

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 14, GRADING CODE, OF THE SANTA BARBARA COUNTY CODE, TO CLARIFY THE 50 CUBIC YARD EXEMPTION AND ADD LANGUAGE TO THE DEFINITION OF COMPACTION TO EXCLUDE COMPACTION AS A FACTOR IN THE CALCULATION OF GRADING

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

SECTION 1:

CHAPTER 14, Grading Code, of the Santa Barbara County Code is amended to amend Section 14-6 to read as follows:

Section 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, except where multiple operations less than fifty cubic yards are undertaken to achieve a specific purpose that in total exceed fifty cubic yards and would otherwise require a grading permit; (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.

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.

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 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.

- (12) 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.

SECTION 2:

CHAPTER 14, Grading Code, of the Santa Barbara County Code is amended to amend Section 14-7 to read as follows:

Section 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.

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. Compaction is not a factor in the calculation of cubic yardage for cut or fill.

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.

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 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 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 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.

**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.

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.

### SECTION 3:

Except as amended by this Ordinance, Chapter 14, Grading Code of the Santa Barbara County Code shall remain unchanged and shall continue in full force and effect.

SECTION 4:

This Ordinance shall take effect in thirty (30) days from the date of its passage. Before the expiration of fifteen (15) days after its passage, the ordinance or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara Independent and the Santa Maria Times, newspapers of general circulation published in the County of Santa Barbara in compliance with Government Code Section 25124.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

\_\_\_\_\_  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:

APPROVED AS TO FORM:

MONA MIYASATO  
Clerk of the Board of Supervisors

MICHAEL C. GHIZZONI  
County Counsel

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Deputy County Counsel