concurrence**  
As to form: N/A

**Auditor-Controller Concurrence**  
As to form: N/A

**Other Concurrences:** N/A

**Recommended Actions:**

That the Board of Supervisors:

- A. Receive a report from the Planning and Development and Public Works Departments regarding in progress changes to the Grading Ordinance to address the Audit findings on the County's implementation of the NPDES permit by the Regional Water Quality Control Board.

**1.0 BACKGROUND**

The County's Storm Water Management Program (SWMP), submitted in fulfillment of the NPDES Municipal General Permit requirements (Water Quality Order No. 2003-0005-DWQ), was approved by the Central Coast Regional Water Quality Control Board (RWQCB) in 2006. The submitted SWMP plan describes how the County will establish and implement a range of Best Management Practices (BMPs) covering six minimum control measures designed to maintain and improve water quality as mandated by the Clean Water Act. These six minimum control measures are:

- Public education and outreach,
- Public involvement and participation,
- Illicit discharge detection and elimination,
- Construction site storm water runoff control,
- Post construction storm water management, and

- Pollution prevention and good housekeeping for municipal operations.

The County submitted its Year 2 Annual Report to RWQCB in September 2007. The purpose of the Annual Report is to provide a summary of the County's storm water management activities, assess the effectiveness of the SWMP and its compliance with the General Permit, and summarize the storm water management activities that the County plans to undertake during the next reporting cycle. This report recommended a number of improvements to the existing County Program to reduce pollutants in storm water runoff from construction activities, including revisions to the Grading Code.

The RWQCB responded with a review of the Annual Report in April 2009. The RWQCB was generally pleased with the report, noting that the County had implemented the majority of the BMPs scheduled for Year 2 of the General Permit. In addition the RWQCB required the County to submit an Addendum to the Annual Report by September 15, 2009 to address violations that needed to be corrected, required improvements to the SWMP, and other suggestions. Requirements included revisions to the County Grading Code, in Year 4 of the permit, or FY 2009-10 to make the code consistent with the Central Coast Basin Plan. Issues that need to be addressed in the Grading Code include definitions of watercourses, provisions for riparian and watercourse protection, improved enforcement tools, and performance bond requirements.

The County amended the Year 2 Annual Report with an addendum, which was submitted to the RWQCB in September 2009 with a commitment to revise the Grading Code. During fall, 2009 P&D, Building and Safety Division developed a Project Charter to accomplish the Grading Code changes. Charter activities, including drafting of code changes and public outreach, have been carried out over the course of the last seven months. The current draft ordinance is attached.

In letter dated June 16, 2010, RWQCB responded to the September 15, 2009 County Addendum. Their review identified a number of necessary improvements and corrective actions and required the County to submit a revised addendum to the RWQCB by August 16, 2010 to address those issues. The June 16, 2009 letter also reiterated the need to revise the Grading Code and directed the County to include draft code changes for RWQCB review in the August 16, 2010 revised addendum.

## **2.0 DISCUSSION/ANALYSIS**

Public outreach on the proposed Grading Code changes continues as staff prepares to submit the revised Addendum to the RWQCB. Public workshops were conducted in the south and north County in June 15<sup>th</sup> and June 17<sup>th</sup>. The Agricultural Advisory Committee (AAC) was briefed on July 7, 2010 and designated a five member subcommittee to review proposed changes to Grading Ordinance and provide input to County staff. This committee is scheduled to meet with County staff on August 2, 2010 to provide additional input. It is anticipated that the Grading Code revisions will be ready for Board of Supervisors' action in fall of 2010. It should be emphasized that this is currently a work in progress and this agenda item provides an opportunity to update the Board on the status of the effort and receive any input that the Board may have at this point in the process.

### **Fiscal and Facilities Impacts:**

Budgeted: Yes.

### **Fiscal Analysis:**

Work associated with the preparation of this report and the amendments the Grading Ordinance,

Chapter 14 of the County Code, is funded in the Permitting and Inspection Program of the Building Division on page D-338 of the adopted 2010-11 fiscal year budget. Implementation of the grading ordinance is funded through permit fees.

**Special Instructions:**

The Clerk of the Board will send a copy of the Minute Order to the Planning and Development Department, attention Noel Langle.

**Attachments:**

Draft of the Santa Barbara County Code Chapter 14 Grading

Authored by: Glenn Russell (805.568.2085)