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CHAPTER 14 - GRADING CODE¹¹¹

Footnotes:

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Editor's note— Ord. No. 4766, adopted Nov. 9, 2010, amended Ch. 14 in its entirety to read as herein set out. The former Ch. 14, §§ 14-1—14-38 and Appendix A, pertained to grading, erosion and sedimentation control and derived from Ord. No. 4477, § 1, Ord. No 4491, §§ 1—5, Ord. No 4573, § 1, § 3.

Sec. 14-1. - Title.

The regulations contained in this chapter shall be known as the Santa Barbara County Grading Code, [Chapter 14](#); may be cited as such and is referred to herein as "this chapter".

(Ord. No. 4766, 11-9-2010)

Sec. 14-2. - Purpose.

The board of supervisors expressly finds that the regulations, conditions and provisions of this chapter constitute minimum standards and procedures necessary to protect and preserve life, limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, location and maintenance of grading, drainage, erosion and sediment control, when required by these regulations within the County of Santa Barbara. This chapter also addresses compliance with the National Pollutant Discharge Elimination System (NPDES) Phase II storm water regulations and sets forth local storm water requirements for the disturbance of less than one acre, to avoid pollution of water courses and drainage ways with sediments or other pollutants generated on or caused by surface runoff on or across the construction site. Agricultural grading, whether exempt or required to be permitted hereunder, is not subject to the NPDES Phase II storm water regulations or the local storm water requirements imposed by this chapter.

(Ord. No. 4766, 11-9-2010)

Sec. 14-3. - Authority and administration.

This chapter is adopted pursuant to the authority granted by section II of article XI of the Constitution of the State of California to a county to make and enforce within its limits all such local, police, sanitary, and other regulations as are not in conflict with general laws. It is further adopted in conformity with the provisions of sections 50022.1 to 50022.10, inclusive, of the California Government Code relating to adoption of codes by reference. The Santa Barbara County director of planning and development (herein the "director") shall be responsible for administration of this chapter and shall be responsible for administration of land use permits for grading as provided herein.

(Ord. No. 4766, 11-9-2010)

Sec. 14-3.1. - Appointing authority.

The director of planning and development of the County of Santa Barbara shall appoint the building official and shall authorize the building official to appoint such number of officers and/or inspectors as shall be authorized by the board of supervisors from time to time to carry out the regulations of this chapter.

(Ord. No. 4766, 11-9-2010)

Sec. 14-3.2. - Powers and duties of the building official.

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The building official is hereby authorized and directed to enforce the provisions of this chapter and of the codes, regulations and standards adopted by reference herein. For such purpose, the building official is hereby authorized to consult experts qualified in fields related to the subject matter of this chapter and of the codes, regulations and standards adopted by reference herein as necessary to assist him/her in carrying out his/her duties. The decisions of the building official in enforcing, interpreting, or in exercising the authority delegated by the provisions of this chapter and of the codes adopted hereby shall be deemed final, subject to appeal as provided in [section 14-32](#) of this chapter.

(Ord. No. 4766, 11-9-2010)

Sec. 14-3.3. - Right of entry.

During the course of exercising the duties delegated to the building official in [section 14-3.2](#) of this chapter, and when, in the opinion of the building official, there exists a reason to believe that a violation of this chapter has occurred or due cause exists to inspect a property, the building official is hereby authorized to enter such property or premises at any reasonable times and to inspect and perform any duty imposed on him/her by the provisions of [section 14-3.2](#) of this chapter or by other applicable law.

If such property or premises is occupied, the building official shall first present proper credentials to the occupant and request entry, explaining his/her reasons therefore. If such entry is refused or cannot be obtained because the owner or person having charge or control of the property cannot be located after due diligence, the building official shall have recourse to every remedy provided by law to enter and inspect the property. Notwithstanding the foregoing, if the building official has reasonable cause to believe that there exists an unsafe, substandard, or dangerous condition within the property or premises as to require immediate inspection to safeguard the public health or safety, he/she shall have the right to immediately enter and inspect such property and may use any reasonable means required to secure such entry and make such inspection, whether such property be occupied or unoccupied and whether or not permission has been obtained. If the building official observes a violation of this chapter during the normal performance of his/her duties, he/she shall have the full right afforded by law to enter the property to enforce the provisions of this chapter.

(Ord. No. 4766, 11-9-2010)

Sec. 14-4. - Applicability.

This chapter shall be applicable to all the unincorporated territory of the County of Santa Barbara, State of California.

(Ord. No. 4766, 11-9-2010)

Sec. 14-5. - Adopted codes, regulations and standards.

(a)

That certain volumes of the ASTM Book of Standards known and designated as "ASTM standards for Soils and Rock, Volumes 4.08 and 4.09, 2010 Edition, promulgated and published by the American Society for Testing and Materials, (herein sometimes referred to as ASTM) is hereby adopted and enacted as a primary code and made a part of this chapter by reference, with the same force and effect as if fully set forth herein, provided, however, that the building official shall not be restricted to or required to follow any specific testing procedures set out therein, but may utilize other methods at the building official's discretion. Additionally, the following codes and regulations currently adopted by the board of supervisors are intended to supplement the regulation of this code:

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[Chapter 10](#) of the Santa Barbara County Code.

2.

The current edition of the California Building Code, as amended in Chapter 10 of the Santa Barbara County Code.

3.

The current edition of the California Plumbing Code, as amended in Chapter 10 of the Santa Barbara County Code.

(b)

The board of supervisors shall, from time to time, adopt construction site pollution control best management practices manuals (BMPs). Such manuals, when adopted, shall be valid county regulations and shall be used as a basis for developing and implementing any required drainage erosion and sediment control plan. These manuals, as may be amended from time to time, are hereby adopted by reference. The clerk of the board of supervisors and the director of planning and development shall keep current copies of said manuals on file for public review. Copies shall be available for purchase from planning and development at a price covering the cost of printing or reproduction.

(c)

The provisions of this chapter are not intended to prevent the use of any alternate material, design or method of construction not specifically prescribed by this chapter, provided any alternate has been approved and its use authorized by the building official. Such alternate material, design or method of construction may be approved, provided the building official finds that the proposed alternate is satisfactory and complies with the provisions of this chapter and that the material, design, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this chapter in suitability, strength, effectiveness, durability, safety and sanitation. The building official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered into the files of the grading section of building and safety.

(Ord. No. 4766, 11-9-2010)

Sec. 14-6. - Scope; general regulations.

(a)

Except as herein provided or exempted elsewhere in this chapter, these regulations, including the incorporation of relevant best management practices, shall apply to all new grading, excavations, fills, non-agricultural land disturbance, erosion and sediment control measures, drainage devices, cuts, borrow pits, stockpiling, compaction of fill, and land reclamation projects on privately owned land where the transported amount of materials individually for any of the abovementioned operation(s) (I) exceeds fifty cubic yards; (II) causes a cut or fill which exceeds three feet in vertical distance to the natural contour of the land; (III) cause any changes in elevation to the natural contour within the watercourse/drainageway setback, regardless of volume moved; (IV) disturb an area of land in excess of that outlined in section 14-9.2b of this chapter. Agricultural grading, whether exempt or required to be permitted hereunder, is not subject to NPDES Phase II storm water regulations or the local storm water requirements imposed by this chapter. No work subject to the provisions of this chapter shall be commenced, maintained or completed, in violation of these regulations. These regulations shall also apply to native oak tree removal that is subject to the guidelines for native oak tree removal in Appendix A to this chapter.

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Notwithstanding these regulations, no person shall cause or allow a significant environmental impact to occur as a result of new grading as defined herein, including grading that is otherwise exempt from these regulations. In the event that the director determines that a significant environmental impact is likely to occur or has occurred as a result of new grading, the director may deny or revoke grading and/or land use permits for such grading. If necessary, the director may also require grading and land use permits for work that is otherwise exempt from these regulations in order to address the significant environmental impact identified.

Grading that is undertaken as part of a Federal Cost Share project (including, but not limited to, projects under the Conservation Reserve Program (CRP), the Wildlife Habitat Improvement Program (WHIP) and/or the Environmental Quality Incentive Program (EQIP), approved by the Natural Resources Conservation Service (NRCS) with a finding of no significant impact under the National Environmental Policy Act and conducted pursuant to the National Handbook of Conservation Practices, consistent with the mandated nine-step planning process including post installation field assessment, shall not be considered to result in a significant environmental impact under this section. Native oak tree removal of protected and unprotected size, as defined in Appendix A, that is subject to and performed consistent with the guidelines for native oak tree removal as set out in Appendix A to this chapter is not subject to the significant environmental impact clause above. All other oak tree removal that involves grading is still subject to the requirements of this chapter. ¹ [□](#)

The term "grading," for purposes of this chapter, shall not include the activities of the County of Santa Barbara, the Santa Barbara County Flood Control and Water Conservation District, the Beach Erosion Authority for Clean Oceans and Nourishment, the State of California, or the United States.

The term "grading," for purposes of this chapter, shall also not include surface mining or quarrying operations (including the extraction and stockpiling of excavated products and the reclamation of mined lands) carried out under a vested rights determination, or under a permit or reclamation plan approval issued pursuant to the county's surface mining and reclamation (SMARA) ordinances (except where such grading is intended to support structures which require building permits). The county's surface mining and reclamation ordinances contain provisions for the imposition of appropriate engineering and geologic standards and other environmental mitigation requirements for surface mining permits and reclamation plans, together with associated fees payable to the director.

(b)

Aside from areas designated as open space on the Orcutt Community Plan Open Space Areas Map, these regulations shall not apply to the following exceptions:

(1)

The stockpiling of rock, sand or aggregate involved in the construction of a building authorized by valid county building permit, as it appears on approved plans;

(2)

Excavation and fill of trenches for utility lines not exceeding twenty-four inches wide or an average of five feet deep, or holes for utility poles or anchors and minor grading accessory thereto;

(3)

Excavation and fill of trenches for maintenance and repair of existing oil and natural gas transmission lines, within established petroleum producing areas not exceeding five hundred cubic yards of material or twenty-four inches wide or an average of five feet deep. The grading shall not occur within two hundred feet of an

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exterior boundary of a petroleum producing area or within two hundred feet of any residential development including three or more housing units:

(4)

The initial excavation and fill necessary to effect such temporary repair or maintenance of oil and gas and utility lines (located outside of an existing oil producing area) as can be completed within seven days of commencement where such excavation or fill does not exceed a total of one hundred cubic yards of material and where all work is protected, as may be required, by a safety fence or other similar protective device;

(5)

Temporary holes or trenches for geological, geotechnical and archeological exploration, not exceeding one hundred cubic yards of material, where such holes or trenches are protected by a safety fence meeting Occupational Safety and Health Agency standards;

(6)

The excavation of material below finished grade for tanks, vaults, basements, swimming pools, bomb shelters or footings of a building or structure where such excavation is authorized and under the provisions of a valid county building permit; fill placed in excess of fifty cubic yards, even if fill is obtained from exempt excavations as noted above, require permits as outlined in this chapter.

(7)

The excavation or deposit of earth materials within a property dedicated, used, or to be used, for cemetery purposes, except where such grading is intended to support structures or affects natural drainage patterns;

(8)

The maintenance and construction work by or under contract with the Santa Barbara County Flood Control and Water Conservation District within prescribed easements or lease agreements;

(9)

The digging of trenches or holes for utility poles and anchors, or underground electric and natural gas vaults that do not exceed fifty cubic yards in volume, by public companies within their easements and that are regulated by the California Public Utilities Commission.

(10)

Non-agricultural land disturbance where the area disturbed is, less than one acre, is not within an environmentally sensitive area and is outside the watercourse/drainageway setback (see section 14-9.2b of this chapter for non-agricultural land disturbance permit requirements).

(11)

Maintenance of existing non-agricultural roads and driveways where the cut or fill does not: exceed eight inches, increase the footprint of the roadway, or alter the drainage pattern. Maintenance of existing roads or driveways within this exemption shall not be construed to cause any change to the natural contour.

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Maintenance of existing agricultural support roads and drainage facilities as exempted in [section 14-8](#); including but not limited to, drainage swales, tail water ditches, siltation basins, reservoirs, etc.

(c)

The digging of trenches or holes under the specific authority of a public agency within their prescribed easements and not exempt under subsections (b)(2) or (b)(3) of this section will be subject to a plan review for determination of whether a full grading permit will be necessary. Such plan review shall include an evaluation of environmental and accepted engineering practices.

(Ord. No. 4766, 11-9-2010)

Footnotes:

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1 The potential environmental impacts of removal of native oak trees of protected and unprotected size allowed under the guidelines have been analyzed in the EIR for the Oak Tree Protection and Regeneration Program (00-EIR-07 RVI). "All other oak tree removal" refers to removal of oaks in the urban areas and in zone districts in rural areas that are not subject to the Guidelines for Native Oak Tree Removal. The Guidelines apply to Agriculture I, Agriculture II, Mountainous Goleta, and Resource Management zone districts of Article III of Chapter 35 of the Santa Barbara County Code; Agriculture I and Resource Management zone districts of Article IV of Chapter 35 of the Santa Barbara County Code; and Unlimited Agriculture, Exclusive Agriculture, Watershed Agriculture, General Agriculture, Intensive General Agriculture, and Limited Agriculture zone districts of Article V of the Santa Barbara County Ordinance 661.

Sec. 14-7. - Definitions.

The following definitions pertaining to grading, drainage and erosion control shall apply to the interpretation and enforcement of this chapter:

Access Driveway. A road to the site of a building for which a county building permit is required.

Acre Foot. An engineering term used to denote a volume that would cover one acre in area one foot in depth.

Agricultural Advisory Committee. A county-wide policy advisory committee appointed by the board of supervisors that is made up of representative members of the agricultural community interest groups, such as the Farm Bureau, the Cattlemen Association, the Growers and Shippers, the Nursery and Flowers Association, California Women in Agriculture and other similar organizations, and to which the director may refer questions for advice as to recognized normal and usual agricultural practices. In the absence of such a committee the board of supervisors may select a suitable substitute group, which shall represent the agricultural interest in the County of Santa Barbara.

