

SANTA BARBARA COUNTY BOARD AGENDA LETTER



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

Agenda Number:
Prepared on: November 10, 2005
Department Name: P&D
Department No.: 053
Agenda Date: November 22, 2005
Placement: Administrative
Estimate Time: 45 minutes on 12/6/2005
Continued Item: NO
If Yes, date from:
Document File Name: G:\GROUP\Permitting\Case Files\Oa\2000s\05 cases\05ORD-00000-00004 Telecommunications A2\BOS\Set hearing agenda letter 11-10-05.doc

TO: Board of Supervisors

FROM: Dianne Meester, Assistant Director
Planning & Development

STAFF CONTACT: Noel Langle, Planner III
568-2009

SUBJECT: Set hearing to consider zoning ordinance text amendments to Articles II, III and IV of Chapter 35 of the Santa Barbara County Code: Case Nos. 05ORD-00000-00004 (Article II Coastal Zoning Ordinance); 05ORD-00000-00005 (Article III Inland Zoning Ordinance) and 05ORD-00000-00006 (Article IV Montecito Zoning Ordinance) revise the procedures and development standards for commercial and noncommercial telecommunication facilities.

Recommendation:

That the Board of Supervisors set for hearing of December 6, 2005 to consider the following actions:

Consider the recommendations of the County Planning Commission and the Montecito Planning Commission and:

- a) Find that these amendments are categorically and statutorily exempt from the California Environmental Quality Act pursuant to Sections 15061(b)(3) and 15265 of the Guidelines for Implementation of CEQA.
- b) Adopt findings for approval of the proposed amendments.
- c) Adopt a Resolution and Ordinance amending Article II (05ORD-00000-00004).
- d) Adopt an Ordinance amending Article III (05ORD-00000-00005).
- e) Adopt an Ordinance amending Article IV (05ORD-00000-00006).

Estimated hearing time: staff presentation 15 minutes; total time 45 minutes.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with Goal No. 1, *An Efficient Government Able to Respond Effectively to the Needs of the Community*, and is required by law or routine business necessity.

Executive Summary and Discussion:

In May 2002 the Board of Supervisors adopted comprehensive amendments to the Article II, III and IV zoning ordinances regarding the review and permitting of commercial and noncommercial telecommunication facilities. The purpose of these amendments was to simplify the process for obtaining permits for telecommunication facilities while at the same time protecting legitimate public interests.

The amendments to Articles III and IV went into effect 30 days later. Since the amendment to Article II represented an amendment to the County's Local Coastal Program, it was required to be transmitted to the California Coastal Commission (CCC) for certification. On June 9, 2004, the CCC approved the amendment to Article II with several substantial modifications to the proposed text. The scope of these modifications required that they be considered by the Board of Supervisors in a public hearing. However, because the County did not act within six months of the Coastal Commission's action, by operation of the Coastal Act guidelines, the approval with modifications of the amendment to Article II by the CCC expired. This requires that the amendment be resubmitted to the CCC for certification.

Additionally, in the three years that the Planning and Development Department has been working with the regulations adopted in 2002, staff has identified several areas that should be revised in order to bring greater clarity to the regulations as well as provide for new developing technologies.

In summary, the proposed amendment to Article II (Attachment C) would (1) implement the modifications approved by the CCC, and (2) make other minor revisions proposed by the Planning & Development Department. The proposed amendments to Article III (Attachment D) and Article IV (Attachment E) would only make the minor revisions proposed by the Planning & Development Department.

The Montecito Planning Commission acted to recommend approval of the amendments to Articles II and IV on June 15, 2005. The County Planning Commission acted to recommend approval of the amendments to Articles II and III on July 13, 2005.

A complete staff report along with the necessary resolutions and ordinances will be provided prior to the actual hearing on the amendments on December 6, 2005.

Mandates and Service Levels:

Amendments to Articles II, III and IV of Chapter 35 of the County Code are legislative acts under the jurisdiction of the Board of Supervisors. Sections 35-180, 35-325 and 35-487 (Article II, III and IV, respectively) provide that the recommendation of the Planning Commission shall be transmitted to the Board of Supervisors and that the Board shall schedule and hold a public hearing on the matter.

Fiscal and Facilities Impacts:

Funding for this ordinance amendment work effort is budgeted in the Planning Support program of the Administration Division on page D-290 of the adopted Planning & Development's budget for fiscal year 2005-06. There are no facilities impacts.

Special Instructions:

Planning & Development will satisfy all noticing requirements.

Concurrence:

None.