



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: CEO/P&D
Department No.: 012/053
For Agenda Of: July 12, 2016
Placement: Departmental
Estimated Time: 10 Minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: CEO Office: Mona Miyasato, County Executive Officer, 568-3400
Glenn Russell, Director, Planning & Development, 568-2085

Contact Info: Steve Mason, Administration & Operations Manager, Planning & Development, 568-2085
Richard Morgantini, Fiscal & Policy Analyst, 568-3551

SUBJECT: Response to 2015-2016 Grand Jury Report: Grading Code; All Districts

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form N/A

Other Concurrence: N/A

Recommended Actions:

That the Board of Supervisors:

- A. Consider and adopt responses in Attachment A as the Board of Supervisors' response to the 2015-2016 Grand Jury report entitled "Santa Barbara County Grading Code: Where the Dozer Meets the Dirt - Poorly Defined and Unevenly Enforced", Attachment B;
B. Authorize the Chair to sign the letter included in Attachment A and forward the letter and responses to the Presiding Judge of Santa Barbara County Superior Court; and
C. Determine pursuant to CEQA Guidelines 15378(b)(4) that the above actions are not a project subject to CEQA review, because it is a government fiscal activity that does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

Summary Text:

On May 5, 2016, the Santa Barbara County Grand Jury released a report entitled "Santa Barbara County Grading Code: Where the Dozer Meets the Dirt - Poorly Defined and Unevenly Enforced". Today, the

Board will consider the proposed response to the report, adopt their preferred response and authorize the Board Chair to sign the response letter. The Board is required to respond in writing to the Presiding Judge of the Superior Court by August 3, 2016.

The Board of Supervisors is named as a responder to Findings 1-7, as well as Recommendations 1-7.

Background:

The Santa Barbara County Grand Jury (Grand Jury) released a report on May 5, 2016, entitled “Santa Barbara County Grading Code: Where the Dozer Meets the Dirt – Poorly Defined and Unevenly Enforced”. The Grand Jury found “that the Santa Barbara County Grading Code, Chapter 14 and the post approval procedures set forth in Chapter 35 include exemptions and practices that are ambiguous and subject to interpretation by the local Field Grading Inspectors. These discretionary interpretations have led to different standards being applied to similarly situated parcels. Permit revisions complicate the issue and lack the clarity necessary for due process”. The Jury recommends that the code and permitting process be modified to eliminate the ambiguities for the benefit of both the inspectors and landowners.

Fiscal and Facilities Impacts:

Staff anticipates no fiscal or facilities impacts as a result of the Board’s action on this matter.

Special Instructions:

1. As per Recommendation B, please forward the original signed letter and responses to the Presiding Judge of Santa Barbara County Superior Court.
2. Please send a copy of the signed letter and a copy of the minute order to Richard Morgantini, Fiscal & Policy Analyst, County Executive Office.

Attachments:

Attachment A: Board of Supervisors Response

Attachment B: Grand Jury Report; “Santa Barbara County Grading Code: Where the Dozer Meets the Dirt – Poorly Defined and Unevenly Enforced”.

Authored by:

Richard Morgantini, Fiscal & Policy Analyst, County Executive Office