Agricultural Road. Access to field, pasture or similar use, or agricultural structure which does not require a county building permit.

Annual Plant (Annuals). A plant that completes its life cycle and dies in one year or less.

Applicant. A person, partnership, corporation or public agency applying for a county permit.

Approved. Reviewed and found to be in substantial compliance with requirements of this chapter.

Bench. (1) A relatively level step excavated into earth materials on which fill may be placed. (2) A relatively level step excavated or filled for the construction of a drainage device.

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Berm. An earthen mound used to direct the flow of runoff.

Bench Drain. Lined channel that conveys surface waters from slopes to a safe disposal point.

Board of Supervisors. The board of supervisors is the elected body governing the County of Santa Barbara.

Borrow. Earth material acquired from an off-site location for use in grading on another site.

Building. (See Structure).

Building Official. The deputy director of the building and safety division, of the planning and development department for Santa Barbara County, or his/her authorized representatives.

Certification. The attestation of a licensed professional that, based upon the appropriate level of observation and testing, and in accordance with applicable principles of the professional's training, background and experience, the work in question has been completed and performed in conformity with the plans and specifications approved and the provisions of this code.

Clearing. The removal of vegetation, structures or other objects. Also see "Non-Agricultural Land Clearing" and "Non-Agricultural Land Disturbance".

Compaction. The densification of a fill by mechanical means.

Conduit. Any pipe of approved material for collecting and directing storm water.

Construction Site Pollution Control Best Management Practices (Construction Site BMPs). Good housekeeping, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce to the maximum extent practical (MEP) the discharge of pollutants or grading sediment directly or indirectly into storm water, receiving waters or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, non-storm water discharges, spillage or leaks, sludge or water disposal, or drainage from raw materials storage, and other management practices published by the State of California or designated area-wide planning agencies and referenced by this chapter.

Continuous. At all times throughout the day (twenty-four hours) while work is in progress.

Contour. The earth's surface at a given elevation; a line drawn on a map connecting elevations of equal height.

Conveyance System. Any channel or pipe used for collecting and directing storm water.

County. The County of Santa Barbara.

Creek. (See Watercourse).

Culvert. A covered channel or a large-diameter pipe that directs water flow below the ground level.

Cut. (1) An excavation; (2) the difference between a point on the original ground and a designated point of lower elevation on the final grade; (3) the material removed in excavation.

Debris. A term applied to the loose material arising from the disintegration of rocks and vegetative material transportable by landslides, streams or floods.

Demolition. The removal of structures and other objects.

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Dike. A berm of earth or other material constructed to confine or control surface water in an established drainage system.

Director. The manager of the department of planning and development for the County of Santa Barbara, or authorized representative. For the purposes of native oak tree removal, the director may be either the agricultural commissioner or the director of planning and development or their authorized representatives.

Disturbance. Refers to exposed soil resulting from but not limited to activities such as clearing, grading, excavating and landscaping.

Diversion. A temporary or permanent structure consisting of a channel or ditch and a ridge constructed across a sloping land surface on the contour or with pre-determined grades to intercept and divert surface runoff before it gains sufficient volume and velocity to cause erosion.

Drainage. The removal of excess surface water or groundwater from land by means of surface or subsurface drains.

Drainage Pattern. The configuration or arrangement of drainage ways and watercourses within a drainage basin or other areas.

Drainage Way. Depression in the earth's surface such as swales, ravines, draws, gullies, arroyos and/or hollows in which surface waters collect and/or are conveyed as a result of rain or melting snow but at other times are destitute of water.

Drop-Inlet Spillway. Inlet structure in which the water drops through a vertical riser connected to a discharge conduit.

Drop Structure. A structure for dropping water to a lower level and dissipating its surplus energy. A drop may be vertical or inclined.

Earth Material. Any rock, natural soil and/or any combination thereof.

Easement. A legal right to use or control the property of another for a designated purpose, which appears of record in favor of the owner of the easement.

Energy Dissipater. A device used to reduce the excess energy of flowing water.

Engineered Grading. Grading designed under the direct supervision of a licensed registered civil engineer.

Engineer, Civil. Professional engineer holding a valid registration and license from the State of California in civil engineering.

Engineering Geologist. Individual holding a valid registered geologist certification and a valid engineering geologist certification and is licensed to practice in the State of California.

Engineering Geology. The application of geological data and principles to engineering problems dealing with naturally occurring earth material for the purpose of assuring that geological factors are recognized and adequately interpreted in engineering practice.

Engineering Geology Report. Where required, a report submitted with grading and/or building permits which includes, but is not limited to: a geologic investigation, including site map, boring or trenching locations and soil profile data; an adequate description of the geology of the site, including evaluation of active and potentially active faults; ground motion parameters as required by the current editions of the California Building Code and ASCE 7; slope stability; liquefaction; conclusions and recommendations

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regarding the effect of geologic conditions on the proposed development; and opinion on the adequacy of the intended use of the site to be developed by the proposed grading and/or building as effected by geologic factors.

Engineer, Geotechnical. Professional engineer holding a valid registration and license to practice in geotechnical engineering by the State of California.

Engineering Geotechnical Report. Where required, a report submitted with grading and/or building permits which includes, but is not limited to: Site map including boring locations, record of soil data and soil profile data; ground motion parameters as required by the current editions of the California Building Code and ASCE 7; slope stability; liquefaction; conclusions and recommendations, including grading, foundation, retaining wall and driveway/access road recommendations; opinion on the adequacy of the intended use of the site to be developed by the proposed grading and/or building as effected by soils engineering factors.

Engineering, Soils. The application of soils mechanics in investigations and reports regarding stability of existing or proposed slopes, in the control of fill installation and compaction, in recommending soil bearing values, and in providing design criteria and calculations for earth structures, foundations, fills, subsurface drains and other engineering works.

Erosion. The wearing away of the land surface by running water, wind, ice or other geological agents, including such processes as gravitational creep. Erosion occurs naturally from weather or runoff, but can be intensified by human activities.

Erosion and Sediment Control Plan. A plan which fully indicates necessary land treatment and structural measures, including a schedule of the timing for their installation which will effectively minimize soil erosion, sedimentation, and non-storm water construction related discharges.

Erosion Control Permit. A document issued by the building official to authorize grading or non-agricultural land disturbance which requires only erosion control measures as provided in this chapter.

Excavation. Any activity by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting there from.

Exterior Property Line. The legal property line shared with a property which is not under the ownership or control of the applicant.

Existing Natural Grade. The vertical elevation of the existing ground surface topography prior to excavation or filling.

Fill. (1) A deposit of earth, sand, gravel, rock or any other suitable materials placed by artificial means; any act by which earth, sand, gravel, rock or any other suitable material is placed, pushed, dumped, pulled, transported or moved to a new location. (2) The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade, as measured in a vertical plane.

Finish Grade. The level of the finished surface of the ground at the completion of all grading as designated in the final project grading plans.

Grading. Any activity which involves the physical movement of earth material, including any excavation, filling, stockpiling, movement of material, compaction of soil, creation of borrow pits, land reclamation, surface mining operations exempted from the county's surface mining and reclamation ordinance, or combination thereof. Grading does not include surface mining or quarrying operations (including the extraction and stockpiling of excavated products and the reclamation of mined lands) carried out under a

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vested rights determination or a permit or reclamation plan approval issued pursuant to the county's SMARA ordinance. (See [section 14-6\(a\)](#).)

Grading Permit. Permits granted by the director pursuant to this chapter and in association with a land use permit authorizing grading work.

Groundwater. Subsurface water in a zone of saturation.

Gully. A channel or miniature valley cut by concentrated runoff but through which water commonly flows only during and immediately after heavy rains or during the melting of snow.

Interceptor Ditch. Interceptor ditches are permanent structures located on top of man-made or natural slope that divert drainage from the face of the slope.

Key. A designed compacted fill placed in a trench excavated in competent earth material at the bottom of a proposed fill slope.

Land Reclamation Fill. Fill consisting of solid materials or soil that is non-toxic, non-combustible, non-organic and not hazardous, and which is used as fill to contour existing uneven terrain for the purpose of reclaiming land for agricultural use.

Land Use Permit. A permit granted by the planning and development department pursuant to the land use and development codes and regulations to allow development or use of a specific project on a specific site under the terms of the permit. A land use permit is required prior to obtaining a building or grading permit.

Native Oak Tree Removal. Causing an oak tree to die, be uprooted and/or removed from the ground by any means, including, but not limited to, cutting, uprooting, poisoning, or burning (unrelated to controlled burns). Excessive pruning or topping, or severing an oak tree's roots enough to lead to the death of the tree, would also be considered oak tree removal. Death by natural causes (e.g. sudden oak death syndrome) or removals required due to disease, regulatory requirements or trees removed that pose an immediate threat to safety ² shall not be considered a removal.

Natural Contour. The elevation of the earth's surface as formed naturally; or as previously modified utilizing approved grading and land use permits.

Natural Gradient. The slope of an area in its natural state.

Natural State. The condition (e.g., slope, elevation, etc) of the ground as formed naturally or as previously created through approved grading and land use permits.

Non-Agricultural. Any size parcel of land with a zoning and/or land use designation of that other than agricultural or a parcel of land with a zoning and/or land use designation of agricultural where the parcel is less than twenty acres in size.

Non-Agricultural Land Clearing. The removal of vegetation down to the duff or bare soil by any method; also see "Undisturbed Land Clearing".

Non-Agricultural Land Disturbance. Is the exposure of soil caused by construction or non-agricultural land clearing activities. Construction activities can include road building, construction of residential buildings, commercial buildings, industrial sites or demolition. See sections [14-6](#) and [14-9](#).

NPDES (National Pollution Discharge Elimination System). A provision of the Clean Water Act which prohibits discharge of pollutants into waters of the United States unless a special permit is issued by EPA, a state, or, where delegated, a tribal government on an Indian reservation.

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Periodic. Occurring intermittently while work is in progress.

Open Grading. Raw, exposed, uncovered earthwork not stabilized and not completed.

Pollutant. Any chemical or substance that degrades the physical, chemical or biological properties of the environment.

Person. Any individual person, firm, corporation, association, partnership, public agency, public district or municipal corporation, but shall not include the County of Santa Barbara, the Santa Barbara County flood control and water conservation district, the State of California, or the United States.

Planning and Development Department. The department of the County of Santa Barbara which has the responsibility to implement and enforce the county building codes, grading codes and petroleum codes.

Precipitation. Any form of rain or snow.

Receiving Water. Any lake, pond, stream, wetland, groundwater or coastal water body into which storm water runoff is directed.

Retention. The storage of storm water to prevent it from leaving the development site; may be temporary or permanent.

Rough Grade. Approximate elevation of ground surface conforming to within two-tenths of a foot of the proposed design elevation.

Run on. Flow that originates offsite and that drains onto a site.

Runoff. Surface water originating from precipitation or other sources (e.g., springs, seeps, sprinklers, landscape irrigation) that is found in drainage facilities, rivers, streams, ponds, lakes, wetlands and shallow groundwater.

Scarify. To abrade, scratch or modify the surface, for example, to break the surface of the soil with a narrow blade implement.

Sediment. Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface.

Sedimentation. Deposition of soil particles, clays, silts, sands, or other sediments carried by runoff.

Sediment Detention Basin. A sediment detention basin is a reservoir which retains flows sufficiently to cause deposition of transported sediment and debris.

Seepage. (1) Water escaping through or emerging from the ground along an extensive line or surface as contrasted with a spring where the water emerges from a localized spot. (2) The process by which water percolates through the soil.

Sheet Flow. Water, usually storm runoff, flowing in a thin layer over the ground surface; overland flow.

Site. Any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading or non-agricultural land disturbance is performed or permitted.

Slope. An inclined ground surface. The inclination of which is expressed as a ratio of horizontal distance to vertical distance, as in two to one (2:1), meaning a horizontal distance of two feet to one foot vertical.

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Slope Drains. Permanent or temporary devices that are used to carry water down cut, fill or natural slopes to and from bench drains.

Soil (Earth). Sediments or other unconsolidated accumulation of solid particles produced by the physical and chemical disintegration of rocks, and which may or may not contain organic matter.

Stockpiling. The temporary placement of earth material in one location.

Storm Water Pollution Prevention Plan (SWPPP). A pollution control plan documenting storm water and non-storm water Best Management Practices required under [40](#) CFR Section 122 and the Clean Water Act.

Stripping. Any activity which significantly disturbs vegetated or otherwise stabilized soil surface including clearing and brushing operations.

Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, including without limitation, any building, fence, landscaping feature or enclosed barn.

Swale. A low-lying stretch of land which gathers or carries surface water runoff.

Temporary. A length of time not to exceed two years, unless otherwise stated.

Terrace. A relatively level step constructed on the face of a graded slope surface for drainage and maintenance purposes.

TMDL (Total Maximum Daily Loads). A calculation of the maximum amount of a pollutant a water body can receive and still safely meet water quality standards.

Top of Creek Bank. The uppermost ground elevation paralleling a creek or watercourse where the gradient changes from more vertical to more horizontal.

Topography. (1) The configuration of a surface, including its relief and the position of its natural and manmade features. (2) A rendering of the results of a topographical survey.

Topsoil. Surface soil, ordinarily rich in organic matter or humus debris.

Undisturbed Land Clearing. The removal of vegetation without disturbing the soil by leaving the root mass in place (e.g. mowing, pruning, trimming vegetation for fire protection, etc).

Unsuitable Material. All vegetation, non-complying fill, soil containing organic matter, compressible earth material and all other earth material which would adversely affect the safety or stability of proposed grading.

Urban Boundary. A boundary line established by the planning and development department separating urban from rural areas.

Watercourse. A creek or stream designated by a blue line on the largest scale of the latest edition of the United States Geological Survey map or a creek or stream or body of water which supports fish at any time of the year, or has significant water flow thirty days after the latest significant storm.

