

**ATTACHMENT J: MONTECITO PLANNING COMMISSION ACTION LETTER AND  
RESOLUTION, DATED FEBRUARY 18, 2026**



## Planning and Development

Lisa Plowman, Director

Jeff Wilson, Assistant Director

Elise Dale, Assistant Director

TO THE HONORABLE BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA, CALIFORNIA

MONTECITO PLANNING COMMISSION  
HEARING OF FEBRUARY 18, 2026

**RE: Utility Scale Solar Amendments Project; 24ORD-00029, 24ORD-00030**

Hearing on the request of the County of Santa Barbara Planning and Development Department (P&D) that the Montecito Planning Commission consider the following:

- Case No. 24ORD-00029: an Ordinance amending Article II – the Coastal Zoning Ordinance (CZO) to clarify what types of solar projects are exempt from planning permits, update definitions, create new and revised regulations regarding solar energy systems and facilities, revise applicable development standards, provisions, permit processing procedures, performance standards, and zoning requirements for solar projects; and
- Case No. 24ORD-00030: an Ordinance amending the Montecito Land Use and Development Code (MLUDC) clarify what types of solar projects are exempt from planning permits, update definitions, create new and revised regulations regarding solar energy systems and facilities, revise applicable development standards, provisions, permit processing procedures, performance standards, and zoning requirements for solar projects.

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Dear Honorable Members of the Board of Supervisors:

At the Montecito Planning Commission hearing of February 18, 2026, Commissioner Kerns moved, seconded by Commissioner Kupiec and carried by a vote of 5 to 0 to:

**Case No. 24ORD-00000-00029**

1. Recommend that the County Planning Commission make the required findings for approval, including the California Environmental Quality Act (CEQA) findings, and recommend that the Board make the required findings for approval, including CEQA findings, for the proposed amendments to the CZO, Case No. 24ORD-00029 (Attachment A of the staff report dated February 10, 2026);



2. Recommend that the Board certify the Utility Scale Solar Amendments Program Environmental Impact Report (EIR), County Environmental Document No. 25EIR-00003 (Attachment B of the staff report dated February 10, 2026); and
3. Adopt a resolution (Attachment C of the staff report dated February 10, 2026) recommending that the County Planning Commission recommend that the Board approve Case No. 24ORD-00029, an ordinance amending Article II – Coastal Zoning Ordinance with new and revised regulations for solar energy systems and facilities.

**Case No. 24ORD-00000-00030**

1. Make the required findings for approval, including CEQA findings, and recommend that the Board make the required findings for approval, including CEQA findings, for the proposed MLUCD amendments, Case No. 24ORD-00030 (Attachment A of the staff report dated February 10, 2026);
2. Recommend that the Board certify the Utility Scale Solar Amendments Program Environmental Impact Report (EIR), County Environmental Document No. 25EIR-00003 (Attachment B of the staff report dated February 10, 2026); and
3. Adopt a resolution (Attachment D of the staff report dated February 10, 2026) recommending that the Board approve Case No. 24ORD-00030, an ordinance amending the MLUDC with new and revised regulations for solar energy systems and facilities.

Sincerely,



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Jeff Wilson  
Secretary to the Montecito Planning Commission

cc: Jeff Wilson, Assistant Director  
Whitney Wilkinson, Supervising Planner, Long Range Planning  
Zoe Carlson, Planner  
Matt Hernandez, Planner

**Attachments:**            **Attachment A – Findings**  
                                  **Attachment C – Article II Resolution**  
                                  **Attachment D – MLUDC Resolution**

DMB/dmv

**FINDINGS FOR APPROVAL AND STATEMENT OF OVERRIDING CONSIDERATIONS**

**Utility Scale Solar Amendments**

**Case Nos.: 24ORD-00029, 24ORD-00030, 25EIR-00003**

**1.0 CEQA FINDINGS**

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15090 AND 15091:

**1.1 CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT**

The Final Program Environmental Impact Report (PEIR), 25EIR-00003, was presented to the Montecito Planning Commission and all voting members of the Montecito Planning Commission reviewed and considered the information contained in the Final PEIR (25EIR-00003) and its appendices prior to recommending approval of the project. In addition, all voting members of the Montecito Planning Commission have reviewed and considered testimony and additional information presented at or prior to public hearing on February 18, 2026. The Final EIR reflects the independent judgment and analysis of the Montecito Planning Commission and is adequate for this proposal.

**1.2 FULL DISCLOSURE**

The Montecito Planning Commission finds and recommends that the Board of Supervisors finds and certifies that the Final PEIR (25EIR-00003), and its appendices, constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Montecito Planning Commission further finds and recommends that the Board of Supervisors finds and certifies that the Final EIR has been completed in compliance with CEQA.

**1.3 LOCATION OF RECORD OF PROCEEDINGS**

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Montecito Planning Commission of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101.

**1.4 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE**

The Final PEIR (25EIR-00003) and its appendices for the Utility Scale Solar



Amendments identifies fourteen environmental impacts (including six cumulative impacts) under three resource areas which cannot be fully mitigated and are therefore considered unavoidable. Those impact areas are: Aesthetics & Visual Resources (AV-1, AV-2, AV-3, and cumulative visual impact), Agricultural Resources (AG-1, AG-2, and cumulative agricultural impact), and Cultural, Tribal Cultural, and Paleontological Resources (CR-2, CR-4, CR-5, as well as cultural, human remains, paleontological, and tribal cultural resources cumulative impacts). To the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations included herein. For each of these Significant and Unavoidable impacts identified by the Final PEIR (25EIR-00003), feasible changes or alterations have been required, or otherwise incorporated into the project, to avoid or substantially lessen the significant environmental effects to the maximum extent feasible, as discussed below.

## **Aesthetics and Visual Resources**

**Impacts:** The Final PEIR identified significant project-specific and cumulative impacts related to aesthetics and visual resources. These impacts include substantial adverse effects on public scenic vistas and designated scenic corridors throughout the county, where future Tier 3 and Tier 4 solar facilities could introduce large-scale visual elements into sensitive public view corridors (Impacts AV-1 and AV-2); and the potential for such facilities to degrade the existing visual character or quality of public views or conflict with applicable regulations governing scenic quality, particularly in rural and open-space areas (Impact AV-3). These impacts would result from the visibility of solar arrays, fencing, access roads, and associated infrastructure, which may alter or obstruct valued public views despite compliance with proposed development standards.

**Mitigation:** The Final PEIR identifies mitigation measures (MM-AV 1, MM-AV 2, and MM-AV 3) requiring design treatments, siting considerations, visual screening, measures to reduce reflection, contrast, and glare, and restoration of disturbed areas to reduce visibility and visual contrast. Additionally, the Project proposes ordinance development standards requiring view protection from public viewing areas (including scenic highway corridor/ridgeline siting limits), visual screening/landscaping, and measures to minimize glare and lighting impacts. However, because utility scale solar facilities require unshaded panel areas, occupy large footprints, and may be located in places with limited opportunities for concealment, these mitigation measures and development standards cannot fully avoid adverse visual effects. Because the specific locations, designs, and visual outcomes for future projects are unknown at this time, aesthetic impacts would remain significant and unavoidable.

**Findings:** The Montecito Planning Commission finds and recommends that the County Planning Commission recommend that the Board of Supervisors find that feasible mitigation measures (MM-AV 1, MM-AV 2, and MM-AV 3) would reduce the significant environmental effects identified in the Final PEIR to the maximum extent feasible. The Montecito Planning Commission further finds and recommends that the County Planning Commission recommend that the Board of Supervisors find that the significant project-specific and cumulative environmental effects to aesthetics and visual resources are acceptable due to the overriding benefits discussed in the Statement of Overriding Considerations.

## **Agricultural Resources**

**Impacts:** The Final PEIR identified significant project-specific and cumulative impacts related to agricultural resources. These impacts include the potential for future Tier 3 community-scale and Tier 4 utility-scale solar facilities to convert Prime Farmland, Unique Farmland, and Farmland of Statewide or Local Importance to non-agricultural uses or otherwise impair agricultural land productivity (Impact AG-1); and the potential for future solar facilities enabled under the Project to conflict with existing zoning for agricultural use, or a Williamson Act contract (Impact AG-2). As analyzed in Section 3.2 of the PEIR, Agricultural Resources, solar development may alter agricultural soils, introduce permanent or semi-permanent infrastructure, and be located on contracted lands where cancellation or nonrenewal may occur.

**Mitigation:** The Final PEIR identifies mitigation measure MM AG-1, requiring a agricultural viability analysis to evaluate and, where feasible, restore agricultural productivity following the removal of solar infrastructure. This measure, combined with the Project's ordinance development standards that require a decommissioning plan and compensatory mitigation for high-value agricultural soils and proposed amendments to the Uniform Rules, would reduce impacts by supporting long-term restoration and minimizing unnecessary disturbance to agricultural lands. However, the PEIR recognizes that the effectiveness of MM AG-1 in reducing all agricultural impacts is unknown, and even with measures to conserve or salvage soils, the Project could still result in a net loss of high-value agricultural lands or a loss of productivity of those lands. Therefore, the PEIR concludes that residual impacts to agricultural resources would remain significant and unavoidable.

**Findings:** The Montecito Planning Commission finds and recommends that the County Planning Commission recommend that the Board of Supervisors find that a feasible mitigation measure (MM-AG 1) would reduce the significant environmental effects identified in the Final PEIR to the maximum extent feasible. The Montecito Planning Commission further finds and recommends that the County Planning Commission recommend that the Board of Supervisors find that the significant project-specific and cumulative environmental effects to agricultural resources are acceptable due to the overriding benefits discussed in the Statement of Overriding

Considerations.

## **Cultural, Tribal Cultural, and Paleontological Resources**

**Impacts:** The Final PEIR identified significant project-specific and cumulative impacts related to cultural, tribal cultural, and paleontological resources. These impacts include the potential for ground-disturbing activities associated with future solar energy systems and facilities enabled under the Project to result in an adverse change in the significance of an archaeological resource (Impact CR-2), a Tribal Cultural Resource (Impact CR-4), or a unique paleontological resource or geologic feature (Impact CR-5). Because future Tier 3 and Tier 4 facilities may be located across large areas of the county where subsurface cultural and paleontological resources may exist but are not yet recorded, avoidance of substantial adverse change cannot be assured.

**Mitigation:** The Final PEIR identifies mitigation measures that would reduce impacts but cannot guarantee substantial adverse changes cultural, Tribal Cultural, or paleontological resources would not occur.

For archaeological resources (CR-2), mitigation includes: MM CR-2 requiring immediate stop-work procedures and evaluation by a qualified archaeologist and Native American representative if archaeological resources are encountered; MM CR-3 requiring phased archaeological investigations (Phase 1 surveys, Phase 2 subsurface testing, and Phase 3 data recovery where warranted) in accordance with County Archaeological Guidelines; and MM CR-5 requiring establishment of protective archaeological buffers where resources are identified.

For tribal cultural resources (CR-4), mitigation includes: MM TCR-1 requiring retention of a Native American Representative and provision of cultural sensitivity training; MM TCR-2 requiring Native American monitoring during ground-disturbing activities for Tier 3 and Tier 4 projects; and MM TCR-3 requiring establishment of tribal cultural resource buffers and coordinated evaluation and recovery procedures in consultation with tribal representatives.

For paleontological resources (CR-5), mitigation includes: MM PR-1 requiring pre-construction paleontological assessments conducted by a qualified paleontologist; MM PR-2 requiring paleontological monitoring in areas of high sensitivity; MM PR-3 requiring fossil recovery procedures and establishment of protective buffers where paleontological resources are uncovered; and MM PR-4 requiring preparation of a paleontological monitoring report summarizing findings, recovery methods, and curation outcomes.

**Findings:** The Montecito Planning Commission finds and recommends that the County Planning Commission recommend that the Board of Supervisors find that feasible mitigation measures (MM-CR 2-5, MM-TCR 1-3, and MM-PR 1-3) would

reduce the significant environmental effects identified in the Final PEIR to the maximum extent feasible. The Montecito Planning Commission further finds and recommends that the County Planning Commission recommend that the Board of Supervisors find that the significant project-specific and cumulative environmental effects to Cultural, Tribal Cultural, and Paleontological Resources are acceptable due to the overriding benefits discussed in the Statement of Overriding Considerations.

## **1.5 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY MITIGATION MEASURES**

The Final PEIR (25EIR-00003) and its appendices identified several subject areas for which the Project is considered to cause or contribute to significant but mitigable environmental impacts. For each of these impacts identified by the Final PEIR (25EIR-00003), feasible mitigation measures or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect, as discussed below.

### **Aesthetics and Visual Resources**

**Impacts:** The Final PEIR identified a significant but mitigable impact related to the potential for solar energy facilities to create new sources of substantial light and glare that may adversely affect day or nighttime views (Impact AV-4).

**Mitigation:** The Final PEIR identifies one mitigation measure that reduces potentially significant light and glare impacts to a less-than-significant level.

MM AV-3 requires Tier 3 and Tier 4 solar energy facilities to minimize glare, color contrast, and reflectivity to the extent feasible by using consistent coloring, low-reflectivity materials, and surface treatments that blend with the surrounding landscape.

**Findings:** The Montecito Planning Commission finds and recommends that the County Planning Commission recommend that the Board of Supervisors find that implementation of MM AV-3 will reduce the identified significant effects related to light and glare to a level of insignificance.

### **Air Quality**

**Impacts:** The Final PEIR identified significant but mitigable project-specific and cumulative impacts related to the potential for construction activities associated with Tier 3 and Tier 4 solar energy facilities to expose sensitive receptors to substantial pollutant concentrations, particularly fugitive dust and particulate

matter generated during land preparation, excavation, and demolition (Impact AQ-3).

