

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

1.1 CEQA Guidelines Findings for an Addendum to a Negative Declaration

- 1.1.1** The County Board of Supervisors has considered the Addendum dated March 4, 2011 together with the previously adopted MND 97-ND-02 for the commercial telecommunications ordinance amendments. The Addendum reflects the independent judgment of the County Board of Supervisors and has been completed in compliance with CEQA. The Addendum, together with the MND 97-ND-02, is adequate for this proposal. On the basis of the whole record, including the Addendum, the previously adopted CEQA document, and any public comments received, the County Board of Supervisors finds that the project changes described in the Addendum will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment.
- 1.1.2** The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Clerk of the Board located at 105 East Anapamu Street, Room 407, Santa Barbara, CA 93101.
- 1.1.3** Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.1.4** The Addendum prepared for the project addressed the following issues: Air Quality, Biological Resources, Ethnic Resources, Historic Resources, Noise, Aesthetic/Visual Resources, and Risk of Upset/Hazardous Materials.

2.0 ADMINISTRATIVE FINDINGS

2.1 County Land Use Development Code Findings

In compliance with Section 35.104.060 (Findings Required for Approval of Amendments) of the Santa Barbara County Land Use and Development Code (LUDC), the following findings shall be made by the Board of Supervisors in order to approve a text amendment to the LUDC.

2.1.1 *The request is in the interests of the general community welfare.*

The proposed ordinance amendment is in the interest of the general community welfare since the amendment will amend the requirements of Section 35-1, the County Land Use

and Development Code of Chapter 35, Zoning of the Santa Barbara County Code regarding commercial telecommunications facilities in a manner which continues to protect community values, environmental quality, and the public health and safety. The proposed amendments include clarifications to the existing definitions of collocated telecommunications facility and substantially visible; the addition of new definitions for hub site, mobile communications temporary facility and vault; amendment of the processing requirements for very small facilities and tenant improvements; amendment of processing requirements for projects in residential areas to require Planning Commission review; addition of new findings requiring demonstration of need for service and demonstration of efforts to reduce the intrusiveness of the facility through design and siting; and other minor revisions that regulate the construction and use of commercial telecommunications facilities.

2.1.2 *The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code. If the Amendment involves an Amendment to the Local Coastal Program, then the request shall also be found to be consistent with the Coastal Land Use Plan.*

The proposed ordinance amendment requires discretionary processing for all commercial telecommunications facilities, with the exception of temporary facilities and hub sites. Discretionary projects are subject to review under the California Environmental Quality Act and associated findings. In order to approve a commercial telecommunications facility, the review authority must also find that the proposed development is consistent with the policies and development standards of the Comprehensive Plan including the Toro Canyon, Summerland, Montecito, Goleta, Santa Ynez, Los Alamos, and Orcutt Community Plans, the requirements of State planning and zoning laws, and the County LUDC.

These revisions will not result in any inconsistencies with the adopted policies and development standards of the Comprehensive Plan including the adopted community plans. The proposed ordinance amendments are also consistent with the remaining portions of the LUDC that would not be revised by this amendment. Therefore, these amendments may be found consistent with the Comprehensive Plan including the Toro Canyon, Summerland, Montecito, Goleta, Santa Ynez, Los Alamos, and Orcutt Community Plans, the requirements of State planning and zoning laws, and the LUDC.

2.1.3 *The request is consistent with good zoning and planning practices.*

The proposed amendments are consistent with sound zoning and planning practices in that they amend provisions for telecommunications facilities allowed by the Federal Telecommunications Act yet also maintain consistency with the Comprehensive Plan including the Toro Canyon, Summerland, Montecito, Goleta, Santa Ynez, Los Alamos, and Orcutt Community Plans, and the LUDC, and also allow the County to protect the public health and safety.

2.2 Montecito Land Use Development Code Findings

In compliance with Section 35.494.060 (Findings Required for Approval of Amendment) of the Santa Barbara County Montecito Land Use and Development Code (Montecito LUDC), the following findings shall be made by the Board of Supervisors in order to approve a text amendment to the Montecito LUDC.

2.2.1 *The request is in the interests of the general community welfare.*

The proposed ordinance amendment is in the interest of the general community welfare since the amendment will amend the requirements of Section 35-2, the Montecito Land Use and Development Code of Chapter 35, Zoning of the Santa Barbara County Code regarding commercial telecommunications facilities in a manner which continues to protect community values, environmental quality, and the public health and safety. The proposed amendments include clarifications to the existing definitions of collocated telecommunications facility and substantially visible; the addition of new definitions for hub site, mobile communications temporary facility and vault; amendment of the processing requirements for very small facilities and tenant improvements; addition of new findings requiring demonstration of need for service and demonstration of efforts to reduce the intrusiveness of the facility through design and siting; and other minor revisions that regulate the construction and use of commercial telecommunications facilities.