Watercourse/Drainageway Setback. For non-agricultural uses, in urban areas the setback from top of bank for watercourses and drainageways shall be fifty feet, and in rural areas the setback from top of bank for watercourses and drainageways shall be one hundred feet.

(Ord. No. 4766, 11-9-2010)

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Footnotes:

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2 An example of "an immediate threat to safety" would be an oak that, through natural causes, is imminently and highly likely to fall directly onto a structure, such as a residence, barn, or shed.

Sec. 14-8. - Grading for agricultural practices.

(a)

The county recognizes the importance of agriculture and shall provide for protection and conservation and the promulgation of safe and environmentally sane earthwork practices. Therefore, grading for the production of food and fiber, the growing of plants, the raising and keeping of livestock incidental to agriculture shall be exempt as provided in this chapter. Such agriculturally associated earthwork as grading for recognized, normal and usual agricultural practices to prepare a field for a crop or range improvement, including such harrowing, disking, ridging, listing, fire breaks, chaining, maintenance of existing agricultural roads, and construction of support roads on land with a natural gradient of less than thirty percent, and similar practices which provide prudent measures for erosion control, and which conform to the recommendations of guidelines made or promulgated by the Santa Barbara County agricultural advisory committee is exempt. Agricultural leveling, pursuant to normal and usual agricultural practices, which does not result in any cut or fill which exceeds, at any point, three feet from the natural contour of the surface of the land and which conforms to recommendations or guidelines made or promulgated by the Santa Barbara County agricultural advisory committee is also exempt. In order to qualify for exemption under the provisions of this subdivision; the grading must be conducted upon a parcel or contiguous parcels of land exceeding twenty acres in size under the same ownership upon which crops are grown or livestock is raised. In addition, the property must be in an agriculturally zoned district and/or land use designation with no other special overlay district or designation, as shown on the adopted county zoning maps or comprehensive plan land use maps.

Native oak tree removal associated with the agricultural practices listed above that is subject to and complies with the Guidelines for Native Oak Tree Removal set forth in Appendix A to this chapter is exempt unless a grading permit is required under subsection (c) below.

(b)

Agricultural grading not exempt under subsection (a) of this section, grading on slopes with a natural gradient over thirty percent and where earthwork exceeds fifty cubic yards in volume and/or when excavation and fills are made in excess of three feet in vertical distance to the natural contour shall require an erosion control permit for agriculturally associated grading such as:

(1)

Grading to establish any new agricultural road, as defined in this chapter;

(2)

Terracing and leveling where the cut or fill slope exceeds three feet in depth or height.

Note: The director may waive the requirements for the issuance of an erosion control permit if the proposed grading meets the departmental regulations for erosion control permit waiver.

(c)

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Agricultural grading for the following projects and including the following practices is not exempted under subsections (a) and (b) of this section, and shall comply with all other provisions of this chapter.

(1)

Excavation or fill upon which a building requiring a county building permit is to be supported;

(2)

The entire length of any access driveway from an existing road to any building which requires a county building permit or site for such building;

(3)

The grading is in excess of fifty cubic yards within two hundred feet of any exterior property line;

(4)

Grading for areas which are to be used for commercial wholesale or retail nursery operations, or grading for the construction of greenhouses, commercial shade structures, or buildings for which a county building permit may otherwise be required;

(5)

Grading for horse training facilities, horse tracks, arenas, polo fields, or commercial horse breeding facilities;

(6)

Any grading within fifty feet of the top of the bank of any stream, creek or natural watercourse; Except where the grading is for maintenance as outlined in [section 14-6\(b\)12](#) and defined in this chapter or the area has been historically disturbed for farming;

(7)

The construction of water impounding structures of earth (which are not under the direct control of the State of California or the federal government) where the maximum depth to which water may be impounded is five feet or more where one acre-foot or more of water will be impounded, and is located within two hundred feet of the property line;

(8)

Grading on agricultural land on slopes over thirty percent which does not meet the departmental regulations for an erosion control permit waiver and which is not deemed appropriate by the agricultural advisory committee, or any grading where there is potential for significant environmental damage. Grading that is undertaken as part of a Federal Cost Share project (including, but not limited to, projects under the Conservation Reserve Program (CRP), the Wildlife Habitat Improvement Program (WHIP) and/or the Environmental Quality Incentive Program (EQIP)), approved by the Natural Resources Conservation Service (NRCS) with a finding of no significant impact under the National Environmental Policy Act and conducted pursuant to the National Handbook of Conservation Practices, consistent with the mandated nine-step planning process including post installation field assessment, shall not be considered to result in significant environmental damage under this section;

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The significant environmental damage clause does not apply to native oak tree removal of protected and unprotected size, as defined in Appendix A that is subject to and complies with the guidelines for native oak tree removal in Appendix A to this chapter.³ All other oak tree removal that involves grading is still subject to the requirements of this section;⁴ [□](#)

(9)

Agriculturally associated grading within five hundred feet of any urban boundary line.

(Ord. No. 4766, 11-9-2010)

Footnotes:

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3 The potential environmental impacts of removal of native oak trees of protected and unprotected size for agricultural purposes have been analyzed in the EIR for the Oak Tree Protection and Regeneration Program (00-EIR-07 RVI).

4 "All other oak tree removal" refers to removal of oaks in the urban areas and in zone districts in rural areas that are not subject to the Guidelines for Native Oak Tree Removal. The Guidelines apply to Agriculture I, Agriculture II, Mountainous Goleta, and Resource Management zone districts of Article III of Chapter 35 of the Santa Barbara County Code; Agriculture I and Resource Management zone districts of Article IV of Chapter 35 of the Santa Barbara County Code; and Unlimited Agriculture. Exclusive Agriculture. Watershed Agriculture. General Agriculture, Intensive General Agriculture, and Limited Agriculture zone districts of Article V of the Santa Barbara County Ordinance 661.

Sec. 14-9. - Erosion control permits.

No person shall perform any grading which requires an agricultural erosion control permit or any non-agricultural land disturbance which requires a pollution, sediment and erosion control permit as specified in this section and as defined in this chapter, without first obtaining said permit for such work from the building official.

(Ord. No. 4766, 11-9-2010)

Sec. 14-9.1. - Agricultural erosion control permits, applications and inspections.

(a)

No person shall perform any agricultural grading, excavation or fill which requires an erosion control permit as specified under [section 14-8\(b\)](#) of this chapter, without first obtaining an erosion control permit for such work from the building official.

(b)

Applications for erosion control permits shall be filed with the county planning and development department, building and safety division and shall include three copies of an erosion control plan depicting the scope of work to allow for reasonable review and interpretation of the proposed work.

(c)

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Where erosion control permits are required under provisions in this chapter, they shall be valid for a period of two years from the date of issuance, except that prior to expiration of the permit the director may grant a two-year extension for good cause shown.

(d)

Fees for each erosion control permit shall be paid to the county according to a fee schedule adopted from time to time by resolution of the board of supervisors. The amount shall be equal to the erosion control inspection fee for the purpose of a time extension.

(e)

The application and plans for an erosion control permit for agricultural grading shall include evidence of the inclusion of erosion and sediment control measures, including, but without limitation, the following:

(1)

Three sets of topographical maps sufficiently detailed to allow reasonable review and interpretation of the proposed work and the associated erosion control measures provided. Maps shall include all property boundaries and shall be drawn to the scale of one inch equals one hundred feet or the most reasonable scale available for the area or as required to provide a reasonable representation of the proposed work;

(2)

The location and details of runoff control, drainage devices, sedimentation basin and other measures of erosion control, including re-vegetation of new slopes and other denuded areas;

(3)

A brief description of the re-vegetation practices to be used, including types of seeds and their application rates. Where surface erosion will not be a nuisance, re-vegetation may be delayed until just prior to the next rainy season;

(4)

A typical road detail for the construction of agricultural roads.

(f)

The following inspections are required for work completed with an erosion control permit:

(1)

Site investigation: upon submittal of an application for an erosion control permit;

(2)

Initial inspection: when permittee is ready to begin work, or during the early stages of the permitted work;

(3)

Drainage devices: prior to burial of piping or pouring of concrete;

(4)

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Final inspection: when all erosion control work, including installation of drainage structures, other protective devices, seeding and slope stabilization has been completed.

(g)

Work conducted under the provisions of an erosion control permit shall incorporate such reasonable dust and debris control measures as are required by the building official.

(Ord. No. 4766, 11-9-2010)

Sec. 14-9.2. - Pollution, sediment and erosion control permits, applications and inspections.

(a)

No person shall perform any non-agricultural land disturbance which requires a pollution, sediment and erosion control permit as specified in this section and as defined in this chapter, without first obtaining a pollution, sediment and erosion control permit for such work from the building official.

(b)

These regulations, including the incorporation of relevant best management practices (BMPs), shall apply to all non-agricultural land disturbance, erosion and sediment control measures and drainage devices on privately owned land where, (I) the volume of earth moved is less than fifty cubic yards; (II) no cut or fill exceeds three feet in vertical distance to the natural contour of the land; (III) there are no elevation changes to the natural contour within the watercourse/drainageway setback; and where the area of non-agricultural land disturbance meets or exceeds one or more of the following:

(1)

One acre or more of non-agricultural land disturbance;

(2)

Five thousand square feet or more of non-agricultural land disturbance occurs on slopes with a natural gradient over thirty percent;

(3)

Five thousand square feet or more of land disturbance occurs within the watercourse/drainageway setback, including any street, curb, gutter and/or storm drain conveyance system that discharges directly into a watercourse or drainage way.

Exception: Pollution, sediment and erosion control permits are not required for, (I) undisturbed land clearing or (II) non-agricultural land disturbance in an urban area within fifty feet of a drainage way or street, curb gutter, and/or storm drain conveyance system, or non-agricultural land disturbance in a rural area within one hundred feet of a drainage way or street, curb, gutter and/or storm drain conveyance system between April 15 and October 31 provided the area of disturbance is less than one acre and the area has been re-stabilized by October 31.

Note: These are minimum requirements. If the director or the building official determines that additional controls and/or lower thresholds for non-agricultural land disturbance are required to meet specific water quality regulatory requirements in watersheds that drain to impaired receiving waters (as defined by the Central Coast Regional Water Quality Control Board), additional requirements may be imposed due to the project's proximity to the watercourse, steepness of the slopes, soil type, sensitive habitats, etc.

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(c)

Notwithstanding these regulations, no person shall cause or allow a significant environmental impact to occur as a result of non-agricultural land disturbance as defined herein, including non-agricultural land disturbance that is otherwise exempt from these regulations. In the event that the director determines that a significant environmental impact is likely to occur or has occurred as a result non-agricultural land disturbance, the director may deny or revoke the pollution, sediment and erosion control permit. If necessary, the director may require a pollution, sediment and erosion control permit for work that is otherwise exempt from these regulations in order to address the significant environmental impact identified.

(d)

Where pollution, sediment and erosion control permits are required under provisions in this chapter, they shall be valid for a period of two years from the date of issuance, except that prior to expiration of the permit the building official may grant a two-year extension for good cause shown.

(e)

Fees for each pollution, sediment and erosion control permit shall be paid to the county according to a fee schedule adopted from time to time by resolution of the board of supervisors. The amount shall be equal to the pollution, sediment and erosion control inspection fee for the purpose of a time extension.

(f)

The application and plans for a pollution, sediment and erosion control permit for non-agricultural land disturbance shall include evidence of the inclusion of erosion and sediment control measures, including, but without limitation, the following:

(1)

An application and three sets of plans sufficiently detailed to allow reasonable review and interpretation of the proposed work and the associated erosion control measures provided. Maps shall include all property boundaries and shall be drawn to the scale of one inch equals forty feet or the most reasonable scale available for the area;

(2)

The location and details of runoff control, drainage devices, sedimentation control, pollution control and other measures of erosion control (BMPs), including re-vegetation of denuded areas;

(3)

A brief description of the re-vegetation practices to be used, including types of seeds and their application rates. Where surface erosion will not be a nuisance, re-vegetation may be delayed until just prior to the next rainy season upon approval by the building official.

(g)

The following inspections are required for work completed with a pollution, sediment and erosion control permit:

(1)

Site investigation: upon submittal of an application for a pollution, sediment and erosion control permit;

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(2)

Initial inspection: when permittee is ready to begin work, or during the early stages of the permitted work;

(3)

Drainage devices: prior to burial of piping or pouring of concrete;

(4)

Final inspection: when all erosion control work, including installation of drainage structures, other protective devices, seeding and slope stabilization has been completed.

(h)

Work conducted under the provisions of pollution, sediment and erosion control permits shall incorporate reasonable dust and debris control measures as required in [section 14-23](#).

(Ord. No. 4766, 11-9-2010)

Sec. 14-10. - Grading permits.

(a)

Except as provided in sections [14-6](#), [14-8](#) and [14-9](#) of this chapter, no person shall perform any grading, excavation or fill without first obtaining a grading permit and land use permit for such work from the planning and development department of the County of Santa Barbara. Issuance of a land use permit by the planning and development department shall be subject to the application, processing and enforcement procedures provided in the land use and development codes and regulations of the County of Santa Barbara. A separate permit shall be required for each site and may cover both excavation and fills. Adjacent sites being graded as one integrated project may be considered one site for purposes of this section. Land use permits shall not be required for Natural Resources Conservation Service (NRCS) Federal Cost Share projects (including, but not limited to, projects under the Conservation Reserve Program (CRP), the Wildlife Habitat Improvement Program (WHIP) and/or the Environmental Quality Incentive Program (EQIP), approved with a finding of no significant impact under the National Environmental Policy Act and conducted pursuant to the National Handbook of Conservation Practices consistent with the mandated nine-step planning process that includes post installation field assessment.

(b)

The issuance of a permit under this chapter shall constitute an authorization to do only that work which is described or illustrated on the grading plans and erosion and sediment control plans (or SWPPP, if applicable) specifications approved by the building official.

(c)

Permits issued under the requirements of this chapter shall not relieve the owner of the responsibility for securing permits required by any other ordinance, department or division of the County of Santa Barbara, State of California, or United States government.

