

AN ORDINANCE OF THE COUNTY OF SANTA BARBARA AMENDING CHAPTER 14 OF THE COUNTY CODE OF THE COUNTY OF SANTA BARBARA TO REGULATE THE GRADING, EROSION, SEDIMENT CONTROL, EXCAVATION, FILLING, STOCKPILING OF MATERIALS, AND RECLAMATION OF LAND WITHIN THE UNINCORPORATED AREAS OF THE COUNTY OF SANTA BARBARA AND ADOPTING THAT CERTAIN PUBLICATION KNOWN AS THE PROCEDURES FOR TESTING SOILS PUBLISHED BY THE AMERICAN SOCIETY FOR TESTING AND MATERIALS.

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

Section 1

Chapter 14 of the County Code of the County of Santa Barbara is hereby rescinded and reenacted as follows:

Sec. 14-1. Title.

The regulations contained in this chapter may be known and referred to as the "Santa Barbara County Grading, Erosion, and Sediment Control Ordinance."

Sec. 14-2. Purpose.

The Board of Supervisors expressly finds that the regulations, conditions and provisions of this chapter constitute minimum standards and procedures necessary to protect and preserve life, limb, health, property and public welfare. This chapter also addresses compliance with the National Pollutant Discharge Elimination System (NPDES) Phase II storm water regulations and sets forth local storm water requirements for the disturbance of less than one (1) acre, to avoid pollution of water courses with sediments or other pollutants generated on or caused by surface runoff on or across the construction site. Agricultural grading, whether exempt or required to be permitted hereunder, is not subject to the NPDES Phase II storm water regulations or the local storm water requirements imposed by this ordinance.

Sec. 14-3. Authority--Administration.

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

Sec. 14-4. Applicability.

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

Sec. 14-5. Adoption of primary soil testing code.

That certain code and manual known and designated as "Procedures for Testing Soils," 1990 Edition, promulgated and published by the American Society for Testing and Materials, (herein sometimes referred to as ASTM) is hereby adopted and enacted as a primary code and made a part of this chapter by reference, with the same force and effect as if fully set forth herein, provided, however, that the Director shall not be restricted to or required to follow any specific testing procedures set out therein, but may utilize other methods at the Director's discretion.

Sec. 14-6. Scope; general.

(a) Except as herein provided, these regulations, including the incorporation of relevant Best Management Practices, shall apply to all new grading, excavations, fills, 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, exceeds fifty (50) cubic yards; or the cut or fill exceeds three (3) feet in vertical distance to the natural contour of the land. 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 ordinance. No work subject to the provisions of this chapter shall be commenced, maintained or completed, in violation of these regulations.

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 a grading permit and a land use permit 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.

The term "grading," for purposes of this chapter, shall 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. 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, aggregate involved in the construction of a building authorized by valid county building permit, as appear on approved plans;

(2) Excavation and fill of trenches for utility lines not exceeding twenty-four (24) inches wide or an average of five (5) 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, but not 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, or for any amount of grading in excess of five hundred cubic yards of material;

(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;

(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 within the prescribed easements of the Santa Barbara County Flood Control and Water Conservation District;

(9) The digging of trenches or holes for utility poles and anchors, or underground electric and natural gas vaults that do not exceed fifty (50) cubic yards in volume, by public companies within their easements and that are regulated by the California Public Utilities Commission.

(c) The digging of trenches or holes under the specific authority of a public agency within their prescribed easements and not exempt under subsection (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.

Sec. 14-7. Definitions.

The following definitions pertaining to grading 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 one (1) acre in area and one (1) 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 (1) 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 and the applicable uniform codes.

Bench. A relatively level step excavated into earth material on which fill may be placed. Usually a mid-slope 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.

Construction Site Pollution Control Best Management Practices (Construction Site BMPs). Means 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 ordinance adoption.

Board of Supervisors. The Board of Supervisors of the County of Santa Barbara.

Building. (see Structure)

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

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 chapter.

Clearing. The removal of vegetation, structures or other objects.

Compaction. The densification of a fill by mechanical means.

Conduit. Any pipe for collecting and directing storm water.

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

Conveyance System. Any channel or pipe 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.

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

Director of Planning and Development (herein Director). Director of the Department of Planning and Development for the County of Santa Barbara, or authorized representative.

