

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA AMENDING AND ADOPTING CHAPTER 9A OF THE COUNTY CODE AS THE BRUSH REMOVAL ORDINANCE OF THE COUNTY OF SANTA BARBARA

The Board of Supervisors of the County of Santa Barbara adopts and ordains the following changes to the Code of the County of Santa Barbara under authority of Section 7 of Article XI of the Constitution of the State of California.

The Board of Supervisors of Santa Barbara County amends and adopts Chapter 24A of the County Code of Santa Barbara County and ordains as follows:

SECTION ONE

CHAPTER 9A

BRUSH REMOVAL, SOUTHEASTERLY COASTAL AREA AND COASTAL ZONE

Sec. 9A-1. Purpose of chapter.

The purpose of these regulations is to regulate the removal of native brush, shrubs, trees and roots thereof within the southeasterly coastal area of the unincorporated territory of the County of Santa Barbara in order to prevent erosion damage, flood hazards and soil loss to lands in that area. The area of the county covered by these regulations as described therein is different from other areas of the County of Santa Barbara in that it consists largely of steep terrain where brush is often removed in areas adjacent to urban areas, in many cases upstream from residences and other urban uses, so that unless removal of the native brush, shrubs, trees and roots thereof is carefully controlled, the rapid runoff from torrential winter rainfalls is very likely to do substantial damage to the lands from which such vegetation is removed and other lands downstream therefrom because of severe erosion, flooding and soil loss. This has occurred previously on a number of occasions when extensive and uncontrolled wildfires in the foothill

and mountain areas have burned off the native vegetation and have been followed by intensive rainfalls, all of which have caused great and severe erosion, flooding and soil loss with substantial damage to property.

Sec. 9A-2. Definitions.

For the purposes of this chapter 9A, the following words shall have the following meanings:

"Coastal zone" means that land and water area of the County of Santa Barbara extending seaward to the state's outer limit of jurisdiction, including all offshore islands and extending inland to the boundary shown on the county's coastal land use plan maps, as amended from time to time.

"Major vegetation removal" means the removal of native vegetation, brush, trees or orchards involving a total of one-half acre of land or more within a period of twelve months.

"May" is permissive.

"Natural vegetation" means the native plants, shrubs, trees and roots thereof. It does not include any crops, ornamental plantings, fruit or nut trees.

"Parcel" means a contiguous quantity of land in the possession of, or owned by, or recorded as the property of, the same claimant or person, whether divided into lots or separate assessor's parcels or not.

"Person" means any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate or any other group or combination acting as a unit, and the plural as well as the singular number.

"Shall" is mandatory.

"Watersheds" means regions or areas drained by a network of surface or subsurface watercourses.

Sec. 9A-3. Severability.

If any portion of this chapter 9A or the application thereof to any person or circumstances is held invalid, the remainder of this chapter 9A and the application thereof to other persons or circumstances shall not be affected thereby.

Sec. 9A-4. Invalid exceptions.

Should any exception to the provisions of this chapter 9A be held invalid, such exception shall thereupon be deemed deleted from the ordinance.

Sec. 9A-5. Area covered.

No person shall remove, destroy or cause the removal or destruction of natural vegetation within the southeasterly coastal areas of the County of Santa Barbara described hereinafter without first obtaining written approval from the ~~development-building and safety~~ division of the department of ~~public-worksplanning and development~~. The area covered by this chapter 9A is the unincorporated area of the County of Santa Barbara bounded on the east by the boundary line between the counties of Santa Barbara and Ventura from the Pacific Ocean northerly to the crest of the Santa Ynez Mountains; on the north by the crest of the Santa Ynez Mountains from the said county boundary line westerly to the intersection with U.S. Highway 101; on the west along said U.S. Highway 101 from the crest of the Santa Ynez Mountains to the point where said U.S. Highway 101 turns from running northerly and southerly to run easterly and westerly and a prolongation of said northerly and southerly portion of said U.S. Highway 101 to the Pacific Ocean; and on the south by the Pacific Ocean easterly from said prolongation of said portion of U.S. Highway 101 to the boundary line between Ventura and Santa Barbara counties.