(d)

The issuance of a permit, performance of grading under an exemption provided in this chapter, or inspections by the county pursuant to this chapter, shall not relieve the owner or permittee of responsibility

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for damages from work performed or transfer responsibility for such damages to the County of Santa Barbara or to any of its officers, agents or employees.

(e)

In granting any permit under this chapter, the director may impose such conditions as may be necessary to prevent creation of a nuisance or a hazard to public health, public safety, on public or private property or to assure conformity to the county comprehensive plan.

(f)

Corrections, remedies and repairs made necessary by an emergency situation involving the sudden, unexpected occurrence of a break, rupture, flooding or breach of an existing facility, which break, rupture, flooding or breach presents an immediate threat to life, health or property, may be made as required before permits are applied for or issued.

(g)

Permits for emergency work, temporary work and projects begun under temporary exemption, which require permits, shall be applied for on the next business day following commencement of such work.

(Ord. No. 4766, 11-9-2010)

Sec. 14-11. - Grading permit applications.

Applications for grading permits shall be filed with the Santa Barbara County planning and development department in accordance with the submittal requirements approved by the director. Planning and development department submittal requirements may be obtained from the planning and development department. Applications for grading permits shall include, but not be limited to, the following documents or information:

(a)

Plans and specifications, prepared by or under the supervision of a qualified professional and sufficiently detailed to allow reasonable review and interpretation of the proposed work, except that minor erosion control plans and minor grading plans may be prepared without the supervision of a professional engineer upon approval of the building official;

(b)

A description of the land upon which work is to be performed, including vicinity map, site plan, north arrow, scale of drawing, assessor's parcel number, street address, tract and block number;

(c)

An engineering geology report and/or a geotechnical (soil) engineering report shall be filed along with the application for a grading permit. Each report shall be prepared by a licensed professional geologist or geotechnical engineer and must include a description of the site relative to distribution and strength properties of the soil, recommendations and conclusions for grading and foundation designs. All reports shall be subject to approval by the building official;

Exception: Requirement for soil report and geology report may be waived by the building official.

(d)

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Quantity and type of material to be: graded, excavated or filled;

(e)

Proposed routes for hauling material, hours of work and methods of controlling dust;

(f)

Any additional plans, drawings, or calculations required for the proper execution of the work as determined by building official;

(g)

A drainage, erosion, and sediment control plan as required under the provisions of this chapter (see [section 14-29](#)). No grading work shall be permitted unless the plans and specifications submitted for approval include an erosion and sediment control plan (or SWPPP if applicable) approved by the building official. The requirements of the erosion and sediment control plan shall be implemented, as required by the plan, prior to any grading. Control measures contained in the erosion and sediment control plan shall be implemented according to the county-approved construction site BMP manual(s).

(h)

Where the construction site activity is regulated under [40 CFR 122](#), and/or the Clean Water Act (sites of one acre or more of land disturbance), the application shall include a copy of the Notice of Intent (NOI) and the Storm Water Pollution Prevention Plan (SWPPP).

(Ord. No. 4766, 11-9-2010)

Sec. 14-12. - Who may apply for permits.

If the quantity of material to be graded, excavated or filled exceeds ten thousand cubic yards, the application for a permit shall be made by the owner or lessee of the land upon which the grading, excavation or fill is to be made, and said owner or lessee shall also furnish the security required by this chapter and shall be the principal obligor. If material to be graded is less than ten thousand cubic yards, the application may be made by the owner, lessee, contractor or agent of such owner or lessee, and the security required hereunder shall be furnished by such applicant.

(Ord. No. 4766, 11-9-2010)

Sec. 14-13. - Time limits of permits.

(a)

The permittee shall fully perform and complete all of the work required to be done pursuant to the permit, and any applicable land use permit. Every permit issued by the building official under the provisions of this chapter shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one year from the date of issuance of such permit. If the work authorized by such permit is started and then the work is suspended or abandoned for a period of one hundred eighty days or longer, the work shall not be recommended until a new permit is obtained by paying all applicable fees currently in effect, provided that no revisions have been made to the original plans and specifications for such work and provided that the suspension or abandonment of the work has not exceeded one year. If the suspension or abandonment of the work has exceeded one year, a full review of the project and a new permit shall be required.

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(b)

Applications for which no permit is issued within one year following the date of application shall expire by limitation and plans and other data submitted for review may be returned to the applicant or destroyed by the building official. Upon showing that circumstances beyond the control of the applicant have prevented action from being taken, the building official may grant an extension not to exceed one hundred eighty days. Additional extension requests may be granted at the building officials discretion, but at no time will an extension be granted beyond the expiration date of the land use permit. In order to renew an application after expiration, the applicant shall resubmit plans and pay a new submittal fee.

(Ord. No. 4766, 11-9-2010)

Sec. 14-14. - Revocation and denial of permits.

(a)

Failure to comply with any of the provisions of this chapter or the permit may cause revocation or suspension of the permit, and in either case, the owner or permittee shall be notified of such action and the reasons therefore in writing.

(b)

If the operations of the permittee create an unreasonable occurrence of dust, noise, excessive traffic or other reasons, the building official may require the permittee to take measures to abate said nuisance and may suspend the permit until such measures are taken. Continuance of such work without abating such nuisance shall be grounds to revoke the permit.

(Ord. No. 4766, 11-9-2010)

Sec. 14-15. - Denial of permit; restoration.

(a)

A permit shall not be issued where the work proposed is likely to endanger human life or property.

(b)

A permit may be denied unless provisions are included to assure conformity with the rules, regulations and ordinances of the County of Santa Barbara and other agencies which may have jurisdiction and such state and federal laws and regulations which may apply.

(c)

If grading operations are commenced before first securing a proper permit, no permit will be issued until all illegal grading has been stopped. In the event that no grading permit, erosion control permit or land use permit can be issued for such operation, the site shall be restored to its original condition.

(d)

If restoration is required of a site by the building official, restoration plans prepared by a licensed landscape architect, or by other additional qualified professionals at the discretion of the building official, shall be submitted to the building official for review and approval prior to any restoration. The party responsible shall pay a restoration permit fee which shall be equal to the fee that would be charged for a grading permit fee for the same work. Restoration shall be in conformity with the approved and permitted plans.

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(Ord. No. 4766, 11-9-2010)

Sec. 14-16. - Permit and plan checking fees.

(a)

Fees for each grading permit, erosion control permit and land use permit shall be paid to the county according to a fee schedule adopted from time to time by resolution of the board of supervisors and based on the area of land disturbance, drainage features and/or the number of cubic yards of material in either excavation or fill, whichever is greater.

(b)

The required plan check fee, as adopted by the board of supervisors, shall be paid at the time of permit submittal before plans and specifications for a grading permit are accepted for checking. If the applicant changes the plans and specifications subsequent to approval, the building official may require that a second plan checking fee, as applicable, be paid.

(c)

A double (2×) permit fee shall be assessed for violations of this chapter where commencement of grading or land clearing work began without the benefit of a permit.

(Ord. No. 4766, 11-9-2010)

Sec. 14-17. - Faithful performance and security.

(a)

A grading permit shall not be issued for more than five hundred cubic yards of material unless the permittee first files performance and remedial security, with the building official. The building official may also require appropriate filing for complex and difficult sites, involving less than five hundred cubic yards.

(b)

The applicant may post security in the form of cash, surety bond from a licensed surety, a certified check, cashier's check, certificate of time deposit or a letter of credit from an accredited financial institution in the name of the County of Santa Barbara. An instrument of credit security shall be in a form approved by the Santa Barbara County counsel before posting as security.

(c)

In the event of failure to complete the work and failure to comply with all of the conditions and terms of the permit, the building official may order all or part of the work required by the permit to be completed, or such work or remedial work done as is necessary to protect public health, safety and the property affected. The security provided shall be subject to provide payment of all necessary costs and expenses that may be incurred by the County of Santa Barbara in causing any and all such work as may be ordered to be completed. Any unused portion thereof shall be refunded to the permittee.

(d)

The security shall be in the full amount required to assure completion, restoration and/or remediation, based upon engineering estimates approved by the building official.

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(e)

Upon completion of grading, final approval by the building official, and satisfaction of all conditions, the security shall be released.

(f)

Any contractor or other person engaged in continuous or repeated excavations may provide a blanket security or blanket deposit in an amount sufficient to insure prompt completion of all excavation projects being conducted at any one time. If the number or amount of excavation projects exceeds the amount of the security or deposit, the building official may require additional security or deposit to insure completion of all work being done at any one time.

(g)

The amount of the security or deposit provided shall be based upon full estimated costs to complete the project, restore the site, and/or complete necessary remedial action according to the estimate approved by the building official. Such estimate may be made pursuant to engineering estimates approved by the building official, referencing the number of cubic yards of material in either excavation or fill, whichever is the greater amount, and including the full estimated costs of all drainage or other protective devices as may be required. The building official may use a current average industry cost based on the "rate per cubic yard moved" to determine the required bond amount in lieu of engineering estimates where projects are not complex in nature.

(Ord. No. 4766, 11-9-2010)

Sec. 14-18. - Inspections.

(a)

All construction and other work for which a permit is required shall be subject to either periodic or continuous inspections by authorized employees of the building and safety division. Where the building official determines it to be necessary to protect the public safety because of the nature and type of material involved, the type of work proposed or the purpose of the work, the work shall have either continuous or periodic inspections and supervision by one or more of the following as a condition of issuance of the grading permit: (1) civil engineer, (2) geotechnical engineer, (3) engineering geologist. Prior to final approval of grading work under any type of permit, a final inspection shall be made of all construction or work for which a permit has been issued.

(b)

Grading shall not be commenced until the permittee or his agent shall have posted an inspection record card in a conspicuous place on the site to allow the building official to make the required entries thereon regarding inspection of the work. This card shall be maintained on site by the permittee until the finish grading is complete and approved by the building official.

(c)

The builder or contractor shall have an approved set of grading plans, specifications, and erosion and sediment control plans (or SWPPP if required) on the site at all times while work is in progress.

(d)

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In the absence of specific work site designation upon which grading is to be performed, the building official may require the site surveyed and staked by a civil engineer or land surveyor licensed by the State of California to perform land surveying so that the proper location of the work on the lot may be determined.

(e)

Inspections for a grading permit shall be made as provided herein and work shall not continue until approval to proceed has been granted following each required inspection. The permittee shall be responsible for notifying the planning and development department at least twenty-four hours prior to the time when the inspection is to be made.

Required inspections:

(1)

Pre-Construction Inspection. When the permittee is ready to begin work, but before any grading or brushing is started; inspect and review erosion and sediment control BMPs with permittee;

(2)

Toe/bench/keyway Inspection. After the natural ground is exposed and prepared to receive fill, but before any fill is placed; review erosion and sediment control BMPs with permittee;

(3)

Excavation Inspection. After the excavation is started, but before the vertical depth of the excavation exceeds ten feet;

(4)

Fill Inspection. After the fill emplacement is started, but before the vertical height of the fill exceeds ten feet;

(5)

Drainage Device Inspection. After forms are in place, but before any concrete is placed; after pipe or drainage devices are in place but before pipes or devices are buried; inspect erosion and sediment control BMPs;

(6)

Rough Grade Inspection. When all rough grading has been completed;

(7)

Final Inspection. When all work, including installation of drainage structures, other protective devices, planting and slope stabilization has been completed and the "as-graded" plan and required reports have been submitted to the building official and accepted as complete.

(8)

Other Inspections. In addition to the inspections above, such other inspections of any work to ascertain compliance with the provisions of this chapter and other laws and regulations as may be required by the director including requirements of the NPDES permit of the County of Santa Barbara for its storm water

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discharges. A licensed landscape architect, qualified biologist, archeologist, agricultural advisor, or other qualified professional may be required to be present during inspections.

On construction sites with one acre or more of land disturbance, county inspectors of the planning and development department shall inspect for adequate installation and functionality of best management practices (BMPs) prescribed by the erosion and sediment control plan or SWPPP at any time throughout the year. County inspectors may identify maintenance and repair needs on the site with the permittee, or permittee's agent, to ensure compliance with the minimum requirements of best management practices.

During the rainy season (between November 1 and April 15), a minimum of two county inspections per month shall be conducted on active projects with open grading with one acre or more of land disturbance. Reports of such inspections shall be kept with the grading permit file.

(f)

Periodic reports by a geotechnical engineer, an engineering geologist, or other qualified professional, certifying the compaction or acceptability of all fills may be required. These shall include, but need not be limited to, inspection of cleared areas and benches prepared to receive fill and removal of all unsuitable materials, the bearing capacity of the fill to support structures, the placement and compaction of fill materials, and the inspection of buttress fills, subterranean drains, cut slopes and similar devices.

(g)

Upon completion of the work, the building official may require a certification from a civil engineer of record that all grades, lot drainage, and drainage facilities have been completed in conformity with the approved plans and as-graded plan of the completed work.

(h)

A geotechnical engineering report including, but not limited to, certification of soil capacity, and compaction summaries of field and laboratory tests, location of tests, and showing limits of compacted fill on a grading plan. This certification shall include specific approval of the grading as affected by soils on the site.

(i)

An engineering geology report by an engineering geologist based on the grading plan, including specific approval of the grading as affected by geological facts. Where necessary, a revised geologic map and cross-sections and any recommendations necessary shall be included.

(j)

Where the nature of the project, type of soils, geologic conditions or drainage, dictate that special engineering, geotechnical engineering, or geological inspections are necessary to prevent danger to public health, safety or welfare, the building official may require the permittee to retain one or more of the following:

(1)

A civil engineer authorized to practice land surveying or a land surveyor to supervise and coordinate all field surveys and the setting of grade stakes in conformity with the plans, to check elevation of grades, inclination of slopes, installation of drainage structures and other matters related to the geometric design of the work, including the design of revised or modified plans and "as-graded" plans, if necessary;

(2)

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A geotechnical engineer shall provide either periodic or continuous inspection of all soils work, including grading and compaction;

(3)

An engineering geologist to provide geological inspections.

