

County of Santa Barbara
BOARD OF SUPERVISORS



First District - Salud Carbajal
Second District - Janet Wolf, Chair
Third District - Doreen Farr
Fourth District - Joni Gray, Vice Chair
Fifth District - Joseph Centeno

Chandra L. Wallar, County Executive Officer

Agenda

Tuesday, November 9, 2010

9:00 AM

BETTERAVIA GOVERNMENT CENTER
BOARD HEARING ROOM
511 EAST LAKESIDE PARKWAY, SANTA MARIA

The Board of Supervisors meets concurrently as the Board of Directors of the Flood Control & Water Conservation District, Water Agency, Redevelopment Agency, the Santa Barbara Fund for Public and Educational Access and other Special Districts.

Live Web Streaming of the Board of Supervisors Meetings, Agendas, Supplemental Materials and Minutes of the Board of Supervisors are available on the internet at: www.countyofsb.org

Persons may address the Board of Supervisors in person or by using the remote video testimony system located at the County Administration Building, Board Hearing Room, Fourth Floor, 105 East Anapamu Street, in Santa Barbara or at the Betteravia Government Center, Board Hearing Room, 511 East Lakeside Parkway, Santa Maria. Persons may address the Board on any matter listed on the agenda by completing and delivering to the Clerk a speaker slip before the item is considered. Matters not listed on the agenda may be addressed during the public comment period at the conclusion of the administrative agenda. Further information on agenda items can be obtained in the Clerk of the Board Office, Room 407, in the County Administration Building in Santa Barbara.

Board Meeting Procedures

The Board of Supervisors is the legislative body for the County of Santa Barbara. Persons are encouraged to attend and testify before the Board on any matter appearing on the agenda. Correspondence to the Board regarding items appearing on the agenda should be directed to the Clerk of the Board, 105 East Anapamu Street, Room 407, Santa Barbara CA 93101. For information regarding the meetings of the Board of Supervisors including specific meeting times contact the Clerk of the Board at (805) 568-2240. Procedures for the conduct of the meetings of the Board of Supervisors can be found in Board Resolutions 09-368 (General) and 91-333 (Land Use).

The schedule of the Board of Supervisors, meeting agendas, supplemental hearing materials and minutes of the Board meetings are available on the Internet at: www.countyofsb.org

Board Meetings are televised live on County of Santa Barbara TV channel 20. For information about obtaining a videotape of a public hearing or a schedule of CSBTV broadcasts please call (805) 568-3427.

Late Distribution

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Clerk of the Board to all or a majority of the members of the Board of Supervisors less than 72 hours prior to that meeting are available for inspection in the Clerk of the Board Office, 105 East Anapamu Street, Room 407, Santa Barbara, CA, at the Office of the Board of Supervisors, Betteravia Government Center, 511 East Lakeside Parkway, Santa Maria, CA and on the Internet at: <http://santabarbara.legistar.com/Calendar.aspx#current>.

Disability Access

The Board of Supervisors Hearing Room in Santa Barbara is located on the Fourth Floor of the County Administration Building, 105 East Anapamu Street. The Hearing Room is wheelchair accessible. Accessible public parking is available behind the County Administration Building and in City Parking Lot #6 located at the corner of Anacapa Street and Anapamu Street.

The Board of Supervisors Hearing Room in Santa Maria is located at the Betteravia Government Center, 511 East Lakeside Parkway, Santa Maria. The Hearing Room is wheelchair accessible. Accessible public parking is available at the Betteravia Government Center.

American Sign Language interpreters, Spanish language interpretation and sound enhancement equipment may be arranged by contacting the Clerk of the Board of Supervisors by 4:00 p.m. on Friday before the Board meeting. For information about these services please contact the Clerk of the Board at (805) 568-2240.

Closed Session

The Board of Supervisors conducts a Closed Session every Tuesday between 8:00 A.M. and 9:00 A.M. and between 1:00 P.M. and 2:00 P.M. as necessary. Closed Sessions are not open to the public. Matters discussed during Closed Session include existing and pending litigation, personnel matters and real property negotiations. Actions taken by the Board during Closed Session will be announced during open session (Gov. Code Sections 54957.1(a) & (b), Ralph M. Brown Act). The Closed Session agenda is posted as an addendum to the Board's agenda each Friday in the Office of the Clerk of the Board. For information related to Closed Session announcements please contact County Counsel at (805) 568-2950.

7:50 A.M. Convene and Recess to Closed Session

9:00 A.M. Reconvene to Regular Session

Roll Call

Pledge of Allegiance

Report from Closed Session

COUNTY COUNSEL

[10-01017](#)

Closed Session Agenda

Approval of Minutes of the November 2, 2010 Meeting

Administrative Agenda

All matters listed hereunder constitute a consent agenda, and will be acted upon by a single roll call vote of the Board. Matters listed on the Administrative Agenda will be read only on the request of a member of the Board or the public, in which event the matter shall be removed from the administrative agenda and considered as a separate item.

Resolutions to be Presented

A-1) SUPERVISOR WOLF

[10-01011](#)

Adopt a Resolution proclaiming the month of November 2010 as American Diabetes Month in Santa Barbara County.

A-2) SUPERVISOR FARR

[10-01013](#)

Adopt a Resolution naming the Oak Canyon Trail the Don Wimpres Nature Trail.

A-3) SUPERVISOR CENTENO

[10-00989](#)

Adopt a Resolution proclaiming the month of November 2010 as National Court Adoption and Permanency Month in Santa Barbara County.