Sec. 9A-6. Exceptions.

The provisions of this Chapter 9A shall not apply to, and written approval shall not be required for:

- (a) Removal or destruction of vegetation on a parcel if limited to an area or areas not exceeding a total of five acres within any twelve-month period.
- (b) The removal or destruction of vegetation, performed, caused to be performed or required to be performed, by a fire prevention agency having jurisdiction under Chapter 15 of this

Code or otherwise, including, but not limited to, weed abatement, clearance around a building or structure, fuel breaks and fire breaks.

- (c) The removal or destruction of vegetation by public utilities on existing rights-of-way or property owned by such utility or on existing access rights-of-way to such utility rights-of-way or property.
- (d) The removal or destruction of vegetation on existing publicly owned rights-of-way for trails, roads, highways, streets, flood control projects or other similar or related public uses.
- (e) Controlled burns approved by the fire agency having jurisdiction.
- (f) The removal or destruction of vegetation by agricultural preparation methods known as "discing" or "rotary shredding" or chemical means or by hand tools, except that if the removal or destruction of vegetation is to occur on parcels zoned MT-GOL in compliance with Chapter 35 of the County Code, then this exception shall apply only if the removal or destruction is required to allow for the productive agricultural use of the property.
- (g) The removal or destruction of vegetation in connection with work performed under a grading permit issued pursuant to the provisions of Chapter 14 of this Code when the work includes precautionary measures to control erosion and flood hazards during the prosecution of such work, as well as upon completion thereof.

Sec. 9A-7. Application.

Prior to the removal or destruction of natural vegetation covered by this chapter 9A, the owner or person in control of a parcel, or the agent of either one, shall submit a written application on forms prescribed and provided by the ~~development-building and safety~~ division of the department of ~~public-works~~planning and development of the County of Santa Barbara, properly filled in.

Sec. 9A-8. Fees.

At the time of submitting the application, the applicant shall pay to the ~~public works~~planning and development director a fee. The amount of the fee shall be established by resolution of the board of supervisors.

Sec. 9A-9. Approval; conditions.

The ~~development-building and safety~~ division of the department of ~~public works~~planning and development shall approve the application when satisfied that the performance of the work will not be likely to create new or increase existing flood erosion or soil loss hazards, the required fee has been paid, and the proposed work conforms with the requirements of all applicable laws and rules and regulations adopted pursuant thereto.

In granting approval hereunder, the ~~development-building and safety~~ division of the department of ~~public works~~planning and development may impose such conditions thereon as are deemed reasonably necessary to avoid creating new or increasing existing flood erosion or soil loss hazards. These conditions may include, but shall not be limited to the following:

- (a) A requirement that certain protective structures or devices be installed in or adjacent to drainage courses to control downstream transportation of silt or debris;
- (b) The methods to be used in the removal or destruction of natural vegetation and the sequence of such operations;
- (c) A requirement that portions of the area cleared which are not necessary for prompt use for crops or trees or planted with approved grasses or other plants to provide protection against erosion damage.

Sec. 9A-10. Seasonal prohibition.

No clearing or removal of brush requiring written approval by this chapter shall be done from October 1 to March 1 of any year.

Sec. 9A-11. Approval by failure to act.

Failure to approve, approve conditionally or disapprove an application to remove or destroy natural vegetation made hereunder within thirty days after such application is filed with the ~~development-building and safety~~ division of the department of ~~public worksplanning and development~~ or within such longer periods as may be mutually agreed upon, in writing, between the applicant and the ~~development-building and safety~~ division of the department of ~~public worksplanning and development~~, shall be deemed to be approval of said application without conditions. Failure to act upon any appeal within fourteen days after such appeal is submitted or longer period agreed to by the appellant shall be deemed to be an unconditional approval of the original application.

Sec. 9A-12. Appeals.