Disturbance. Refers to exposed soil resulting from construction activities such as clearing, grading and excavating. Construction activities can include road building, construction of residential houses, office buildings, industrial sites or demolition.

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 streams within a drainage basin or other areas.

Drainage Way. Natural depression in the earth's surface such as swales, ravines, draws, and hollows in which surface waters collect 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 fall. 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.

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

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 Director to authorize grading work 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 therefrom.

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 above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. (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 excavating, 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 combinations 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)).

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 final permit required by the Planning and Development Department of the county for all uses and development permitted under the regulations of the zoning ordinance articles II, III and IV.

Natural Gradient. The slope of the area being worked in its natural state, exclusive of minor deviations.

Periodic. Intermittent while work is in progress.

Open Grading. A 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.

Permit, Grading. A document issued by the Director authorizing grading work.

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 comprehensive plan and zoning ordinances.

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 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). An approved pre-construction 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.

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

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.

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 which supports fish at any time of the year, or has significant water flow thirty days after the latest significant storm.

Sec. 14-8. Grading for agricultural practices.

(a) The county recognizes the importance of agriculture and shall provide for protection and conservation and the promulgation of safe and environmentally sane earthwork practices. Therefore, grading for the production of food and fiber, the growing of plants, the raising and keeping of livestock incidental to agriculture shall be exempt as provided in this chapter. Such agriculturally associated earthwork as grading for recognized, normal and usual agricultural practices to prepare a field for a crop or range improvement, including such harrowing, disking, ridging, listing, fire breaks, chaining, maintenance of existing agricultural roads, and construction of support roads on land with a natural gradient of less than thirty percent, and similar practices which provide prudent measures for erosion control, and which conform to the recommendations of guidelines made or promulgated by the Santa Barbara County Agricultural Advisory Committee is exempt. Agricultural leveling, pursuant to normal and usual agricultural practices, which does not result in any cut or fill which exceeds, at any point, three (3) feet from the natural contour of the surface of the land, and which conforms to recommendations or guidelines made or promulgated by the Santa Barbara County Agricultural Advisory Committee is also exempt. In order to qualify for exemption under the provisions of this subdivision, the grading must be conducted upon a parcel or contiguous parcels of land exceeding twenty acres in size under one ownership upon which crops are grown or livestock is raised. In addition, the property must be in an agriculturally zoned district and/or land use designation with no other special overlay district or designation, as shown on the adopted county zoning maps or comprehensive plan land use maps.

(b) Agricultural grading not exempt under subsection (a) of this section on slopes with a natural gradient over thirty percent and where earthwork exceeds fifty (50) cubic yards in volume and/or when excavation and fills are made in excess of three (3) feet in vertical distance to the natural contour shall require an erosion control permit for agriculturally associated grading such as:

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

(2) Terracing and leveling where the cut or fill slope exceeds three (3) feet in depth or height.

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

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

(1) Excavation or fill upon which a building which requires a county building permit is to be supported;

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

(3) The grading is in excess of fifty (50) cubic yards within two hundred (200) feet of any exterior property line;

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

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

(6) Grading within fifty (50) feet of the top of the bank of any stream, creek or natural watercourse;

(7) The construction of water impounding structures of earth (which are not under the direct control of the State of California or the federal government) where the maximum depth to which water may be impounded is five (5) feet or more where one (1) acre-foot or more of water will be impounded, and is located within two hundred (200) feet of the property line;

(8) Grading on agricultural land on slopes over thirty percent which does not meet the departmental regulations for an erosion control permit waiver and which is not deemed appropriate by the Agricultural Advisory

Committee, or any grading where there is potential for significant environmental damage;

(9) Agriculturally associated grading within five hundred (500) feet of any urban boundary line.

Sec. 14-9. Erosion control permits.

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

(b) Applications for erosion control permits shall be filed with the county Planning and Development Department and shall include two copies of an erosion control plan to allow for reasonable review and interpretation of the proposed work.

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

(d) A fee for each erosion control permit shall be paid to the county according to a fee schedule adopted from time to time by resolution of the Board of Supervisors. The amount shall be halved for the purpose of a time extension.

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

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

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

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

(f) Work conducted under the provisions of an erosion control permit shall incorporate such reasonable dust and debris control measures as are required by the Director.