Resolution to be Presented at 11:45 A.M**Reception to Follow****A-4) BOARD OF SUPERVISORS [10-00995](#)**

Adopt a Resolution naming the Betteravia Government Administration Building in honor of Fifth District Supervisor Joseph Centeno.

Administrative Items**A-5) AUDITOR-CONTROLLER [10-00991](#)**

Receive and file the Auditor-Controller's Report on the Statement of Assets of the Santa Barbara County Treasurer, as of September 30, 2010.

A-6) AUDITOR-CONTROLLER [10-00993](#)

Receive and file the County of Santa Barbara Final Budget for Fiscal Year 2010/2011.

A-7) AUDITOR-CONTROLLER, BOARD OF DIRECTORS, FIRE PROTECTION DISTRICT, BOARD OF DIRECTORS, FLOOD CONTROL AND WATER CONSERVATION DISTRICT [10-00992](#)

Acting as the Board of Supervisors, the Board of Directors, Fire Protection District, and the Board of Directors, Flood Control and Water Conservation Districts:

Consider recommendations regarding the Proposition 4/111 Appropriations Limit (GANN Initiative), as follows:

- a) Receive and file the Brown Armstrong CPAs Accountant's Report on the Appropriations Limit Worksheet for the year ended June 30, 2010;
- b) Receive and file a report of the Proposition 4/111 Appropriation Limits (GANN Initiative);
- c) Set hearing for the Administrative Agenda of December 7, 2010 to consider the adoption of the following ten (10) Resolutions:
 - i) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2010/2011 for the County of Santa Barbara;
 - ii) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2010/2011 for Santa Barbara County Service Area No. 3;
 - iii) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2010/2011 for Santa Barbara County Service Area No. 4;
 - iv) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2010/2011 for

Santa Barbara County Service Area No. 5;

v) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2010/2011 for Santa Barbara County Service Area No. 12;

vi) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2010/2011 for Santa Barbara County Service Area No. 32;

vii) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2010/2011 for Santa Barbara County Service Area No. 41;

viii) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2010/2011 for the Santa Barbara County Fire Protection District;

ix) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2010/2011 for the Santa Barbara North County Lighting District; and

x) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2010/2011 for the Santa Barbara County Flood Control and Water Conservation Districts;

d) Select the change in the non-residential new construction as the price factor in determining the Fiscal Year 2010/2011 limit for Santa Barbara County and the California Per Capita Personal Income for special districts, and ratify selections by recorded vote; and

e) Select the change in population within Santa Barbara County and all contiguous counties as the population factor in determining the Fiscal Year 2010/2011 limit for Santa Barbara County, and the change in population within Santa Barbara County for the special districts, and ratify selections by recorded vote.

A-8) GENERAL SERVICES

[10-01010](#)

Consider recommendations regarding the Notice of Completion and Contract Amendment No. 1 to the Courthouse Temporary Chiller Replacement Contract, Project No. F02003, First District, as follows:

a) Approve and authorize the Chair to execute Amendment No. 1 to the Contract with Environmental Heating and Air (not a local vendor) for the Courthouse Temporary Chiller Project, in the amount of \$5,607.00, increasing the total to \$142,725.00; and

b) Accept the Notice of Completion for the Courthouse Temporary Chiller Project.

A-9) GENERAL SERVICES

[10-01012](#)

Approve and authorize the Chair to execute a Real Property Purchase Contract and Temporary Construction Easement with Live Oaks Ranch, a California General Partnership, for a temporary construction easement over a portion of the owner's property, known as APN 083-180-017, in the amount of \$2,500.00, in connection with the Santa Rosa Road Bridge Replacement, County Project No. 863038, Third District.

A-10) GENERAL SERVICES**10-01015**

Consider recommendations regarding the Anderson Purisima Hills Conservation Easement for the Santa Barbara Land Trust, Lompoc area, APNs 099-060-021 and 099-070-036, Fourth District, as follows: (4/5 Vote Required)

- a) Approve the Notice of Exemption pursuant to the County's California Environmental Quality Act (CEQA) guidelines for the project;
- b) Accept the Planning Commission's report showing that the acquisition of a conservation easement to be held by the Santa Barbara Land Trust is consistent with the Comprehensive Plan of the County of Santa Barbara pursuant to Government Code 65402;
- c) Approve and authorize the Chair to execute an Agreement and Escrow Instructions between the County of Santa Barbara, Santa Barbara Land Trust (Land Trust) and Sonia Chantal Anderson to acquire a Conservation Easement from Sonia Anderson consisting of 15.40 acres located on that certain property commonly known as 3200 Gypsy Canyon Road, Lompoc, California, and identified as APNs 099-060-021 and 099-070-036, consisting of approximately 160 acres, and located in the unincorporated portion of the County of Santa Barbara, State of California, in the purchase amount of \$240,000.00, which Conservation Easement will be held by the Land Trust, in perpetuity;
- d) Approve and authorize the Chair to execute the Restoration, Management, Monitoring Plan (RMMP) between the County of Santa Barbara, the United States Fish and Wildlife Service (FWS), and Sonia Anderson to assist with the restoration of a known California Tiger Salamander (CTS) pond, management of the easement, and monitoring of the pond-restoration site and easement area; and
- e) Approve a Budget Revision to transfer \$400,000.00 from the General Fund Designation (990-0001-9730-8300) to the General Services Capital Outlay Fund 30 (063-0030-1930-003585), and return the unused remainder to the General Fund Designation upon completion of the project.