**Mitigation:** The Final PEIR identifies two mitigation measures (MM AQ-1 and AQ-2) that will reduce potentially significant air quality impacts to a less-than-significant level. MM AQ-1 (Fugitive Dust Control) requires implementation of a suite of dust control practices during construction, including but not limited to application of soil-stabilizing agents, watering of exposed surfaces, minimizing vehicle speeds on unpaved roads, covering haul trucks, and applying dust suppression during land preparation, excavation, and demolition activities. MM-AQ 2 (Valley Fever) would require construction contractors to comply with various safety measures such as wearing respirators and using construction equipment equipped with filtration systems when topsoil disturbance occurs in locations with potential Valley Fever fungal spores.

**Findings:** The Montecito Planning Commission finds and recommends that the County Planning Commission recommend that the Board of Supervisors find that implementation of MM AQ-1 and MM AQ 2 will reduce the identified project-specific and cumulative significant air quality impacts to a level of insignificance.

## **Biological Resources**

**Impacts:** The Final PEIR identified significant but mitigable impacts (including cumulative impacts) to biological resources from vegetation removal, grading, access road construction, and installation and operation of Tier 3 and Tier 4 solar energy facilities. These activities could result in direct and indirect impacts to special-status plant and wildlife species, nesting birds, sensitive natural communities, wildlife movement corridors, and jurisdictional waters and wetlands (Impacts BIO-1 through BIO-5).

**Mitigation:** The Final PEIR identifies sixteen mitigation measures that would primarily apply to future Tier 3 and 4 projects where applicable that together reduce potentially significant project-specific and cumulative biological impacts to a less-than-significant level:

MM BIO-1 limits construction, staging, and equipment laydown to previously disturbed areas and requires minimum setbacks from sensitive biological resources.

MM BIO-2 requires pre-construction nesting bird surveys, establishment of appropriate buffers for active nests, and monitoring to ensure avoidance throughout construction.

MM BIO-3 requires vegetation mapping and habitat assessments for each project site, including identification of sensitive natural communities, wildlife corridors, and

special-status species habitat.

MM BIO-4 requires focused surveys for special-status plants, and if present, buffers, and, where avoidance is not feasible, restoration, translocation, or seedbanking to protect special-status plant species.

MM BIO-5 requires implementation of a Construction Worker Environmental Awareness Program (WEAP) to educate personnel about biological resource protections and avoidance procedures.

MM BIO-6 requires invasive plant species control measures to prevent spread of non-native vegetation during construction and operation.

MM BIO-7 establishes general construction best management practices to minimize wildlife entrapment, reduce disturbance, prevent spills, control dust, manage refuse, and avoid impacts to riparian habitats and drainage features.

MM BIO-8 requires a qualified biological monitor to oversee construction, verify implementation of avoidance and minimization measures, and temporarily halt work if sensitive species are at risk.

MM BIO-9 requires preparation and implementation of a Revegetation Plan for temporarily disturbed areas, including use of native plant palettes and performance standards to ensure successful restoration.

MM BIO-10 if suitable habitat is present, requires focused surveys for listed wildlife species, and if found to be present, species-specific protection measures, including timing restrictions, establishment of buffers, and consultation with USFWS and/or CDFW, if necessary.

MM BIO-11 requires pre-construction surveys for non-listed special-status wildlife species, and if found to be present, implementation of buffers, monitoring, and protection measures.

MM BIO-12 requires presence/absence surveys for bats, identification and protection of roost sites, and avoidance measures during sensitive seasonal periods.

MM BIO-13 requires evaluation of potential impacts to designated critical habitat and consultation with USFWS if a federal nexus exists.

MM BIO-14 requires avoidance of sensitive natural communities through delineation and demarcation of habitat areas, maintenance of protective buffers

during construction, and if impacts cannot be avoided, compensatory mitigation at a minimum 1:1 ratio through mitigation bank credits, land acquisition, or on or off-site restoration/enhancement.

MM BIO-15 requires delineation of jurisdictional aquatic resources, and if present, establishment and maintenance of qualified biologist–recommended avoidance buffers, and if impacts to aquatic features are unavoidable, obtaining all applicable federal and state permits and implementing required compensatory mitigation.

MM BIO-16 requires protection of wildlife movement corridors by identifying linkages during the Habitat Assessment and incorporating design measures such as minimum 100-foot setbacks to maintain safe and functional wildlife connectivity.

**Findings:** The Montecito Planning Commission finds and recommends that the County Planning Commission recommend that the Board of Supervisors find that implementation of MM BIO-1 through MM BIO-16 will reduce the identified significant impacts to biological resources to a level of insignificance.

## **Cultural Resources**

**Impacts:** The Final PEIR identified significant but mitigable impacts related to potential adverse changes to historical resources and potential disturbance of human remains during construction of future solar energy facilities (Impacts CR-1 and CR-3).

**Mitigation:** The Final PEIR identifies two mitigation measures (MM CR-1 and MM CR-6) that together reduce potentially significant cultural resource impacts to a less-than-significant level:

MM CR-1 requires retention of a County-qualified architectural historian to conduct significance assessments, identify appropriate preservation treatments, and document historic buildings consistent with County Standard Conditions of Approval.

MM CR-6 requires immediate work stoppage and notification procedures if human remains are encountered, including notification of the County Coroner and, when applicable, the Native American Heritage Commission and most likely descendants.

**Findings:** The Montecito Planning Commission finds and recommends that the County Planning Commission recommend that the Board of Supervisors find that implementation of MM CR-1 and MM CR-6 will reduce the identified significant effects related to historical resources and human remains (CR-1 and CR-3) to a level of insignificance.

## Greenhouse Gas Emissions

**Impacts:** The Final PEIR identified significant but mitigable impacts related to construction and decommissioning GHG emissions that could exceed County or SBCAPCD thresholds (Impact GHG-1).

**Mitigation:** The Final PEIR identifies one mitigation measure (MM GHG-1) that reduces this impact to a less-than-significant level. MM GHG-1 requires implementation of feasible GHG-reduction measures, which may include: Use of low- or zero-carbon construction equipment or vehicles, purchase of qualified carbon credits, with priority for locally generated credits, or measures that reduce construction-related trips or trip lengths.

**Findings:** The Montecito Planning Commission finds and recommends that the County Planning Commission recommend that the Board of Supervisors find that implementation of MM GHG-1 will reduce the identified significant greenhouse gas emissions impact (GHG-1) to a level of insignificance.

## Noise

**Impacts:** The Final PEIR identified significant but mitigable project-specific and cumulative noise impacts related to temporary construction noise and groundborne vibration from future solar energy facilities, including potential exceedance of local noise standards and vibration effects on nearby structures (Impacts NOI-1 and NOI-2).

**Mitigation:** The Final PEIR identifies mitigation measures (MM NOI-1, MM NOI-2, MM NOI-3, and MM T-1) that reduce these impacts to a less-than-significant level:

MM NOI-1 requires use of temporary construction noise barriers when pile driving occurs near noise-sensitive receptors.

MM NOI-2 limits construction activities, including equipment operation and site preparation, to allowable daytime hours.

MM NOI-3 requires pile-driving activities to be located at least 60 feet from off-site buildings or structures to avoid vibration impacts.

MM-T-1 requires a traffic control plan to reduce construction-related impacts on roadway operation, reduce safety hazards, provide alternative transportation, parking and emergency access.

**Findings:** The Montecito Planning Commission finds and recommends that the County Planning Commission recommend that the Board of Supervisors find that implementation of MM NOI-1, MM NOI-2, MM NOI-3, and MM-T 1 will reduce the identified significant cumulative and project-specific noise and vibration impacts

(NOI-1 and NOI-2) to a level of insignificance.

## **Transportation**

**Impacts:** The Final PEIR identified significant but mitigable project-specific and cumulative impacts. The project-specific impacts relate to the potential for inadequate emergency access during construction of future solar energy facilities (Impact T-4).

**Mitigation:** The Final PEIR identifies one mitigation measure (MM T-1) that reduces this impact to a less-than-significant level. MM T-1 requires preparation and implementation of a Construction Traffic Control Plan that includes measures such as maintaining emergency vehicle access at all times; providing detour routes and signage to minimize traffic disruption; maintaining access to driveways and private roads, except for brief periods with notification; managing construction timing and routing to avoid congestion where feasible; and/or incorporating pedestrian, bicycle, and transit safety measures during construction.

**Findings:** The Montecito Planning Commission finds and recommends that the County Planning Commission recommend that the Board of Supervisors find that implementation of MM T-1 will reduce cumulative impacts and the identified significant transportation impact (T-4) to a level of insignificance.

## **Utilities and Solid Waste**

**Impacts:** The Final PEIR identified significant but mitigable project-specific and cumulative impacts related to (1) the potential for utility-scale solar facilities to generate water demand in excess of local or regional supplies (Impact UT-2), and (2) the potential for construction and decommissioning activities to generate solid waste in excess of local capacity or conflict with state or local solid waste reduction requirements (Impact UT-4).

**Mitigation:** The Final PEIR identifies two mitigation measures that reduce these impacts to less-than-significant levels:

MM UT-1 (Water Supply Assessment) requires Tier 4 solar facilities with footprints of 40 acres or more to obtain a Water Supply Assessment or Can/Will Serve letter demonstrating that adequate water supplies exist to meet operational and foreseeable future demand over normal, dry, and multiple-dry year conditions.

MM UT-2 (Solid Waste Management and Diversion Plan) requires preparation of a Solid Waste Management and Diversion Plan for qualifying projects outlining procedures to sort, measure, and divert solid waste to achieve at least 65% diversion of inert materials.

**Findings:** The Montecito Planning Commission finds and recommends that the

County Planning Commission recommend that the Board of Supervisors find that implementation of MM UT-1 and MM UT-2 will reduce the identified significant project-specific and cumulative utilities and solid waste impacts (UT-2 and UT-4) to a level of insignificance.

## **Hazards**

**Impacts:** The Final PEIR identified significant but mitigable project-specific and cumulative impacts. The project-specific impacts include the potential for future solar facilities to be located on or near hazardous materials sites (Impact HAZ-4) or within airport influence areas where construction activities could create safety hazards (Impact HAZ-5).

**Mitigation:** The Final PEIR identifies two mitigation measures that reduce these impacts to less-than-significant levels:

MM HAZ-1 requires preparation and implementation of a Site Management Plan to ensure safe handling, removal, and disposal of contaminated soil or groundwater, including regulatory notification and cleanup procedures where contamination is present or encountered.

MM HAZ-2 requires applicants to coordinate with the Federal Aviation Administration (FAA) and prepare an FAA Traffic Coordination Plan when helicopter use or other activities occur within airport influence areas.

**Findings:** The Montecito Planning Commission finds and recommends that the County Planning Commission recommend that the Board of Supervisors find that implementation of MM HAZ-1 and MM HAZ-2 will reduce the identified significant hazards impacts (HAZ-4 and HAZ-5) and cumulative impacts to a level of insignificance.

## **Wildfire**

**Impacts:** The Final PEIR identified potentially significant project-specific and cumulative wildfire-related impacts, including: impairment of emergency response or evacuation procedures (Impact WF-1); increased potential for wildfire ignition or spread during construction or operation (Impact WF-2); ignition risks associated with project infrastructure (Impact WF-3); and increased risks to people or structures due to post-fire erosion, runoff, or slope instability (Impact WF-4).

**Mitigation:** The Final PEIR identifies four mitigation measures that collectively reduce these impacts to a less-than-significant level:

MM T-1 requires a traffic control plan to reduce construction-related impacts on roadway operation, reduce safety hazards, provide alternative transportation,

parking and emergency access.

MM WF-1 requires preparation of an Operational Site Safety Management Plan addressing inspections, vegetation clearance, fire-suppression procedures, and Fire Code review for battery ESS systems.

MM WF-2 requires construction-phase ignition-reduction measures, including equipment safeguards, vegetation management, smoking restrictions, hot-work permitting, and on-site emergency communication capabilities.

MM WF-3 requires preparation and implementation of an Erosion and Sediment Control Plan (or SWPPP/SWMP/ESCP as applicable) using best management practices to minimize erosion and protect watercourses, including post-fire stability considerations.

**Findings:** The Montecito Planning Commission finds and recommends that the County Planning Commission recommend that the Board of Supervisors find that implementation of MM T-1, MM WF-1, MM WF-2, and MM WF-3 will reduce wildfire-related impacts (WF-1 through WF-4) and cumulative impacts to a level of insignificance.

## **1.6 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES ARE NOT FEASIBLE**

The Final PEIR (25EIR-00003) evaluated a No Project Alternative and two additional alternatives (Alternative 2 – Reduction of Solar on Williamson Act-Contracted Lands and Alternative 3 – Removal of Utility-Scale Solar in Coastal Areas) as methods of reducing or avoiding significant environmental effects. The Montecito Planning Commission finds and recommends that the County Planning Commission recommend that the Board of Supervisors find that the identified alternatives are infeasible for the reasons stated below.

### **1. No Project Alternative**

The No Project Alternative assumes that none of the proposed amendments to the Comprehensive Plan, Coastal Land Use Plan, Land Use and Development Code, Montecito LUDC, Article II Coastal Zoning Ordinance, or Uniform Rules would be adopted. Under this alternative, utility-scale solar facilities would continue to be limited to the existing 600-acre Utility-Scale Solar Photovoltaic Overlay, and solar development outside that area would remain restricted to accessory uses or projects not subject to County planning permits. Existing permitting frameworks for rooftop and freestanding or ground-mounted solar energy systems would remain

unchanged, and no streamlined approvals for accompanying battery ESS would occur. Relative to the Project, this alternative would result in fewer or reduced impacts across most resource areas because utility-scale solar development would only be allowed in the existing overlay.

