



**BOARD OF SUPERVISORS  
AGENDA LETTER**

**Agenda Number:**

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

**Department Name:** Planning & Development  
**Department No.:** 053  
**For Agenda Of:** 2/3/2015  
**Placement:** Set Hearing  
**Estimated Time:** 15 mins on 2/17/2015  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** Department Glenn Russell, Ph.D., Director, Planning & Development  
Director(s) (805)568-2085  
Contact Info: Steve Mason, Administration and Operations Manager  
(805)568-2070

**SUBJECT: Ordinance Amendments to County Code Chapters 9A, 10, 11, 14, 14C, and 25**

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrence:** N/A

**Recommended Actions:**

On February 3, 2015, that the Board of Supervisors set a hearing for February 17, 2015 to:

1. Introduce Ordinance Amendments (first reading) amending:
  - a. Chapter 9A, Brush Removal, of the Santa Barbara County Code to add Section 9A-15 to address costs associated with enforcement related actions and to provide an appeal process for such costs (Attachment B);
  - b. Chapter 10, Building Regulations, of the Santa Barbara County Code to amend Section 116.2 to address costs associated with enforcement related actions and to provide an appeal process for such costs (Attachment D);
  - c. Chapter 11, Mobilehomes, of the Santa Barbara County Code to add Section 11-11 to address costs associated with enforcement related actions and to provide an appeal process for such costs (Attachment F);
  - d. Chapter 14, Grading Code, of the Santa Barbara County Code to amend Section 14-36 to address costs associated with enforcement related actions and to provide an appeal process for such costs (Attachment H);
  - e. Chapter 14C, Film Permit Office, of the Santa Barbara County Code to amend Section 14C-5.1 to address costs associated with enforcement related actions and to provide an appeal process for such costs (Attachment J);

- f. Chapter 25, Petroleum Code, of the Santa Barbara County Code to amend Section 25-7 to address costs associated with enforcement related actions and to provide an appeal process for such costs (Attachment L); and
2. Read the titles and waive the reading of the Ordinances in full;
3. Continue to the administrative agenda on March 3, 2015 to:
  - a. Consider adoption of Ordinance Amendments (second reading) amending:
    - i. Chapter 9A, Brush Removal, of the Santa Barbara County Code to add Section 9A-15 to address costs associated with enforcement related actions and to provide an appeal process for such costs (Attachment B);
    - ii. Chapter 10, Building Regulations, of the Santa Barbara County Code to amend Section 116.2 to address costs associated with enforcement related actions and to provide an appeal process for such costs (Attachment D);
    - iii. Chapter 11, Mobilehomes, of the Santa Barbara County Code to add Section 11-11 to address costs associated with enforcement related actions and to provide an appeal process for such costs (Attachment F);
    - iv. Chapter 14, Grading Code, of the Santa Barbara County Code to amend Section 14-36 to address costs associated with enforcement related actions and to provide an appeal process for such costs (Attachment H);
    - v. Chapter 14C, Film Permit Office, of the Santa Barbara County Code to amend Section 14C-5.1 to address costs associated with enforcement related actions and to provide an appeal process for such costs (Attachment J);
    - vi. Chapter 25, Petroleum Code, of the Santa Barbara County Code to amend Section 25-7 to address costs associated with enforcement related actions and to provide an appeal process for such costs (Attachment L); Ordinances amending Chapters 9A, 10, 11, 14, 14C, and 25 of the Santa Barbara County Code to address costs associated with enforcement related actions and to provide appeal process for such costs. Such amendments shall become effective 30 days from the date of adoption; and
  - b. Determine that these amendments do not constitute a "project" as defined by the California Environmental Quality Act and are thus exempt from CEQA review pursuant to CEQA Sections 15060(c)(3) and 15378(b)(5).

**Summary Text:**

Planning and Development staff is responsible for enforcing the requirements of Chapters 9A (Brush Removal), 10 (Building Regulations), 11 (Mobilehomes), 14 (Grading Code), 14C (Film Permit Office), 25 (Petroleum Code), and 35 (Zoning) of the Santa Barbara County Code. The various codes are not consistent with each other in regard to enforcement cost recovery and appeals. Many do not provide a means to recover enforcement related costs. Some of those that have a provision for cost recovery do not provide an appeal path for owners who receive invoices for such costs. The proposed amendments mirror the procedures set forth in Chapter 35 (Zoning). If adopted, the proposed amendments will provide a consistent approach to addressing enforcement related costs, thus ensuring equity and fairness to all aggrieved parties.