A-11) HOUSING AND COMMUNITY DEVELOPMENT**10-01003**

Consider recommendations regarding a Grant Application for United States Department of Housing and Urban Development (HUD) Continuum of Care Homeless Assistance Programs, as follows:

- a) Authorize the Director of the Department of Housing and Community Development to submit a countywide comprehensive application to the HUD, for the Fiscal Year 2010/2011 Continuum of Care Homeless Assistance Programs; and
- b) Authorize the Director of Housing and Community Development to execute all certifications, standard forms, and other related documents required for submission of the 2010 Continuum of Care Grant Application.

A-12) PARKS**10-01008**

Authorize the Parks Department to utilize pre-qualified consultants in various fields of expertise, as selected by the Public Works Department through its most recent Pre-Qualified Consultant Selection Process.

A-13) PLANNING AND DEVELOPMENT**10-01005**

Authorize the Planning and Development Department to approve and issue a grading permit, 10GRD-00000-00142, and a Land Use Permit, 10LUP-00000-00312 Haas Grading, prior to recordation of the Haas Tract Map, 08TRM-00000-00005, contingent upon all pre-grading conditions having been met for APN 099-600-045, located on the west side of the intersection of Camino San Carlos and Jonata Park Road, in the Buellton area, Third District.

A-14) PLANNING AND DEVELOPMENT**10-00923**

Consider recommendations regarding Amendments to Chapter 14 of the Santa Barbara County Code relating to grading, drainage, erosion, sediment and pollution control regulations and permitting, as follows:

a) Consider the adoption (second reading) of an Ordinance amending Chapter 14 of the Santa Barbara County Code relating to grading, drainage, erosion, sediment and pollution control regulations and permitting; and

b) Approve a Notice of Exemption in compliance with Section 15307 and Section 15308 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA).

Legislative History

10/19/10

BOARD OF SUPERVISORS

Set for a hearing, as follows:

A motion was made by Supervisor Carbajal, seconded by Supervisor Gray, that this matter be Set for a hearing, as follows: November 2, 2010 in Santa Barbara (EST. TIME: 45 MIN.). The motion carried by the following vote:

Ayes: 4 Supervisor Carbajal, Supervisor Wolf, Supervisor Gray, and Supervisor Centeno

Absent: 1 Supervisor Farr

11/2/10

BOARD OF SUPERVISORS

Acted on as follows:

Received and filed staff presentation and conducted public hearing.

A motion was made by Supervisor Carbajal, seconded by Supervisor Gray, that this matter be Acted on as follows:

a) Read title, waived further reading of the Ordinance. Introduction approved as

amended; Adoption (Second Reading) set for November 9, 2010 on Administrative Agenda.

Amended Ordinance as follows:

The last Sentence of Section 14-32.1 (Appeals Board) is amended to read as follows:

"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."

Insert new Definition at the end of Section 14-7

... Watercourse/Drainageway Setback –
For non-agricultural uses in urban areas the setback from top of bank for watercourses and drainageways shall be 50 feet, and in rural areas the setback from top of bank for watercourses and drainageways shall be 100 feet.
And;

The following Sections are amended as follows:

14-6(a), will be changed from "within fifty (50) feet of the top of bank of any watercourse" to "within the watercourse/drainageway setback."

14-6(b)(10) change "is greater than fifty (50) feet away from a stream, creek, watercourse, receiving water or drainage way" to "is outside the watercourse/drainageway setback"

14-9.2(b) will be changed from "within fifty (50) feet of the top of bank of any watercourse" to "within the watercourse/drainageway setback."

14-9.2(b)(3)(III) will be changed from "within fifty (50) feet of any watercourse, drainageway ..." to "within the watercourse/drainageway setback, including any"

14-9.2(b)(3) Exception: (II) will be

changed from “non-agricultural land disturbance within fifty (50) feet of a drainage way or street, curb, gutter and/or storm drain conveyance system” to “non-agricultural land disturbance in an urban area within fifty (50) 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 (100) feet of a drainage way or street, curb, gutter and/or storm drain conveyance system”

b) and c) Set for November 9, 2010 in Santa Maria.

Further directed staff to research other jurisdictions and return as appropriate with recommendations regarding protocols for exemptions .

The motion carried by the following vote:

HEARING TIME: 1:05 P.M. - 1:57 P.M. (52 MIN.)

Ayes: 5 Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

A-15) PUBLIC HEALTH

[10-01002](#)

Approve and authorize the Public Health Director to execute Agreement No. EPO 10-42 with the California Department of Public Health Emergency Preparedness Office for 2010/2011 CDC Public Health Emergency Preparedness (PHEP), State General Fund (GF) Pandemic Influenza, and HHS Hospital Preparedness Program (HPP) funding, in an amount not to exceed \$751,974.00.

A-16) PUBLIC WORKS

[10-00999](#)

Adopt a Resolution accepting portions of Foxen Lane and Coiner Street in the Third District, and Jensen Ranch Road, Soloman View Road, Canyon Creek Road, South Creek Court, Sycamore Creek Court, and Pine Creek Court in the Fourth District, into the County Road Maintained System.

A-17) PUBLIC WORKS

[10-01000](#)

Approve a Notice of Completion for work performed by the contractor, Elevation General Engineering Construction, Inc. (a local vendor), located at 2333 A Street, Santa Maria, California 93455, for construction of the 2009 ARRA Miscellaneous Concrete Repair in Old Town Orcutt, County Project No. 820620, Fourth District.