(g) An erosion control permit for agricultural grading shall include evidence of the inclusion of erosion and sediment control measures, including, but without limitation, the following:

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

(2) The location and details of runoff control, drainage devices, sedimentation basin and other measures of erosion control, including revegetation of new slopes and other denuded areas;

(3) A brief description of the revegetation practices to be used, including types of seeds and their application dates. Where surface erosion will not be a nuisance, revegetation may be delayed until just prior to the next rainy season;

(4) A typical road detail for the construction of agricultural roads.

Note: Erosion control devices as a part of an approved erosion control project may encroach into the two hundred feet boundary grading setback line.

Sec. 14-10. Grading permits.

(a) Except as provided in sections 14-6, 14-8 and 14-9 of this chapter, no person shall perform any grading, excavation or fill without first obtaining a grading permit and land use permit for such work from the Planning and Development Department of the County of Santa Barbara. Issuance of a land use permit by the Planning and Development Department shall be subject to the application, processing and enforcement procedures provided in Chapter 35 of the County Code of the County of Santa Barbara. A separate permit shall be required for each site and may cover both excavation and fills. Adjacent sites being graded as one integrated project may be considered one site for purposes of this section.

(b) The issuance of a permit under this chapter shall constitute an authorization to do only that work which is described or illustrated on

the grading plans and erosion and sediment control plans (or SWPPP, if applicable) specifications approved by the Director.

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

(d) The issuance of a permit, performance of grading under an exemption provided in this chapter, or inspections by the county pursuant to this chapter, shall not relieve the owner or permittee of responsibility for damages from work performed nor transfer responsibility for such damages to the County of Santa Barbara nor to any of its officers, agents or employees.

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

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

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

Sec. 14-11. Permit applications.

Applications for grading permits shall be filed with the Santa Barbara County Planning and Development Department in accord with the submittal requirements approved by the Director. Planning and Development Department submittal requirements may be obtained from the Planning and Development Department. Applications submitted shall include, but not be limited to, the following documents or information:

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

(b) A description of the land upon which work is to be performed, including assessor's parcel number, street address, tract and block number;

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

(d) Quantity and type of material to be graded, excavated or filled;

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

(f) Any additional plans, drawings, or calculations required for the proper execution of the work as determined by the Director;

(g) A drainage, erosion, and sediment control plan as required under the provisions of this chapter (see Sec. 14-29). No grading work shall be permitted unless the plans and specifications submitted for approval include an erosion and sediment control plan (or SWPPP if applicable) approved by the Director. The requirements of the erosion and sediment control plan shall be implemented, as required by the plan, prior to any grading. Control measures contained in the erosion and sediment control plan shall be implemented according to the county approved Construction Site BMP Manual(s).

(h) Where the construction site activity is regulated under 40 CFR 122, and/or the Clean Water Act (sites of one (1) acre or more of disturbance), the application shall include a copy of the Notice of Intent (NOI) and the Storm Water Pollution Prevention Plan (SWPPP).

Exception. Requirement for soil report and geology report may be waived by the Director.

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

If the quantity of material to be graded, excavated or filled exceeds ten thousand (10,000) cubic yards, the application for a permit shall be made by the owner or lessee of the land upon which the grading, excavation or fill is to be made, and said owner or lessee shall also furnish the security required by this chapter and shall be the principal obligor. If material to be graded is less than ten thousand (10,000) cubic yards, the application may be made by the owner, lessee, contractor or agent of such owner or lessee, and the security required hereunder shall be furnished by such applicant.

Sec. 14-13. Time limits of permits.

The permittee shall fully perform and complete all of the work required to be done pursuant to the permit, and any applicable land use permit, within the time specified therein. If no time limit is specified, a grading permit shall expire if the work authorized under such permit has not commenced within one hundred eighty (180) days or is not completed within one (1) year of the date of issue, except that prior to the expiration of the permit, the Director may grant a reasonable extension. Land use permits shall expire two (2) years from the date of issuance if the grading for which the permit was issued has not been established or commenced, except that the Director may grant one extension of up to one year for good cause shown.

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

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

(b) If the operations of the permittee create an unreasonable occurrence of dust, noise, excessive traffic or other reasons, the public works director may require the permittee to take measures to abate said nuisance and may suspend the permit until such measures are taken.

Continuance of such work without abating such nuisance shall be grounds to revoke the permit.