On work requiring the continuous supervision and inspection of a civil engineer or geotechnical engineer, required inspections may be delegated to the civil engineer or geotechnical engineer by the building official. At the time of checking of the plans, the director shall indicate on each application for a grading permit the types of inspection, if any, to be made by the civil engineer or geotechnical engineer.

If the civil engineer or geotechnical engineer or geologist finds that the work is not being performed in substantial conformity with this chapter, or the plans and specifications, the engineer shall issue a notice to the persons in charge of the grading work and to the building official.

All work shall immediately stop upon issuance of the notice of violation by the building official, or upon termination of the services of the engineer approved to supervise grading work, the permit holder shall terminate all such grading work, and it shall not commence again until a civil engineer, geotechnical engineer or engineering geologist certifies in writing to the building official that he/she has reviewed all phases of the project, is thoroughly familiar with the proposed work, and that he/she approves the work already completed or will assume responsibility for making the necessary improvements thereto. Upon receipt of this notice, the building official shall immediately give written notice that work may proceed. No work shall proceed unless and until the issuance of such written notice that work may proceed.

(k)

If the building official determines by inspection that grading as authorized is likely to endanger public health, safety or welfare in the deposition of debris on any public way or interfere with any existing drainage course, the building official may require that reasonable safety precautions be taken to remove such likelihood of danger. Written notice to comply shall be served onto the permittee allowing no more than ten calendar days for corrections to begin unless an imminent hazard to the public health, safety or welfare exists, in which case the corrective work shall begin immediately.

(l)

Final inspection, as required in this chapter, shall be made by an employee of the planning and development department.

(Ord. No. 4766, 11-9-2010)

Sec. 14-19. - Modifications to approved plans.

No work shall proceed upon any modifications to the approved plans, including erosion and sedimentation control plans or a SWPPP, unless and until such modifications shall have been approved by the building official.

(Ord. No. 4766, 11-9-2010)

Sec. 14-20. - Stop work orders.

(a)

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Whenever any construction or work is being done contrary to the provisions of any approval or of any rule, regulation, law or ordinance, or whenever approval was based upon misinformation or misrepresentation, or whenever the public health, safety or welfare is endangered, the director may issue a written notice or order to stop work for any work that is not in compliance with the permit approved for the project or when no such permit exists. Such notice or order to stop work shall be served upon any persons engaged in the doing or causing of such work to be done, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work. The notice or order shall state the reason for the notice and no work shall be done on that portion until the matter has been corrected and approval obtained from the building official.

(b)

It shall be unlawful for any person to continue the progress of any work regulated under the provisions of this chapter in violation of, or contrary to, any stop work notice or stop work order issued pursuant to this section.

(c)

It shall be unlawful for any person to commence any work under the provisions of this chapter in violation of, or contrary to, any stop work order issued pursuant to this section.

(Ord. No. 4766, 11-9-2010)

Sec. 14-21. - Exposure of work.

Whenever any work on which inspections are required is covered or concealed by other work without having been inspected, the building official may require that such work be exposed for examination. The cost of exposing such work shall not entail any expense to the County of Santa Barbara.

(Ord. No. 4766, 11-9-2010)

Sec. 14-22. - Grading hours; limitation.

No grading work (except for emergency operations), which requires a grading permit under the provisions of this chapter shall take place between the hours of 7:00 P.M. and 7:00 A.M. (or as required within the land use permit), unless the director finds that such operation is not likely to cause significant public nuisance or must, by necessity, be accomplished at other times and authorizes such night operations in writing.

(Ord. No. 4766, 11-9-2010)

Sec. 14-23. - Dust control.

All graded surfaces and materials, whether filled, excavated, transported or stockpiled, shall be wetted, protected or contained in such a manner as to prevent the generation of dust. Construction equipment and materials on the site shall be used in such a manner as to avoid creating a public nuisance. Roadways and graded areas on the site shall be surfaced or wetted sufficiently to prevent the generation of excessive dust at all times. However, such wetting shall not cause offsite runoff of sediment or pollutants. See [section 14-5](#) for references to best management practices (BMPs) manuals and handbooks, which include dust control guidelines.

(Ord. No. 4766, 11-9-2010)

Sec. 14-24. - Responsibility of permittee.

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(a)

The permittee and his agents shall carry out the proposed grading in accordance with the approved plans and specifications, conditions of the permit and the requirements of this chapter and conditions and permits as required by the director.

(b)

The permittee and his agents shall maintain all required protective devices and temporary drainage facilities during the progress of the grading work and shall be responsible for observance of working hours, dust controls and methods of hauling. The permittee and his/her agents shall be responsible for debris and material deposits placed on private or public roads during the construction period of the project. Debris and/or materials shall be removed as necessary in order to prevent offsite impacts to roads and/or watercourses. Such removal shall be included in the drainage, erosion and sediment control plan. The permittee and his agents shall be responsible for maintenance of the site until such time as a grading final has been approved by the director. The permittee and his/her agents shall become subject to the penalties set forth herein in the event of failure to comply with this chapter and other applicable laws of the County of Santa Barbara. No approval shall exonerate the permittee or his agents from the responsibility of complying with the provisions and intent of this chapter.

(Ord. No. 4766, 11-9-2010)

Sec. 14-25. - Excavations.

(a)

No excavation shall be made with a cut face steeper in slope than one and one-half units horizontal to one unit vertical, except under one or more of the following conditions:

(1)

The director may permit an excavation to be made with a cut face steeper in slope than one and one-half units horizontal to one unit vertical if the applicant shows through geotechnical engineering and engineering geology reports that the material making up the slope of the excavation and the underlying earth material is capable of standing on a steeper slope.

(2)

A retaining wall or other approved support is provided to support the face of the excavation.

(b)

The building official may require an excavation to be made with a cut face flatter in slope than one and one-half units horizontal to one unit vertical if the material in which the excavation is to be made is such that the flatter cut slope is necessary for stability or safety.

(c)

No excavation shall be made which is sufficiently close to the property line to endanger any adjoining public or private property or structures without supporting and protecting such property or structures from any settling, cracking or other damage which might result.

(d)

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No slope shall be cut steeper than the bedding plane in any formation where the cut slope will lie on the dip side of the strike line unless engineering geology and geotechnical engineering reports approved by the building official indicate that the slope will be stable at a steeper angle.

(e)

No cut slope shall exceed a height of twenty-five feet without intervening, fully paved benches having a minimum width of eight feet. These benches shall be spaced at intervals of twenty-five feet vertically, except that for slopes less than forty feet in vertical height the bench shall be approximately at mid-height. The building official may modify this requirement if the building official determines that it is justified because of competent rock or other special conditions.

(f)

All cut slopes shall be within properties or parcels under the same ownership. Tops of cut slopes shall be made not nearer to a road right-of-way or site boundary line than one-fifth of the vertical height of cut with a minimum of two feet and a maximum of ten feet. The setback may need to be increased for any required interceptor drains. The building official may make adjustments as a condition of the permit, as required by individual site conditions.

(Ord. No. 4766, 11-9-2010)

Sec. 14-26. - Fills.

(a)

No fill shall be made which creates any exposed surface steeper in slope than two units horizontal to one unit vertical, except under one or more of the following conditions:

(1)

A retaining wall or other approved support is provided;

(2)

The building official may permit a fill to be made which creates an exposed surface steeper in slope than two units horizontal to one unit vertical if the applicant shows through the investigation and report, to be approved by the building official, of a geotechnical engineer that the strength characteristics of the material to be used in the fill are such as to produce a safe and stable slope, and that the areas on which the fill is to be placed are suitable to support the fill.

(b)

The building official may require that fill be constructed with an exposed surface flatter than two units horizontal to one unit vertical if, under the particular conditions, such flatter surface is necessary for stability or safety.

(c)

No fill slope shall exceed a vertical height of one hundred feet unless horizontal benches with a minimum width of thirty feet are installed at each one hundred feet of vertical height.

(d)

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No fill slope shall exceed a height of twenty-five feet without intervening fully paved benches having a minimum width of eight feet. These benches shall be spaced at vertical intervals of twenty-five feet, except that for slopes less than forty feet in height, the bench shall be approximately at mid-height.

(e)

Unless specified as non-structural land reclamation fills, or a fill under erosion control permit, all fills shall be placed, compacted, inspected and tested in accordance with the following provisions:

(1)

The natural ground surface shall be prepared to receive fill by removing all unsuitable material. Where natural slopes are five horizontal to one vertical or steeper, keys and benches at least ten feet wide shall be placed into firm earth material. Five feet of the lowermost bench shall be exposed beyond the toe of hillside fills. Where special conditions, such as some types of canyon filling, are encountered, the building official may waive the requirement of benching provided that a geotechnical engineering report approved by the building official indicates that benching is unnecessary for lateral and vertical support or to prevent slippage or settling, and provided, further, that the soils engineer, upon completion of grading, certifies the fill as being stable.

(2)

Except as otherwise permitted by the building official, no rock or similar irreducible material with a maximum dimension greater than six inches shall be buried or placed in fills. No organic material shall be permitted in fills.

(3)

A fill shall be spread in a series of layers with a compacted thickness as specified by the geotechnical engineer and approved by the building official or not exceeding six inches, and shall be compacted into a fill of uniform moisture and density as specified in paragraph (4) of this subsection.

(4)

All fills shall be compacted to a minimum of ninety percent of maximum density as determined by ASTM D 1557-(latest edition) or other approved testing method giving equivalent test results. The required degree of relative compaction on slope surfaces shall be ninety percent to within eight inches of the surface and eighty-five percent to within three inches of the surface, and shall be certified to by the geotechnical engineer. Field density shall be determined by ASTM D 1556-(latest edition) or other equivalent methods approved by the building official.

(5)

At a minimum, a field density test, as herein provided, shall be taken for each eighteen inches of fill, or portion thereof, measured vertically from the lowest point of the area to be filled, and for each five hundred cubic yards of fill placed. In addition, in the case of subdivisions, at least one field density test shall be taken on each lot which receives fill.

(6)

All fills regulated by this chapter shall be tested for relative compaction by a qualified geotechnical testing agency. A certificate of compliance with the terms of this chapter, and the grading permit, setting forth densities, relative compaction and other fill characteristics shall be prepared and signed by a geotechnical

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engineer. This report shall be submitted to and approved by the building official before any final approval of the fill is given and before any foundation construction begins.

(f)

Fills toeing out on natural slopes which are steeper than two units horizontal to one unit vertical shall not be permitted.

(g)

The toes of fill slopes shall be made not nearer to a road right-of-way or the site boundary than one-half the height of the slope with a minimum of two feet and a maximum of twenty feet. Where a fill slope is to be located near a road right-of-way, or the site boundary, and the adjacent off-site property is developed, special precautions, including, without limitation, additional setback, retaining or slough walls, mechanical or chemical treatment of the surface, and provisions to control surface waters, shall be incorporated into the work, as the building official may require, to protect the adjoining property from damage as a result of such grading. Fill slopes shall not be divided horizontally by property lines. The building official may require an investigation and recommendation by a civil engineer, geotechnical engineer or an engineering geologist to demonstrate that the provisions of this chapter have been satisfied. The building official may make adjustments as a condition of the permit, as required by individual site conditions.

(h)

No person shall place, deposit, maintain or suffer the placement of unsuitable material within the unincorporated area of the County of Santa Barbara except in a properly permitted landfill or permitted waste facility.

(Ord. No. 4766, 11-9-2010)

Sec. 14-27. - Planting.

Exposed man-made slopes in excess of three feet in vertical height from the natural contour of the land shall be planted to prevent erosion. All earth fills shall be planted and mulched with temporary vegetation, or otherwise protected from the effects of storm runoff or dust erosion within thirty days of the completion of grading, or as specified in the approved erosion and sediment control plan or SWPPP. Grading for recognized, normal and usual agricultural practices to prepare a field for a crop or range improvement which provide prudent measures for erosion control and which conform to the provisions of this chapter and the recommendations or guidelines made or promulgated by the Santa Barbara County agricultural advisory committee may be protected by recognized agricultural erosion control methods. Planting shall be irrigated and maintained until established as determined by the building official. Land use permits for grading activity may be conditioned upon the provision of landscape and maintenance security as required by the building official. Planting shall conform to the county-approved construction site pollution control BMP manual(s).

(Ord. No. 4766, 11-9-2010)

Sec. 14-28. - Slope restrictions; building foundation and pool setback.

(a)

Unless otherwise recommended in an approved geotechnical or geology report, the placement of buildings, pools and other structures on or adjacent to slopes steeper than three units horizontal to one unit vertical shall be in accordance with the most recent edition of the California Building Code adopted by reference, from time to time, by this chapter.

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(b)

The setbacks provided in the California Building Code may be modified by the building official if the building official determines it to be justified because of special conditions.

(c)

The setbacks required in the California Building Code may be increased by the building official if found to be necessary for safety or stability or to prevent possible damage from water, soil, or debris or to be consistent with the zoning regulations.

(d)

Buildings, pools or other structures shall not be constructed on slopes two units horizontal to one unit vertical or steeper unless geotechnical engineering and engineering geology reports indicate that the slopes will be stable. The building shall be designed by a registered civil or structural engineer or architect; and the design is approved by the building official.

(e)

No building, pool or other structure shall be founded partially on cut and partially on fill unless an engineered foundation design is provided.

(Ord. No. 4766, 11-9-2010)

Sec. 14-29. - Drainage, erosion and sediment control.

(a)

An erosion and sediment control plan shall be required as part of the grading plan and permit requirements. The plan shall incorporate applicable county-approved best management practices. In lieu of the erosion and sediment control plan, the county may accept a SWPPP, prepared for the state, if it contains the requirements of the county's erosion and sediment control plan. The erosion and sediment control plan shall contain:

(1)

A delineation and brief description of the proposed practices to retain sediment on the site, including sediment basins and silt traps, and a schedule for their maintenance;

(2)

The location and a brief description of the surface runoff and erosion control practices to be implemented, including types and methods of applying mulches, hydro seeding, or other slope stabilization methods; construction material and waste management practices to be used, including temporary borrow and waste disposal areas, temporary debris and garbage disposal, and chemical/fuel storage areas.