A-18) PUBLIC WORKS, BOARD OF DIRECTORS, FLOOD CONTROL AND WATER CONSERVATION DISTRICT

[10-00997](#)

Acting as the Board of Directors, Flood Control and Water Conservation District:

Consider recommendations regarding the Final Subsequent Environmental Impact Report (Final SEIR) for Flood Control Maintenance Activities in Goleta Slough, as follows:

- a) Certify that the Final Subsequent Environmental Impact Report (SEIR), State Clearing House (SCH) No. 2000031092, for the Flood Control Maintenance Activities in Goleta Slough has been completed in compliance with the California Environmental Quality Act (CEQA);
- b) Certify that the Board has reviewed and considered the information contained in the Final SEIR, SCH No. 2000031092, as well as information presented during the public hearing prior to the approval of the project, and adopt the CEQA Findings and Statement of Overriding Considerations;
- c) Approve the project identified as the preferred alternative (Proposed Project) in the Final SEIR, SCH No. 2000031092;
- d) Adopt the preferred project description (Proposed Project) and mitigation measures, with their corresponding monitoring requirements, as the Mitigation Monitoring Program for this project; and
- e) Direct the District to apply for local, State, and Federal permits to the extent required by law for implementation of the project.

A-19) TREASURER-TAX COLLECTOR

[10-00998](#)

Consider recommendations regarding the Treasurer's Investment Pool for Fiscal Year 2010/2011 First Quarter, July 2010 through September 2010, as follows:

- a) Receive and file the Fiscal Year 2010/2011 First Quarter report, for the period of July 2010 through September 2010, on the Treasurer's Investment Pool, pursuant to Government Code section 53646(b); and
- b) Approve the Investment Policy Statement.

Board of Supervisors

A-20) SUPERVISOR CARBAJAL

[10-00994](#)

Approve the appointment of Ralph Baxter to the Air Pollution Control District Community Advisory Council, term ending January 1, 2012, First District.

A-21) SUPERVISOR CARBAJAL[10-00916](#)

Consider recommendations regarding the amendment of Chapter 37A of the Santa Barbara County Code, relating to the Tobacco Control Ordinance for Santa Barbara County, as follows:

- a) Consider the adoption (second reading) of an Ordinance Amending Chapter 37A of the Santa Barbara County Code; and
- b) Direct staff to return to the Board of Supervisors in 24-36 months with data to report on the effectiveness of any amendment to the Tobacco Control Ordinance approved by the Board.

Legislative History

10/19/10

BOARD OF SUPERVISORS

Set for a hearing, as follows:

A motion was made by Supervisor Carbajal, seconded by Supervisor Gray, that this matter be Set for a hearing, as follows: November 2, 2010 in Santa Barbara (EST. TIME: 40 MIN.). The motion carried by the following vote:

Ayes: 4 Supervisor Carbajal, Supervisor Wolf, Supervisor Gray, and Supervisor Centeno

Absent: 1 Supervisor Farr

11/2/10

BOARD OF SUPERVISORS

Acted on as follows:

Received and filed staff presentation and conducted public hearing.

A motion was made by Supervisor Carbajal, seconded by Supervisor Farr, that this matter be Acted on as follows:.

a) Read title, waived further reading of the Ordinance. Introduction approved as amended. Adoption (Second Reading) set for November 9, 2010 on Administrative Agenda.

Ordinance amended as follows:

Added subsection (b) to Section 37A-1 (Purpose) as follows:

"All amendments to this chapter shall be applied in a prospective manner only, not retrospectively to situations, conditions or facts existing at the time of or prior to the amendments."

Amended Section 37 A-7 (a) to read as follows:

"The initial fee or renewal fee for a Tobacco Retailer License shall be \$250 in the years 2011 and 2012, and \$435 in each subsequent year. The fee shall be paid to the Licensing Agent when a Tobacco Retailer License application is submitted. The fee shall be allocated between the Licensing Agent and the Public Health Department: \$30 will be apportioned to the Licensing Agent for processing the licenses and the balance will be apportioned to the Public Health Department for administration and enforcement of this Chapter."

Added Section 37 A-10 (b)(2) as follows:

"If a Tobacco Retailer owns a parcel of real property on the operative date of this ordinance, which is also located within one-thousand feet of the same School as their existing Tobacco Retailer's business, then the Tobacco Retailer may transfer his or her Tobacco Retailer License to that property owned by the Tobacco Retailer."

Amended Section 37 A-15 (b) (3) to read as follows:

"Upon the third or subsequent finding by the Public Health Department of a violation of this chapter by a licensee or by any agent or employee of a licensee within any five year period, the License shall be suspended for twelve months. However, if the licensee is operating within one-thousand feet of a school pursuant to Sec. 37A-10 of this Chapter, upon the third finding by the Public Health Department of a violation by a licensee or by any agent or employee of a licensee within any five year period, then the Tobacco Retailer License shall be suspended for five years."

b) Set for November 9, 2010 in Santa Maria.

c) Directed.

The motion carried by the following vote:

HEARING TIME: 3:27 P.M. - 4:47 P.M. (1 HR., 20 MIN.)

Ayes: 5 Supervisor Carbajal, Supervisor Wolf, Supervisor Farr,
Supervisor Gray, and Supervisor Centeno

Hearing Requests

A-22) AUDITOR-CONTROLLER

[10-01016](#)

Set hearing to consider recommendations regarding GASB 54 Fund Balance Reporting and Fund Balance Policy, as follows:

(Set hearing for 12/7/10. Time estimate 1 hour.)

- a) Reaffirm that the County of Santa Barbara's Special Revenue Funds comply with GASB 54, with the potential exception of County Service Area 32 and the Santa Barbara County Fire Protection District;
- b) Take under consideration the recommended changes related to County Service Area 32 and the Santa Barbara County Fire Protection District for final adoption on January 11, 2011;
- c) Authorize the Auditor-Controller to reclassify existing reserve and designation accounts into the new classifications required by Governmental Accounting Standards Board Statement No. 54 (GASB 54) retroactive to July 1, 2010; and
- d) Consider for review a draft of the Santa Barbara County Fund Balance Policy for final adoption on January 11, 2011.

