

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



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

Agenda Number:
Prepared on: July 1, 2004
Department Name: Planning & Development
Department No.: 053
Agenda Date: July 27, 2004
Placement: Departmental
Estimate Time: 30 minutes
Continued Item: No
If Yes, date from:
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rev\SDRC\Special Problems
Committee\board letter

TO: Board of Supervisors

FROM: Valentin Alexeeff
Director, Planning and Development

STAFF CONTACT: Brian R. Baca, Engineering Geologist, 568-2004
Chair, Special Problems Committee

SUBJECT: **Chapter 10 Building Regulations: Amendment of Section 10-13 pertaining to Special Problems Areas (Case #04ORD-00000-00010)**

Recommendation(s):

That the Board of Supervisors:

1. Accept the exemption from environmental review pursuant to Section 15320 of the State CEQA Guidelines included as Attachment A and adopt the CEQA findings specified in Attachment B.
2. Consider the introduction (First Reading) of an ordinance amending Chapter 10 Building Regulations included in Case # 04ORD-00000-00010 pertaining to the procedures and function of the Special Problems Committee.
3. Continue the hearing to August 17, 2004 for a second reading and final action.

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with Goal No. 1, *An Efficient Government Able to Respond Effectively to the Needs of the Community*, and is required by law or routine business necessity.

Executive Summary and Discussion:

Background:

Special Problems Areas are limited geographical zones designated by the Board of Supervisors that are recognized as having potential severe constraints on urban development. Flood hazards, geologic hazards,

limitations on septic sewage effluent disposal, inadequate road access and other issues can be the basis of a Special Problems Area designation.

The ordinance basis for the designation of Special Problems Areas, and the formation of the Special Problems Committee, is codified in Article XIII (Section 10-13) of the Chapter 10 Building Regulations of the County Code (i.e. the Building Code).

As a result of the recent adoption of amendments to Article II, III, and IV Zoning Ordinances pertaining to residential second units, it was recognized that the current language in Section 10-13 of the Chapter 10 Building Regulations gave decision-making authority (i.e. the ability to approve or deny a project) to the Special Problems Committee. According to the current regulations, decisions of the Special Problems Committee can ultimately be appealed to the Board of Supervisors. As the committee is a group of appointed individuals that collectively make a decision, its activities are subject to the provisions of the Brown Act. Thus, projects located in Special Problems Areas must be reviewed by the Committee in a noticed public hearing.

Discussion:

The Special Problems Committee (SPC) procedures specified in the existing building regulations do not reflect current permit processing procedures. The SPC review is identical to the review provided by the Subdivision/Development Review Committee (SDRC) as the same individuals are members of both SPC and the SDRC.

The recommended changes to Section 10-13 of the Chapter 10 Building Regulations would maintain review of projects located in Special Problem Areas by the Special Problems Committee but would eliminate the decision-making authority of the committee. Individual members of the SPC would instead provide information and make recommendations to permit applicants, County staff and the County decision-makers, similar to the SDRC. As with the SDRC, no actions or decisions would be made by the SPC. This change in procedures would eliminate the need for noticed public hearings for the SPC review of projects located in Special Problems Areas. It would not change the established standards under which projects are reviewed. All decision-making would be left to the Planning and Development Department Director, Zoning Administrator, Planning Commissions or Board of Supervisors, depending on the particular permit under consideration.

The attached three pages of text include proposed ordinance changes that would accomplish the recommended change. This language has been reviewed and approved by County Counsel. The four SPC member departments (Public Works, Planning and Development, Public Health, and Fire) also concur with the proposed ordinance changes.

Proposed ordinance amendments:

Provided below is Section 10-13 of the Chapter 10 Building Regulations that applies to Special Problems Areas. The recommended changes are indicated in ~~strikeout~~-(deletion) and underline (addition).

Sec. 10-13.1. General.

(a) Plans and specifications for the proposed grading, construction, addition to, or change in use of buildings and structures in a special problems area as defined in this article shall be submitted to the special problems committee, herein referred to as such, or as "the committee."

(b) The directors or managers of the planning and development department, environmental health ~~department~~ division of the public health department, fire department, and public works department shall designate representatives to serve as members of the committee. (Ord. No. 4495, § 1)

Sec. 10-13.2. Definitions.