(3)

A brief description of the vegetative practices to be used, including types of seeds and fertilizer and their application rates, dates of seeding and a schedule for maintenance and upkeep, including irrigation.

(4)

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A brief description of reasonable precautionary measures to ensure that vehicles do not track or spill earth materials into public streets and actions necessary to remove such materials if the materials are spilled or tracked.

(5)

Drainage erosion and sediment control plans shall include best management practices for control of pollutants from onsite storm water discharges and non-storm water discharges such as discarded building materials, litter, sanitary waste, and the washout of excess construction materials, including, but not limited to, drywall, grout, gypsum, plaster, mortar and concrete. Water contaminated with washout pollutants shall be collected and controlled and shall be removed from the site and disposed of in an approved manner.

(b)

An erosion control permit for any agricultural grading operation shall comply with sections [14-9](#) and [14-9.1](#) of this chapter.

(c)

A master drainage plan shall be required as a part of the grading plan for all grading permit applications. Design standards for drainage and terraces shall conform to the following provisions of this section:

(1)

Concrete diverting terraces or ditches at least three feet wide and one foot deep shall be installed at the top of all cut slopes where the tributary drainage area has a slope steeper than ten units horizontal to one unit vertical and a horizontal projection of greater than fifty feet;

(2)

Berms or drainage divides at least one foot high and three feet wide at the base shall be constructed at the top of all fill slopes;

(3)

Down drains shall be of concrete or corrugated metal pipe having a diameter of a size required by runoff calculations, but not less than twelve inches, and shall be aligned so as to minimize velocity head at pipe entrance and discharge points. Alternate designs approved by the building official may be permitted;

(4)

Inlet structures into pipes shall be of concrete, galvanized iron, or approved equivalent and shall be provided with overflow structures;

(5)

Outlet structures shall be of concrete, galvanized iron or approved equivalent. Where discharging into public roads, streets or flood control facilities, the design shall be approved by the county public works department. At other locations the structures shall be provided with adequate velocity reducers, diversion walls, riprap, concrete aprons or similar energy dissipaters and shall be approved by the building official or, in the case of natural drainage courses, by the county flood control and water conservation district.

(6)

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An approved drainage dispersal wall shall be constructed wherever it is necessary to convert channel flow to sheet flow.

(7)

Approved eave or ground gutters shall be provided to receive all roof water and deliver it through a non-erodible device to a street or watercourse where the building official determines it to be necessary because of steepness of slope or presence of erodible materials.

(8)

All graded building pads shall slope a minimum of two percent to an approved drainage device or street. Where used, the drainage device shall be an approved system which conducts the water to a street or watercourse. The top of footing stems or finish floor, if a concrete slab, shall extend above the top of street curb or inlet into the drainage device by a minimum of eight inches plus two percent of the distance from the footing to the drainage device or curb. The building official may allow one percent to be used if, because of terrain or soils, two percent is not reasonably attainable or necessary.

(9)

On graded sites the building official may require that drainage devices be installed to conduct storm water around buildings and to the nearest street or watercourse when the building official determines that it is necessary to prevent erosion.

(10)

In areas where underground water is anticipated, the building official may require the installation of approved sub-drains.

(11)

Runoff computations shall be based upon the latest methods adopted by the Santa Barbara County flood control and water conservation district.

(12)

Design of improved and artificial watercourses shall meet the standards of and be approved by the Santa Barbara County flood control and water conservation district.

(13)

Alternate designs which provide equivalent safety and are approved by the building official may be used in lieu of those contained in this section.

(d)

The erosion and sediment control plan shall specify which erosion control measures necessary to control runoff shall be in place during the rainy season (November 1 through April 15) and which measures shall be in place year round. At a minimum, during the rainy season no grading shall occur unless approved erosion and sediment control measures are implemented. Erosion and sediment control measures shall be in place prior to any grading on hillsides, sloping or mountainous terrain. Measures for non-storm water construction site discharge control shall be implemented year round.

(Ord. No. 4766, 11-9-2010)

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Sec. 14-30. - Dams and reservoirs.

(a)

Dams and reservoirs or other water impounding structures which are not constructed, regulated or owned by the State of California or the federal government shall be deemed to be engineered grading under the provisions of this chapter. However, the construction of a reservoir which impounds water to a depth of less than five feet and less than one acre-foot in quantity, shall not be deemed to be engineered grading, when located more than five hundred feet from any exterior property line of the parcel. If required by the building official, engineered grading shall be under the strict supervision of a registered civil engineer who shall be responsible for the structural design and the supervision of construction of such dam, reservoir or water impounding structure.

(b)

The building official in granting a permit for construction may require supporting geological and/or geotechnical engineering reports as deemed necessary for the safe design and construction of such facility. A report from a civil engineer certifying that the constructed facility has been completed in conformity with the approved plans and specifications and this chapter, is required prior to final grading approval.

(Ord. No. 4766, 11-9-2010)

Sec. 14-31. - Enforcement and interpretation.

(a)

The building official is hereby authorized and directed to enforce and interpret the provisions of this [chapter 14](#). The final decision of the building official in enforcing the provisions of this chapter or in interpreting the provisions thereof, or in exercising any authority delegated thereby shall be subject to appeal as provided in [section 14-32](#) hereof.

(b)

The building official may order any work stopped where there is reason to believe it is being conducted in violation of any provision of the permit or approval, or of any provision of the county code or regulations adopted pursuant thereto, or in violation of any provision of any exemption so that there is reason to doubt that such exemption is applicable.

(c)

It shall be unlawful to undertake any work or to permit any work in progress beyond the date of posting or service of such order, except in conformity to the terms of such order or notice of order, or until relief from such order is obtained from the building official, or upon appeal decision from the grading board of appeals.

(d)

The building official may require such certification, approval, guidance and/or recommendation as may assist in the determination of the propriety of the activity to be carried on, before allowing the progress of such work to continue.

(e)

The building official shall be responsible for enforcement and interpretation of provisions related to the issuance of grading permits.

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(Ord. No. 4766, 11-9-2010)

Sec. 14-32. - Appeals.

Appeals from decisions, interpretations, or acts of the building official shall be filed in writing with the grading board of appeals within fifteen days of the act by the building official. Such grading board of appeals is hereby expressly declared to be the local appeals board referred to in sections 17920.5 and 17925 of the Health and Safety Code. Such grading board of appeals is hereby authorized to hear appeals regarding the grading, drainage and erosion control requirements of the county and shall have all of the power and authority conferred on a local appeals board under the said sections of the Health and Safety Code.

(Ord. No. 4766, 11-9-2010)

Sec. 14-32.1. - Appeals board.

The grading board of appeals shall consist of three members appointed by the building official in conjunction with the director to such terms of office as determined by the appointing officers. At least two of the members shall possess such experience and training as the building official and director shall deem appropriate to qualify such members to pass upon technical matters pertaining to the subject of the appeal. The third person may be another professional or any member of the general public. The building official or his/her representative shall be an ex-officio member without voting rights. The grading board of appeals shall deliver written findings and decisions on all appeals considered by it to the appellant and the building official within ten days from the date a decision was reached. The grading board of appeals shall be deemed a Brown Act body and all activities shall be carried out in conformity with the Brown Act Open Meetings Law. In certain cases where the grading board of appeals cannot be assembled quickly or when requested by the appellant, the building official in conjunction with the director may, in their sole discretion, appoint a hearing officer to hear the case. Decisions of the grading board of appeals or the hearing officer may be appealed to the board of supervisors. The decision on the appeal by the board of supervisors shall be deemed final; subject only to judicial review.

(Ord. No. 4766, 11-9-2010)

Sec. 14-32.2. - Appeal hearing fee.

A fee, as adopted by the board of supervisors, shall be paid to the building official at the time of application for an appeal hearing before the grading board of appeals or the appointed hearing officer.

(Ord. No. 4766, 11-9-2010)

Sec. 14-33. - Violations and penalties.

(a)

Any person, firm, or corporation, whether as principal, agent, employee or otherwise who shall commence, construct, enlarge, alter, repair or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any provision of this chapter is guilty of a crime. The offense may be filed as either an infraction or a misdemeanor at the discretion of the Santa Barbara County district attorney.

(b)

If filed as an infraction and upon conviction thereof, the crime shall be punishable by a fine not to exceed one hundred dollars for a first violation; a fine not exceeding two hundred dollars for a second violation of the same ordinance within one year; and a fine not exceeding five hundred dollars for each additional violation of the same ordinance within one year.

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(c)

If filed as a misdemeanor, and upon conviction thereof, the punishment shall be a fine of not less than five hundred dollars nor more than twenty-five thousand dollars, or imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.

(d)

Any person violating any of the provisions of this chapter shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted.

(e)

Penalties for any noncompliance with the terms of this chapter shall be as provided in, but not limited to Chapters 1 (General Provisions) and [24A](#) (Administrative Fines) of the Santa Barbara County Code, i.e., up to five hundred dollars a day or up to six months imprisonment in the county jail, or both such fine and imprisonment for each offense. Each day of noncompliance constitutes a separate offense. The remedies or penalties provided by this and other chapters of the Santa Barbara County Code are cumulative to each other and to other remedies or penalties available under all other laws of this state and shall not be construed to restrict any remedy provided by law.

(Ord. No. 4766, 11-9-2010)

Sec. 14-34. - Injunction—Civil remedies and penalties—And costs.

(a)

Any person, firm, or corporation, whether as principal, agent, employee or otherwise who shall commence, construct, enlarge, alter, repair, or maintain any grading, excavation, or fill or causes the same to be done, contrary to or in violation of any provision of this chapter, shall be subject to injunction against such activity and shall be liable for a civil penalty not to exceed twenty-five thousand dollars for each day that the violation continues to exist.

(b)

When the building official determines that any person has engaged in, is engaging in, or is about to engage in any act(s) or practice(s) which constitute or will constitute a violation of provisions of this chapter, or order issued, promulgated or executed hereunder, the district attorney or the county counsel may make application to the superior court for an order enjoining such acts or practices, or for an order directing compliance, and upon a showing that such person has engaged in or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted by a superior court having jurisdiction over the cause. In any civil action brought pursuant to this section in which a temporary restraining order, preliminary injunction or permanent injunction is sought, it shall not be necessary to allege or prove at any stage of the proceeding that irreparable damage will occur should the temporary restraining order, preliminary injunction, or permanent injunction not be issued, or that the legal remedies are inadequate.

(c)

Any person, firm, or corporation, whether as principal, agent, employee or otherwise who shall commence, construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or causes the same to be done, contrary to or in violation of any provision of this chapter shall be liable for and obliged to pay the County of Santa Barbara for all costs incurred by the county in obtaining abatement or compliance, or which are

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attributable to or associated with any enforcement or abatement action, whether such action is administrative, injunctive or legal; and for all damages suffered by the county, its agents, officers or employees as a result of such violation or efforts to enforce or abate the violation.

(d)

In determining the amount of a civil penalty to impose, the court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting the violation; the nature and persistence of such conduct; the length of time over which the conduct occurred; the assets, liabilities and net worth of the persons responsible, whether corporate or individual; and corrective action taken by the persons responsible; and the cooperation or lack of cooperation in public efforts toward abatement or correction. The civil penalty shall be paid to the County of Santa Barbara as ordered by the court.

(Ord. No. 4766, 11-9-2010)

Sec. 14-35. - Severability.

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this chapter. The board of supervisors hereby declares that it would have adopted this chapter and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be unconstitutional or invalid.

(Ord. No. 4766, 11-9-2010)

Sec. 14-36. - Recovery of costs.

(a)

The building official shall maintain records of all costs including, but not limited to, administrative, professional fees, court costs, attorney's fees, laboratory costs, remedial construction costs and other costs incurred in the processing of violations and enforcement of this chapter, and shall to the extent feasible, recover such costs from the owner of the property upon which the violation occurs, or other person responsible.

(b)

Any act or condition that violates this [chapter 14](#) shall constitute a public nuisance subject to abatement cost recovery procedures set forth in Government Code Section 54988. Upon investigation and determination that a violation of any of the provisions of this chapter exists, the building official shall notify the record owner or person in possession or control of the property, or other person responsible by mail, of the existence of the violation, the building official's intent to charge the person for all administrative costs associated with enforcement, and of the person's right to a hearing on objections thereto.

(c)

During the processing of an enforcement case or at the conclusion of the case the building official shall send by certified mail, or other service methods in accordance with California Code of Civil Procedure Section 415.20, as amended, a summary of costs associated with enforcement to the owner and to the person having possession or control of the subject property, or other responsible person, by mail, first class postage prepaid. Such summary shall include a notice of the right to a hearing before the director of planning and development on the objections to the costs.

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(d)

Any request for hearing to be made upon the imposition of the charges proposed shall be filed with the building official within ten (10) working days of the service of the summary of costs.

(e)

The director of planning and development shall, schedule a hearing within thirty (30) calendar days of receipt of such request for hearing. In the event that (1) no request for a hearing has been filed, or (2) after a hearing the director determines the validity of the costs, the summary shall be a final order and the owner shall be liable to the county in the amount stated or as determined by the director in the hearing.

(f)

In determining the validity of the costs assessed, the director of planning and development shall consider whether the total costs are reasonable in the circumstances of the case. Factors to be considered include, but are not limited to, whether the present owner created the violation; whether there is a present ability to correct the violation; whether the owner moved promptly to correct the violation; the degree of cooperation provided by owner; and whether reasonable minds may differ as to whether a violation exists.

(g)

If the final order on the summary has not been paid within forty-five (45) days of notice thereof, these costs shall be recoverable in a civil action in the name of the county, in any court of competent jurisdiction within the county, or by recording a lien against the property that is the subject of the enforcement activity pursuant to California Government Code Section 54988 et seq. Until all costs, fees and penalties assessed by the building official under this chapter are paid in full, no final inspections, certificates of completion, certificates of compliance, certificates of occupancy, conditional use permits, land use permits, or final map shall be issued by the planning and development department or other county agency.