The PEIR concludes the No Project Alternative would not satisfy the underlying purpose of the Project or achieve its primary objectives. It would not: expand areas eligible for utility-scale solar development, remove regulatory barriers that limit renewable energy generation identified in the Strategic Energy Plan, increase Countywide solar capacity or improve permitting clarity and efficiency, and would not enhance regional energy resiliency during Public Safety Power Shutoffs or severe weather events. The No Project Alternative would therefore not support state and local climate and energy mandates and would not provide the beneficial effects associated with increasing renewable energy production in the unincorporated County. For these reasons, the Montecito Planning Commission finds and recommends that the County Planning Commission recommend that the Board of Supervisors find the No Project Alternative infeasible and that the Project (as modified by incorporation of Final PEIR mitigation measures) is preferable.

## **2. Alternative 2: Reduction of Solar on Williamson Act-Contracted Lands**

Alternative 2 would modify the scope of the Utility-Scale Solar Amendments by substantially limiting where Tier 3 and Tier 4 solar energy facilities may be located on agriculturally zoned lands under Williamson Act contracts. Under this alternative, Tier 3 and Tier 4 facilities would not be allowed on Prime contracted lands, and on Nonprime contracted lands, such facilities would only be eligible where the contracted premises is 500 acres or larger. In addition, Alternative 2 would reduce maximum facility footprints on eligible Nonprime lands to 100 acres or 10 percent of the premises.

Because Alternative 2 would substantially reduce the available acreage for potential Tier 3 and Tier 4 facilities on Williamson Act-contracted lands, several environmental impacts would be reduced compared to the Project, though the overall pattern of impacts would remain similar. Aesthetic impacts would be incrementally lower because fewer locations could host utility-scale facilities, but visual impacts would still be significant and unavoidable where scenic vistas or scenic resources are affected. Agricultural impacts would also be reduced, particularly on Prime contracted lands; however, where solar development occurs, impacts to agriculture would remain significant and unavoidable even with requirements to restore the site for agricultural use, when and if decommissioning is initiated (MM AG-1). Air quality impacts (AQ-1, AQ-2, AQ-4) would be similar or less due to the reduced scale of development and would remain less than significant, while dust and Valley Fever exposure (AQ-3) would be somewhat reduced but still require MM AQ-1 and MM AQ-2. Biological resource impacts (BIO-1 through BIO-5) would be similar or reduced because fewer acres would be

disturbed, and with MM BIO-1 through MM BIO-16 would remain less than significant. Cultural, tribal cultural, and paleontological impacts (CR-2, CR-3, CR-4, CR-5, PR-1) would continue to be significant and unavoidable, as sensitive resources occur throughout eligible Nonprime lands. In addition, MM CR-1 that requires an assessment of historical resources and MM CR-6 that provides requirements if human remains are found would still reduce impacts to historical and cultural resources to a less than significant level. Energy use and GHG emissions would be slightly reduced due to fewer large projects, but Tier 3 and Tier 4 projects could still exceed GHG thresholds (Impact GHG-1), requiring MM GHG-1, while potential impacts that may result from consistency with energy and GHG plans (Impacts ENG-1, ENG-2, GHG-2) would remain less than significant. Impacts related to hazards, land use, noise, transportation, utilities, and wildfire would be similar or incrementally reduced because fewer sites would be developed, and with continued implementation of applicable regulations and mitigation (including MM HAZ-1, HAZ-2, MM T-1, and MM WF-1 and WF-2), these impacts would remain less than significant and generally lower than under the Project.

Although Alternative 2 would reduce certain environmental impacts, particularly aesthetic and agricultural impacts within Williamson Act contracted lands, the PEIR concludes that Alternative 2 would not achieve the Project objectives to the same degree as the proposed amendments. The restrictions on Prime and Nonprime contracted lands would substantially limit opportunities for utility-scale renewable energy development, thereby reducing the County's ability to increase solar generation capacity, support state and local greenhouse-gas reduction mandates, and enhance energy reliability during Public Safety Power Shutoffs and severe weather events. This alternative would also fail to eliminate regulatory barriers identified in the County's Strategic Energy Plan and would provide fewer opportunities for streamlined permitting, clear siting pathways, and predictable regulatory outcomes. Because Alternative 2 does not attain the underlying purpose or primary objectives of the Project to the same extent as the proposed Project, the Montecito Planning Commission finds and recommends that the County Planning Commission recommend that the Board of Supervisors find that Alternative 2 is infeasible for social, economic, and other reasons, and that the Project (as modified by incorporation of Final PEIR mitigation measures) is preferable.

### **3. Alternative 3: Removal of Utility-Scale Solar in Coastal Areas**

Alternative 3 would modify the Project by prohibiting Tier 4 solar energy facilities within the Coastal Zone. All other provisions of the Project (including the locations and requirements for Tier 1, Tier 2, and Tier 3 systems and facilities, and the inland siting and eligibility criteria for Tier 3 and Tier 4 facilities) would remain unchanged. Under this alternative, utility-scale solar development would no longer be permitted on eligible parcels located in the Coastal Zone, thereby reducing the total acreage available for large-scale solar development compared to the Project. Under this

alternative, Tier 1, 2, and 3 solar energy systems and facilities would continue to be processed under policies and regulations developed as part of the proposed Project. This alternative would not alter the Project's provisions regarding agricultural compatibility, avoidance of prime soils, or decommissioning requirements.

Because Alternative 3 would prohibit Tier 4 utility-scale solar facilities in the Coastal Zone, several environmental impacts would be reduced relative to the Project, though the overall impact patterns would remain similar. Aesthetic impacts would be lower in the Coastal Zone because large-scale facilities would be excluded from sensitive coastal viewsheds, though Tier 1–3 systems could still result in visual change, and Impacts AV-1, AV-2, and AV-3 would remain significant and unavoidable, while light and glare (Impact AV-4) would remain insignificant with mitigation. Agricultural impacts would be reduced within the Coastal Zone, resulting in fewer farmland conversions and Williamson Act conflicts, but Impacts AG-1 and AG-2 would still be significant and unavoidable, and Impact AG-3 remaining insignificant. Air quality impacts (AQ-1, AQ-2, AQ-4) would be similar or slightly reduced overall due to fewer Tier 4 projects; for AQ-1, consistency with air quality plans would remain less than significant, but impacts would be somewhat greater than under the Project because reduced renewable buildout would provide fewer long-term emissions reduction benefits. Biological resource impacts (BIO-1 through BIO-5) would be similar or reduced due to avoidance of sensitive coastal habitats, and with implementation of MM BIO-1 through BIO-16, impacts would remain less than significant. Cultural, tribal cultural, and paleontological impacts (CR-2, CR-3, CR-4, CR-5, PR-1) would remain significant and unavoidable, as both inland and coastal areas contain sensitive resources, while impacts to historical resources (Impact CR-1) and impacts to human remains (Impact CR-6) would be mitigated to less than significant with MM CR-1 and MM CR-6, respectively. Energy and GHG impacts would remain less than significant with mitigation, although reduced buildout in the Coastal Zone would slightly lower renewable-generation potential, and Tier 4 projects inland could still exceed the County's GHG thresholds (Impact GHG-1), requiring MM GHG-1. Impacts related to hazards, land use, noise, transportation, utilities, and wildfire (Impacts WF-1 through WF-4) would be similar or incrementally reduced due to fewer Tier 4 solar development projects. With the implementation of MM HAZ-1, HAZ-2, MM T-1, and MM WF-1 and WF-2, these impacts would remain less than significant and, in most cases, modestly lower than under the Project.

Despite the incremental environmental benefits, and its designation as the Environmentally Superior Alternative, the PEIR concludes that Alternative 3 would not achieve the Project objectives to the same extent as the proposed amendments. By eliminating all opportunities for Tier 4 solar development in the Coastal Zone, this alternative would meaningfully reduce the County's ability to expand renewable-energy generation in areas with suitable parcel sizes, solar resources, and infrastructure access. As a result, Alternative 3 would provide fewer

opportunities to support state and local greenhouse-gas reduction mandates, contribute less to regional grid resiliency and energy availability during Public Safety Power Shutoffs and severe weather events, and would not fully address the regulatory and siting barriers identified in the County's Strategic Energy Plan. Because Alternative 3 does not meet the underlying purpose or primary objectives of the Project to the same degree as the proposed amendments, the Montecito Planning Commission finds and recommends that the County Planning Commission recommend that the Board of Supervisors find Alternative 3 infeasible for social, economic, and other reasons, and that the Project (as modified by incorporation of Final PEIR mitigation measures) is preferable.

## **1.7 STATEMENT OF OVERRIDING CONSIDERATIONS**

The Final PEIR (25-EIR-00003) for the Utility Scale Solar Amendments identifies project impacts to agricultural resources, visual resources, and archaeological, tribal cultural, and paleontological resources as significant environmental effects which are considered unavoidable. The Montecito Planning Commission finds and recommends that the County Planning Commission recommend that the Board of Supervisors therefore makes the following Statement of Overriding Considerations which warrants approval of the project notwithstanding that all identified effects on the environment are not fully mitigated. With respect to each of the environmental effects of the project summarized above, the Montecito Planning Commission finds and recommends that the County Planning Commission recommend that the Board of Supervisors finds that the stated overriding benefits of the project outweigh the significant effects on the environment and that there is no feasible way to lessen or avoid the significant effects. Pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Sections 15043, 15092 and 15093, any remaining significant effects on the environment are acceptable due to these overriding considerations:

**A.** The Project supports County and State renewable energy and climate-action goals by enabling responsible expansion of larger-scale solar facilities, contributing to long term greenhouse gas reduction, improved air quality, and energy resilience. The Project supports the State's goal to transition to renewable energy resources pursuant to Senate Bill 100 (SB 100) and California's Renewables Portfolio Standard (RPS).

**B.** The Project establishes clear and consistent solar development standards, improving permitting efficiency, predictability, and environmental protection.

**C.** The Project promotes orderly land use planning by directing solar development toward appropriate locations and applying uniform siting, design, and environmental performance standards.

**D.** The Project enhances local and regional energy resilience and reliability by supporting additional renewable energy generation and storage that contributes to

grid and power supply stability and reduces dependence on fossil fuels. A proliferation of solar and storage will produce electric power that is more reliable and can more easily be restored when disrupted, directly benefiting all power users and the local economy.

E. The Project supports broader public health, sustainability, and resilience objectives by increasing access to clean energy, reducing GHG emissions and air quality impacts. The Project also helps to reduce climate risks associated with anticipated impacts of climate change (e.g. sea level rise, changing frequency and intensity of rainfall and associated flooding, etc.) by reducing reliance on energy generated using fossil-fuels and reducing their associated emissions that contribute to climate change and associated hazards.

## **1.8 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM**

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the County to adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be enforceable through permit conditions, agreements, or other measures.

The PEIR has been prepared as a PEIR pursuant to CEQA Guidelines Section 15168. Therefore, the degree of specificity in the PEIR corresponds to the specificity of the general or program level policies of the proposed Project and to the effects that may be expected to follow from the adoption of the proposed Project. Similarly, the mitigation measures provided in the PEIR are programmatic in nature and take one of the following forms: 1) amendments to specific County plans and regulations, including the County's existing Zoning Ordinances; 2) mitigation measures that apply directly to all applicable solar energy system and facility projects.

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, the Montecito Planning Commission finds and recommends that the County Planning Commission recommend that the Board of Supervisors adopt all mitigation measures identified in the Final PEIR (25EIR-00003). The Montecito Planning Commission finds and recommends that the County Planning Commission recommend that the Board of Supervisors find that implementation of the mitigation measures specified in the PEIR would substantially reduce the significant environmental effects resulting from the implementation of the proposed Project, though several impacts remain significant and unavoidable. In accordance with Section 15091(d) and Section 15097 of the CEQA Guidelines, the Montecito Planning Commission finds and recommends that the County Planning Commission recommend that the Board of Supervisors adopt the Mitigation, Monitoring, and Reporting Program – including all mitigation measures, plan requirements, timing, and monitoring requirements.

## **2.0 ADMINISTRATIVE FINDINGS**

### **ARTICLE II COASTAL ZONING ORDINANCE AND MONTECITO LAND USE AND DEVELOPMENT CODE FINDINGS**

**Findings required for all Comprehensive Plan, Development Code and Zoning Map Amendments.** In compliance with Section 35.494.060 of the Montecito Land Use and Development Code, prior to the approval or conditional approval of an application for an Amendment to the Comprehensive Plan, Development Code, or Zoning Map, the review authority shall first make all of the findings below.

**Findings required for all amendments to the Article II Coastal Zoning Ordinance.** In compliance with Section 35.180.6 of the Article II Coastal Zoning Ordinance (Article II), prior to approval or conditional approval of an Amendment to Article II, the review authority shall first make all of the findings below.

#### **2.1 The request is in the interest of the general community welfare.**

The Montecito Planning Commission finds and recommends that the County Planning Commission recommend that the Board find that the proposed ordinance amendments are in the interests of the general community welfare. The proposed amendments streamline, modernize and clarify regulations for solar energy systems and facilities, providing clear siting, design, and performance standards that protect public health, safety, and welfare while supporting the County's climate action and renewable energy goals. Establishing consistent criteria for review improves predictability for applicants and the community and ensures that solar development is designed and operated in a manner compatible with surrounding land uses.

#### **2.2 The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code.**

The Montecito Planning Commission finds and recommends that the County Planning Commission recommend that the Board find that the proposed ordinance amendments are consistent with the County Comprehensive Plan, including the Coastal Land Use Plan and Montecito Community Plan, the requirements of the State planning and zoning laws, and the CZO and MLUDC. The proposed amendments establish updated and tiered regulations for solar energy systems and facilities. The proposed ordinance amendments do not conflict with any goals or policies of the County Comprehensive Plan or Coastal Land Use Plan or other provisions of the CZO or MLUDC.