A-23) FIRE

[10-00990](#)

Set hearing to consider recommendations regarding an Ordinance amending Chapter 15 of the Santa Barbara County Code to adopt the 2010 California Fire Code, as follows:

(Set hearing for 12/9/10. Time estimate 1 hour.)

- a) Consider the introduction (first reading) of an Ordinance amending Chapter 15 of the Santa Barbara County Code to adopt the 2010 California Fire Code, with amendments replacing the amended 2007 California Fire Code as the enforcement Code in all areas within the Santa Barbara County Fire Protection District and all other unincorporated areas of the County, except the areas within the Carpinteria/Summerland Fire Protection District, Montecito Fire Protection District, Vandenberg Air Force Base, and Bureau of Indian Affairs Lands, unless otherwise specified by this Ordinance;
- b) Set hearing on the Administrative Agenda of December 14, 2010 to consider the adoption (second reading) of an Ordinance amending Chapter 15 of the Santa Barbara County Code to adopt the 2010 California Fire Code as set forth above; and
- c) Determine that the adoption of this Ordinance is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3).

A-24) HOUSING AND COMMUNITY DEVELOPMENT**[10-01014](#)**

Set hearing to consider recommendations regarding an Ordinance amending Chapter 44 of the Santa Barbara County Code pertaining to the rights and duties of landlords and tenants of residential property, as follows:

(Set hearing for 12/7/10. Time estimate 1 hour.)

a) Consider the introduction (first reading) of an Ordinance amending Chapter 44 of the Santa Barbara County Code pertaining to the rights and duties of landlords and tenants of residential property;

b) Set hearing on the Departmental Agenda of December 14, 2010 to consider the adoption (second reading) of an Ordinance amending Chapter 44 of the Santa Barbara County Code pertaining to the rights and duties of landlords and tenants of residential property; and

c) Determine that the adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) of the Guidelines for Implementation of CEQA and direct filing of the Notice of Exemption.

A-25) PLANNING AND DEVELOPMENT**[10-01007](#)**

Set hearing to consider Small Wind Energy Systems Ordinance amendments to the County and Montecito Land Use and Development Codes, as follows:

(Set hearing for 12/7/10. Time estimate 30 minutes.)

a) Consider the following recommendations of the County Planning Commission regarding Case No. 10ORD-00000-00003:

i) Adopt findings for approval of the proposed Ordinance including California Environmental Quality Act (CEQA) findings;

ii) Approve a Notice of Exemption in compliance with Section 15308 of the Guidelines for Implementation of CEQA; and

iii) Adopt an Ordinance amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code to implement a permit process regarding the development of Small Wind Energy Systems; and

b) Consider the following recommendations of the County Planning Commission regarding Case No. 10ORD-00000-00004:

i) Adopt findings for approval of the proposed Ordinance including CEQA findings;

ii) Determine that the adoption of this Ordinance is categorically exempt from the California Environmental Quality Act in compliance with Section 15308 of the Guidelines for implementation of CEQA; and

iii) Adopt an Ordinance amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code to implement a permit process regarding the development of Small Wind Energy Systems.

A-26) PLANNING AND DEVELOPMENT**10-01006**

Set hearing to consider recommendations regarding an extension of the Interim Urgency Ordinance regarding Medical Marijuana Dispensaries, as follows: (4/5 Vote Required)
(Set hearing for 12/7/10. Time estimate 1 hour.)

- a) Adopt an Ordinance extending the current Interim Urgency Ordinance for a Moratorium on Approval of Medical Marijuana Dispensaries for one (1) year from December 7, 2010, in order to provide staff (County Counsel, Planning and Development, Sheriff, and Probation Departments) with adequate time for studying and considering tools to draft language, regulate, restrict, or ban the operation of medical marijuana dispensaries (MMDs);
- b) Issue this report pursuant to Government Code section 65858(d); and
- c) Determine that the adoption of this Countywide Urgency Ordinance is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15060(c)(2) and 15060(c)(3), and direct staff to file the Notice of Exemption.

A-27) PLANNING AND DEVELOPMENT**10-01004**

Set hearing to consider the designation of the Frances Rich Beach Cabana as a Historic Landmark, as follows:
(Set hearing for 12/7/10. Time estimate 1 hour.)

- a) Confirm the action of the Historic Landmarks Advisory Commission and adopt a Resolution designating the Frances Rich Beach Cabana as a County historic landmark, and imposing certain conditions on the property, and approve a Notice of Exemption pursuant to California Environmental Quality Act (CEQA) Section 15308; or
- c) Designate the Frances Rich Beach Cabana as a County place of historic merit; or
- d) Take no action, thereby allowing the action of the Historic Landmark Advisory Commission (HLAC) to designate the Frances Rich Beach Cabana as a County historic landmark to expire.

A-28) PLANNING AND DEVELOPMENT**10-01009**

Set hearing to consider recommendations regarding amendments to Chapter 10 of the Santa Barbara County Code relating to building construction, as follows:
(Set hearing for 12/7/10. Time estimate 30 minutes.)

- a) Consider the introduction (first reading) of an Ordinance amending Chapter 10 of the Santa Barbara County Code relating to building construction;
- b) Set hearing on the Administrative Agenda of December 14, 2010 to consider the adoption (second reading) of an ordinance amending Chapter 10 of the Santa Barbara County Code relating to building construction; and
- c) Determine that the adoption of this Ordinance is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3).