For the purpose of this article, certain terms are defined as follows:

SPECIAL PROBLEMS AREAS are areas of the County of Santa Barbara designated by resolution of the board of supervisors as having existing or anticipated special and unique problems pertaining to flooding, drainage, soils, geology, access, sewage disposal, water supply, location, or elevation which impact the health, safety and welfare of the public. The following locations are designated as special problems areas:

South County: Hollister Avenue at Modoc Road, Mission Canyon, Naples, Shepard Mesa, Summerland.

North County: Ballard, Janin Acres, Los Alamos, Los Olivos, Sweeney Road.

SPECIAL PROBLEMS COMMITTEE is a committee composed of representatives of the following departments or divisions: planning and development, environmental health, fire, and public works. (Ord. No. 4495, § 1)

Sec. 10-13.3. Powers and duties of the special problems committee.

(a) The special problems committee shall review plans and specifications of buildings and structures (including the components of wastewater disposal systems) proposed for construction in a special problems area. Individual members of the committee may impose ~~recommend to the County decision-makers~~ any and all reasonable conditions of approval that a member of the committee deems considered necessary to mitigate present or anticipated problems within the scope of the committee's charge, or to prevent damage to public or private property, risk of injury to persons, or creation of a public nuisance. Where an individual the committee member or members are unable to identify feasible ~~determines that~~ mitigation of such problems, damage, or risk ~~is not feasible, the committee~~ each may recommend denial of the permit that would authorize deny approval of the plans and specifications and prohibit the construction of the proposed buildings or structures.

(b) Upon completion of the committee's review of the plans and specifications, the ~~committee shall~~ recommendations of each individual committee member shall be documented ~~render its findings~~ in written form signed by the chairperson of the committee. ~~as:~~

- ~~1. Approving unconditionally, or~~
- ~~2. Approving with conditions, or~~
- ~~3. Prohibiting the construction.~~

~~The findings shall be given to the applicant and to the building official within thirty days of the date the application for a building permit was filed with the building division, or within such time as may be agreed upon by the applicant. (Ord. No. 4495, § 1)~~

Sec. 10-13.4. Fees.

A fee of one hundred dollars shall be paid to the building division at the time of application for the processing of plans and specifications for buildings and structures proposed for construction in a special problems area. Such fee, or portion thereof, may be waived at the discretion of the building official based on the extent of work performed by building division staff. (Ord. No. 4495, § 1)

~~Sec. 10-13.5. Appeals.~~

~~Findings of the special problems committee may be appealed by the applicant in accordance with Section 10-2.22 of this Code. (Ord. No. 4495, § 1)~~

Environmental Review:

The proposed ordinance amendment is exempt from environmental review pursuant to Section 15320 of the State CEQA Guidelines. This section of CEQA exempts "*changes in the organization or reorganization of local government agencies...*". Refer to Attachment A (Notice of Exemption) and Attachment B (CEQA Findings) for further information.

Mandates and Service Levels:

Amending Section 10-13 of the Chapter 10 Building Regulations is a legislative act under the jurisdiction of the Board of Supervisors.

Fiscal and Facilities Impacts:

The proposed change could reduce time and applicant expense in permit processing. There would be no fiscal impact on the County.

Special Instructions:

Clerk of the Board shall prepare the legal noticing in a newspaper of general circulation at least 10 days prior to the hearing.

Clerk of the Board shall forward a copy of the Minute Order to Planning & Development, attn: Hearing Support, Cintia Mendoza.

Planning and Development will prepare all final action letters and notify all interested parties of the Board of Supervisors' final action.

Concurrence: County Counsel, Public Works, Public Health, Fire Department

Attachments:

- A. CEQA Notice of Exemption
- B. CEQA Findings
- C. Proposed Ordinance amending Section 10-13 of the Chapter 10 Building Regulations

ATTACHMENT B

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS OF APPROVAL For 04ORD-00000-00010 Ordinance Amendment to Chapter 10 Building Regulations

The Santa Barbara County Board of Supervisors finds the project to be exempt from environmental review pursuant to Section 15320 of the State Guidelines for the implementation of CEQA. This section of CEQA exempts “changes in the organization or reorganization of local government agencies where the changes do not change the geographical area in which previously existing powers are exercised.” The Board has determined that the proposed ordinance amendment falls within the scope of this section of the CEQA Guidelines.

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