#### **2.3 The request is consistent with good zoning and planning practice.**

The Montecito Planning Commission finds and recommends that the County Planning Commission recommend that the Board of Supervisors find that the

proposed ordinance amendments are consistent with good zoning and planning practices. The amendments establish a coherent, tiered regulatory framework for solar development to facilitate appropriately scaled solar energy systems and facilities throughout the county, integrating best practices for environmental protection, wildfire safety, land use compatibility, and long-term decommissioning.

**ATTACHMENT C: ARTICLE II COASTAL ZONING ORDINANCE RESOLUTION**

**RESOLUTION OF THE MONTECITO PLANNING COMMISSION  
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING THAT THE COUNTY PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT AN ORDINANCE AMENDING ARTICLE II, THE COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 1, IN GENERAL, DIVISION 2, DEFINITIONS; DIVISION 4, ZONING DISTRICTS; DIVISION 7, GENERAL REGULATIONS; DIVISION 8, SERVICES, UTILITIES AND OTHER RELATED FACILITIES; DIVISION 10, NONCONFORMING STRUCTURES AND USES; DIVISION 12, ADMINISTRATION; AND DIVISION 17, GAVIOTA COAST PLAN (GAV) OVERLAY, TO ESTABLISH UPDATED REGULATIONS, DEVELOPMENT STANDARDS, PERMITTING PROCEDURES, AND DEFINITIONS FOR SOLAR ENERGY SYSTEMS AND FACILITIES.

RESOLUTION NO.: 26- 01

CASE NO.: 24ORD-00029

**WHEREAS**, on July 19, 1982, by Ordinance No. 3312, the Board of Supervisors (Board) adopted the Santa Barbara County Coastal Zoning Ordinance (CZO), Article II of Chapter 35 of the Santa Barbara County Code;

**WHEREAS**, on September 10, 2019, the Board directed the preparation of a Strategic Energy Plan to stimulate local renewable energy generation and support the County's climate change mitigation goals;

**WHEREAS**, on July 13, 2021, consistent with the recommendations of the Strategic Energy Plan, the Board directed staff to develop amendments to the Comprehensive Plan, zoning ordinances, and Uniform Rules to expand opportunities for utility-scale solar development outside the existing Utility-Scale Solar Photovoltaic Overlay;

**WHEREAS**, Article II currently does not contain a tiered regulatory framework or defined standards for utility-scale solar energy systems, and amendments are necessary to ensure clear siting, design, operational, environmental, and decommissioning requirements for such facilities within the Coastal Zone;

**WHEREAS**, Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, including Division 1 (In General), Division 2 (Definitions), Division 4 (Zoning Districts), Division 7 (General Regulations), Division 8 (Services, Utilities and other related facilities), Division 10 (nonconforming

structures and uses), Division 12 (Administration), and Division 17 (Gaviota Coast Plan Overlay), is proposed to be amended in accordance with these goals and directives;

**WHEREAS**, the proposed Article II amendments are attached hereto as Attachment C-1 and are incorporated herein by reference;

**WHEREAS**, the proposed Article II ordinance amendment is consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Land Use Plan, the Montecito Community Plan (where applicable), the County Comprehensive Plan, and the requirements of State planning, zoning, and development laws;

**WHEREAS**, the Montecito Planning Commission has held a duly noticed public hearing on February 18, 2026, in compliance with Government Code Section 65854, on the proposed Article II amendments, at which hearing the proposed amendments were explained and comments invited from the persons in attendance.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** as follows:

1. The above recitations are true and correct.
2. The Montecito Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of health, safety, and general welfare of the residents of the County, to recommend that the County Planning Commission recommend that the Board adopt the following Ordinance Amendments:

An ordinance (Case No. 24ORD-00029) amending Article II, the Coastal Zoning Ordinance, of Chapter 35 of the Santa Barbara County Code, to establish updated regulations and development standards for solar energy systems and facilities by amending Division 1 (General), Division 2 (Definitions), Division 4 (Zoning Districts), Division 7 (General Regulations), Division 8 (Services, Utilities and Other Related Facilities), Division 10 (Nonconforming Structures and Uses), Division 12 (Administration), and Division 17 (Gaviota Coast Plan Overlay), as shown in Attachment C-1.

3. In compliance with the provisions of Government Code Section 65855 and County Code 2-25.2, the Montecito Planning Commission recommends that the Board of Supervisors, following the required noticed public hearing, approve and adopt the above-mentioned recommendation of this Montecito Planning Commission, based on the findings included as Attachment A of the Montecito Planning Commission staff report dated February 10, 2026.
4. A certified copy of this Resolution shall be transmitted to the Board in compliance with Government Code Section 65855.

5. The Chair of the Montecito Planning Commission is hereby authorized and directed to sign and certify all documents and other materials in accordance with this Resolution to reflect the above mentioned action by the Montecito Planning Commission.


**PASSED, APPROVED, AND ADOPTED** this 18<sup>th</sup> day of February, 2026 by the following vote:

AYES: Amerikaner, Kupiec, Larson Rockenbach, Miller, Kerns

NOES:

ABSENT:

ABSTENTIONS:



STEVEN AMERIKANER, CHAIR

SANTA BARBARA COUNTY

MONTECITO PLANNING COMMISSION

ATTEST:

JEFF WILSON

SECRETARY TO THE COMMISSION

By 

APPROVED AS TO FORM:

RACHEL VAN MULLEM

COUNTY COUNSEL

By 

DEPUTY COUNTY COUNSEL

**ATTACHMENT C-1: COASTAL ZONING ORDINANCE AMENDMENT, CASE NO. 24ORD-00029  
INCLUDED AS ATTACHMENT D TO THE BOARD AGENDA LETTER**

**ATTACHMENT D: MONTECITO LAND USE AND DEVELOPMENT CODE RESOLUTION**

**RESOLUTION OF THE MONTECITO PLANNING COMMISSION**

**COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 35.2, MONTECITO ZONES AND ALLOWABLE LAND USES; DIVISION 35.3, MONTECITO SITE PLANNING AND OTHER PROJECT STANDARDS; DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES; DIVISION 35.7, MONTECITO PLANNING PERMIT PROCEDURES; DIVISION 35.9, MONTECITO LAND USE AND DEVELOPMENT CODE ADMINISTRATION; AND DIVISION 35.10, GLOSSARY; TO ESTABLISH UPDATED REGULATIONS, DEVELOPMENT STANDARDS, PERMITTING PROCEDURES, AND DEFINITIONS FOR UTILITY-SCALE SOLAR ENERGY SYSTEMS.

RESOLUTION NO.: 26- 02

CASE NO.: 24ORD-00030

**WHEREAS**, on November 27, 2007, by Ordinance 4660, the Board of Supervisors (Board) adopted the Santa Barbara County Montecito Land Use and Development Code (MLUDC), Section 35-2 of Chapter 35, Zoning, of the Santa Barbara County Code;

**WHEREAS**, on September 10, 2019, the Board directed the preparation of a Strategic Energy Plan to stimulate local renewable energy generation and support the County's climate change mitigation goals;

**WHEREAS**, on July 13, 2021, consistent with the recommendations of the Strategic Energy Plan, the Board directed staff to develop amendments to the Comprehensive Plan, zoning ordinances, and Uniform Rules to expand opportunities for utility-scale solar development outside the existing Utility-Scale Solar Photovoltaic Overlay;

**WHEREAS**, the MLUDC does not currently contain a tiered regulatory framework or defined standards for utility-scale solar energy systems, and amendments are necessary to ensure clear siting, design, operational, and decommissioning requirements for such facilities;

**WHEREAS**, Section 35-2, the Santa Barbara County Montecito Land Use and Development Code of Chapter 35, Zoning, of the County Code, including Division 35.2 (Montecito Zones and Allowable Land Uses), Division 35.3 (Montecito Site Planning and Other Project Standards), Division 35.4 (Montecito Standards for Specific Land Uses), Division 35.7 (Montecito Planning Permit Procedures), Division 35.9 (Montecito Land Use and Development Code Administration) and Division 35.10 (Glossary), is proposed to be amended in accordance with these goals and directives;

**WHEREAS**, the proposed MLUDC amendments are attached hereto as Attachment D-1 and are incorporated herein by reference;

**WHEREAS**, the proposed MLUDC amendment is consistent with the County Comprehensive Plan, including the Coastal Land Use Plan where applicable, the Montecito Community Plan, and the requirements of State planning, zoning, and development laws;

**WHEREAS**, the Montecito Planning Commission has held a duly noticed public hearing on February 18, 2026, in compliance with Government Code Section 65854, on the proposed MLUDC amendments, at which hearing the proposed amendments were explained and comments invited from the persons in attendance.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** as follows:

1. The above recitations are true and correct.
2. The Montecito Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of health, safety, and general welfare of the residents of the County, to recommend that the County Planning Commission recommend that the Board adopt the following Ordinance Amendment:
  - a. An ordinance (Case No. 24ORD-00030) amending Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, to establish updated regulations and development standards for solar energy systems and facilities by amending Division 35.2 (Montecito Zones and Allowable Land Uses), Division 35.3 (Montecito Site Planning and Other Project Standards), Division 35.4 (Montecito Standards for Specific Land Uses), 35.7 (Montecito Planning Permit Procedures), Division 35.9 (Montecito Land Use and Development Code Administration), and Division 35.10 (Glossary), as shown in Attachment D-1.
3. In compliance with the provisions of Government Code Section 65855, the Montecito Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above-mentioned recommendation of this Montecito Planning Commission, based on the findings included as Attachment A of the Montecito Planning Commission staff report dated February 10, 2026.
4. A certified copy of this Resolution shall be transmitted to the Board in compliance with Government Code Section 65855.
5. The Chair of the Montecito Planning Commission is hereby authorized and directed to sign and certify all documents and other materials in accordance with this Resolution to reflect the above mentioned action by the Montecito Planning Commission.

**PASSED, APPROVED, AND ADOPTED** this 18<sup>th</sup> day of February, 2026 by the following vote:


**AYES:** Amerikaner, Kupiec, Larson Rockehbach, Miller, Kerns

**NOES:**

Utility Scale Solar Ordinance Amendments  
Case No. 24ORD-00030  
Montecito Planning Commission  
Hearing Date: February 18, 2026  
Attachment D – Page 3

ABSENT:

ABSTENTIONS:



STEVEN AMERIKANER, CHAIR

SANTA BARBARA COUNTY

MONTECITO PLANNING COMMISSION

ATTEST:

JEFF WILSON

SECRETARY TO THE COMMISSION

By

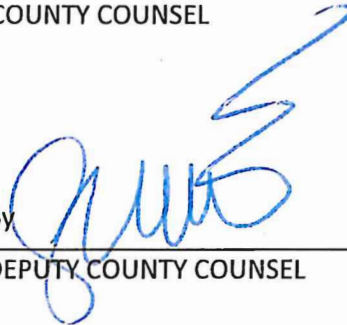


APPROVED AS TO FORM:

RACHEL VAN MULLEM

COUNTY COUNSEL

By



DEPUTY COUNTY COUNSEL

Attachment D-1: Montecito Land Use and Development Code Amendment (Case No. 24ORD-00030)

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**ATTACHMENT D-1: MONTECITO LAND USE AND DEVELOPMENT CODE ZONING ORDINANCE**

ATTACHMENT D – EXHIBIT 1

MONTECITO LAND USE AND DEVELOPMENT CODE AMENDMENT

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

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 35.2, MONTECITO ZONES AND ALLOWABLE LAND USES; 35.3, MONTECITO SITE PLANNING AND OTHER PROJECT STANDARDS; DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES; DIVISION 35.7, MONTECITO PLANNING PERMIT PROCEDURES; DIVISION 35.9, MONTECITO LAND USE AND DEVELOPMENT CODE ADMINISTRATION; AND DIVISION 35.10, GLOSSARY.

24ORD-00030

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

**SECTION 1.**

DIVISION 35.2, Montecito Zones and Allowable Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Item 22, Solar energy systems, Tier 1, of Subsection B, Exempt activities and structures, of Section 35.420.040, Exemptions from Planning Permit Requirements, of Chapter 35.420, Development and Land Use Approval Requirements, is hereby amended to read as follows:

B. **Exempt activities and structures.** The following are exempt from all planning permit requirements of this Development Code when in compliance with Subsection A (General requirements for exemption) above.

...

21. **Solar energy systems, Tier 1.** ~~The addition of solar energy systems to the roofs of existing structures, and the installation of freestanding Tier 1~~ solar energy systems in compliance with ~~Chapter Section 35.4430.160~~ (Solar Energy Systems ~~and Facilities~~).
22. **Structures of limited value.** A structure with an aggregate value of less than \$2,000, as determined by the Director.
23. **Utility facilities.** Poles, wires, underground gas pipelines less than 12 inches in diameter, and similar installations erected, installed, or maintained by a public agency or public service or utility district or company, other than those facilities defined as natural gas telecommunications facilities in compliance with Section 35.444.030 (~~Telecommunications~~ Telecommunications Facilities Appurtenant to Natural Gas Distribution Facilities).