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

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

(b) A permit may be denied unless provisions are included to assure conformity with the rules, regulations and ordinances of the County of Santa Barbara and other agencies as may have jurisdiction.

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

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

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

(a) A fee for each grading permit, erosion control permit and land use permit shall be paid to the county according to a fee schedule adopted from time to time by resolution of the Board of Supervisors and based on the number of cubic yards of material in either excavation or fill, whichever is greater.

(b) A double (2x) permit fee shall be assessed for violations of this chapter by commencement of grading work without permit.

(c) A plan checking fee equal to sixty-five percent (65%) of the base grading permit fee, and in addition to the grading permit fee, shall be paid before plans and specifications for a grading permit are accepted for checking. If the applicant changes the plans and specifications

subsequent to approval, the Director may require that a second plan checking fee, as applicable, be paid.

Sec. 14-17. Faithful performance of security.

(a) A grading permit shall not be issued for more than five hundred (500) cubic yards of material unless the permittee first files performance and remedial security, with the Director. The Director may also require appropriate filing for complex and difficult sites, involving less than 500 cubic yards.

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

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

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

(e) Upon completion of grading, final approval by the Director, and satisfaction of all conditions, the security shall be released.

(f) Any contractor or other person engaged in continuous or repeated excavations may provide a blanket security or blanket deposit in an amount sufficient to insure prompt completion of all excavation projects being conducted at any one time. If the number or amount of excavation projects exceeds the amount of the security or deposit, the Director may

require additional security or deposit to insure completion of all work being done at any one time.

(g) The amount of the security or deposit provided shall be based upon full estimated costs to complete the project, restore the site, and/or complete necessary remedial action according to the estimate approved by the Director. Such estimate may be made pursuant to engineering estimates approved by the Director, referencing the number of cubic yards of material in either excavation or fill, whichever is the greater amount, and including the full estimated costs of all drainage or other protective devices as may be required.

Sec. 14-18. Inspections.

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

(b) Grading shall not be commenced until the permittee or his agent shall have posted an inspection record card in a conspicuous place on the site to allow the Director to make the required entries thereon regarding inspection of the work. This card shall be maintained on site by the permittee until a grading certificate is issued by the Director.

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

(d) In the absence of specific work site designation upon which grading is to be performed, the Director may require the site surveyed and staked by a civil engineer or land surveyor licensed by the State of

California so that the proper location of the work on the lot may be determined.

(e) Inspections for a grading permit shall be made as provided herein and work shall not continue until approval to proceed has been granted following inspection. The permittee shall be responsible for notifying the Planning and Development Department at least twenty-four hours prior to the time when the inspection is to be made.

Required Inspections.

(1) Initial inspection: when the permittee is ready to begin work, but before any grading or brushing is started, inspect and review erosion and sediment control BMP's with permittee;

(2) Toe inspection: after the natural ground is exposed and prepared to receive fill, but before any fill is placed, review erosion and sediment control BMP's with permittee;

(3) Excavation inspection: after the excavation is started, but before the vertical depth of the excavation exceeds ten feet;

(4) Fill inspection: after the fill emplacement is started, but before the vertical height of the fill exceeds ten feet;

(5) Drainage device inspection: after forms and pipe are in place, but before any concrete is placed, inspect erosion and sediment control BMP's;

(6) Rough grade inspection: when all rough grading has been completed;

(7) Final inspection: when all work, including installation of drainage structures, other protective devices, planting and slope stabilization has been completed and the "as-graded" plan and required reports have been submitted to the Director and accepted as complete.

(8) Other inspections: in addition to the inspections above, such other inspections of any work to ascertain compliance with the provisions of this chapter and other laws and regulations as may be required by the Director including requirements of the NPDES permit of the County of Santa Barbara for its storm water discharges. A licensed landscape architect, qualified biologist, archeologist, agricultural advisor, or other qualified professional may be required to be present during inspections.

On construction sites with one (1) acre or more of land disturbance, county inspectors of the Planning and Development Department shall inspect for adequate installation and functionality of Best Management Practices (BMPs) prescribed by the erosion and sediment control plan or SWPPP at any time throughout the year. County inspectors may identify maintenance and repair needs on the site with the permittee, or permittee's agent, to ensure compliance with the minimum requirements of Best Management Practices.

During the rainy season (between November 1 and April 15), a minimum of two (2) county inspections per month shall be conducted on active projects with open grading with one (1) acre or more of land disturbance. Reports of such inspections shall be kept with the grading permit file.