(Ord. No. 4766, 11-9-2010; Ord. No. 4917, § 1, 3-24-2015)

Sec. 14-37. - Secondary codes.

Whenever in this chapter or in any of the codes adopted by reference hereby, another code or publication of standards or of rules or regulations is referred to, any language to the contrary notwithstanding, such reference shall not incorporate by reference such other codes, standards or rules or regulations as part of this chapter or of any codes adopted by reference herein unless set out in full therein, but they shall be considered and may be used by the building official as guides to the provisions of this chapter or of any of the codes adopted by reference hereby. The building official shall not be bound by the provisions of any such other codes, standards or rules or regulations not expressly adopted by reference in this chapter in determining such compliance.

(Ord. No. 4766, 11-9-2010)

Sec. 14-38. - Notice of noncompliance.

Where the building official determines that work has been done without the required permits, or has not been completed in accordance with the requirements of this chapter or any other code adopted herein, the building official may cause a notice of noncompliance to be recorded with the county recorder and shall notify the owner of the property of such action. The notice of noncompliance shall describe the property, shall set forth the noncompliance conditions, and shall state that the owner of such property has been duly notified. The building official shall record a notice of release of the notice of noncompliance with the county

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recorder when it has been determined by the building official that the noncompliance conditions have been corrected.

APPENDIX A
Grading Ordinance Guidelines for
Native Oak Tree Removal

Preamble

The goal of the oak tree protection and regeneration program is to sustain and, where possible, enhance the native oak resources of Santa Barbara County. Specifically, the program seeks to ensure that there is no net loss of native oak trees and that, if possible and with the help of incentives, the number and extent of remaining valley, blue, and live oak trees grow greater. To accomplish this, the program combines elements of landowner flexibility and voluntary oak regeneration with oak protection. This approach will benefit the county's oaks, avoid undue burdens on private property, and foster trust between land stewards, concerned citizens and local government.

These guidelines constitute the rules for agricultural and non-agricultural deciduous oak (valley and blue oaks) removals as well as for agricultural and non-agricultural live oak removals.

Pursuant to the Santa Barbara County Grading Ordinance (Chapter 14 of the County Code) these provisions shall apply to all private land outside of the coastal zone and urban boundaries. This includes Agriculture I, Agriculture II, Mountainous Goleta, and Resource Management zone districts of Article III of [Chapter 35](#) of the Santa Barbara County Code; Agriculture I and Resource Management zone districts of Article IV of [Chapter 35](#) of the Santa Barbara County Code; and Unlimited Agriculture, Exclusive Agriculture, Watershed Agriculture, General Agriculture, Intensive General Agriculture, and Limited Agriculture zone districts of Article V of the Santa Barbara County Ordinance 661.

These guidelines govern deciduous and live oak removals, replacing the County of Santa Barbara Environmental Thresholds and Guidelines Manual as a standard in [Chapter 14](#) for addressing significant environmental damage and significant environmental impact associated with native oak tree removal of protected and unprotected size, as defined in this Appendix, for agricultural and non-agricultural practices not requiring a discretionary permit.

I. Deciduous Oak Program

A.

Oak Removal for Agricultural Practices (as defined in the Grading Ordinance [Sec. 14-8](#)).

The rules in this section are less restrictive than those discussed under sections B and C below for non-agricultural removals, and include voluntary and self-regulating components under tiers 1 and 2 of the four-tiered structure.

Deciduous Oak Removal Thresholds for Agricultural Operations 4-Tiered Program. The program is based on the following 4-tiered system (see Table 1, below). Requirements that are triggered by agricultural deciduous oak removal within Tiers 1 through 3 are hereby set forth within these guidelines; those for Tier 4 are set forth in Article IX of [Chapter 35](#) of the Santa Barbara County Code.

Table 1. Tiers for Agricultural Deciduous Oak Removal

	Tier 1	Tier 2	Tier 3	Tier 4
Lot Size (acres)				

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	Exempt From Regeneration Requirement; Count Toward Cumulative # Removed	Landowner Regeneration Required; Self-Certification of Compliance	Management Plan Required	P&D Discretionary Permit Required
Less than 50	1	2—3	4—8	> 8
50—< 100	2	3—6	7—17	> 17
100—< 150	3	4—10	11—26	> 26
150—< 200	4	5—13	14—34	> 34
200—< 250	5	6—16	17—42	> 42
250—< 300	6	7—19	20—50	> 50
300—< 350	7	8—22	23—58	> 58
350—< 400	8	9—25	26—66	> 66
400—< 450	9	10—28	29—74	> 74
450—< 500	10	11—31	32—82	> 82
500—< 550	11	12—34	35—90	> 90
550—< 600	12	13—37	38 —98	> 98
600—< 650	13	14—40	41 —106	> 106
650—< 700	14	15—43	44 —114	> 114
700—< 750	15	16 —46	47 —122	> 122
750—< 800	16	17—49	50—131	> 131
800—< 850	17	18 —52	53—138	> 138
850—899	18	19—55	56—146	> 146
Greater than 899	19	20—58	59—154	> 154

Removals of deciduous oaks that equal or exceed 30% of all deciduous oaks on legal lots 100 acres or greater, or which equal or exceed 50% of deciduous oaks on lots less than 100 acres shall be deemed significant and trigger Tier 4 review.

Requirements under each Tier:

1.

Tier 1: Exempt.

a.

No regeneration or reporting required. (The oak tree specialist and agricultural commissioner should outreach to landowners to request that they voluntarily report deciduous oak removals as part of efforts to work with the community to encourage replanting and regeneration of valley and blue oaks.) Consistent with the program basics below, removals exempt under Tier 1 shall count as part of the total number of trees removed during the removal period for purposes of determining when/if tiers 2, 3 and 4 apply.

2.

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Tier 2: Landowner Regeneration Required; Self-Certification. In balancing voluntary and regulatory components of the guidelines, this tier is designed as the predominantly voluntary, self-regulating element.

a.

Cumulative removals within the removal period exceeding Tier 1 allowances are subject to the requirements of Tier 2.

b.

15:1 replanting ratio is required. Replacement trees shall be planted no closer than twenty feet from each other or from existing deciduous oak trees, and no farther than one hundred sixty-five to one hundred eighty feet from each other or from existing deciduous oak trees, unless recommended otherwise by the oak tree specialist. Landowners shall be encouraged to consult with the oak tree specialist and replant consistent with other recommended Tier 2 replanting standards (see Attachment 1). Although consultation with the oak tree specialist is encouraged, the landowner self-evaluates and determines success or failure. The recommended survival target for replacement trees should be a two-thirds survival rate at five years or one-third surviving and attaining a height above the browse line (eight feet).

c.

On-site Monitoring by the Agricultural Commissioner's Office requires landowner's voluntary cooperation.

d.

Documentation of oak tree removals at Tier 2 is required through self-certification and notification to the agricultural commissioner's office.

e.

Willful failure to notify the agricultural commissioner's office of tree removals, carry out required replanting, or pursue regeneration are violations of this chapter or [Chapter 35](#), Article IX, at the discretion of the agricultural commissioner.

f.

Violations trigger Tier 3 management plan or Tier 4 permit (see County Code [Chapter 35](#), Article IX), and/or fines, at the discretion of the agricultural commissioner in consultation with the oak tree specialist. Violations which are determined to trigger Tier 3 shall be considered a violation under this chapter. Violations which are determined to trigger Tier 4 shall be considered to have arisen under [Chapter 35](#), Article IX and be a violation of Article IX.

3.

Tier 3: Management Plan Required. In balancing voluntary and regulatory components of the guidelines this tier is designed to have more regulatory elements. The oak tree specialist shall provide or arrange for assistance with drafting management plans if requested by the landowner. Management plans must meet the minimum standards contained in Attachment 2 as well as all of the other appropriate requirements set forth in the program basics below.

a.

Management plan approval by the agricultural commissioner is required before cumulative removals within the removal period exceed allowances under Tier 2.

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b.

Agricultural commissioner's office shall approve management plans on a case-by-case basis without additional CEQA review or hearings where the plan for a particular property is consistent-with Tier 3 management plan standards (e.g. avoidance of removal of actively used granary trees, raptor roosting or nesting trees, trees in riparian corridors, fragmentation of habitats, corridors or links to other habitat — see Attachment 2).

c.

Management plan standards must be met in order for project to be approved (see Attachment 2).

d.

Monitoring by oak tree specialist is required as a condition of the management plan.

e.

Willful failure to adhere to management plan standards is a violation of [Chapter 35](#), Article IX.

f.

Violations trigger Tier 4 permit requirement. Violations which are determined to trigger Tier 4 shall be considered to have arisen under [Chapter 35](#), Article IX and be a violation of Article IX.

4.

Tier 4: Planning and Development Discretionary Permit Required.

a.

Cumulative removals exceeding Tier 3 allowances require separate discretionary review and permit approval from P&D including CEQA review and planning commission hearing.

b.

Tier 4 standards and procedures are set forth in Article IX of [Chapter 35](#) of the Santa Barbara County Code.

c.

Consistency with the comprehensive plan is required as part of the discretionary review.

B.

Deciduous Oak Removal for Non-Agricultural Purposes, where a Development Permit is not required. The requirements for deciduous oak removals for non-agricultural purposes shall apply to all removals on private land outside of the coastal zone and urban boundaries, including all zone districts listed under Section 1.A above, not done as agriculturally associated earthwork as defined in [Section 14-8](#) of the grading ordinance. The following thresholds shall apply (see Table 2 below).

Requirements under each Tier.

1.

Tier 1: Exempt.

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a.

Removal of one protected deciduous oak on legal lots of any size shall be exempt. No regeneration or reporting required. (The oak tree specialist and agricultural commissioner should outreach to landowners to request that they voluntarily report deciduous oak removals as part of efforts to work with the community to encourage replanting and regeneration of valley and blue oaks.) Consistent with the program basics below, removals exempt under Tier 1 shall count as part of the total number of trees removed during the removal period for purposes of determining when/if Tiers 2 or 3 apply.

2.

Tier 2: Landowner Regeneration Required; Self-Certification.

a.

Landowner must adhere to the requirements of Section I.A.2 above (Tier 2 for agricultural deciduous oak removal). Regeneration must be consistent with the standards in Attachment 1.

Table 2. Tiers for Non-agricultural Deciduous Oak Removals

E. Lot acreage	Tier 1 Exempt Removals	Tier 2 Removals (Replanting Required)	Tier 3 Removals (P&D Discretionary Permit Required)
<50	1	2	> 2
50—<100	1	2—3	> 3
100—<200	1	2—4	> 4
200—<300	1	2—5	> 5
300—<400	1	2—6	> 6
400—<500	1	2—7	> 7
500—<600	1	2—8	> 8
600—<700	1	2—9	> 9
700—<800	1	2—10	> 10
800—899	1	2—11	> 11
> 899	1	2—12	> 12

3.

Tier 3: Planning and Development Discretionary Permit Required.

a.

Cumulative removals exceeding Tier 2 allowances require separate discretionary review and permit approval from P&D, including CEQA review and planning commission hearing.

b.

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Tier 3 standards and procedures are set forth in Article IX of [Chapter 35](#) of the Santa Barbara County Code.

c.

Consistency with the comprehensive plan is required as part of the discretionary review.

C.

Deciduous Oak Removal Associated with Activities Requiring a Development Permit (e.g. LUP, CUP, DP). Deciduous oak removals associated with activities requiring a development permit shall be considered during the development permit process pursuant to the requirements of [Chapter 35](#), Article III.

II. Live Oak Program

A.

Live Oak Removal for Agricultural Practices. The following standards and requirements shall apply to all live oak removals associated with agricultural practices (as defined in [section 14-8](#) of the grading ordinance) on private lands outside of the coastal zone and urban boundaries subject to Santa Barbara County's zoning ordinance, including all of those zone districts listed under Section I.A above. These provisions replace the County of Santa Barbara Environmental Thresholds and Guidelines Manual as a standard for addressing significant environmental damage associated with agricultural grading on the issue of live oak removal for agricultural practices.

1.

Management plan approval by the agricultural commissioner's office is required before cumulative live oak removals within the thirty-year removal period exceed fifteen percent of live oak canopy cover on a given lot.

2.

The agricultural commissioner's office shall approve management plans on a project-specific, case-by-case basis without additional CEQA review or hearings where the plan for particular property is consistent with the live oak management plan standards (see Attachment 3).

3.

Management plan standards must be met for the removal project to be approved (see Attachment 3).

4.

Monitoring by the oak tree specialist is required as a condition of the management plan.

5.

Failure to adhere to management plan standards is a violation.

6.

Violations of a management plan trigger intervention by the oak tree specialist, administrative fines pursuant to the administrative fine ordinance, and/or mandatory-assistance by the oak tree specialist to ensure compliance, at the discretion of the oak tree specialist.

7.

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Landowners are encouraged to voluntarily develop their own management plan or follow the general principles of the management plan standards (e.g. avoidance of granary trees and trees within riparian and wildlife corridors, minimization of habitat fragmentation, etc. - see Attachment 3) when designing agricultural projects not expected to trigger the 15 percent canopy removal threshold. Landowners should, where appropriate, consider leaving habitat elements such as dead trees, snags, and downed wood in place and look into financial incentive programs from county, state, and federal programs to help them in developing strategies for protecting the resources without impinging on their proposed agricultural projects. Where live oak tree removal is necessary, landowners are encouraged to engage in voluntary regeneration programs prior to reaching the fifteen percent canopy removal threshold and consult with the oak tree specialist on successful replanting strategies, as well as general oak management, project design, and incentives.

B.

Live Oak Removal For Non-Agricultural Purposes, Where a Development Permit is Not Required. The guidelines for live oak removals not associated with an agricultural activity (as defined by [section 14-8](#) of the grading ordinance), but for which no development permit is required, are the same as for agricultural removals except that five percent canopy removal triggers a management plan requirement, rather than fifteen percent. All other aspects of the program are the same as those for agricultural removals, pursuant to Section II.A above.

C.