## **SECTION 2.**

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.422.030, Resource Protection Zone Allowable Land Uses, of Chapter 35.422, Resource Protection Zone, is hereby amended to read as follows:

### **35.422.030 - Resource Protection Zone Allowable Land Uses**

- A. **General permit requirements.** Table 2-1 (Allowed Land Uses and Permit Requirements for Resource Protection Zone) identifies the uses of land allowed by this Development Code in the Resource Management Zone, and the planning permit required to establish each use, in compliance with Section [35.420.030](#) (Allowable Development and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in Table 2-1 (Allowed Land Uses and Permit Requirements for Resource Protection Zone) includes a Section number, the referenced Section may affect whether the use requires a Land Use Permit, Development Plan, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.
- C. **Development Plan approval required.** Final Development Plan approval in compliance with Section [35.472.080](#) (Development Plans) is required for all development, including grading, except for:
  1. Solar energy systems allowed in compliance with ~~Section 35.430.160~~ Chapter 35.443 (Solar Energy Systems and Facilities).
- D. **Design Review required.** Design Review may be required prior to the approval of a planning permit for a structure, or an addition to or an alteration of, an existing structure in compliance with Section [35.472.070](#) (Design Review).
- E. **Accessory Structures and Uses.** Accessory structures and uses that are customarily incidental to the primary use allowed by Table 2-1 (Allowed Land Uses and Permit Requirements for Resource Protection Zone) are not allowed except as follows:
  1. **Accessory Dwelling Units.** Accessory dwelling units approved in compliance with Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
  2. **Junior Accessory dwelling Units.** Junior accessory dwelling units allowed in compliance with Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

3. **Swimming Pools and Water Storage Tanks.** Swimming pools and water storage tanks shall be approved or conditionally approved as accessory structures in compliance with Section 35.472.080 (Development Plans).
4. **Solar energy systems.** Tier 1 solar energy systems allowed in compliance with Section Chapter 35.4330-160 (Solar Energy Systems and Facilities).

### **SECTION 3.**

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.423.030, Residential Zones Allowable Land Uses, of Chapter 35.423, Residential Zones, is hereby amended to read as follows:

#### **35.423.030 - Residential Zones Allowable Land Uses**

...

- C. **Development Plan approval required.** Except as provided below, Development Plan approval in compliance with Section 35.472.080 (Development Plans) is required as follows:
  1. **R-1/E-1 and R-2 zones.** Development Plan approval is required for a structure that is not otherwise required by this Development Code to have discretionary permit approval, and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that together with existing structures on the same lot will total 20,000 square feet or more in gross floor area.
  2. **DR zone.** Development Plan approval is required for all development, including grading, except ~~for:~~ 1) Solar energy systems allowed in compliance with Chapter 35.443 (Solar Energy Systems and Facilities), and 2.) One, one-family dwelling and its accessory uses and structures on a single lot unless required in compliance with Subsection C.1 above.
    - a. Such one-family dwellings, including those subject to Subsection C.1 above, shall be developed in compliance with the development standards applicable to the R-1/E-1 zone provided in Section 35.423.050 (Residential Zones Development Standards).
  3. **PRD zone.** Development Plan approval is required for all development, including grading, except solar energy systems allowed in compliance with Chapter 35.443 (Solar Energy Systems and Facilities).

...

Table 2-4 - Continued  Allowed Land Uses and Permit Requirements for Residential Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use Permit required, except as specified elsewhere in this Development Code CUP Conditional Use Permit required S Permit determined by Specific Use Regulations — Use Not Allowed				
	PERMIT REQUIRED BY ZONE				Specific Use Regulations
LAND USE (1)	R-1/E-1	R-2	DR	PRD	
<b>TRANSPORTATION, COMMUNICATIONS &amp; INFRASTRUCTURE</b>					
Cannabis - Distribution	—	—	—	—	
Drainage channel, watercourse, storm drain less than 20,000 sf	—	—	—	—	
Drainage channel, watercourse, storm drain 20,000 sf or more	—	—	—	—	
Electrical substation - Minor (3)	CUP	CUP	CUP	CUP	
Electrical substation - Major (3)	CUP	CUP	CUP	CUP	
Electrical transmission line (4)	CUP	CUP	CUP	CUP	
Flood control project less than 20,000 sf total area (5)	—	—	—	—	
Flood control project 20,000 sf or more total area (5)	—	—	—	—	
Public safety facility (6)	CUP	CUP	CUP	CUP	
Public works and utilities <u>or private utility services</u>	CUP	CUP	CUP	CUP	
Road, street less than 20,000 sf total area (5)	—	—	—	—	
Road, street 20,000 sf or more total area (5)	—	—	—	—	
Sea wall, revetment, groin or other shoreline structure	—	—	—	—	
Telecommunications facility	S	S	S	S	35.444
Utility service line with 4 or fewer connections (5)	—	—	—	—	
Utility service line with 5 or more connections (5)	—	—	—	—	
<b>WATER SUPPLY &amp; WASTEWATER FACILITIES</b>					
Onsite wastewater treatment system, individual, alternative	CUP	CUP	CUP	CUP	
Onsite wastewater treatment system, individual, conventional	E	E	E	E	

Onsite wastewater treatment system, individual, supplemental	E	E	E	E	
Pipeline - Water, reclaimed water, wastewater	—	—	—	—	
Reservoir	CUP	CUP	CUP	CUP	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	
Water or sewer system pump or lift station	CUP	CUP	CUP	CUP	
Water system with 1 connection	E	E	E	E	
Water system with 2 or more connections	CUP	CUP	CUP	CUP	
Water well, agricultural	E	E	—	—	

...

**SECTION 4.**

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.423.030, Commercial Zones Allowable Land Uses, of Chapter 35.424, Commercial Zones, is hereby amended to read as follows:

**35.424.030 - Commercial Zones Allowable Land Uses**

...

- C. **Development Plan approval required.** Development Plan approval in compliance with Section [35.472.080](#) (Development Plans) is required for all development, including grading, except that residential units that meet the County’s definition of affordable housing with the Housing Element of the Comprehensive Plan [and solar energy systems allowed in compliance with Chapter 35.443 \(Solar Energy Systems and Facilities\)](#).

**SECTION 5.**

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.424.030, Commercial Zone Allowable Land Uses, of Chapter 35.424, Commercial Zones, Table 2-8 (Allowed Land Uses and Permit Requirements for Commercial Zones), is hereby amended to revise the land use listing for “Public works and utilities” to read as follows:

Table 2-8 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use Permit required, except as specified elsewhere in this Development Code CUP Conditional Use Permit required S Permit determined by Specific Use Regulations ZC Zoning Clearance — Use Not Allowed		
	LAND USE (1)	PERMIT REQUIRED BY ZONE	
	CN	CV	
<b>TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE</b>			
Cannabis - Distribution	—	—	
Drainage channel, water course, storm drain less than 20,000 sf	—	—	
Drainage channel, water course, storm drain 20,000 sf or more	—	—	
Electrical substation - Minor (3)	CUP	CUP	
Electrical substation - Major (3)	CUP	CUP	
Electrical transmission line (4)	CUP	CUP	
Flood control project less than 20,000 sf total area (4)	—	—	
Flood control project 20,000 sf or more total area (4)	—	—	
Public works and utilities <u>or private utility services</u>	CUP	CUP	
Road, street less than 20,000 sf total area (6)	—	—	
Road, street 20,000 sf or more total area (6)	—	—	
Sea wall, revetment, groin, or other shoreline structure	—	—	
Telecommunications facility	S	S	
Utility service line with 4 or fewer connections (6)	—	—	
Utility service line with 5 or more connections (6)	—	—	
<b>WATER SUPPLY &amp; WASTEWATER FACILITIES</b>			
Onsite wastewater treatment system, individual, alternative	CUP	CUP	
Onsite wastewater treatment system, individual, conventional	E	E	
Onsite wastewater treatment system, individual, supplemental	E	E	
Pipeline - Water, reclaimed water, wastewater	—	—	
Reservoir	CUP	CUP	

Wastewater treatment facility, less than 200 connections	CUP	CUP	
Water or sewer system pump or lift station	CUP	CUP	
Water system with 1 connection	E	E	
Water system with 2 or more connections	CUP	CUP	

**Key to Zone Symbols**

<b>CN</b>	Neighborhood Commercial
<b>CV</b>	Resort/Visitor Serving Commercial

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Shall comply with the requirements of the PU zone; see Table 2-11 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
- (3) Does not include electrical transmission lines outside the jurisdiction of the County.
- (4) Not applicable to facilities constructed by the County.

**SECTION 6.**

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.425.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.425, Special Purpose Zones, is hereby amended to read as follows:

**35.425.030 – Special Purpose Zones Allowable Land Uses**

...

C. **Development Plan approval required.** Development Plan approval in compliance with Section [35.472.080](#) is required as follows:

- 1. **PU and REC zones.** Development Plan approval is required for all development, including grading, except solar energy systems allowed in compliance with Chapter 35.443 (Solar Energy Systems and Facilities).

...

Table 2-10 Allowed Land Uses and Permit Requirements for Special Purpose Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use Permit required, except as specified elsewhere in this Development Code CUP Conditional Use Permit required S Permit determined by Specific Use Regulations — Use Not Allowed		
	LAND USE (1)	PERMIT REQUIRED BY ZONE	
	REC	PU	
<b>AGRICULTURAL, MINING &amp; ENERGY FACILITIES</b>			
Animal keeping (except equestrian facilities- see RECREATION below)	S	S	35.442.040
Cannabis - Cultivation, nursery, and microbusiness	—	—	
<b>Solar energy systems and facilities</b>	<b>S</b>	<b>S</b>	<b>35.443</b>
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY USES</b>			
County club, swim and tennis club	CUP	—	
Equestrian facility	CUP	—	
Golf course	P	—	
Library	CUP	CUP	
Meeting facility, public or private	CUP	CUP	
Meeting facility, religious	CUP	CUP	
Museum	CUP	CUP	
Park, playground - Public	P	—	
School	CUP	CUP	
Sports & outdoor recreation facilities	CUP	CUP	
Trail for bicycles, hiking, or riding	P	—	
Zoo	CUP	—	
<b>RESIDENTIAL USES</b>			
Accessory dwelling unit	—	—	35.442.015
Caretaker/Manager dwelling	CUP	—	35.442.060
Junior accessory dwelling unit	—	—	35.442.015
Supportive housing	S	—	35.442.185
Transitional housing	S	—	35.442.185
<b>RETAIL TRADE</b>			
Cannabis - Non-Storefront Retailer	—	—	
Cannabis - Retail	—	—	
Restaurant, café, coffee shop, accessory to allowed recreation use	CUP	—	
<b>SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL</b>			
Medical services - Extended care	CUP	CUP	

Medical services - Hospital	CUP	CUP	
Office - Accessory	P	P	

Table 2-10 - Continued	E (Exempt)	Allowed use, no permit required	
Allowed Land Uses and Permit Requirements for Special Purpose Zones	P	Permitted use, Land Use Permit required (2)	
	CUP	Conditional Use Permit required	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	REC	PU	
<b>TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE</b>			
Cannabis - Distribution	—	—	
Electrical substation - Minor (3)	CUP	P	
Electrical substation - Major (3)	CUP	P	
Electrical transmission line (4)	CUP	CUP	
Public works and utilities <u>or private utility services</u>	CUP	CUP	
Telecommunications facility	S	S	35.444
<b>WATER SUPPLY &amp; WASTEWATER FACILITIES</b>			
Onsite wastewater treatment system, individual, alternative	CUP	CUP	
Onsite wastewater treatment system, individual, conventional	E	E	
Onsite wastewater treatment system, individual, supplemental	E	E	
Pipeline - Water, reclaimed water, wastewater	—	—	
Reservoir	CUP	CUP	
Sewage treatment facility - Central plant	—	P	
Water or sewer system pump or lift station	CUP	CUP	
Water supply, treatment, storage facilities - Central plant	—	P	
Water system with 1 connection	E	E	
Water system with 2 or more connections	CUP	CUP	

...

**SECTION 7.**

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.425.050, PU Zone Standards, of Chapter 35.425, Special Purpose Zones, is hereby amended as follows:

### **35.425.050 PU Zone Standards**

Proposed development and new land uses within the PU zone shall comply with the following standards, in addition to those in Section 35.425.040 (Special Purpose Zones Development Standards).

- A. **Noise.** The volume of sound, measured during calm air conditions, inherently and recurrently generated by or resulting from any use, other than motor vehicles, operated on any lot shall not exceed 70 decibels at any point along the boundary of or outside of the lot upon which such use is located.
- B. **Odors, fumes, gasses, liquids, heat, glare, radiation.** No offensive odors or fumes, noxious gases or liquids, heat, excessive glare, or radiation generated by or resulting from any use, other than motor vehicles or lighting fixtures, operated on any lot shall be detectable at any point along the boundary of or outside of the lot upon which such use is located.
- C. **Outdoor storage.** Open storage of equipment and materials shall be permitted only in areas screened from view of surrounding lots.
- D. **Public health, safety, and welfare.** All activities shall be conducted in such a manner so as not to be injurious to the health, safety, or welfare of persons residing or working in the neighborhood by reason of danger to life or property.
- E. **Smoke or dust.** Except for the heating of buildings there shall be no smoke or dust generated by or resulting from any use, other than motor vehicles located upon the lot.
- F. **Vibration.** The ground vibration inherently and recurrently generated by or resulting from any use, other than motor vehicles, operated on any lot shall not be perceptible without instruments at any point along the boundary of or outside of the lot upon which such use is located.

### **SECTION 8:**

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.430.025, Agricultural Buffers, is hereby amended to update provisions related to solar energy systems and facilities, as follows:

### 35.430.025 Agricultural Buffers

- E. **Allowable uses within agricultural buffers.** The property owner shall use his best efforts to consult with the adjacent agricultural land owner(s) to address food safety and agricultural production concerns with regard to landscape, lighting, and vegetative screening design and siting. See the Agricultural Buffer Implementation Guidelines (Appendix E) for information on the purpose and intent of restricting uses within the agricultural buffers and how to incorporate site design and other features that are compatible with agriculture.
1. **Unrestricted uses within agricultural buffers.** Subject to other provisions of this Section, or other provisions of the County Code, the following uses may be allowed within a designated agricultural buffer:
    - a. Drainage channels, irrigation canals, storm water retention basins and Low Impact Development (LID) drainage features.
    - b. Fences and walls.
    - c. Low-lying landscaping and vegetative screening that does not include trees or hedges exceeding three feet in height.
    - d. Natural waterways including rivers, creeks, lakes, ponds, and flood plains.
    - e. Signs.
    - f. Solar energy systems and facilities permitted in compliance with Chapter Section 35.4330.160-(Solar Energy Systems and Facilities).
    - g. Telecommunication facilities permitted in compliance with Chapter 35.444 (Telecommunication Facilities).
    - h. Utility lines and facilities.
    - i. Any other use determined by the review authority to be consistent with the purpose and intent of the buffer requirement.
    - j. Modifications or additions to structures legally existing as of May 9, 2013 provided that any addition to a structure that is located within a buffer required by this Section shall not extend further towards the immediately adjacent agricultural lot.
  2. **Restricted uses within agricultural buffers.** Subject to other provisions of this Section, or other provisions of the County Code, the following uses may be allowed within the agricultural buffer provided they are not located any closer to the common lot line between the project site and the adjacent agriculturally zoned lot than half the width of the buffer. This requirement may be modified by the review authority when it is determined that strict compliance with this section is not required to minimize conflicts with adjacent agriculture.
    - a. Commercial loading docks and rear service areas.

