



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

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

Department Name: Planning & Development  
Department No.: 053  
For Agenda Of: 1/9/2007  
Placement: Departmental  
Estimated Tme: 5 minutes  
Continued Item: YES  
If Yes, date from: December 19, 2006  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** Department Director John Baker, Director, (805) 568-2085  
Contact Info: Dianne M. Black, Assistant Director, (805) 568-2086  
**SUBJECT:** Hearing to consider amending the County Code regarding vegetation removal within portions of the Goleta Community Plan Area zone Mountainous Area-Goleta.

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**County Counsel Concurrence**

As to form:  Yes  No  N/A

**Other Concurrence:** Select\_Other

As to form:  Yes  No  N/A

**Auditor-Controller Concurrence**

As to form:  Yes  No  N/A

**Recommended Actions:**

That the Board of Supervisors consider the second reading (adoption) of an ordinance to amend the text of Chapter 9A of the Santa Barbara County Code and:

- A. Adopt the findings for approval of the proposed ordinance (Attachment A);
- B. Find that this ordinance is categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B);
- C. Adopt an Ordinance (Case No. 06ORD-00000-00004) amending Chapter 9A of the Santa Barbara County Code.

**Summary Text:**

Your Board approved the first reading (introduction) of the proposed ordinance on December 19, 2006 and continued the second reading (adoption) to January 9, 2007.

**Background:**

Please refer to the Board Agenda Letter for the hearing of December 5, 2006.

**Fiscal and Facilities Impacts:**

Budgeted:  Yes  No

Funding for this ordinance amendment work effort is budgeted in the Planning Support program of the

Administration Division on page D-286 of the adopted Planning & Development's budget for fiscal year 2006-2007. There are no facilities impacts.

**Staffing Impacts:**

**Legal Positions:**

0

**FTEs:**

0

**Special Instructions:**

The Clerk of the Board will send a copy of the signed and numbered ordinance to the Planning and Development Department, attention Noel Langle.

**Attachments:**

- A. Findings
- B. CEQA Exemption
- C. Ordinance

**Authored by:**

Noel Langle, Planner (805) 568-2009

## ATTACHMENT A: FINDINGS

### CASE NO. 06ORD-00000-00004

The following findings shall be made by the County Board of Supervisors in order to adopt an ordinance amending the text of the Santa Barbara County Code:

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 amendments will serve to implement the resource protection policies of the Goleta Community Plan.*

2. The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and the Santa Barbara County Code.

*The proposed ordinance amendment is consistent with the Santa Barbara County Comprehensive Plan, the requirements of State Planning and Zoning Laws, and the Santa Barbara County Code.*

*Adoption of the proposed ordinance amendment will not result in any inconsistencies with the adopted policies and development standards of the County's Comprehensive Plan. Since the proposed ordinance amendment neither alters the purpose and intent of the Comprehensive Plan development standards, nor would it allow any development that is inconsistent with the intent of the Comprehensive Plan land use designations, the proposed amendment is considered to be consistent with the Comprehensive Plan.*

*The proposed ordinance amendment is consistent with the remaining portions of the Santa Barbara County Code that would not be revised by this amendment. In order to approve a development permit based on the proposed amendment, it still must be determined that the project is consistent with the whole of the Santa Barbara County Code.*

3. The request is consistent with good zoning and planning practices.

*The proposed amendments are consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values. As discussed in Finding 2 above, the amendment is consistent with the Comprehensive Plan and the Santa Barbara County Code.*

**ATTACHMENT B**

**NOTICE OF EXEMPTION**

**TO:** Santa Barbara County Clerk of the Board of Supervisors

**FROM:** Noel Langle, Planner  
Planning and Development Department

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

**APN(s):** Not applicable.

**Case No.:** 06ORD-00000-00004

**Location:** The proposed ordinance amendments would apply to the unincorporated areas of Santa Barbara County located within the portions of the Goleta Community Plan that are zoned Mountainous Area - Goleta.

**Project Title:** Ordinance Text Amendments to Chapter 9A, Brush Removal, Southeasterly Coastal Area and Coastal Zone, of the Santa Barbara County Code.

