

## **ATTACHMENT 2: NOTICE OF EXEMPTION**

**Case Nos.: 18ORD-00000-00015 and 18ORD-00000-00016**

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

**FROM:** Dan Klemann, Deputy Director, Long Range Planning Division  
Planning and Development Department  
County of Santa Barbara

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

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

**Case Nos.:** 18ORD-00000-00015 and 18ORD-00000-00016

**Location:** The proposed amendments apply solely to the Inland Area of the unincorporated area of Santa Barbara County.

**Project Title:** Proposed Amendments to the County Land Use and Development Code (LUDC) and Montecito LUDC for Telecommunications Facilities Appurtenant to Natural Gas Distribution Facilities (proposed ordinances)

**Project Applicant:** Southern California Gas Company (SoCalGas)

### **Project Description:**

The project involves amendments to the County LUDC and the Montecito LUDC. The County LUDC proposed ordinance amends Article 35.2, Zones and Allowable Land Uses, Article 35.4, Standards for Specific Land Uses, Article 35.44, Telecommunications Facilities, and Article 35.11, Glossary, of Section 35-1, the Santa Barbara County LUDC, of Chapter 35, Zoning, of the Santa Barbara County Code. The Montecito LUDC proposed ordinance amends Division 35.2, Montecito Zones and Allowable Land Uses, Division 35.4, Montecito Standards for Specific Land Uses, Division 35.444, Telecommunications Facilities, and Division 35.10, Glossary, of Section 35-2, the Montecito LUDC, of Chapter 35, Zoning, of the Santa Barbara County Code. SoCalGas plans to install approximately 55 natural gas telecommunications facilities within the Inland, unincorporated areas regulated by the County LUDC and 11 natural gas telecommunications facilities within the Inland, unincorporated areas regulated by the Montecito LUDC. The facilities allowed under the proposed ordinances would be for natural gas metering and pipeline safety operations. The proposed ordinances establish a ministerial permit process and objective development standards for the siting and installation of these facilities. Proposed facilities that do not meet these standards would be subject to existing development standards, discretionary permit process, and review under CEQA, as applicable.

The proposed ordinances limit the natural gas telecommunications facilities to new utility poles, solar panels, antennas, wireless signal transmitting and/or receiving devices, and related

telecommunications facilities. Small boxes placed on existing or new utility poles will contain data control units (DCUs) and other telecommunication facilities. The facilities will be individually powered by battery or a solar panel and will not require additional attachments or physical connections. The proposed ordinances prioritize the placement of these facilities on existing poles (collocation). The natural gas utility provider would only propose new poles when collocation is not feasible for a reason articulated in the proposed ordinance. New poles would be subject to development standards contained in the proposed ordinances to control location and installation.

The proposed ordinances only apply to new natural gas telecommunication facilities that meet the following size limitations:

- New poles will not exceed 12 inches in diameter and 35 feet in height (including the antenna).
- DCUs will not exceed 24 inches in height, 24 inches in width, and 18 inches in depth.
- Solar panels will not exceed 30 inches in height and 35 inches in width.
- Antennas will not exceed 29 inches in height and 4 feet in length.

The proposed development standards pertain to setbacks, size limits, location, lighting, construction, signage, fencing, access and parking, materials, and landscaping. Application of the standards will result in facility siting and design that ensures the facilities remain exempt from CEQA, related to key issues such as biological resources, historical resources, visual resources, scenic highways, and hazardous waste sites.

**Name of Public Agency Approving Project:** County of Santa Barbara

**Name of Person or Entity Carrying Out Project:** SoCalGas

**Exempt Status:**

- Ministerial
- Common Sense Exemption; no possibility of significant effect on the environment
- Statutory Exemption
- Categorical Exemption
- Emergency Project

**Cite specific CEQA Guidelines Sections:**

Pursuant to CEQA Guidelines Section 15061(b)(3) (Review for Exemption), a project is not subject to CEQA if “there is no possibility that the activity in question may have a significant effect on the environment.”

Pursuant to CEQA Guidelines Section 15301 (Existing Facilities), a “minor alteration of existing public or private structures, facilities, mechanical equipment ... involving negligible or no expansion of existing or former use” is categorically exempt from CEQA. Examples include “[e]xisting facilities of both investor and publicly-owned utilities used to provide ... natural gas ... services” [15301(b)] and “[a]ddition of safety or health protection devices for use ... in conjunction with existing structures, facilities, or mechanical equipment” [15301(f)].

Pursuant to CEQA Guidelines Section 153031(d) (New Construction of Small Structures), the “construction and location of limited numbers of new, small facilities or structures,” including natural gas facilities, is categorically exempt from CEQA.