- b. Landscaping and vegetative screening.
  - c. Lighting.
  - d. Non-habitable structures such as those used for storage.
  - e. Parking areas including carports and garages.
  - f. Public and private open space areas with limited passive recreational uses such as trails, bike paths and walking paths.
  - g. Roads and transportation infrastructure.
3. **Prohibited uses within agricultural buffers.** Recreational uses such as parks, picnic areas, playgrounds and ball fields shall not be allowed in an agricultural buffer.
  4. **Open space credit.** The agricultural buffer may be counted toward open space requirements as long as the limits on allowed uses are consistent with the requirements of this Section and the Development Code.
  5. The unrestricted uses, restricted uses and prohibited uses within the designated agricultural buffer shall be included as a condition of approval of the approved project.

## **SECTION 9:**

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.430.090, Height Measurement, Exceptions and Limitations, of Chapter 35.430, Standards for All Development and Land Uses, is hereby amended to update provisions related to solar energy systems and facilities, as follows:

### **35.430.090 Height Measurement, Exceptions and Limitations**

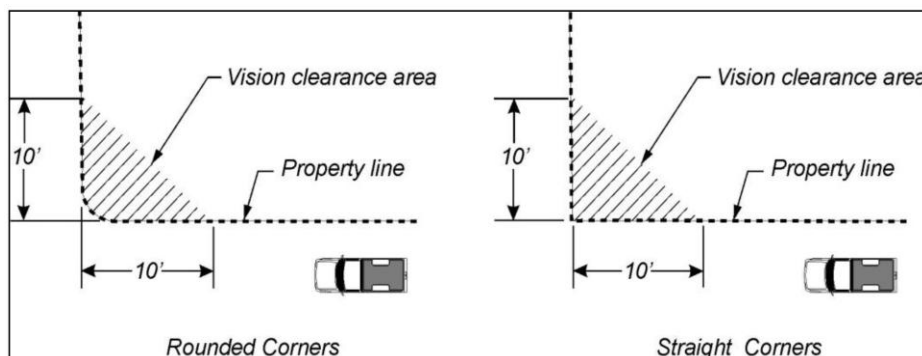
- D. **General height limit exceptions.** The height of a structure may exceed the applicable height limit in compliance with the following:
  1. Chimneys, church spires, elevator, minor mechanical and stair housings, flag poles, towers, vents, and similar structures which are not used for human activity may be up to 50 feet in height in all zones. The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use intended for human activity. No such structure shall be employed for any commercial or advertising use unless specifically allowed by the applicable zone, except that antennas and associated equipment may be located within such structures.
  2. Portions of a structure may exceed the applicable height limit by no more than three feet where the roof exhibits a pitch of four in 12 (rise to run) or greater.

3. In order to provide for architectural character, architectural elements, whose aggregate area is less than or equal to 10 percent of the total roof area of the structure or 400 square feet, whichever is less, may exceed the height limit by no more than eight feet when approved by the Montecito Board of Architectural Review.
4. Allowances for exceeding the applicable height limit in compliance with Subsections D.2 and D.3 above are not cumulative.

**E. Solar energy facilities.** See Chapter 35.443 (Solar Energy Systems and Facilities) for height limit exemptions for certain components of solar energy systems and facilities.

**EF. Vision clearance.** Structures and landscaping on a corner lot shall not exceed the height limits provided by this Subsection within a required vision clearance area.

1. **Measurement of vision clearance area.** See Figure 3-4 (Vision Clearance Area).
  - a. **Straight corners.** The boundaries of a vision clearance area are defined by drawing lines from the point of intersection of a lot's street property lines at the corner to a point a minimum of 10 feet from the corner along the two property lines, and then connecting the two points with a straight line forming the hypotenuse of the triangle.
  - b. **Rounded corners.** In the case of rounded corners, the boundaries of a vision clearance area are defined by extending the street property lines from the tangents at the beginning and end of the curving corner to a point of intersection, then drawing lines from the point of intersection to a point a minimum of 10 feet from the point of intersection along the two property lines, and then connecting the two points with a straight line forming the hypotenuse of the triangle.
2. **Height limits within vision clearance area.** No planting, fence, wall, or other structure shall exceed a height of two and one-half feet above the adjacent curb grade, or three feet above the adjacent surface of pavement, whichever is less, within a vision clearance area.



**SECTION 10:**

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.430.150, Setback Requirements and Exceptions, of Chapter 35.430, Standards for All Development and Land Uses, is hereby amended to update provisions related to solar energy systems and facilities, as follows:

**35.430.150 Setback Requirements and Exceptions**

- D. **Limitations on the use of setbacks, allowable projections into setbacks.** Every part of a setback shall be unobstructed from the ground to the sky, except as otherwise provided in this Section.
1. The ordinary projection of sills, belt courses, buttresses, cornices, chimneys, eaves, outdoor stairways, ~~and~~ ornamental features, and building-integrated solar energy systems may extend into a required setback no more than three feet. Handrails on outdoor stairways may extend into the setback an additional six inches.
  2. Fire escapes, balconies, and unroofed and unenclosed porches or landings, may extend into a setback as provided below when constructed and placed in a manner that shall not obstruct light to or ventilation of structures or the ready use of the setbacks for ingress or egress:
    - a. The front or rear setback by four feet.
    - b. A side setback by three feet.
  3. Ornamental garden and landscaping structures without roofs (e.g., fountains, elevated ponds, planters) may be located within the front and side setbacks provided the feature is either:
    - a. Less than 30 inches high, or
    - b. Covers an area of 50 square feet or less and is less than either six feet in height and, if located within a vision clearance area, is consistent with the regulations of Subsection 35.430.090.I (Vision clearance).
  4. Decks less than 32 inches in vertical distance as measured from finished grade to the top of the decking material may be located within the front or side setback unless located in a designated Environmentally Sensitive Habitat area.
  5. Pedestals supporting utility meters no greater than four feet in height and 24 square feet in area may be located in a front or side setback provided they are completely screened from view from any public or private street and adjoining lots.

**SECTION 11:**

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.430.160, Solar Energy Systems, of Chapter 35.430, Standards for All Development and Land Uses, is hereby deleted in its entirety and reserved for future use.

**SECTION 12:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add a new Chapter 35.443, Solar Energy Systems and Facilities, to read as follows:

**CHAPTER 35.443 SOLAR ENERGY SYSTEMS AND FACILITIES**

**35.443.010 Purpose and Intent**

This Chapter identifies solar energy systems and facilities that are allowed in the Montecito Community Plan area; specifies the locations and zones in which they are allowed; identifies the required types of permits, and provides regulations for the operation of such systems and facilities. These provisions are intended to encourage solar energy generation and storage development while protecting public health and safety.

**35.443.020 Applicability**

The regulations contained in this Chapter shall apply to solar energy systems and facilities within the tiered size ranges described in Table 4-10 (Solar Energy System and Facility Tiers) and as defined in Chapter 35.500, *Definitions*.

**Table 4-10- Solar Energy System and Facility Tiers**

<b><u>Category</u></b>	<b><u>Classification</u></b>	<b><u>Allowable System Size</u></b>
<b><u>Tier 1</u></b>	<b><u>Building-integrated or roof-mounted solar energy system</u></b>	<b><u>All</u></b>
	<b><u>Ground-mounted solar energy system</u></b>	<b><u>Up to 0.5 acres</u></b>
<b><u>Tier 2</u></b>	<b><u>Ground-mounted solar energy system</u></b>	<b><u>Greater than 0.5 acres, up to 5.0 acres</u></b>

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<u>Tier 3</u>	<u>Community-scale solar energy facility</u>	<u>Greater than 0.5 acres, up to 30 acres</u>
<u>Tier 4</u>	<u>Utility-scale solar energy facility</u>	<u>Greater than 30 acres</u>

## ATTACHMENT D – EXHIBIT 1

### 35.443.030 Allowed Locations and Permit Requirements

Table 4.11 (Allowable Zones and Permit Requirements for Solar Energy Systems and Facilities) identifies the zones where solar energy systems and facilities are allowed and the type of planning permit required for each use.

**Table 4.11- Allowable Zones and Permit Requirements for Solar Energy Systems and Facilities**

<u>Tier</u>	<u>Zones Where Allowed</u>	<u>Planning Permit Requirement</u>	<u>Applicable Development Standards</u>
<u>Tier 1</u>	<u>All zones</u>	<u>Exempt</u>	<u>35.443.040A</u>
<u>Tier 2</u>	<u>All zones</u>	<u>Zoning Clearance</u>	<u>35.443.040B</u>
<u>Tier 3</u>	<u>PU</u>	<u>Development Plan</u>	<u>35.443.040C</u>
<u>Tier 4</u>	<u>PU</u>	<u>Development Plan</u>	<u>35.443.040C</u>

### 35.443.040 Development Standards

All solar energy systems and facilities shall comply with the following standards. Additionally, such systems or facilities shall also comply with all the requirements established by other sections of this Development Code that are not in conflict with the requirements contained in this Chapter.

A. **Tier 1 Solar Energy Systems.** Tier 1 solar energy systems are exempt from planning permit requirements as specified in Chapter 35.420.040 (Exemptions from Planning Permit Requirements), provided they comply with the following standards. Such systems, however, do require the issuance of a Building Permit, Electrical Permit, Plumbing Permit, and/or Solar Use Permit, as applicable, in compliance with Chapter 10 (Building Regulations) of the County Code and the provisions below.

1. **Site Coverage.** Tier 1 systems shall comply with the site coverage restrictions for the zone district except as provided below.
  - a. **Ground-mounted systems shall not count toward the maximum number of accessory structures permitted.**
  - b. **Solar carports are exempt from site coverage limitations.**
2. **Maximum Size, Ground-mounted Systems.** Tier 1 ground-mounted solar energy systems shall not exceed 0.5 acres in size.
3. **Battery Energy Storage Systems (ESS).** Battery ESS that is accessory to and supportive of the solar energy system may be allowed. The battery ESS shall be commensurate in

size such that battery storage capacity does not substantially exceed the production of the solar energy system or facility.

**4. Solar Use Permit.** If the Building Official has a good faith belief that the Tier 1 solar energy system could have a specific, adverse impact upon the public health and safety, the Building Official may require the applicant to additionally apply for a Solar Use Permit in compliance with this Subsection and California Government Code Section 65850.5, Installation of Solar Energy Systems. The Solar Use Permit would describe the proposed Tier 1 system and applicable health and safety requirements. The decision of the Building Official to require the applicant to apply for a Solar Use Permit may be appealed in compliance with Chapter 35.492 (Appeals).

**a. Contents of application.** An application for a Solar Use Permit shall be submitted and processed in compliance with Chapter 35.470 (Permit Application Filing and Processing).

**b. Processing.**

(1) The Building Official shall review the Solar Use Permit application for compliance with this Development Code and approve, conditionally approve, or deny the request.

(a) The Building Official shall not deny an application for a Solar Use Permit unless the Building Official makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety (as described in California Government Code Section 65850.5(j)(5)), and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives for preventing the adverse impact.

(2) The action of the Building Official to approve, conditionally approve, or deny an application for a Solar Use Permit is final subject to appeal in compliance with Chapter 35.492 (Appeals).

(3) No entitlement for development shall be granted prior to the effective date of the Solar Use Permit. A Solar Use Permit shall not be issued and deemed effective:

- (a) Prior to the expiration period of the appeal period, or, if appealed, prior to final action on the appeal by the review authority in compliance with Chapter 35.492 (Appeals).
  - (b) Until all conditions of the Solar Use Permit that are required to be satisfied prior to issuance of the Solar Use Permit have been satisfied.
  - (c) Until all necessary prior approvals have been obtained.
- (4) Notice of pending decision on a Solar Use Permit shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).
- c. Findings required for approval.** A Solar Use Permit application shall be approved or conditionally approved only if the Building Official first makes all of the following findings. In compliance with the limitation on the ability of the Building Official to deny an application for a Solar Use Permit contained in Subsection A.5.b.(1)(a), the Building Official may approve the application subject to conditions that will provide the basis for making the following findings.
- (1) The proposed installation will not have a specific, adverse impact upon the public health or safety.
  - (2) The proposed installation conforms with the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with Chapter 35.491 (Nonconforming Uses, Structures, and Lots).
  - (3) The proposed installation is on a legally created lot.
  - (4) The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks, and any other applicable provisions of this Development Code and any applicable zoning violation enforcement and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements for legal nonconforming uses and structures in compliance with Chapter 35.491 (Nonconforming Uses, Structures, and Lots).
- d. Permit expiration.** A Solar Use Permit shall remain valid only as long as compliance with all applicable provisions of this Development Code and the Solar Use Permit conditions continues.
- e. Conditions.** Any conditions of approval required to mitigate a specific, adverse impact upon the public health and safety shall be designed to mitigate the specific, adverse impact at the lowest cost possible.