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

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

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

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

(j) Where the nature of the project, type of soils, geologic conditions or drainage dictate that special engineering, geotechnical

engineering, or geological inspections are necessary to prevent danger to public health, safety or welfare, the Director may require the permittee to retain one or more of the following:

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

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

(3) An engineering geologist to provide geological inspections.

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

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

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

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

(l) Final inspection, as required in this chapter, shall be made by an employee of the Planning and Development Department.

Sec. 14-19. Modifications to approved plans.

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

Sec. 14-20. Stop work orders.

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

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

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

Sec. 14-21. Exposure of work.

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

Sec. 14-22. Grading hours; limitation.

No grading work (except for emergency operations), which requires a grading permit under the provisions of this chapter shall take place between the hours of 7:00 P.M. and 7:00 A.M., unless the Director finds that such operation is not likely to cause significant public nuisance and authorizes such night operations in writing.

Sec. 14-23. Dust debris control.

All graded surfaces and materials, whether filled, excavated, transported or stockpiled, shall be wetted, protected or contained in such a manner as to prevent the generation of dust. Construction equipment and materials on the site shall be used in such a manner as to avoid creating a public nuisance. Roadways and graded areas on the site shall be surfaced or wetted sufficiently to prevent the generation of excessive dust at all times. However, such wetting shall not cause offsite runoff of sediment or pollutants.

Sec. 14-24. Responsibility of permittee.

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

(b) The permittee and his agents shall maintain all required protective devices and temporary drainage facilities during the progress of the grading work and shall be responsible for observance of working

hours, dust controls and methods of hauling. The permittee and his/her agents shall be responsible for debris and material deposits placed on private or public roads during the construction period of the project. Debris and/or materials shall be removed as necessary in order to prevent offsite impacts to roads and/or watercourses. Such removal shall be included in the Drainage, Erosion and Sediment Control Plan. The permittee and his agents shall be responsible for maintenance of the site until such time as a grading certificate has been issued by the Director. The permittee, his agents, and each of them shall become subject to the penalties set forth herein in the event of failure to comply with this chapter and other applicable laws of the County of Santa Barbara. No approval shall exonerate the permittee or his agents from the responsibility of complying with the provisions and intent of this chapter.

Sec. 14-25. Excavations.

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

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

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

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

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

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

(e) No cut slope shall exceed a height of twenty-five (25) feet without intervening, fully paved benches having a minimum width of eight (8) feet. These benches shall be spaced at intervals of twenty-five (25) feet vertically, except that for slopes less than forty (40) feet in vertical height the bench shall be approximately at mid-height. The Director may modify this requirement if the Director determines that it is justified because of competent rock or other special conditions.

(f) All cut slopes shall be within properties or parcels under one ownership. Tops of cut slopes shall be made not nearer to a road right-of-way or site boundary line than one-fifth of the vertical height of cut with a minimum of two (2) feet and a maximum of ten (10) feet. The setback may need to be increased for any required interceptor drains. The Director may make adjustments as a condition of the permit, as required by individual site conditions.

Sec. 14-26. Fills.

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

(1) A retaining wall or other approved support is provided;

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

(b) The Director may require that fill be constructed with an exposed surface flatter than two horizontal to one vertical if, under the

particular conditions, such flatter surface is necessary for stability or safety.

(c) No fill slope shall exceed a vertical height of one hundred (100) feet unless horizontal benches within a minimum width of thirty (30) feet are installed at each one hundred (100) feet of vertical height.

(d) No fill slope shall exceed a height of twenty-five (25) feet without intervening fully paved benches having a minimum width of eight (8) feet. These benches shall be spaced at vertical intervals of twenty-five (25) feet, except that for slopes less than forty (40) feet in height, the bench shall be approximately at mid-height.

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

(1) The natural ground surface shall be prepared to receive fill by removing all unsuitable material. Where natural slopes are five horizontal to one vertical or steeper, keys and benches at least ten (10) feet wide shall be placed into firm earth material. Five (5) feet of the lowermost bench shall be exposed beyond the toe of sidehill fills. Where special conditions, such as some types of canyon filling, are encountered, the Director may waive the requirement of benching provided that a geotechnical engineering report approved by the Director indicates that benching is unnecessary for lateral and vertical support or to prevent slippage or settling, and provided, further, that the soils engineer, upon completion of grading, certifies the fill as being stable.

