

# Response to Santa Barbara County Grand Jury Report:

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Santa Barbara County Grading Code: Where  
the Dozer Meets the Dirt – Poorly Defined  
and Unevenly Enforced

# Report Summary

- Published May 5, 2016
- The Grand Jury found that the County Grading Code and the approval procedures include exemptions and practices that are ambiguous and subject to interpretation.
- The Board of Supervisors is named as a responder to Findings 1-7, as well as Recommendations 1-7.
- The complete Response to the Findings and Recommendations can be found on Attachment A

# Finding 1: Recommendation 1

- **Finding #1:** “...inconsistent in its enforcement of grading violations”.

The Board partially disagrees with the finding:

Staff have frequent communication regarding projects to ensure consistency but agree that the language can be clarified

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- **Recommendation #1:** “...review and revise the Grading Code, to ensure more consistent enforcement”.

The recommendation has not been implemented but will be implemented in the future:

P&D will bring amendments to the BOS to the Grading Code regarding grading permit exemptions in prior to the close of FY 2016-17.

## Finding 2: Recommendation 2

- **Finding #2:** “... no requirement for inspectors to investigate questionable grading activities unless a complaint is filed by a member of the community”.

The Board partially disagrees with the finding:

Code enforcement for Grading, Building and Zoning is complaint driven at the direction of the Board of Supervisors .

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- **Recommendation #2:** “That the BOS mandate P&D inspectors investigate all questionable grading activities that they observe, or become aware of by any other means”.

The recommendation will not be implemented because it is not warranted or is not reasonable:

Existing procedures provide for enforcement action in lieu of a complainant and it is not warranted to investigate every questionable grading activity observed.

## Finding 3: Recommendation 3

- **Finding #3:** “...Because the Code is vague in its definition of time frame, grading inspectors differ in their enforcement”.

The Board disagrees with the finding:

Grading permits expire in one year if work is not commenced. Work performed may not be suspended for more than 180 days.

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- **Recommendation #3:** “....BOS revise the Grading Code to further define its criterion and time frame”.

The recommendation will not be implemented because it is not warranted or is not reasonable:

Chapter 14-13 does specify time limits for the issuance and commencement of a grading permit.

## Finding 4: Recommendation 4

- **Finding #4:** “Code does not state how often an owner can move less than 50 cubic yards of earth, allowing movement of earth in multiple 49.9 cubic yard increments”.

The Board partially disagrees with the finding:

The Grading Code does not specify how frequent the exemption may be utilized for a given property; P&D does not interpret the Code to allow for grading in successive 49.9 cubic yard increments.

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- **Recommendation #4:** “...the BOS revise the Code to specify how many times less than 50 cubic yards of earth can be moved without a permit”.

The recommendation has not been implemented, but will be implemented in the future:

P&D will propose amendments to the BOS regarding exemptions in FY 2016-17.

## Finding 5: Recommendation 5

- **Finding #5:** “The Code does not state what degree of compaction is used in defining what constitutes 50 cubic yards of earth”.

The Board agrees with the finding:

The report correctly states the Code does not address soil compaction in the computation of grading volume.

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- **Recommendation #5:** “...the BOS mandate that P&D revise the Code, to define 50 cubic yards ..., as it applies to compaction”.

The recommendation has not been implemented, but will be implemented in the future:

P&D will propose amendments to the BOS regarding exemptions in FY 2016-17.

## Finding 6: Recommendation 6

- **Finding #6:** “...Development Code allows permit revisions, which can expand the scope of a permit without notice or review by adjacent property owners”.  
The Board partially disagrees with the finding:

The BOS disagrees that multiple permit revisions can expand the scope of the permit. The minor amendment criteria prevent substantial permit expansions.

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- **Recommendation #6:** “...BOS direct P&D to revise the Code to notify neighbors whenever they consider revisions on active projects”.  
The recommendation will not be implemented because it is not warranted or is not reasonable:  
Requirements in the Code provide sufficient protections to adjacent property owners.



## Finding 7: Recommendation 7

- **Finding #7:** “Differences between the Grading Code and local Community Plans regarding definition of slope cause inconsistent grading and enforcement”.

The Board disagrees with the finding:

The definition of slope in the grading ordinance is distinct from steep slope restrictions referenced in community plans.

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- **Recommendation #7:** “...the BOS direct P&D to establish internal policies which eliminate inconsistencies between the code and local Community Plans.

The recommendation will not be implemented because it is not warranted or is not reasonable:

Community Plans and the Code are not in conflict since they are used for different purposes.

## Recommended Actions:

- a) Consider and adopt responses in Attachment A as the Board of Supervisors' response to the 2015-2016 Grand Jury report entitled "Santa Barbara County Grading Code: Where the Dozer Meets the Dirt – Poorly Defined and Unevenly Enforced", Attachment B;
- b) Authorize the Chair to sign a response letter and forward the responses to the Presiding Judge of the Superior Court (Attachment A); and
- c) Determine pursuant to CEQA Guidelines 15378(b)(4) that the above actions are not a project subject to CEQA review, because it is a government fiscal activity that does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.