

ATTACHMENT 6

**MONTECITO LAND USE AND DEVELOPMENT CODE (MLUDC)
NOTICE OF EXEMPTION**

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Julie Harris, Senior Planner, Planning and Development Department

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

APN: Not applicable. **Case No.:** 19ORD-00000-00004

Location: The proposed ordinance amendment would apply solely to the unincorporated area of Santa Barbara County located within the Montecito Community Plan area excluding the Coastal Zone.

Project Title: 2019 General Package Ordinance Amendments

Project Description: Case No. 19ORD-00000-00004 would amend the following divisions of Section 35-2, the MLUDC, of Chapter 35, Zoning, of the Santa Barbara County Code: Division 35.1, Montecito Development Code Applicability; Division 35.2, Montecito Zones and Allowable Uses; Division 35.3, Montecito Site Planning and Other Project Standards; Division 35.4, Montecito Standards for Specific Land Uses; Division 35.5, Montecito Resource Management; Division 35.7, Montecito Planning Permit Procedures; Division 35.9, Montecito Land Use and Development Code Administration; and Division 35.10, Glossary. The ordinance amendment covers six topics:

1. Deletes Coastal Zone regulations and language
2. Amends the section regulating commercial telecommunications facilities
3. Adds a new section to allow documents to be recorded
4. Deletes expired regulations for wind energy conversion (small wind energy) systems
5. Deletes expired time extension due to economic hardship
6. Deletes section and appendix regarding compliance with Measure A96

The proposed ordinance includes other minor corrections and language revisions that do not materially change the existing regulations and serve only to clarify or correct existing language.

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: County of Santa Barbara

Exempt Status: (Check one)

- Ministerial
 Statutory Exemption
 Categorical Exemption
 Emergency Project
 No Possibility of Significant Effect

Cite specific CEQA and/or CEQA Guideline Section: 15061(b)(3) – No possibility of significant effect.

CEQA Guidelines Section 15061(b)(3) states that “the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

Reasons to support exemption findings: The following provides a brief discussion of each proposed amendment and why it would be exempt from CEQA. Additional details regarding the project components are included in the Board Agenda Letter dated December 10, 2019, and Montecito Planning Commission staff report dated October 9, 2019, both herein incorporated by reference.

1. With limited exceptions, the MLUDC ordinance amendment deletes all remaining regulations, language, standards and references that were intended to apply within the Coastal Zone portion of the Montecito Community Plan area or merely distinguish between coastal and non-coastal requirements, yet were never certified by the Coastal Commission and, consequently, never became operative. These regulations do not apply within the inland area of the Montecito Community Plan area. The Coastal Zoning Ordinance (Article II) continues to be the implementing ordinance of the County’s certified Local Coastal Program, and the regulations set forth in Article II govern the Coastal Zone portion of the Montecito Community Plan area. Deleting the inoperative regulations and remaining references to the Coastal Zone will eliminate confusion as to which regulations apply within the Coastal Zone. As the amendment would not result in any potential for new development, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
2. The ordinance amendment would make three specific revisions to Section 35.444.010 of the MLUDC that address permitting of commercial wireless telecommunications facilities to bring local regulations into compliance with federal law and rules. The first change, as discussed in detail in the Board Agenda Letter dated December 10, 2019, and Montecito Planning Commission staff report dated October 9, 2019, both herein incorporated by reference, would allow permitting of limited eligible modifications to existing permitted wireless facilities, provided the modifications do not substantially change the physical dimensions of the existing permitted structure. These changes would be minimal and therefore not have a significant effect on the environment. Furthermore, a Negative Declaration (97-ND-02) was adopted concurrent with the original regulations in 1997, and an addendum approved for a subsequent amendment in 2011. See Attachment 5, MLUDC Findings for approval, to the Board Agenda Letter dated December 10, 2019.
3. The MLUDC requires the recordation of Notices to Property Owners (NTPO) for certain structures and/or uses identified in the MLUDC. The County, through mitigation measures and conditions of approval on permits, requires the recordation of a variety of documents. Some of these documents are statutorily authorized (such as informational sheets included with the recordation of final maps pursuant to the State Subdivision Map Act), while others are not statutorily authorized, nor are they authorized by local ordinance (such as a buyer beware notification). The

ordinance amendment would add a new section to the MLUDC (Section 35.472.050) that would authorize the recordation of certain documents that are required by permit conditions of approval. Recordation of documents is an activity that will not have any effect on the environment.

4. Chapter 35.446, Wind Energy Conversion Systems, would be deleted because provisions of the MLUDC state that it is repealed effective January 1, 2017, consistent with the State law. As the amendment simply deletes regulations that are no longer in effect and would not result in new development or other change to the environment, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
5. Subsection 35.474.030.D.7 (Time extensions due to economic hardship) would be deleted because the provisions of the MLUDC state that it expired effective January 12, 2015. As the amendment simply deletes regulations that are no longer in effect and would not result in new development or other change to the environment, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
6. The amendment would delete regulations and references associated with a voter-approved initiative, Measure A96, which does not apply within the Montecito Community Plan area outside of the Coastal Zone. Deleting these references is consistent with the overall deletion of remaining regulations, language, standards and references that only apply within the Coastal Zone. As the amendment would not result in any potential for new development, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

In conclusion, these amendments serve to clarify and revise existing regulations and permit procedures to comply with State and federal law, delete regulations that do not apply and are not currently in effect in the Montecito Community Plan area outside of the Coastal Zone, and make minor text clarifications that do not materially change the existing regulations. Therefore, it can be seen with certainty that there is no possibility that this activity may have a significant effect on the environment.

Lead Agency Contact Person: Julie Harris, Senior Planner

Phone #: 805-568-3543 **Department/Division Representative:** _____

Date: _____

Acceptance Date: _____

distribution: Hearing Support Staff

Date Filed by County Clerk: _____.