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

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

(4) All fills shall be compacted to a minimum of ninety percent (90%) of maximum density as determined by ASTM D 1557-(latest edition) or other approved testing method giving equivalent test results. The required degree of relative compaction on slope surfaces shall be ninety percent (90%) to within eight inches of the surface and eighty-five percent (85%) to within three (3) inches of the surface, and shall be certified to by the geotechnical engineer. Field density shall be determined by ASTM D 1556-(latest edition) or other equivalent methods approved by the Director.

(5) A field density test, as herein provided, shall be taken for each eighteen (18) inches of fill, or portion thereof, measured vertically from the lowest point of the area to be filled, and for each five hundred (500) cubic yards of fill placed. In addition, in the case of subdivisions, at least one field density test shall be taken on each lot which receives fill.

(6) All fills regulated by this chapter shall be tested for relative compaction by a qualified geotechnical testing agency. A certificate of compliance with the terms of this chapter, and the grading permit, setting forth densities, relative compaction and other fill characteristics shall be prepared and signed by a geotechnical engineer. This report shall be submitted to and approved by the Director before any final approval of the fill is given and before any foundation construction begins except for the digging of trenches and placing of reinforcing steel.

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

(g) The toes of fill slopes shall be made not nearer to a road right-of-way or the site boundary than one-half the height of the slope with a minimum of two (2) feet and a maximum of twenty (20) feet. Where a fill slope is to be located near a road right-of-way, or the site boundary, and the adjacent off-site property is developed, special precautions, including, without limitation, additional setback, retaining or slough walls, mechanical or chemical treatment of the surface, and provisions to control surface waters, shall be incorporated into the work, as the Director may require, to protect the adjoining property from

damage as a result of such grading. Fill slopes shall not be divided horizontally by property lines. The Director may require an investigation and recommendation by an engineer or an engineering geologist to demonstrate that the provisions of this chapter have been satisfied. The Director may make adjustments as a condition of the permit, as required by individual site conditions.

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

Sec. 14-27. Planting.

Exposed man-made slopes in excess of three (3) feet in vertical height from the natural contour of the land shall be planted to prevent erosion. All earth fills shall be planted and mulched with temporary vegetation, or otherwise protected from the effects of storm runoff or dust erosion within thirty days of the completion of grading, or as specified in the approved erosion and sediment control plan or SWPPP. Grading for recognized, normal and usual agricultural practices to prepare a field for a crop or range improvement which provide prudent measures for erosion control and which conform to the provisions of this chapter and the recommendations or guidelines made or promulgated by the Santa Barbara County Agricultural Advisory Committee may be protected by recognized agricultural erosion control methods. Planting shall be irrigated or maintained until established as determined by the Director. Land use permits for grading activity may be conditioned upon the provision of landscape and maintenance security as required by the Director. Planting shall conform to the county approved Construction Site Pollution Control BMP Manual(s).

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

(a) Unless otherwise recommended in an approved geotechnical or geology report, the placement of buildings and structures on or adjacent to slopes steeper than three horizontal to one vertical shall be in

accordance with the most recent edition of the Uniform Building Code adopted by reference, from time to time, by this Code.

(b) The setbacks provided in the Uniform Building Code may be modified by the Director if the Director determines it to be justified because of special conditions.

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

(d) Buildings shall not be constructed on slopes two horizontal to one vertical or steeper unless geotechnical engineering and engineering geology reports indicate that the slopes will be stable. The building shall be designed by a registered civil or structural engineer or architect; and the design is approved by the Director.

(e) No building shall be founded partially on cut and partially on fill unless an engineered foundation design is provided.

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

(a) An erosion and sediment control plan shall be required as part of the grading plan and permit requirements. The plan shall incorporate applicable County approved Best Management Practices. In lieu of the erosion and sediment control plan, the county may accept a SWPPP, prepared for the state, if it contains the requirements of the county's erosion and sediment control plan. The erosion and sediment control plan shall contain:

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

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

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

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

(5) Drainage, erosion and sediment control plans shall include Best Management Practices for control of pollutants from onsite storm water discharges and non-storm water discharges, such as discarded building materials, litter, sanitary waste, and the washout of excess construction materials, including but not limited to drywall, grout, gypsum, plaster, mortar and concrete. Water contaminated with washout pollutants shall be collected and controlled and shall be removed from the site.