Live Oak Removal Associated with Activities Requiring a Development Permit. Consistency with the comprehensive plan shall apply only to live oak removal associated with activities requiring a development permit, pursuant to [Chapter 35](#), Article III.

III. Program Basics

A.

General (Apply to Agricultural and Non-Agricultural removals in both Deciduous and Live Oak Programs).

1.

Removal Period: The oak tree protection and regeneration program shall be implemented during a recurring thirty-year "removal period" beginning on the date of program adoption. Removals would be calculated cumulatively during the removal period.

2.

Unit of land that the removal thresholds are based on: Legal lots or, where applicable, contiguous legal lots under single ownership, as determined by the agricultural commissioner.

3.

Definition of Removal: "Causing an oak tree to die, be uprooted and/or removed from the ground by any means, including, but not limited to, cutting, uprooting, poisoning, or-burning (unrelated to controlled burns)⁵. Excessive pruning or topping, or severing an oak tree's roots enough to lead to the death of the tree, would also be considered oak tree removal." Death by natural causes (e.g. sudden oak death syndrome) or removals required due to disease, regulatory requirements or trees removed that pose an immediate threat to safety⁶ shall not be considered a removal.

4.

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Where a public utility or other public entity has an easement over a portion of a lot, and if a public utility or other public entity removes protected oak trees within a utility or other public easement located over a portion of a lot, those protected oak tree removals shall not be counted toward the cumulative thresholds set out in these guidelines for the remainder of the lot.

5.

Administering Agency: Agricultural commissioner's office, with technical assistance from the CRCDD and an Oak Tree Advisory Committee.

6.

Naturally occurring valley, blue, and live oak seedlings/saplings, growing on the lot and between six inches and six feet in height that are protected and nurtured for five years, may be counted as replacement (mitigation) trees under the program.

7.

Any combination of acorns, planted seedlings/saplings, or naturally occurring valley, blue, and live oaks between six inches and six feet tall, if established according to the program guidelines, may be used to achieve the required number of replacement trees. Valley oaks shall replace valley oaks removed, blue oaks shall replace blue oaks removed, and live oaks shall replace live oaks removed.

8.

Replanting shall occur on the lot from which the protected oak trees are to be removed, unless the oak tree specialist determines it precludes reasonable use of the lot, or no suitable area exists on the lot for replanting oak trees. In such cases the replacement oak trees may be planted in an off-site location acceptable to the applicant/landowner and the oak tree specialist.

9.

Program Review: Both the deciduous oak program and the live oak program will be the subject of an effectiveness review by the board of supervisors to determine, among other things, if regeneration is working. In addition, the amount of oak acreage removed versus the amount of oak acreage created and/or replaced will be analyzed at the time of these reviews to determine the effect of the program on the amount of oak habitat. There will be an initial review after two years from the date of adoption, then a second review after five years and periodic reviews every five years thereafter. The board could initiate program changes depending on the results of the reviews, after meeting noticing and other legal requirements.

B.

Deciduous Oak Program.

1.

The removals authorized under tiers [1-4](#) of Section IA and tiers I-3 of Section IB above shall each be calculated cumulatively during the thirty-year removal period. As removal numbers cumulatively move from one tier to the next, the process for removal shall similarly change and be governed by the next tier.

2.

Protected Trees: Valley and blue oak trees of four inches DBH or greater count towards the basic numerical removal thresholds in Table 1 and Table 2 and when measuring the thirty and fifty percent triggers.

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Replacement trees required as mitigation under the deciduous oak program are protected trees regardless of size. Trees voluntarily planted are not protected unless credited as pre-mitigation.

3.

Pre-Mitigation: For every ten deciduous oak trees voluntarily planted and nurtured for a minimum of five years, or existing oak tree seedlings or saplings six inches to six feet in height and less than two inches DBH that have been nurtured for a minimum of five years, one additional deciduous oak tree of the same species can be removed under the thresholds in Table 1 and Table 2. Documentation of planting pre-mitigation trees or commencing nurturing of naturally-occurring pre-mitigation trees must be submitted to the agricultural commissioner's office prior to claiming such trees for pre-mitigation credit. Planting of pre-mitigation trees should adhere to the replacement standards listed in Attachment 1 and coordination with the oak tree specialist should be pursued by landowners when designing their credit tree projects.

C.

Live Oak Program.

1.

Thinning of live oak woodlands and forests for rangeland management/improvement purposes is exempt from this program. However, if rangeland is converted to cultivated agriculture, resulting in the removal of live oak tree canopy, any thinning of live oak tree canopy prior to the conversion within the thirty-year removal period will be added to the landowner's cumulative live oak removal in determining whether a management plan is required. For the purposes of this program, thinning for rangeland management/improvement is defined as "the removal of understory vegetation and/or evenly reducing the canopy cover of a live oak woodland or forest by means of cutting or pruning (where the root system remains in place) without removing contiguous areas of canopy (i.e. removal is scattered across the canopy and no two adjacent protected trees are removed together)."

2.

Protected Trees: Live oak trees of eight inches DBH or greater are protected trees and count towards calculating the number of required live oaks to be replaced. Replacement trees required as mitigation under the live oak program are protected trees regardless of size. Trees voluntarily planted are not protected.

Attachment 1.

Replanting Standards for Tier 2 of Deciduous Oak Program

1.

Replacement deciduous oak trees that are planted should come from nursery stock grown from locally-sourced acorns, or use acorns gathered locally, preferably from the same watershed in which they are planted. If planting is done using acorns, the ratio of acorns to protected oak trees removed should be a minimum of forty-five acorns for every protected deciduous oak tree removed. Up to three acorns should be planted in the same hole.

2.

Replacement deciduous oak trees should be established in a location suitable for their growth and survival as determined by the landowner and oak tree specialist.

3.

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The replacement deciduous oak trees should be nurtured for five years, the last two without supplemental watering, using techniques consistent with the most current version of the University of California publication "How to Grow California Oaks." At the end of the five years, ten trees for every protected tree removed should be alive and in good health. Alternatively, five trees for every protected tree removed should attain a height above the browse line. (See Tier 2 description.)

4.

Each replacement deciduous oak tree should be protected against damaging ground disturbance, soil compaction, or over-irrigation within the dripline. It should be fenced to protect it from grazing or browsing by animals both below and above ground, until the tree has reached a minimum of eight feet in height.

5.

Valley oaks shall replace valley oaks removed and blue oaks shall replace blue oaks removed.

Attachment 2.

Management Plan standards for Tier 3 of Deciduous Oak Program for Agricultural Removals

1.

The plan shall:

a.

Provide a means to accomplish the long-term goal of the program which is to promote the conservation and regeneration of areas where oaks occur and work to increase the native oak population and extent. It is recognized that the replacement ratios, planting distances, and fencing and watering requirements represent averages and norms. They may be adjusted by the oak tree specialist on a case-by-case basis reflecting the proven record of a participant so as to establish a practical and working relationship while meeting the goal of the program.

b.

Demonstrate how the mix of deciduous oak tree savannas, woodlands, and forests on the lot will be preserved, created, enhanced, restored, and maintained, so that:

(1)

The removal of protected oak trees does not divide the remaining savanna, woodland, and forest habitats into small, isolated fragments.

(2)

Protection, maintenance, restoration, and enhancement of large blocks of savanna, woodland, and forests are given priority over maintenance, restoration, and enhancement of smaller, more isolated habitat patches.

(3)

Valley and blue oak trees that link on- or off-site oak tree savannas, woodlands, forests, or other existing, proximate habitats are retained to the maximum extent feasible.

(4)

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On-site replacement is given priority over off-site replacement except where no suitable on-site locations exist, or reasonable use of the lot would be precluded.

(5)

There is avoidance of removal of actively used granary trees, raptor roosting or nesting trees, and trees in riparian and other wildlife corridors.

c.

Comply with the following requirements, when applicable.

(1)

When required by the oak tree specialist on a case-by-case basis, a buffer area protecting the critical root zone shall be maintained around identified valley and blue oak trees retained on the lot.

(2)

Protected oak trees that are removed shall be compensated at a 15:1 ratio by replacement planting, or protection of naturally occurring oak trees between six inches and six feet tall on the lot.

d.

Identify valley and blue oak tree replanting, restoration, conservation and enhancement sites on a plan or aerial photograph to facilitate mitigation monitoring and tracking; and identify the species, location, and size of all oak trees that are planted or protected as mitigation or to fulfill a condition on the permit.

e.

Provide the deciduous oak tree replanting schedule and nurturing regime.

2.

Replacement deciduous oak trees that are planted must come from nursery stock grown from locally-sourced acorns, or use acorns gathered locally, preferably from the same watershed in which they are planted. If planting is done using acorns, the ratio of acorns to protected oak trees removed shall be a minimum of forty-five acorns for every protected deciduous oak tree removed. Up to three acorns may be planted in the same hole.

3.

Replacement deciduous oak trees shall be established in a location suitable for their growth and survival as determined by the oak tree specialist, no closer than twenty feet from each other or from existing oak trees and no farther than one hundred sixty-five to one hundred eighty feet from each other or existing oak trees unless otherwise approved by the oak tree specialist.

4.

Valley oaks shall replace valley oaks removed and blue oaks shall replace blue oaks removed.

5.

The replacement deciduous oak trees shall be nurtured for a minimum of five years, the last two without supplemental watering, using techniques consistent with the most current version of the University of

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California publication "How to Grow California Oaks." At the end of the five years, ten trees for every protected tree removed must be alive, in good health as determined by the oak tree specialist, and capable of surviving without nurturing and protection.

6.

Each replacement deciduous oak tree must be protected against damaging ground disturbance, soil compaction, or over-irrigation within the dripline. It must be fenced to protect it from grazing or browsing by animals both below and above ground until it has reached a minimum of eight feet in height.

7.

Where conditions warrant and where agreed to by the landowner and oak tree specialist, tree planting designs and nurturing practices (i.e. protective structures, watering schedules) may be adjusted to improve the probability that replacement trees will be established successfully.

Attachment 3.

Management Plan Standards for the Live Oak Program

1.

The plan shall:

a.

Provide a means to accomplish the long-term goal of the program which is to promote the conservation and regeneration of areas where oaks occur and work to increase the native oak population and extent. It is recognized that the replacement ratios, planting distances, and fencing and watering requirements represent averages and norms. They may be adjusted by the oak tree specialist on a case-by-case basis reflecting the proven record of a participant so as to establish a practical and working relationship while meeting the goal of the program.

b.

Demonstrate how the mix of live oak savannas, woodlands and forests on the lot will be preserved, created, enhanced, restored, and maintained, so that:

(1)

The removal of live oak trees does not divide the remaining savannas, woodlands and forests into small, isolated fragments.

(2)

Protection, maintenance, restoration, and enhancement of large blocks of savannas, woodlands and forests are given priority over maintenance, restoration, and enhancement of smaller, more isolated habitat patches.

(3)

Live oak trees that link on- or off-site oak tree savannas, woodlands, forests, or other existing, proximate habitats are retained to the maximum extent feasible.

(4)

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On-site replacement is given priority over off-site replacement except where no suitable on-site locations exist, or reasonable use of the lot would be precluded.

(5)

There is avoidance of removal of actively used granary trees, raptor roosting or nesting trees, and trees in riparian and other wildlife corridors.

c.

Comply with the following requirements, when applicable:

(1)

When required by the oak tree specialist on a case-by-case basis, a buffer area protecting the critical root zone shall be maintained around identified native oak trees retained on the lot.

(2)

Protected oak trees (greater than eight inches dbh) that are removed shall be compensated at a 10:1 ratio by replacement planting, or protection of naturally occurring oak trees between six inches and six feet tall on the lot. In situations where counting individual trees is infeasible or impractical given the density of the canopy, the canopy removed shall be compensated at a ratio of three hundred sixty trees for every one acre of canopy removed (or fraction thereof). However, the oak tree specialist shall have the discretion to reduce the replacement ratio if the goal of "no net loss" could be better achieved through creative use of conservation easements and other preservation/restoration options.

d.

Identify live oak tree replanting, restoration, conservation and enhancement sites on a plan or aerial photograph to facilitate mitigation monitoring and tracking; and identify the species, location, and size of all oak trees that are planted or protected as mitigation or to fulfill a condition on the permit.

e.

Provide the live oak tree replanting schedule and nurturing regime.

2.

Replacement live oak trees that are planted must come from nursery stock grown from locally-sourced acorns, or use acorns gathered locally, preferably from the same watershed in which they are planted. If planting is done using acorns, the ratio of acorns to protected oak trees removed shall be a minimum of thirty acorns for every protected live oak tree removed. Up to three acorns may be planted in the same hole. Live oaks of the same species as those removed shall be replanted as replacement live oaks.

3.

Replacement live oak trees shall be established in a location suitable for their growth and survival as determined by the oak tree specialist. Twenty-foot spacing from each other or from existing oak trees is the general standard, but the oak tree specialist can adjust this spacing requirement up or down based on site conditions in an effort to best meet the overall goals of this program.

4.

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The replacement live oak trees shall be nurtured for five years, the last two without supplemental watering, using techniques consistent with the most current version of the University of California publication "How to Grow California Oaks." At the end of the five years, six trees for every protected tree removed must be alive, in good health as determined by the oak tree specialist, and capable of surviving without nurturing and protection.

5.

Each replacement live oak tree (including natural sprouts and seedlings that are protected) must be protected against damaging ground disturbance, soil compaction, or over-irrigation within the dripline. It must be fenced to protect it from grazing or browsing by animals both below and above ground, until it has reached a minimum of eight feet in height.

6.

Where conditions warrant and where agreed to by the landowner and oak tree specialist, tree planting designs and nurturing practices (i.e. protective structures, watering schedules) may be adjusted to improve the probability that replacement trees will be established successfully.

(Ord. No. 4766, 11-9-2010)

Footnotes:

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5 The oak tree specialist shall work with landowners, APCD, the range improvement association and the fire districts to coordinate protocols for controlled burns that protect native oaks where feasible.

6 An example of "an immediate threat to safety" would be an oak that, through natural causes, is imminently and highly likely to fall directly onto a structure, such as a residence, barn, or shed.