**B. Tier 2 Solar Energy Systems.** Tier 2 solar energy systems shall comply with the following standards.

- 1. Location.** Tier 2 solar energy systems shall be erected on existing developed or improved land, including but not limited to parking lots and playgrounds. Tier 2 systems shall not be permitted on undeveloped or unimproved land. On AG, RMZ, REC, MT-zoned lands, power shall be supplied primarily onsite.
- 2. Site Coverage.** Tier 2 solar energy systems shall comply with the site coverage restrictions for the zone district except as provided below.
  - a. Ground-mounted systems shall not count toward the maximum number of accessory structures permitted.**
  - b. Solar carports and canopies are exempt from site coverage limitations.**
- 3. Maximum Size.** Tier 2 solar energy systems shall not exceed 5.0 acres in size.
- 4. Height Measurement.** Tier 2 solar energy systems have a maximum height of 25 feet and shall meet all required Fire District clearance standards. The height of ground-mounted systems shall be measured from the ground to the top of the system when oriented at maximum tilt.
- 5. Sensitive biological resource protection.** All site preparation, ground disturbances, construction activities, staging of equipment, and structural development shall be limited to areas of the site that have been previously disturbed, improved, or are developed in order to avoid potential sensitive biological resources. The construction staging and equipment laydown areas shall be designated on the site plans. The construction staging and equipment laydown areas shall be located at least 100 feet from any sensitive biological resources. No field alteration to plans shall allow construction, storage or staging outside of these designated areas.
- 6. Battery ESS.** Battery ESS that is accessory to and supportive of the solar energy system may be allowed. The battery ESS shall be commensurate in size such that battery storage capacity does not substantially exceed the production of the solar energy system or facility. Any associated Battery ESS component shall comply with the Fire Code and have a minimum setback of 10 feet from adjacent structures and lot lines. If the proposed battery ESS is to be located within 50 feet of an adjacent sensitive receptor, additional analysis may be required to determine an appropriate setback.

**C. Tier 3 and Tier 4 Solar Energy Facilities.** Tier 3 and Tier 4 solar energy facilities shall comply with the following standards.

- 1. Appearance.** Tier 3 and Tier 4 solar energy facilities shall be designed and located in a manner to minimize adverse visual impacts from public viewing areas (e.g., scenic highways, recreational trails, public parks). The applicant shall provide photo simulations, site plans, aerial imagery, or other materials necessary to depict the following, as applicable:
  - a. Solar energy facilities shall not be sited within a scenic highway corridor, defined here as the corridor of land that extends 2,000 feet outward from the right-of-way lines of any state scenic highway, unless the solar energy facility: (1) is entirely obscured by existing landforms or vegetation, (2) is located entirely within a site that has been previously developed for urban or industrial uses, and any onsite transmission lines and power lines are placed underground to the maximum extent practicable, or (3) receives Design Review approval.**
  - b. Solar energy facilities shall not be located on a ridgeline that is visible from a public viewing area (e.g., public roads, trails, recreation areas.)**
  - c. Colors and materials of structures, excluding solar panels but including fencing, onsite buildings, and panel mounting structures where needed, shall be chosen to minimize visibility, using textures and colors to match or blend with the primary background.**
  - d. Solar panels and hardware shall be designed to minimize glare and spectral lighting. The solar energy facility must be designed and operated to prevent the direction of concentrated solar radiation or glare onto neighboring properties and public roads.**
- 2. Setback Standards.** The setback standards of the applicable zone district shall apply, except that if the solar energy facility site comprises multiple lots, there shall be no required setbacks along adjacent, interior lot boundaries.
- 3. Height Limits.** The height limits of the applicable zone district shall apply, except that poles and towers necessary to connect to the electrical grid shall be exempt from applicable height limits.
- 4. Landscaping and Screening Plan.** A Landscape and Screening Plan shall be submitted to the Department for review and approval. The solar energy facility shall be screened to the maximum extent feasible to avoid being visible from public roads, trails, and rights-

of-way. The Landscape and Screening plan shall identify landscaping as required by Chapter 35.434 (Landscaping Standards), including the following requirements:

- a. Said Plan(s) shall include landscaping which, within five years, will reasonably screen the view of any new ground-mounted components, structures other than electricity transmission components, and on-site parking areas from the nearest public road(s).
  - b. Existing natural tree growth and natural landforms may create a sufficient buffer and shall be preserved to the maximum extent feasible.
  - c. If, due to site-specific conditions (e.g., slopes), screening cannot be fully achieved, the Landscape Plan and Screening Plan shall depict the portion(s) that can be screened and written documentation that sets forth the reasons why portions cannot be screened.
  - d. If said Plan(s) show that sufficient screening is provided per the requirements above, and that perimeter and parking area landscaping requirements are met per Chapter 35.434, Tier 3 and Tier 4 solar energy facilities are not required to provide additional landscaping to achieve the minimum percent of the net lot area required for landscaping for the applicable zone district.
5. **Sensitive biological resource protection.** Tier 3 and Tier 4 solar energy facilities shall be designed and located in a manner so as to minimize adverse biological impacts. The solar energy facility shall:
- a. Be designed and located in order to avoid any significant adverse impacts to known sensitive natural communities, Environmentally Sensitive Habitats (ESH), rare and special-status plant species, special-status wildlife species and their habitats, critical habitat corridors, and nesting birds. Facilities shall also be designed to avoid the removal of any native specimen trees unless determined to be infeasible, in which case a tree replacement plan shall be required in accordance with County standards.
  - b. Minimize the potential for raptor electrocution by utilizing the recommendations contained in the most current Edison Electric Institute's Avian Power Line Interaction Committee "Avian Protection Plan Guidelines" and "Reducing Avian Collisions with Power Lines" or best practices that supersede

them regarding power line spacing and markers as well as construction and work procedures.

- c. Have a biological resource assessment prepared as part of the permit application, which shall include, at a minimum, a literature and database review of biological resources within a 5-mile radius of the work area, and vegetation mapping and a habitat assessment of the work area and 500-foot buffer, or other buffer recommended by a qualified biologist. Vegetation mapping shall be conducted using The Manual of California Vegetation, second edition (Sawyer, Keeler-Wolf, & Evens, 2009) or the most updated version. Any suitable habitat identified to support special-status plants, invertebrates, fish, amphibians, reptiles, birds, and/or mammals shall be identified and mapped. In addition, any sensitive natural communities, aquatic resources, wildlife corridors, habitat for nesting birds, and protected native trees shall be identified and mapped. If any suitable habitat for special-status species, suitable habitat for nesting birds, sensitive natural communities, aquatic resources, wildlife corridors, or protected trees is determined to be present within work or buffer areas, then siting of future Tier 3 or Tier 4 solar energy facility projects should avoid sensitive biological resources to the maximum extent feasible. The literature review for wildlife corridors should consider both local and regional connectivity (considering regionally important rivers and streams, associated riparian habitat, and upland areas) and should include, but not be limited to, a query into the CDFW's Terrestrial Habitat Connectivity Mapper for other wildlife movement corridors or habitat linkages that have been identified as regionally important.

**7. Vegetation establishment and maintenance.** Tier 3 and Tier 4 solar energy facilities shall include the installation of ground vegetation maintained for the duration of operation until the site is decommissioned. Prior to issuance of any Zoning Clearance, the applicant shall submit a site-specific Ground Cover Vegetation Establishment and Management Plan and an Integrated Pest and Weed Management Plan in a form that is acceptable to the Department. The Plans shall:

- a. Require use of County-approved herbicides or mechanical weed removal methods or grazing animals (e.g., goats) depending on which is most appropriate for the suppression or eradication of the weed species and their locations.

- b. Describe when herbicides would be used, factors that would prohibit use of herbicides (such as high wind), and the specific type of herbicides proposed.
- c. Document measures that would be used for pest control, as applicable; however, the use of rodenticides shall be prohibited on the project site.
- d. Minimize turf ground cover and incorporate non-invasive, drought-tolerant, and native vegetation to the maximum extent feasible.

Said Plan(s) shall be implemented during solar energy facility installation and throughout the life of the facilities.

**8. Geologic hazards avoidance.** Tier 3 and Tier 4 solar energy facilities shall be designed and located in a manner to minimize adverse geologic impacts. The solar energy facility shall:

- a. Be sited and designed to avoid significant geologic impacts considering soil types, soil and groundwater conditions and geologic and seismic hazards.
- b. Avoid areas with slopes that exceed 20 percent, or require cut slopes having a height of 15 feet or greater.
- c. Control erosion, minimize flooding, and minimize degradation of water quality during facility construction and operation. Measures shall include use of temporary vegetation, seeding, mulching, or other suitable stabilization to minimize impacts to affected areas. All cut and fill slopes shall be stabilized immediately with planting of native grasses and shrubs, non-invasive, non-native grasses and shrubs, or with accepted landscaping practices. Impacts to surface water due to sedimentation of streams shall be mitigated to the maximum extent feasible through adequate erosion and sediment controls.

**9. Fire prevention and emergency management.** Tier 3 and Tier 4 solar energy facilities shall include a fire prevention plan to identify sources of fire hazards and methods to mitigate fire hazards during construction and throughout operation of the project. Prior to issuance of any grading or building permit, a Fire District-approved fire prevention plan shall be submitted to the Department.

Stand-alone battery energy storage facilities, and solar energy facility projects that contain a battery energy storage component, shall have an emergency response and emergency action plan that covers the premises of the battery energy storage component, consistent with Section 761.3 of the Public Utilities Code and any related regulations. The emergency response and emergency action plan shall do all of the following:

- a. Establish response procedures for an equipment malfunction or failure.

- b. Include procedures that provide for the safety of surrounding residents, neighboring properties, emergency responders, and the environment. These procedures shall be established in consultation with local emergency management agencies.
- c. Establish notification and communication procedures between the operator of the battery energy storage facility and local emergency management agencies.

Prior to issuance of any grading of building permit for a battery energy storage facility, a Fire District-approved emergency response and emergency action plan shall be submitted to the Department.

10. **Hazardous material avoidance.** Tier 3 and Tier 4 solar energy facilities shall be located to avoid sites that are known to be contaminated or are listed on agency databases as requiring clean-up action. If avoidance is not feasible, then any contamination shall be appropriately evaluated and characterized to prevent exposure to contaminated areas or to remediate in accordance with County, State Regional Water Quality Control Board, and California Department of Toxic Substances Control standards prior to construction of the solar energy facility.
11. **Noise level and vibration reduction.** Tier 3 and Tier 4 solar energy facilities shall be designed and located in a manner to avoid any significant adverse construction and operational noise impacts to noise sensitive uses as determined by the Noise Element of the Comprehensive Plan. Solar energy facilities with pile driving activities within 50 feet of noise-sensitive receptors shall install temporary construction noise barriers at the site boundary or adjacent to pile driving equipment such that the barriers interrupt the line-of-sight to noise-sensitive receptors as practicable. Temporary barriers shall be made of solid material or affixed with sound-deadening blankets or curtains. Open access points or gates shall be permissible to allow for adequate and safe worker, vehicle, and equipment access to the construction area and pile driving area. The temporary barriers shall be installed prior to any pile driving activities, and shall remain until all pile driving activities have ceased. No pile driving activities shall be allowed within 60 feet of any off-site buildings or structures.
12. **Traffic hazard prevention.** Tier 3 and Tier 4 solar energy facilities shall minimize traffic hazards by implementing a project-specific Traffic Control Plan. Prior to the issuance of any zoning clearance, a County Traffic Engineer-approved Traffic Control Plan shall be submitted to identify adequate traffic control measures during construction to avoid significant impacts with vehicles and pedestrians.
13. **Waste reduction.** Tier 3 and Tier 4 solar energy facilities shall minimize waste generated during construction and operation. If proposed construction and

decommissioning activities would trigger the project-specific threshold of 350 tons of solid waste, the applicant/owner shall submit a Solid Waste Management and Diversion Plan to the County for review and approval before the start of construction and decommissioning. The solid waste diversion plan shall outline how the applicant/owner will sort, measure, and record the disposal of solid waste to ensure that at least 65 percent of inert materials will be recycled, reused, or otherwise diverted from the landfill. The plan shall detail reporting requirements to the County. Measures in the plan shall include, but not be limited to, the following:

- a. Training for construction workers in materials recycling;
- b. Provision of space and/or bins for appropriate storage of recyclable materials on-site;
- c. Establishment of a recyclable materials pick-up area; and
- d. Development of a recordation system tracking tool that details and quantifies the amount of solid waste generated during construction, solid waste recycled, and solid waste delivered to the solid waste disposal facility. The tracking shall be reported on a monthly basis throughout construction to demonstrate the amount of solid waste generated by the project and the proportion diverted.

If it is determined that proposed construction and decommissioning activities would not trigger the project-specific threshold of 350 tons of solid waste, documentation of the consultation with the County leading to this determination shall be provided to the Department.

**14. Fencing.** Fencing shall be required around the perimeter of the solar energy facility if located within half a mile of a public property or public right of way to restrict unauthorized access. The fencing shall be located behind required landscaping. Prohibited fencing materials include razor wire, tarps, dust guard fencing, privacy netting, or woven or non-woven polyethylene plastic.

**15. Signage.** All signs shall comply with Chapter 35.438 (Sign Standards). In addition, a Tier 3 or Tier 4 solar energy facility:

- a. Shall display signs:
  - (1) stating the risks that may result from contact with the solar energy facility.
  - (2) identifying the owner or operator.
  - (3) providing a 24-hour emergency contact phone number.
- b. May have signs that contain educational information about the solar energy facility.

**16. Transmission, Power, and Communication Lines.** Utility lines for electrical transmission on or offsite, providing power to the site, or for communication to or from the site shall be buried underground to the maximum extent feasible. Exemptions may be granted by the County in instances where shallow bedrock, water courses, environmentally sensitive habitat, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the review authority.