A-29) PUBLIC WORKS[10-00996](#)

Set hearing to consider recommendations regarding an Ordinance amending Chapter 17 of the Santa Barbara County Code regarding solid waste services, as follows:

(Set hearing for 12/7/10. Time estimate 10 minutes.)

a) Consider the introduction (first reading) of an Ordinance amending Chapter 17 of the Santa Barbara County Code regarding solid waste services;

b) Set hearing on the Administrative Agenda of December 14, 2010 to consider the adoption (second reading) of an Ordinance amending Chapter 17 of the Santa Barbara County Code regarding solid waste services; and

c) Approve a Notice of Exemption pursuant to the State Guidelines for Implementation of the California Environmental Quality Act (CEQA)

ADDENDUM**Administrative Items****Item A-30) is added to the Administrative Agenda, as follows:****A-30) PUBLIC HEALTH**[10-01018](#)

Authorize the Director of the Public Health Department to execute Agreement No. 10-95402 with the California Department of Public Health for the Immunization Action Project for the period of July 1, 2010 through June 30, 2011 in an amount not to exceed \$161,605.00.

Approval of Administrative Agenda**Board Member Reports****Public Comment Period**

Persons desiring to address the Board must complete and deliver to the Clerk the form which is available at the Hearing Room entrance prior to the commencement of this comment period. THE PUBLIC COMMENT PERIOD IS RESERVED FOR COMMENT ON MATTERS WITHIN THE SUBJECT MATTER JURISDICTION OF THE BOARD OF SUPERVISORS. EACH PERSON MAY ADDRESS THE BOARD FOR UP TO THREE MINUTES AT THE DISCRETION OF THE CHAIR, FOR A TOTAL PUBLIC COMMENT PERIOD OF NO MORE THAN 15 MINUTES. (Resolution No. 09-368) (10-00001)

WHEN TESTIFYING BEFORE THE BOARD OF SUPERVISORS, PERSONAL ATTACKS AND OTHER DISRUPTIVE BEHAVIOR IS NOT APPROPRIATE.

Departmental Agenda
Planning Items and Public Hearings

1) **PLANNING AND DEVELOPMENT**

[10-00252](#)

HEARING - Consider recommendations regarding Coastal Commission Suggested Modifications to County and Montecito Land Use and Development Codes, as follows:
 (EST. TIME: 1 HR.)

- a) Receive and file a report on the four informational sessions conducted by the Planning and Development Department;
- b) Review the status of suggested modifications (based on newest Coastal Commission staff report);
- c) Provide direction to the Planning and Development Department regarding how the Board of Supervisors would like to proceed in presenting its comments regarding the recommended modifications to the Coastal Commission for their consideration at the November 18, 2010 hearing;
- d) Approve and authorize the Chair to execute the letter to the Coastal Commission as revised by the Board of Supervisors;
- e) Select up to two Board members to represent the County of Santa Barbara at the Coastal Commission hearing on November 18, 2010; and
- f) Continue this hearing until December 14, 2010 so that the Board of Supervisors may provide direction to the Planning and Development Department as to how it wants to proceed should the Coastal Commission take final action at their November 18, 2010 hearing.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

Legislative History

3/16/10	BOARD OF SUPERVISORS	Set for a hearing, as follows: A motion was made by Supervisor Carbajal, seconded by Supervisor Farr, that this matter be Set for a hearing, as follows: April 6, 2010 in Santa Barbara (EST. TIME: 45 MIN.). The motion carried by the following vote:
	Ayes: 5	Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno
4/6/10	BOARD OF SUPERVISORS	Acted on and continued, as follows: A motion was made by Supervisor Carbajal, seconded by Supervisor Gray,

that this matter be Acted on and continued, as follows:

Directed staff to request a continuance of the Coastal Commission consideration of this matter from the April 2010 meeting to the scheduled Coastal Commission meeting in August, 2010 in San Luis Obispo. Further directed staff to return on July 6, 2010 with recommendations as appropriate.

The motion carried by the following vote:

HEARING TIME: 2:25 P.M. - 2:40 P.M. (15 MIN.)

Ayes: 5 Supervisor Carbajal, Supervisor Wolf, Supervisor Farr,
Supervisor Gray, and Supervisor Centeno

7/6/10

BOARD OF SUPERVISORS

Acted on and continued, as follows:

a) and b) Received and filed staff presentation and conducted public hearing. Continued to July 13, 2010 in Santa Maria for Board deliberations. Public hearing closed.

HEARING TIME: 3:35 P.M. - 5:55 P.M. (2 HRS. 20 MIN.)

7/13/10

BOARD OF SUPERVISORS

Acted on and continued, as follows:

Received and filed staff presentation.

A motion was made by Supervisor Farr, seconded by Supervisor Carbajal, that this matter be Acted on and continued, as follows:

a) Directed staff to return on July 27, 2010 for continued deliberation and to accept public comment related to the County's responses to Coastal Commission suggested modifications to County and Montecito Land Use and Development Codes. Further directed staff to include a list of issue areas reflecting those potentially resolved and those that remain outstanding, to provide draft responses/correspondence and to include options for the Board to consider based on the Board discussion at the hearing of July 13, 2010 including those for transmitting the County's concerns to the Coastal Commission.

The motion carried by the following vote:

HEARING TIME: 3:00 P.M. - 5:05 P.M. (2 HRS. 5 MIN.)

Ayes: 5 Supervisor Carbajal, Supervisor Wolf, Supervisor Farr,
Supervisor Gray, and Supervisor Centeno

7/27/10

BOARD OF SUPERVISORS

Acted on and continued, as follows:

Received and filed staff presentation and
conducted public hearing.