(b) An erosion control permit for any agricultural grading operation shall comply with section 14-9 of this chapter.

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

(1) Concrete diverting terraces or ditches at least three (3) feet wide and one (1) foot deep shall be installed at the top of all cut slopes where the tributary drainage area has a slope steeper than ten horizontal to one vertical and a horizontal projection of greater than fifty (50) feet;

(2) Berms or drainage divides at least one (1) foot high and three (3) feet wide at the base shall be constructed at the top of all fill slopes;

(3) Downdrains shall be of concrete or corrugated metal pipe having a diameter of a size required by runoff calculations, but not less than twelve (12) inches, and shall be aligned so as to minimize velocity head at pipe entrance and discharge points. Alternate designs approved by the Director may be permitted;

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

(5) Outlet structures shall be of concrete, galvanized iron or approved equivalent. Where discharging into public roads or streets, the design shall be approved by the county road department. At other locations the structures shall be provided with adequate velocity reducers, diversion walls, riprap, concrete aprons or similar energy dissipaters and shall be approved by the Director or, in the case of natural drainage courses, by the flood control engineer.

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

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

(8) All graded building pads shall slope a minimum of two percent (2%) to an approved drainage device or street. Where used, the drainage device shall be an approved system which conducts the water to a street or watercourse. The top of footing stems or finish floor, if a concrete slab, shall extend above the top of street curb or inlet into the drainage device by a minimum of six (6) inches plus two percent (2%) of the distance from the footing to the drainage device or curb. The Director may allow one percent (1%) to be used if, because of terrain or soils, two percent (2%) is not reasonably attainable or necessary.

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

(10) In areas where underground water is anticipated, the Director may require the installation of approved subdrains.

(11) Runoff computations shall be based upon the latest methods adopted by the Santa Barbara County Flood Control and Water Conservation District.

(12) Design of improved and artificial watercourses shall meet the standards of and be approved by the Santa Barbara County Flood Control and Water Conservation District.

(13) Alternate designs which provide equivalent safety and are approved by the Director may be used in lieu of those contained in this section.

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

Sec. 14-30. Dams and reservoirs.

(a) Dams and reservoirs or other water impounding structures which are not constructed, regulated or owned by the State of California or the federal government shall be deemed to be engineered grading under the provisions of this chapter. However, the construction of a reservoir which impounds water to a depth of less than five (5) feet and less than one (1) acre-foot in quantity, shall not be deemed to be engineered grading, when located more than five hundred (500) feet from any exterior property line of the parcel. If required by the Director, engineered grading shall be under the strict supervision of a registered civil engineer who shall be responsible for the structural design and the supervision of construction of such dam, reservoir or water impounding structure.

(b) The Director in granting a permit for construction may require supporting geological and geotechnical engineering reports as deemed necessary for the safe design and construction of such facility. A report from a civil engineer certifying that the constructed facility has been completed in conformity with the approved plans and specifications and this chapter.

Sec. 14-31. Enforcement and interpretation.

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

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

(c) It shall be unlawful to undertake any work or to permit any work in progress beyond the date of posting or service of such order, except in conformity to the terms of such order or notice of order, or until relief from such order is obtained from the Director, or upon appeal from the Board of Supervisors.

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

(e) The Director shall be responsible for enforcement and interpretation of provisions related to the issuance of land use and grading permits.

Sec. 14-32. Appeals.

All decisions, interpretations, or acts of the Director regarding the implementation of this chapter 14 shall be subject to appeal to the Santa Barbara County Board of Supervisors. Any person affected by such decision may, within ten (10) days after such decision is rendered, file an appeal in writing with the clerk of the Santa Barbara County Board of Supervisors. The decision of the Board of Supervisors shall be final. A fee for filing an appeal shall be paid by the appellant to the clerk of

the board as set forth by resolution of the Board of Supervisors from time to time.

Sec. 14-33. Violations and penalties.

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

(b) If filed as an infraction and upon conviction thereof, the crime shall be punishable by a fine not to exceed one hundred dollars (\$100) for a first violation; a fine not exceeding two hundred dollars (\$200) for a second violation of the same ordinance within one (1) year; and a fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one (1) year.