2.2.2 *The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and the Montecito Land Use and Development Code. If the Amendment involves an Amendment to the Local Coastal Program, then the request shall also be found to be consistent with the Coastal Land Use Plan.*

The proposed ordinance amendment requires discretionary processing for all commercial telecommunications facilities, with the exception of temporary facilities and hub sites. Discretionary projects are subject to review under the California Environmental Quality Act and associated findings. In order to approve a commercial telecommunications facility, the review authority must also find that the proposed development is consistent with the policies and development standards of the Comprehensive Plan including the Montecito Community Plan, the requirements of State planning and zoning laws, and the Montecito LUDC.

These revisions will not result in any inconsistencies with the adopted policies and development standards of the Comprehensive Plan including the Montecito Community Plan. The proposed ordinance amendments are also consistent with the remaining portions of the Montecito LUDC that would not be revised by this amendment. Therefore, these amendments may be found consistent with the Comprehensive Plan including the Montecito Community Plan, the requirements of State planning and zoning laws, and the Montecito LUDC.

2.2.3 *The request is consistent with good zoning and planning practices.*

The proposed amendments are consistent with sound zoning and planning practices in that they amend provisions for telecommunications facilities allowed by the Federal

Telecommunications Act yet also maintain consistency with the Comprehensive Plan including the Montecito Community Plan and the Montecito LUDC, and also allow the County to protect the public health and safety.

2.3 Coastal Zoning Ordinance Findings

In compliance with Section Sec. 35-180.6 (Findings Required for Approval of Rezone or Ordinance Amendment) of the Santa Barbara County Coastal Zoning Ordinance (Article II), the following findings shall be made by the Board of Supervisors in order to approve a text amendment to the Coastal Zoning Ordinance (Article II).

2.3.1 *The request is in the interests of the general community welfare.*

The proposed ordinance amendment is in the interest of the general community welfare since the amendment will amend the requirements of Article II, the Coastal Zoning Ordinance of Chapter 35, Zoning of the Santa Barbara County Code regarding commercial telecommunications facilities in a manner which continues to protect community values, environmental quality, and the public health and safety. The proposed amendments include clarifications to the existing definitions of collocated telecommunications facility and substantially visible; the addition of new definitions for hub site, mobile communications temporary facility and vault; amendment of the processing requirements for very small facilities and tenant improvements; addition of new findings requiring demonstration of need for service and demonstration of efforts to reduce the intrusiveness of the facility through design and siting; and other minor revisions that regulate the construction and use of commercial telecommunications facilities.

2.3.2 *The request is consistent with the Comprehensive Plan, the Coastal Land Use Plan, the requirements of the State planning and zoning laws, and this Article.*

The proposed ordinance amendment requires discretionary processing for all commercial telecommunications facilities, with the exception of temporary facilities and hub sites. Discretionary projects are subject to review under the California Environmental Quality Act and associated findings. In order to approve a commercial telecommunications facility, the review authority must also find that the proposed development is consistent with the policies and development standards of the Comprehensive Plan, the Toro Canyon, Summerland, Montecito, Goleta, Santa Ynez, Los Alamos, and Orcutt Community Plans, and the Coastal Land Use Plan, the requirements of State planning and zoning laws, and the Coastal Zoning Ordinance.

These revisions will not result in any inconsistencies with the adopted policies and development standards of the Comprehensive Plan the Toro Canyon, Summerland, Montecito, Goleta, Santa Ynez, Los Alamos, and Orcutt Community Plans, and the Coastal Land Use Plan. The proposed ordinance amendments are also consistent with the remaining portions of the Coastal Zoning Ordinance that would not be revised by this amendment. Therefore, these amendments may be found consistent with the Comprehensive Plan, the Toro Canyon, Summerland, Montecito, Goleta, Santa Ynez, Los Alamos, and Orcutt

Community Plans, the Coastal Land Use Plan, the requirements of State planning and zoning laws, and the Coastal Zoning Ordinance.

2.3.3 *The request is consistent with good zoning and planning practices.*

The proposed amendments are consistent with sound zoning and planning practices in that they amend provisions for telecommunications facilities allowed by the Federal Telecommunications Act yet also maintain consistency with the Comprehensive Plan, including the Toro Canyon, Summerland, Montecito, Goleta, Santa Ynez, Los Alamos, and Orcutt Community Plans, and the Coastal Land Use Plan, and the Coastal Zoning Ordinance and also allow the County to protect the public health and safety.