A motion was made by Supervisor
Carbajal, seconded by Supervisor Gray,
that this matter be Acted on and
continued, as follows:

a) through c) Continued to August 3,
2010 in Santa Barbara (EST. TIME: 1
HR.).

Directed staff to return so the Board may
review and incorporate the written
responses received from the Coastal
Commission regarding suggested
modifications (addressing issues
potentially resolved and those which
remain outstanding) to County and
Montecito Land Use and Development
Codes.

The motion carried by the following vote:

HEARING TIME: 1:08 P.M. - 3:15 P.M. (2 HR., 7 MIN.)

Ayes: 5 Supervisor Carbajal, Supervisor Wolf, Supervisor Farr,
Supervisor Gray, and Supervisor Centeno

8/3/10

BOARD OF SUPERVISORS

Acted on and continued, as follows:

Received and filed staff presentation and
conducted public hearing.

A motion was made by Supervisor
Carbajal, seconded by Supervisor
Centeno, that this matter be Acted on and
continued, as follows:

a) Proceed with the Coastal Commission
hearing on August 12, 2010, and request
that the Coastal Commission (1) provide
input and direction on suggested
modifications 9, 10, 13, 21, and 34 to the
County and the Coastal Commission staff,
and (2) direct their staff to work with the
County of Santa Barbara and its
constituents through local public
workshops to receive further input and
attempt to resolve the remaining issues;

b) Approved; Chair to execute letter,

amended as follows:

1. Divide the issue areas into two groups; the first group to contain those areas where the Board reached consensus on the suggested revisions, and the second group to contain those areas where the Board was not able to reach consensus, specifically school facilities in agricultural zones, permit requirements for voluntary mergers, and restrictions on primary residences in agricultural zones; and

2. Request that the Coastal Commission proceed with the hearing on August 12, 2010, and, at this hearing, provide input on suggested modifications 9, 10, 13, 21, and 34 to the County and the Coastal Commission staff, and direct the Coastal Commission staff to work with the County and the local community on the language of the suggested modifications.

c) Second District Supervisor Janet Wolf and Third District Supervisor Doreen Farr selected to represent the Board and the County at the Coastal Commission hearing scheduled for August 12, 2010 at the San Luis Obispo County Government Center, San Luis Obispo, CA. The meeting will begin at 9:00 a.m.

Continued hearing to September 7, 2010 in Santa Barbara (EST. TIME: 90 MIN.).

The motion carried by the following vote:

HEARING TIME: 1:55 P.M. - 4:30 P.M. (2 HRS., 35 MIN.)

Ayes: 5 Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

9/7/10

BOARD OF SUPERVISORS

Acted on and continued, as follows:

A motion was made by Supervisor Carbajal, seconded by Supervisor Farr, that this matter be Acted on and continued, as follows:

a) Received and filed staff presentation and conducted public hearing.

b) Continued to November 2, 2010 in Santa Barbara (EST. TIME: 1 HR.)

Directed staff to hold four (4)

Informational Sessions in the geographic areas of Gaviota, Goleta, Montecito and Carpinteria/Summerland/Toro Canyon and to invite the Coastal Commission members to attend any and all scheduled meetings.

Further directed staff to prepare a matrix for review by the Board and the public which outlines the evolution of the issues.

The motion carried by the following vote:

HEARING TIME: 2:22 P.M. - 3:28 P.M. (66 MIN.)

Ayes: 5 Supervisor Carbajal, Supervisor Wolf, Supervisor Farr,
Supervisor Gray, and Supervisor Centeno

11/2/10

BOARD OF SUPERVISORS

Continued, as follows:

A motion was made by Supervisor Carbajal, seconded by Supervisor Farr, that this matter be Continued, as follows: November 9, 2010 in Santa Maria (EST. TIME: 1 HR.). The motion carried by the following vote:

HEARING TIME: 9:48 A.M. - 9:53 A.M. (5 MIN.)

Ayes: 5 Supervisor Carbajal, Supervisor Wolf, Supervisor Farr,
Supervisor Gray, and Supervisor Centeno

2) PUBLIC WORKS[10-00891](#)

HEARING - Consider recommendations regarding Ordinances amending Chapter 15A of the Santa Barbara County Code relating to Flood Plain Management and Chapter 15B of the Santa Barbara County Code relating to Development along Watercourses, as follows: (EST. TIME: 10 MIN.)

- a) Consider the introduction (first reading) of an Ordinance amending Chapter 15A of the Santa Barbara County Code relating to Flood Plain Management;
- b) Consider the introduction (first reading) of an Ordinance amending Chapter 15B of the Santa Barbara County Code relating to Development along Watercourses; and
- c) Set a hearing on the Administrative Agenda of December 7, 2010 to consider the following recommendations:
 - i) Consider the adoption (second reading) of an Ordinance amending Chapter 15A of the Santa Barbara County Code relating to Flood Plain Management;
 - ii) Consider the adoption (second reading) of an Ordinance amending Chapter 15B of the Santa Barbara County Code relating to Development along Watercourses; and
 - iii) Approve a CEQA Notice of Exemption to adopt Amendments to Ordinances of the Santa Barbara County Code relating to Flood Plain Management and Development along Water Courses.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

Legislative History

10/12/10

BOARD OF SUPERVISORS

Set for a hearing, as follows:

A motion was made by Supervisor Gray, seconded by Supervisor Farr, that this matter be Set for a hearing, as follows: November 9, 2010 in Santa Maria (EST. TIME: 10 MIN.). The motion carried by the following vote:

Ayes: 5 Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

3) PUBLIC HEALTH[10-00981](#)

HEARING - Consider recommendations regarding the Maddy Emergency Medical Services Fund Report to Legislature, as follows: (EST. TIME: 20 MIN.)