**Reasons to support exemption findings:**

*CEQA Section 15061(b)(3) (Review for Exemption)*

CEQA Guidelines Section 15061(b)(3) (Review for Exemption) provides that a project is exempt from CEQA where there is no potential for a significant effect on the environment. Staff evaluated the potential effects on the environment that would result from implementation of the proposed ordinances, including, but not limited to, effects on visual resources, biological resources, historical resources, geology/soils, hydrology/water quality, and hazards/hazardous materials. This assessment was informed by previous natural gas telecommunications facilities permitted under existing County regulations, which indicate the type, location, and size of facilities that would occur under the proposed ordinance. Proposed telecommunication facilities that do not comply with the proposed ordinances’ development standards will require a discretionary permit and will be subject to additional CEQA review, as applicable. Based on these factors, the County’s adoption and implementation of the proposed ordinances will have no possibility of a significant effect on the environment, as described below in *CEQA Section 15300.2 (Exceptions)*; therefore, the project is not subject to CEQA according to CEQA Guidelines Section 15061(b)(3).

*CEQA Section 15301 (Existing Facilities)*

CEQA Guidelines Section 15301(b) (Existing Facilities) provides that operation, repair, maintenance, permitting, leasing, licensing, or minor alterations of existing public or private structures, facilities, etc. are exempt if involving negligible or no expansion of former use. A specific example includes investor and publicly owned utilities used to provide electric power, natural gas, or other public utility services. The proposed ordinances allow natural gas utility companies to make minor alterations to existing utility poles or other equipment structures and involves the negligible expansion of existing or former use. For example, natural gas utility companies must collocate new natural gas telecommunication facilities on existing utility poles or other structures when available and feasible. As described above under “Project Description” and restricted by the language of the ordinances, these alterations will result in relatively small, minor facilities that involve the negligible expansion of existing or former use of the utility pole or other structure. The proposed ordinances also allow natural gas companies to install monitoring devices on their existing natural gas distribution system. The proposed ordinances limit these alterations to minor facilities that will not expand the existing natural gas use or use of the existing utility pole or other structure. As a result, the proposed ordinances will only allow for the permitting, minor alteration, operation, and maintenance of an existing utility pole or other structure, and, therefore, the proposed ordinances qualify for a categorical exemption under CEQA Guidelines Section 15301(b).

Section 15301(f) exempts the addition of safety or health protection devices in conjunction with existing structures, facilities, or mechanical equipment. The proposed ordinances would allow new facilities that will protect public health and safety as discussed in the County Staff Report dated October 8, 2020, and Findings dated October 14, 2020, as well as the Montecito Staff Report dated

October 15, 2020 and Findings dated October 21, 2020, all of which are incorporated herein by reference. Specifically, the proposed facilities will detect higher-than-usual gas use and help natural gas utility companies respond to potential leaks in existing natural gas pipelines. The proposed ordinances limit the size of these safety facilities. For example, an installed DCU will not exceed 24 inches in height, 24 inches in width, and 18 inches in depth. Based on these factors, the proposed ordinances qualify for a categorical exemption under CEQA Guidelines Section 15303(f).

*CEQA Section 15303(d) (New Construction or Conversion of Small Structures)*

State CEQA Guidelines Section 15303(d) (New Construction or Conversion of Small Structures) provides that the construction and location of a limited number of small new facilities or structures are exempt from CEQA. County staff and the project consultant surveyed natural gas companies to identify which companies plan to install new natural gas telecommunication facilities in the foreseeable future. Only SoCalGas responded in the affirmative, thereby at least suggesting that SoCalGas is the only company with plans to construct facilities under the proposed ordinance. SoCalGas anticipates 55 new facilities under the County LUDC and 11 under the Montecito LUDC. With this consideration, adoption of the ordinances would likely result in approximately 66 new facilities dispersed throughout the 1.4-million-acre unincorporated county. The number of facilities that would be collocated is unknown as collocation is based on existing opportunities in the county's infrastructure; however, collocation is prioritized by the proposed ordinances. Collocation of the facilities on existing poles or other support structures (e.g., water towers or transmission towers) will limit the total number of new facilities. The placement of the natural gas telecommunication facilities is determined by Radio Frequency engineering needs, which are primarily based on demand in an area; with this consideration, facilities would not require close proximity to similar facilities. As described above under "Project Description," the proposed ordinances only allow relatively small natural gas telecommunication facilities. For example, the proposed ordinances limit new poles to 12 inches in diameter and 35 feet in height, including the equipment. DCUs cannot exceed 24 inches in height and 24 inches in width. Grading is limited to four cubic yards. Based on these factors, the proposed ordinances qualify for a categorical exemption under CEQA Guidelines Section 15303(d). It will only allow the construction of a limited number of small telecommunication facilities and, therefore, will not have a significant effect on the environment.