**Project Description:** 06ORD-00000-00004 proposes to amend Chapter 9A, Brush Removal, Southeasterly Coastal Area and Coastal Zone, of the Santa Barbara County Code.

This ordinance amendment would amend the existing text of the Chapter 9A of the Santa Barbara County Code to provide additional protection to environmentally sensitive resources located within the Goleta Community Plan areas that are zoned Mountainous Area - Goleta (MT-GOL) by regulating certain vegetation removal activities that are presently not regulated by this ordinance.

**Exempt Status: (Check one)**

Ministerial

Statutory

Categorical Exemption

Emergency Project

No Possibility of Significant Effect [Section 15061(b)(3)]

**Cite specific CEQA Guideline Section:** Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA.

**Reasons to support exemption findings:**

The proposed ordinance amendment revises the text of the County brush removal regulations that apply to property zoned MT-GOL located within the Goleta Planning Area to require that activities and uses that are presently exempt from the permit requirements of these regulations would become

subject to the permit requirements. This would add protections for environmental resources located within such mapped zones, and thus will have the effect of providing additional protections for the environment.

Therefore, no significant environmental impacts are expected to result as a consequence of these ordinance revisions.

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Department/Division Representative

Date

Acceptance Date: \_\_\_\_\_

Date Filed by County Clerk: \_\_\_\_\_

Note: A copy of this form must be posted at P&D six days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.

Distribution:

Hearing Support Staff  
Project file

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

AN ORDINANCE AMENDING CHAPTER 9A, BRUSH REMOVAL, SOUTHEASTERLY COASTAL AREA AND COASTAL ZONE, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING SECTION 9A-6, EXEMPTIONS, TO AMEND THE REGULATIONS REGARDING BRUSH REMOVAL AND DEVELOPMENT WITHIN AREAS ZONED MOUNTAINOUS AREA - GOLETA.

Case No. 06ORD-0000-00004

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

SECTION 1:

SECTION 9A-6, EXEMPTIONS, of Chapter 9A of the Santa Barbara County Code is hereby amended to read as follows:

**Section 9A-6. Exceptions.**

The provisions of this Chapter 9A shall not apply to, and written approval shall not be required for:

- (a) Removal or destruction of vegetation on a parcel if limited to an area or areas not exceeding a total of five acres within any twelve month period.
- (b) The removal or destruction of vegetation, performed, caused to be performed or required to be performed, by a fire prevention agency having jurisdiction under Chapter 15 of this Code or otherwise, including but not limited to weed abatement, clearance around a building or structure, fuel breaks and fire breaks.
- (c) The removal or destruction of vegetation by public utilities on existing rights-of-way or property owned by such utility or on existing access rights-of-way to such utility rights-of-way or property.
- (d) The removal or destruction of vegetation on existing publicly owned rights-of-way for trails, roads, highways, streets, flood control projects or other similar or related public uses.
- (e) Controlled burns approved by the fire agency having jurisdiction.
- (f) The removal or destruction of vegetation by agricultural preparation methods known as "discing" or "rotary shredding" or chemical means or by hand tools, except that if the removal or destruction of vegetation is to occur on parcels zoned MT-GOL in compliance with Chapter 35 of the County Code, then this exception shall apply only if the removal or destruction is required to allow for the productive agricultural use of the property.
- (g) The removal or destruction of vegetation in connection with work performed under a grading permit issued pursuant to the provisions of Chapter 14 of this Code when the work includes precautionary measures to control erosion and flood hazards during the prosecution of such work, as well as upon completion thereof.

SECTION 2:

Except as amended by this Ordinance, Section 9A-6, Exemptions, of Chapter 9A, of the Code of the County of Santa Barbara, California, shall remain unchanged and shall continue in full force and effect.

SECTION 3:

This ordinance shall take effect and be in force 30 days from the date of its passage, and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together 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 by the Board of Supervisors of the County of Santa Barbara, State of California, this 19<sup>th</sup> day of December, 2006, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

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

ATTEST:

MICHAEL F. BROWN  
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

STEPHEN SHANE STARK  
County Counsel

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

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