**17. Construction Ignition Risk Reduction.** During construction of Tier 3 or 4 solar energy facilities, measures shall be taken to mitigate the potential for brush or grass fires from use of heavy equipment, welding, vehicles with catalytic converters, etc. These requirements shall include, but are not limited to, the following:

- a. All equipment with the potential to work off-road shall be equipped with appropriate mufflers and have extinguishers mounted on each vehicle;
- b. Personnel shall be briefed on the dangers of wildfire and be able to respond accordingly should the need arise;
- c. On-site supervisor(s) shall have a cell phone or other means of initiating a 911 response time in a timely manner in the event of a medical emergency and/or fire;
- d. All dead and decadent vegetation immediately surrounding the facility should be removed and soil disturbance should be kept at a minimum;
- e. Smoking shall be in a designated area and/or in enclosed cab only;
- f. Hot work permit is required as needed;

A source of on-site water for emergency use shall be available on each construction site during construction.

**18. Operational Site Safety Management Plan.** Tier 3 or 4 solar energy facilities must submit an Operation Site Safety Management Plan for review and approval by the appropriate fire district. This Plan shall include at minimum:

- a. A program for regular inspections, proper storage practices, and maintaining fire suppression systems to ensure equipment is running properly.
- b. Site-specific vegetation clearance requirements.

- c. Battery ESS fire-suppression techniques and trainings for first responders.
- d. Fire Code review requiring a Fire Hazards Analysis for battery ESS over 70kWh systems.

**19. Decommissioning Plan.** Following the operational life of the project, the applicant shall perform site closure activities to meet federal, state, and local requirements for the rehabilitation and revegetation of the project site after decommissioning. Prior to issuance of a zoning clearance for construction, the applicant shall submit a Demolition and Reclamation Plan with associated financial assurance to the Department in a form that is acceptable to the Department. Under this plan, all aboveground structures and facilities shall be removed to a depth of at least three feet below grade, and removed offsite for recycling or disposal. Areas that had been graded shall be restored to original contours unless it can be shown that there is a community or site benefit for the grading to remain as altered. Plant species native to the area shall be salvaged prior to construction, transplanted into windrows, and maintained for later transplanting following decommissioning. Shrubs and other plant species shall be revegetated by the collection of local seeds and re-seeding following decommissioning.

**20. Battery ESS.** Battery ESS that is accessory to and supportive of the solar energy system may be allowed. The battery ESS shall be commensurate in size such that battery storage capacity does not substantially exceed the production of the solar energy system or facility.

### **35.443.050 Post-Approval Procedures**

The procedures and requirements in Chapter 35.474 (Post Approval Procedures) and those related to appeals in Division 35.9 (Montecito Land Use and Development Code Administration) shall apply following the decision on an application for a permit.

### **SECTION 13:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add a new Chapter 35.444, Telecommunications Facilities, to read as follows:

### ***CHAPTER 35.444 TELECOMMUNICATION FACILITIES***

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**Table 4-102** - Allowable Zones and Permit Requirements for Commercial

...

**Table 4-113** - Allowable Zones and Permit Requirements for Noncommercial Telecommunication Facilities

#### **SECTION 14:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add a new Chapter 35.450, Montecito Resource Protection Standards, to read as follows:

#### ***CHAPTER 35.450 MONTECITO ~~YO~~ RESOURCE PROTECTION STANDARDS***

...

#### **SECTION 15:**

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.472.070, Design Review, of Chapter 35.472, Permit Review and Decisions, is hereby amended to read as follows:

#### **35.472.070 Design Review**

- A. **Purpose and intent.** The purpose and intent of Design Review is to encourage development that exemplifies the best professional design practices, to benefit surrounding property values, enhance the visual quality of the environment, and prevent poor quality of design.
- B. **Applicability.** Design Review action shall be required for any structure or sign requiring Design Review as specifically provided in this Development Code, except as provided in Subsection 35.472.070.C (Exceptions to Design Review Requirements).
- C. **Exceptions to Design Review requirements.** Design Review approval shall not be required for the following:
  1. **General.**
    - a. Accessory dwelling units.
    - b. Junior accessory dwelling units.

- c. Interior alterations.
- d. Solar energy systems and facilities. ~~panels.~~
- e. Other exterior alterations determined to be minor by the Director.
- f. The replacement or restoration of structures that were damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features (e.g., creeks, streams, waterways, etc.) located on the lot on which the damaged or destroyed structures were located; unless the exterior design or specifications of the replaced or restored structure are substantially different from the prior structure(s), as determined by the Director.

## **SECTION 16:**

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35 (Zoning), of the Santa Barbara County Code, Section 35.491.020, Nonconforming Uses of Land and Structures, and Section 35.491.030, Nonconforming Structures, of Chapter 35.491, Nonconforming Uses, Structures, and Lots, is hereby amended to read as follows:

### **35.491.020 Nonconforming Uses of Land and Structures**

A nonconforming use may be continued subject to the following provisions, so long as the use remains otherwise lawful.

#### **A. Structural change.**

1. **Allowed enlargements, extensions, moving, reconstruction, or structural alterations.**

Except as listed below or otherwise provided in this Development Code, no existing structure devoted to a nonconforming use under this Development Code shall be enlarged, extended, moved, reconstructed, or structurally altered unless the use is changed to a use allowed in the zone in which it is located.

  - a. **Seismic retrofits allowed.** Seismic retrofitting as defined in Division 35.10 (Glossary), in compliance with Section 35.420.040 (Exemptions from Planning Permit Requirements) may be allowed but shall be limited exclusively to compliance with earthquake safety standards and other applicable Building Code requirements, including State law (e.g., Title 24, California Code of Regulations).

- b. **Rehabilitation of dwellings.** Existing structures devoted to a nonconforming residential use may be enlarged, extended, reconstructed, relocated, and/or structurally altered in compliance with Subsection F (Limited exceptions for certain nonconforming residential uses) below.
- c. **Normal maintenance and repair.** Normal maintenance and repair may occur provided no structural alterations are made.
- d. **Historical landmarks.** A structure that has been declared to be a historical landmark in compliance with a resolution of the Board may be enlarged, extended, reconstructed, relocated, and/or structurally altered provided the County Historical Landmarks Advisory Commission has reviewed and approved the proposed structural alterations and has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term.
- e. **Commercial structures.** Commercial structures that are nonconforming as to floor area ratio may not be enlarged or extended. However, such structures may be structurally altered provided that the alteration occurs within the interior of the structure and does not increase its floor area.
- f. **Solar energy systems. Structural alterations or reconstructions necessary to install a Tier 1 or Tier 2 solar energy system may be allowed on a structure devoted to a nonconforming use.**

- 2. **Accessory to a conforming use.** No structure accessory to a nonconforming use under this Development Code shall be enlarged, erected, or extended unless the structure is also accessory to a conforming use.

...

### **35.491.030 Nonconforming Structures**

A structure that is conforming as to use but nonconforming as to height, lot coverage, setbacks, or other requirements concerning the structure may remain so long as it is otherwise lawful, subject to the following provisions.

#### **A. Structural change, expansion, or extension.**

- 1. **Enlargements or extensions allowed in limited circumstances.**

- a. Except as listed in Subsection A.1.b (Allowed structural alterations), below or otherwise provided in this Development Code, a nonconforming structure shall not be enlarged, extended, moved, or structurally altered unless the enlargement, extension, etc., complies with the height, lot coverage, setback, and other requirements of this Development Code.
- b. **Allowed structural alterations.** The following structural alterations are allowed, provided the appropriate permits have been obtained.
  - (1) **Seismic retrofits allowed.** Seismic retrofits as defined in Division 35.10 (Glossary) and in compliance with Section 35.420.040 (Exemptions from Planning Permit Requirements) may be allowed but shall be limited exclusively to compliance with earthquake safety standards and other applicable Building Code requirements, including State law (e.g., Title 24, California Code of Regulations).
  - (2) **Normal maintenance and repair.** Normal maintenance and repair may occur provided no structural alterations are made.
  - (3) **Historical landmarks.** A structure that has been declared to be a historical landmark in compliance with a resolution of the Board may be enlarged, extended, reconstructed, relocated, and/or structurally altered provided the County Historical Landmarks Advisory Commission has reviewed and approved the proposed structural alterations and has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term.
  - (4) **Conforming residential uses and residential accessory uses.** A nonconforming structure that is devoted to a conforming residential use or that is normally or historically accessory to the primary residential use may be structurally altered in a manner that is not otherwise allowed in compliance with Subsection A.1.a, above, provided that the alteration does not result in a structure that extends beyond the existing exterior, and, for structures that are 50 years old or greater, the Director determines that the alteration will not result in a detrimental effect on any potential historical significance of the structure.
  - (5) **Accessory dwelling units and junior accessory dwelling units.** A nonconforming structure may be enlarged, extended, or structurally altered to convert the structure into an accessory dwelling unit or junior accessory dwelling unit provided that the accessory dwelling unit or junior accessory

dwelling unit complies with Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

(6) Solar energy systems. Structural alterations or reconstructions necessary to install a Tier 1 or Tier 2 solar energy system may be allowed on a nonconforming structure.

## **SECTION 17:**

DIVISION 35.10, Glossary, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to revise existing definitions and add new definitions related to solar energy systems and facilities, as follows:

**Ground-Mounted Solar Energy System.** See “Solar Energy System”.

**Principal Use.** The primary or predominant use of a lot, parcel, or structure, as distinguished from an accessory or incidental use.

### **Private Services.**

1. All production, storage, transmission, treatment and recovery facilities for water, sewerage, energy (including battery energy storage systems), and other similar utilities and facilities owned or operated by any business organization, person or private entity.
2. All private transportation facilities, including streets, roads and other related facilities.

**Solar Canopy.** A solar canopy is a ground-mounted structure that supports photovoltaic panels and also provides a means to supply shade, cover, or storage for another use.

**Solar Carport.** A solar canopy that provides a cover and storage area for vehicles and/or personal means of transport.

**Solar Energy System.** As defined within California Civil Code Section 801.5, ~~S~~solar energy system means either:

- ~~1. (a)~~ ~~any~~ solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating, or
- ~~2. (b)~~ any structural design feature, including:

- a. Solar racking, solar mounting, and elevated support structures, including, but not limited to, solar carports, solar shade structures, solar awnings, solar canopies and solar patio covers, regardless of whether the feature is on the ground or on a building.
- b. A structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.
- c. Any photovoltaic device or technology that is integrated into a building, including, but not limited to, photovoltaic windows, siding, and roofing shingles or tiles.

Additionally, the following terms and phrases are defined for the purposes of permitting solar energy systems as described in Chapter 35.443 (Solar Energy Systems and Facilities):

1. Feasible method to satisfactorily mitigate or avoid the specific adverse impact. A "feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes any cost-effective method, condition, or mitigation imposed by the County on another similarly situated application in a prior successful application for a permit. The County shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code.
2. Specific, adverse impact. A "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

**Solar Energy Systems and Facilities Types.** The following types of solar energy systems and facilities are defined for the purposes of permitting solar energy systems and facilities as described in Chapter 35.443 (Solar Energy Systems and Facilities):

1. **Building-Integrated Solar Energy System.** A Tier 1 solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Solar collectors mounted on the sides of buildings and serving as awnings shall be considered building-integrated systems.
2. **Ground-Mounted Solar Energy System.** A solar energy system accessory to a principal use mounted on a stand-alone structure, such as a rack or pole that rests or is attached to the

ground and is not attached to a building. The overall footprint shall be determined by the outline created on the ground including all necessary and accessory new or modified structures and uses pertinent to the solar system.

- a. **Tier 1 Ground-Mounted Solar Energy System.** A ground-mounted solar energy system that is up to 0.5 acres in size. It may be located on land that is undeveloped or contains existing development.
- b. **Tier 2 Ground-Mounted Solar Energy System.** A ground-mounted solar energy system that is greater than 0.5 acres in size, up to 5.0 acres in size, and is located on an existing developed or improved site (e.g., legally paved, graded, cleared/scarified). Examples include solar carports or canopies over parking lots, playgrounds, storage yards, and other similar developed or improved areas.
3. **Roof-Mounted Solar Energy System.** A solar energy system mounted on a rack that is fastened to or ballasted on a structure roof. Roof-mounted systems are accessory to the principal use.
4. **Tier 3 Community-Scale Solar Energy Facility.** Any solar facility, project, or installation generating and supplying energy for use onsite and/or for sale to offsite consumers and that consists of an overall footprint greater than 0.5 acres, up to 30 acres. The community-scale solar energy facility may be located on undeveloped land or existing developed land. The overall footprint shall be determined by the outline created on the ground including all necessary and accessory new or modified structures and uses pertinent to the solar facility. The solar energy facility may include other new or modified appurtenant structures within the footprint such as a substation, energy storage system, transmission lines, and operation or maintenance buildings. Solar energy systems that are wholly located on rooftops and parking structures are not included in this definition.
5. **Tier 4 Utility-Scale Solar Energy Facility.** Any solar facility, project, or installation with an overall footprint of greater than 30 acres. The overall footprint shall be determined by the outline created on the ground including all necessary and accessory structures and uses pertinent to the solar facility. The solar energy facility may include other appurtenant structures within the footprint such as a substation, energy storage system, transmission lines, and operation or maintenance buildings. Solar energy systems that are wholly located on rooftops and parking structures are not included in this definition.

**SECTION 18:**

All existing indices, section references, and figure and table numbers contained in Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

**SECTION 19:**

Except as amended by this ordinance, Divisions 35.3, 45.4, and 35.10 of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

**SECTION 20:**

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

**SECTION 21:**

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 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 Independent, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2026, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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BOB NELSON, CHAIR

BOARD OF SUPERVISORS

COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER

CLERK OF THE BOARD

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

APPROVED AS TO FORM:

RACHEL VAN MULLEM  
COUNTY COUNSEL

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