- a) Receive and file a report on the Maddy Emergency Medical Services Fund; and
- b) Authorize staff to submit the report to the California legislature.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

Legislative History

11/2/10

BOARD OF SUPERVISORS

Set for a hearing, as follows:

A motion was made by Supervisor Gray, seconded by Supervisor Farr, that this matter be Set for a hearing, as follows: November 9, 2010 in Santa Maria (EST. TIME: 20 MIN.). The motion carried by the following vote:

Ayes: 5 Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

4) HOUSING AND COMMUNITY DEVELOPMENT[10-00960](#)

HEARING - Consider recommendations regarding a Notice of Funding Availability (NOFA) Workshop for the Community Development Block Grant, HOME Investment Partnerships Program, and Emergency Shelter Grant Funding, as follows: (EST. TIME: 1 HR. 30 MIN.)

- a) Receive and file a staff report regarding the 2011 Draft Notice of Funding Availability (NOFA) and proposed funding process for federal funding received through the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Shelter Grant (ESG) programs; and
- b) Direct staff to proceed with the NOFA process and return to the Board of Supervisors in April 2011 to provide an update and present the 2011 Action Plan, including projects recommended for funding.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

Legislative History

10/26/10

BOARD OF SUPERVISORS

Set for a hearing, as follows:

A motion was made by Supervisor Carbajal, seconded by Supervisor Farr, that this matter be Set for a hearing, as follows: November 9, 2010 in Santa Maria (EST. TIME: 90 MIN.). The motion carried by the following vote:

Ayes: 5 Supervisor Carbajal, Supervisor Wolf, Supervisor Farr,
Supervisor Gray, and Supervisor Centeno

5) COUNTY EXECUTIVE OFFICE, AUDITOR-CONTROLLER

[10-00976](#)

HEARING - Receive and file, per the provisions of Government Code Section 29126.2, the Fiscal Year 2010/2011 First Quarter Financial Status Report as of September 30, 2010, showing the status of appropriations and financing for all departmental budgets adopted by the Board of Supervisors. (EST. TIME: 45 MIN.)

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

Legislative History

11/2/10

BOARD OF SUPERVISORS

Set for a hearing, as follows:

A motion was made by Supervisor Gray, seconded by Supervisor Farr, that this matter be Set for a hearing, as follows: November 9, 2010 in Santa Maria (EST. TIME: 45). The motion carried by the following vote:

Ayes: 5 Supervisor Carbajal, Supervisor Wolf, Supervisor Farr,
Supervisor Gray, and Supervisor Centeno

6) COUNTY EXECUTIVE OFFICE

[10-00974](#)

HEARING - Adopt budget development policies for the Fiscal Year 2011/2012 operating budget, and provide policy direction to the County Executive Office and departmental staff as the Board of Supervisors deems necessary. (EST. TIME: 1 HR.)

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

Legislative History

11/2/10

BOARD OF SUPERVISORS

Set for a hearing, as follows:

A motion was made by Supervisor Gray, seconded by Supervisor Farr, that this matter be Set for a hearing, as follows: November 9, 2010 in Santa Maria (EST. TIME: 1 HR.). The motion carried by the following vote:

Ayes: 5 Supervisor Carbajal, Supervisor Wolf, Supervisor Farr,
Supervisor Gray, and Supervisor Centeno

7) COUNTY EXECUTIVE OFFICE[10-00959](#)

HEARING - Consider recommendations regarding the new Orcutt Library tenant improvements, as follows: (4/5 Vote Required) (EST. TIME: 30 MIN.)

a) Approve a Budget Revision to transfer \$270,000.00 from the Orcutt Library AB 1600 Development Impact Fees and \$130,000.00 from Contingency to General County Programs for tenant improvements at the new Orcutt Public Library with the understanding that the General Fund Contingency will be repaid over time from future Orcutt Library AB 1600 Development Impact Fees; and

b) Approve and authorize the Chair to execute an Agreement with the City of Santa Maria for funding of tenant improvements at the new Orcutt Public Library.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

Legislative History

10/26/10

BOARD OF SUPERVISORS

Continued, as follows:

A motion was made by Supervisor Carbajal, seconded by Supervisor Farr, that this matter be Continued, as follows: November 9, 2010 on the Administrative Agenda. The motion carried by the following vote:

Ayes: 5 Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

Adjourn to**December 7, 2010**

County Administration Building
Board Hearing Room
105 East Anapamu Street , Fourth Floor
Santa Barbara

Challenges

IF YOU CHALLENGE A DETERMINATION MADE ON A MATTER ON THIS AGENDA IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE TO THE BOARD OF SUPERVISORS AT, OR PRIOR TO, THE PUBLIC HEARING.

Announcements

The meeting of Tuesday, November 9, 2010 will be telecast live on County of Santa Barbara TV channel 20 at 9:00 AM, and will be rebroadcast on Thursday, November 11, 2010, at 5:00 PM and on Saturday, November 13, 2010, at 10:00 AM on CSBTV Channel 20.

THE BOARD OF SUPERVISORS WILL NOT MEET ON THE FOLLOWING DATES: TUESDAY, NOVEMBER 16, 2010, TUESDAY, NOVEMBER 23, 2010, AND TUESDAY, NOVEMBER 30, 2010 (THIS IS A FIFTH TUESDAY ORDINANCE NO. 3352).

THE NEXT REGULAR BOARD OF SUPERVISORS HEARING WILL BE HELD DECEMBER 7, 2010 IN SANTA BARBARA.

<http://www.countyofsb.org>