**Background:**

The Code Enforcement Unit of Planning and Development is responsible for enforcing the requirements of Chapters 9A, 10, 11, 14, 14C, 25 and 35 of the Santa Barbara County Code. The standards set forth in these chapters were adopted by the Board of Supervisors to maintain public health, safety, and welfare while protecting the community's values and natural resources. The intent of the program is to ensure compliance with the applicable codes while maintaining consistency and fairness for all property owners regardless of the type of violation.

Planning and Development examined all applicable codes enforced by the Department as part of our ongoing commitment to improving our enforcement process. Following this review, the Department determined that the lack of consistency on how enforcement costs are addressed in each chapter inadvertently causes property owners to be treated differently depending on the County Code violated. Chapters 9A (Brush Removal), 11 (Mobilehomes), and 14C (Film Permit Office) do not provide any means for enforcement cost recovery. Chapters 10 (Building Regulations) and 25 (Petroleum Code), allow for cost recovery but do not allow owners to appeal the costs billed. Chapter 14 (Grading Code) provides for cost recovery but the appeal process is inefficient as it requires the Building Official to convene an ad-hoc grading board of appeals before scheduling the appeal hearing "at a time and place convenient to the parties." This appeal process in Chapter 14 delays the hearing well past the standard 30 days timeframe since the hearing date and time must accommodate the schedules for at least six hearing participants (Property Owner, three members of the appeals board, Building Official, and Enforcement Officer).

Chapter 35 (Zoning) is the only Chapter enforced by Planning and Development that has a clear appeal path for enforcement related costs. Section 35.108.070.E of the County Land Use and Development Code provides that any owner of a property who receives a summary of costs/billing statement shall have the right to a hearing before the Director of Planning and Development on their objections to the costs. The request for hearing shall be filed in writing within ten (10) days of service of the billing statement. The Director shall hold a hearing on the objections within 30 days of the request for a hearing. If a final order remains unpaid after 45 days, the Department will pursue collection of costs via a tax lien pursuant to Government Code section 54988, et seq.

Planning and Development is proposing to amend all applicable chapters of the County Code using the procedures set forth in Chapter 35 as the model. If adopted, each applicable chapter of the County Code will provide a consistent manner in billing for enforcement related costs, and provide all affected property owners with an appeal path to dispute those costs.

The table below provides a summary of the changes proposed for each ordinance.

<b><u>Ordinance</u></b>	<b><u>Enforcement Cost Recovery</u></b>	<b><u>Appeal of Enforcement Costs</u></b>	<b><u>Tax Lien (Gov Code § 54988)</u></b>
Chapter 9A – Brush Removal	Add	Add	Add
Chapter 10 – Building Regulations	Amend	Add	Amend*
Chapter 11 – Mobilehomes	Add	Add	Add
Chapter 14 – Grading Code	Amend	Amend	Add
Chapter 14C – Film Permit Office	Add	Add	Add
Chapter 25 – Petroleum Code	Amend	Add	Amend*
* Ability to collect via a tax lien currently exists in Chapters 10 and 25. Amendments will ensure consistency in ordinance language and process.			

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

Costs for the preparation of this report and the associated amendments are budgeted in the Code Enforcement program of the FY 2014-2015 adopted budget page D-212, and identified as a 2014-2016 program objective.

Ongoing costs associated with processing the appeals of enforcement costs are budgeted in the Code Enforcement program for FY 2014-2015.

**Key Contract Risks:**

N/A

**Staffing Impacts:**

None

**Special Instructions:**

1. Clerk of the Board shall fulfill noticing requirements and publish a legal notice at least 10 days prior to the hearing on February 17, 2015. The notice shall appear in the Santa Barbara Independent and Santa Maria Times. A copy of the notice and proof of publication shall be forwarded to Planning and Development Department, attention Linda Liu.
2. After the hearing on March 3, 2015, Clerk of the Board shall forward a copy of each of the signed and numbered Ordinances, along with the minute order to Planning and Development Department, attention Linda Liu.

**Attachments:**

- A. Ordinance amending Chapter 9A (Strikethrough and Underline)
- B. Ordinance amending Chapter 9A (Clean Copy)
- C. Ordinance amending Chapter 10 (Strikethrough and Underline)
- D. Ordinance amending Chapter 10 (Clean Copy)
- E. Ordinance amending Chapter 11 (Strikethrough and Underline)
- F. Ordinance amending Chapter 11 (Clean Copy)
- G. Ordinance amending Chapter 14 (Strikethrough and Underline)
- H. Ordinance amending Chapter 14 (Clean Copy)
- I. Ordinance amending Chapter 14C (Strikethrough and Underline)
- J. Ordinance amending Chapter 14C (Clean Copy)
- K. Ordinance amending Chapter 25 (Strikethrough and Underline)
- L. Ordinance amending Chapter 25 (Clean Copy)
- M. Notice of Exemption

**Authored by:**

Linda Liu, Planning and Development  
(805)568-2035