Any action by the ~~development-building and safety~~ division of the department of ~~public worksplanning and development~~ may be appealed, in writing within thirty days after such action ~~by an applicant to an appeals committee of three persons~~ the grading board of appeals, as established under Chapter 14, section 14-32 of the Santa Barbara County Grading Code. All appeal procedures for the grading board of appeals as provided in Chapter 14 of the Santa Barbara County Code shall apply herein. ~~, to be appointed by the board of supervisors from nominations of the following groups, one from each group's nominations:~~

~~Santa Barbara County Farm Bureau, Goleta Farm Center;~~

~~Santa Barbara County Farm Bureau, Carpenteria Farm Center; and~~

~~Santa Barbara Resource Conservation District.~~

~~The decision of the appeals committee shall be final; provided, however, that in the event the appeals committee shall not render a decision in writing within fourteen days from and after the date that the matter is submitted to the appeals committee for a decision, the committee shall be deemed to have granted the appeal.~~

~~The terms of office of each member of the appeals committee shall be two years and until a successor is appointed by the board of supervisors and qualifies. Vacancies shall be filled by the~~

~~board of supervisors from nominations of the group or groups concerned. Any member of the appeals committee may be removed from office by four fifths vote of the board of supervisors at any time.~~

Sec. 9A-13. Brush removal – In coastal zone.

This section is added to this chapter 9A to implement certain policies contained within the Santa Barbara County coastal land use plan. The provisions of this section shall apply only to the area lying within the coastal zone as defined in section 9A-2 and are in addition to the provisions set forth elsewhere in this chapter. The provisions of this section shall not apply to control burns or construction of fire breaks.

In order to ensure long-term preservation of the biological productivity of streams and wetlands, the protection of visual resources, and the prevention of hazards to life and property, the following provisions shall apply to major vegetation removal for agricultural development in the coastal zone (agricultural development does not include crop rotation and other activities involving management practices on existing agricultural land in production).

Where agricultural development will involve the construction of service roads and/or major vegetation removal for orchard development, a brush removal permit from the ~~development building and safety~~ division of the department of ~~public worksplanning and development~~ (as provided in section 9A-7 through 9A-12) is required.

- (a) In cases of crop and/or orchard development, cover cropping or other appropriate means of soil protection shall be required as a condition of the permit to minimize erosion until the crops or orchards are mature enough to form a vegetative canopy over the exposed earth.
- (b) Where service roads are to be constructed, lands from which vegetation is removed shall be protected by appropriate means from substantial erosion.

Sec. 9A-14. Same – In certain watersheds.

This section is added to this chapter 9A in order to protect reservoirs which supply domestic water to the south coast area of Santa Barbara County and which are located in the unincorporated territory of the county of Santa Barbara, from inundation with resulting damage

and pollution caused by major vegetation removal from the watersheds above and surrounding such reservoirs.

Major vegetation removal in the watersheds above and around the Lauro Canyon Reservoir, around the Glen Annie Reservoir, and around any other reservoir located in the unincorporated territory of the county of Santa Barbara south of the Santa Ynez mountains which supplies domestic water to any public water purveyor shall require a brush removal permit. Such brush removal permit shall impose conditions reasonably necessary to prevent inundation of such reservoirs and damage and water pollution due to such inundation, erosion, siltation or other results of such major vegetation removal.

SECTION TWO

This ordinance shall take effect and be in force thirty days from the date of its passage, and before the expiration of fifteen days after its passage it shall be published, with the names of the members of the Board of Supervisors voting for and against the same, in the Santa Barbara NewsPress, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ___th day of _____, 2011 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

JONI GRAY
Chairperson, Board of Supervisors
County of Santa Barbara
State of California

ATTEST:
CHANDRA WALLAR
Clerk of the Board

By: _____
Deputy Clerk

APPROVED AS TO FORM:
DENNIS A. MARSHALL
County Counsel

By: _____
Kevin E. Ready, Sr.
Senior Deputy County Counsel