*CEQA Section 15300.2 (Exceptions)*

CEQA Guidelines Section 15300.2 (Exceptions) provides exceptions to the use of Categorical Exemptions. Application of the proposed ordinances will result in facility siting and design that avoids significant environmental impacts, including key issues as identified by CEQA Guidelines Section 15300.2. The exceptions to the categorical exemptions pursuant to Section 15300.2 of the State CEQA Guidelines are:

- a. **Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located - a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where**

**designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.**

The proposed project would not locate natural gas telecommunication facilities in sensitive environmental areas based on development standards in the proposed ordinances. Restrictions on siting of natural gas telecommunication facilities include designated and eligible scenic highways, ridgelines, Environmentally Sensitive Habitat (ESH), historical resources, and cultural resources. The proposed ordinances require that wireless telecommunications devices be collocated on an existing utility pole or other support structure (e.g., building) if available and feasible, thereby avoiding physical changes to visual, biological, and soil resources. The proposed ordinances do not allow for devices within a particularly sensitive environment, such as mapped and adopted ESH, or within 200 feet of the boundaries of ESH except for cases where collocated facilities are proposed on existing support structures or within a public right-of-way. The proposed ordinances restrict natural gas telecommunication facilities from siting on a location that is on a list of hazardous waste facilities, disposal sites, and similar sites compiled pursuant to Section 65962.5 of the Government Code. New telecommunication facilities may not be placed on historic structures and must be located at least 200 feet from archaeological resource sites. Therefore, the project would not adversely impact an environmental resource of hazardous or critical concern where designated, mapped, or identified by applicable department-approved personnel or County policy. Therefore, this exception to the Categorical Exemption is not applicable to the proposed ordinances.

**b. Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.**

As described above, natural gas telecommunication companies were surveyed within the county to determine interested parties, of which SoCalGas was the only company with interest in placing these facilities. SoCalGas estimates approximately 66 facilities would be required within the unincorporated, Inland Area of the County to comply with California Public Utility Commission's requirement of surveying for potential natural gas leakages. The proposed ordinances require natural gas telecommunication companies to prioritize collocation of the DCUs on existing utility poles or other structures. Due to the relatively low number of projected facilities and the prioritization of collocation, the cumulative impact of successive projects of the same type in the same place over time will not be significant. Therefore, this exception to the Categorical Exemption is not applicable to the proposed ordinances.

**c. Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.**

The proposed ordinances provide restrictions to the natural gas telecommunication facilities size, location, construction, and operation to ensure no significant effect would occur to the environment. The natural gas telecommunication facilities that may be allowed under the proposed ordinances would be limited in size and require little to no ground disturbance or vegetation clearance. Permitted facilities will not generate noise or light, and will not require connections to powerlines because they will be solar powered. As such, they will not exacerbate wildfire risk or demand for energy, utilities, or public services. Further, excavation may not exceed four cubic yards of soil, which will avoid geologic and hydrology impacts such as erosion, loss of topsoil, and water quality degradation. The proposed ordinances will benefit air quality, transportation, and circulation, as the operation of DCUs will reduce the need for vehicular travel by onsite meter readers, thereby reducing vehicle miles traveled. The natural gas telecommunication facilities would not involve unusual circumstances, including future activities, as the primary purpose as described above is to install a limited number of relatively small facilities and the majority of facilities would be collocated or located in previously disturbed areas. Therefore, this exception to the Categorical Exemption is not applicable to the proposed ordinances.

- d. Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.**

The proposed ordinances restrict natural gas telecommunication facilities from siting within a scenic highway corridor, defined as the corridor of land that extends 2,000 feet outward from the right-of-way of a state scenic highway, unless the facilities are 1) collocated or 2) located within 500 feet of an existing utility pole on public right-of-way that has previously been graded, compacted, graveled, cleared, sealed, or paved. The siting would be consistent with County protection of scenic highways by allowing development within the reasonable vicinity, 500 feet, of existing development along a state scenic highway, thereby limiting impacts to scenic views outside of existing developed areas. Therefore, this exception to the Categorical Exemption is not applicable to the proposed ordinances.

- e. Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.**

The proposed ordinances restrict natural gas telecommunication facilities from siting on a location that is on any list of hazardous waste facilities, disposal sites, and similar sites compiled pursuant to Section 65962.5 of the Government Code. Therefore, the proposed natural gas telecommunication facilities would not be located on any hazardous waste sites. Therefore, this exception to the Categorical Exemption is not applicable to the proposed ordinances.

**f. Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.**

The proposed ordinances restrict the construction of new poles within 500 feet of a historic-period architectural resource that may meet the definition of “historical resources” in CEQA Guidelines Section 15064.5(a). Additionally, the proposed ordinances require the applicant to provide a written assessment from a County-approved historian confirming the proposed facility would be in conformance with this requirement. At a minimum, the assessment will include results from a records search through the Central California Information Center, review of County Historic Landmarks, Advisory Commission list of Historic Landmarks and Places of Historic Merit, and consultation with the local historical society. With the inclusion of this development standard, there would be no impact to historical resources associated with the proposed ordinances. Therefore, this exception to the Categorical Exemption is not applicable to the proposed ordinances.

**Lead Agency Contact Person:** Dan Klemann

**Phone #:** (805) 568-2072      **Department/Division Representative:** \_\_\_\_\_

**Date:** December 8, 2020

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

**Distribution:** Hearing Support Staff

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

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