(c) If filed as a misdemeanor, and upon conviction thereof, the punishment shall be a fine of not less than five hundred dollars (\$500) nor more than twenty-five thousand dollars (\$25,000), or imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

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

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

(a) Any person, firm, or corporation, whether as principal, agent, employee or otherwise who shall commence, construct, enlarge, alter, repair, or maintain any grading, excavation, or fill or causes the same to be done, contrary to or in violation of any provision of this chapter, shall be subject to injunction against such activity and shall be liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) for each day that the violation continues to exist.

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

(c) Any person, firm, or corporation, whether as principal, agent, employee or otherwise who shall commence, construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or causes the same to be done, contrary to or in violation of any provision of this chapter shall be liable for and obliged to pay the County of Santa Barbara for all costs incurred by the county in obtaining abatement or compliance, or which are attributable to or associated with any enforcement or abatement action, whether such action is administrative, injunctive or legal; and for all damages suffered by the county, its agents, officers or employees as a result of such violation or efforts to enforce or abate the violation.

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

Sec. 14-35. Constitutionality.

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

Sec. 14-36. Recovery of costs.

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

(b) Upon investigation and determination that a violation of any of the provisions of this chapter exists, the Director shall notify the record owner or person in possession or control of the property, or other person responsible, by mail, of the existence of the violation, the director's intent to charge the person for all administrative costs associated with enforcement, and of the person's right to a hearing on objections thereto.

(c) At the conclusion of the case the Director shall send a summary of costs associated with enforcement to the owner and to the person having possession or control of the subject property, or other responsible person, by mail, first class postage prepaid. Such summary shall include a notice of the right to a hearing before the Director to object to the imposition of the charges.

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

(e) The Director shall, within thirty (30) days of receipt of such request for hearing, schedule a hearing upon the imposition of such costs, such hearing to be held at a time and place convenient to the parties, as the Director may arrange.

(f) In determining the validity of the costs assessed, the Director shall consider whether the total costs are reasonable in the circumstances of the case. Factors to be considered include, but are not limited to, whether the present owner created the violation; whether there is a present ability to correct the violation; whether the person responsible moved promptly to correct the violation; the degree of cooperation or lack thereof, provided by the person responsible; whether reasonable minds may differ as to whether a violation exists and whether the current owner knew or should have known that violations existed.

(g) The decision of the Director shall be appealable to the Board of Supervisors by any affected party as provided in section 14-32.

(h) Until all costs, fees and penalties assessed by the Director under this chapter are paid in full, no final inspections, certificates of completion, certificates of compliance, certificates of occupancy, conditional use permits, land use permits, or final map shall be issued by the Planning and Development Department or other county agency.

Sec. 14-37. Secondary codes.

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

Sec. 14 - 38. County Regulations and Manuals

The Board of Supervisors shall, from time to time, adopt Construction Site Pollution Control Best Management Practices Manuals. Such manuals, when adopted, shall be valid County regulations and shall be used as a basis for developing and implementing any required Drainage Erosion and Sediment Control Plan. These manuals, as may be amended from time to time, are hereby adopted by reference. The Clerk of the Board of Supervisors and the Director of Planning and Development shall keep current copies of said manuals on file for public review. Copies shall be available for purchase from the Director at a price covering the cost of printing or reproduction.

SECTION 2

A copy of said "Preliminary Soil Testing Code" has been on file in the Office of the Clerk of the Board of Supervisors, fifteen (15) or more days preceding the public hearing hereon and said copy of said code shall be kept at said office for public inspection while this Chapter is in force. The Clerk of the Board of Supervisors shall at all times maintain a reasonable supply of copies of said Primary Code available for purchase by the public, at a moderate price, not to exceed the actual cost thereof to the County of Santa Barbara.

SECTION 3

This Ordinance shall take effect and be in force at the expiration of thirty (30) days from and after its passage, and before the expiration of fifteen (15) days after its passage, it 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 News Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED this ____ Day of _____, 2002.

AYES:

NOES:

ABSENT:

ABSTAIN:

Signed: _____

GAIL MARSHALL
Chair, BOARD OF SUPERVISORS

Attest:
MICHAEL F. BROWN,
Clerk of the Board of Supervisors

By _____
Deputy Clerk

Approved as to form:
STEPHEN SHANE STARK, County Counsel

By _____
Deputy County Counsel

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