



2019 GENERAL PACKAGE ORDINANCE AMENDMENTS



Board of Supervisors 12/10/2019

Purpose of Hearing

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- Review Draft Amendments
- County Land Use and Development Code (CLUDC)
- Montecito Land Use and Development Code (MLUDC)
- Coastal Zoning Ordinance (Article II)

Amendment Summary

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- Delete Coastal Zone Regulations
- Delete Expired and Repealed Sections
- Add New Section – Recordable Documents
- Amend Commercial Telecommunications Facilities
- Delete Attachment 1
- Correct Errors and Omissions

Delete Coastal Zone Regulations

(CLUDC & MLUDC)

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- Delete remaining Coastal Zone regulations & language
 - ▣ Not certified by Coastal Commission
 - ▣ Eliminates confusion
 - ▣ Article II continues to govern within Coastal Zone
- Retain Transfer of Development Rights
- Delete Compliance with Measure A96 (MLUDC only)
 - ▣ Subsection 35.494.050.C
 - ▣ Appendix B

Delete Expired, Repealed Sections

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- Time Extension Due to Economic Hardship
 - ▣ CLUDC, MLUDC, & Article II
 - ▣ Expired January 12, 2015
- Small Wind Energy Systems
 - ▣ CLUDC, MLUDC
 - ▣ Repealed January 1, 2017
- Residential Agricultural Unit Program
 - ▣ CLUDC
 - ▣ Expired July 6, 2008

Add Recordable Documents

(CLUDC, MLUDC, & Article II)

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- State Law Limits What Can be Recorded
 - Required by:
 - Statute
 - Court order
 - Local ordinance
- Notice to Property Owner (NTPO)
- Adds New Section: Recordable Documents

Commercial Telecommunications Facilities – Small Wireless Facilities

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- Background and Context

- Telecommunications Act of 1996
 - Must not “prohibit or have the effect of prohibiting”
 - Must act “within a reasonable period of time”

- FCC Declaratory Ruling (November 18, 2009)
 - 90 days collocated facilities applications
 - 150 days all other applications

Commercial Telecommunications Facilities – Small Wireless Facilities

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- CLUDC, MLUDC, & Article II
- Amendments Required to Comply with Federal Law and Regulations
- Spectrum Act of 2012
- FCC Declaratory Ruling and Third Report and Order 18-133 (FCC Order)

Spectrum Act of 2012

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- Eligible Facilities - Modifications
 - ▣ Collocation, removal or replacement on existing, permitted wireless tower or base station
- No Substantial Change to Physical Dimensions
- Must approve within 60 days

- **County Proposed Amendment**
 - ▣ CLUDC, MLUDC, & Article II
 - ▣ Zoning Clearance in all zones

FCC Order 18-133

Summary (1)

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Small Wireless Facilities

- Qualifying Criteria Defined by FCC Order
 - Each antenna – 3 cu ft max
 - All associated equipment on structure – 28 cu ft max
 - Structure height limits
 - 50 ft or less, or
 - No more than 10% taller than adjacent structures, or
 - Does not extend existing structure height to more than 50 ft or 10% taller than adjacent

FCC Order 18-133

Summary (2)

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Small Wireless Facilities

- Time Limits:
 - ▣ 60 days collocated
 - ▣ 90 days new structure
- Aesthetic standards
- Limits on Local Authority
 - ▣ No effective prohibition
 - ▣ No least intrusive means analysis

FCC Order 18-133

County Proposed Amendment (CLUDC, MLUDC, & Article II)

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Small Wireless Facilities

- Revise Tier 2(a) Requirements
 - ▣ Apply to all zones
 - ▣ Director-approved Development Plan
- Add two aesthetic standards
- Delete two findings
- Revise Content of Notice

Delete Attachment 1

(CLUDC & MLUDC)

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- Community Plan Development Standards
 - ▣ Not incorporated in CLUDC & MLUDC
 - ▣ Excerpts – not full language or context
 - ▣ Not maintained
 - ▣ May cause confusion

Additional Minor Amendments

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- Summerland Community Plan – Floor Below Grade Adjustment Illustrative Diagrams
 - ▣ CLUDC and Article II

- Reorder and Renumber the Community Plan Overlay District Divisions
 - ▣ Article II

Montecito Planning Commission

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- October 16, 2019
- Recommended Approval with Three Revisions to Telecommunications for Montecito Planning Area
 - Revise Tier 2(a) – require a member of MPC shall participate in review of applications for small wireless facilities submitted to Director
 - Add development standard requiring that any equipment installed for small wireless facilities shall also be made available for use by any other carrier if additional use is compatible with existing use
 - Retain finding that proposed wireless facility design and location is least intrusive means feasible

County Planning Commission

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- November 7, 2019
- Recommended Approval
- Did Not Incorporate Montecito Planning Commission's Recommended Article II Revisions

Recommendations

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- Follow Recommended Actions of Board Letter for Each Ordinance
 - Make findings for approval
 - Determine the amendments are exempt from CEQA
 - Accept 97-ND-02 and Addendum dated March 4, 2011 as adequate for telecommunications amendments
 - Adopt resolutions recommending approval of the ordinance amendments
 - Adopt resolution to submit Article II amendments to Coastal Commission