

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: 3/14/02
Department Name: P&D
Department No.: 053
Agenda Date: 3/26/02
Placement: Departmental
Estimate Time: 1 hour
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: John Patton, Director
Planning & Development

STAFF CONTACT: Noel Langle, Management Specialist
568-2073

SUBJECT: Hearing to consider zoning ordinance text amendments regarding the permitting of commercial and non-commercial telecommunication facilities: Case No. 01-OA-005 (Article II Coastal Zoning Ordinance); Case No. 01-OA-006 (Article III Inland Zoning Ordinance); 01-OA-007 (Article IV Montecito Zoning Ordinance)

Recommendation:

That the Board of Supervisors consider the Planning Commission's recommendations and:

- A. Determine that 97-ND-02 is adequate environmental review for the project pursuant to CEQA Guidelines Section 15162 (Attachment D).
- B. Adopt the required findings for the proposed project (Attachment E).
- C. Adopt a Resolution and Ordinance 01-OA-005 amending Article II (Attachment F).
- D. Adopt 01-OA-006 amending Article III (Attachment G).
- E. Adopt 01-OA-007 amending Article IV (Attachment H).

Alignment with Board Strategic Plan:

The recommendation is 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:

The proposed ordinance amendments reflect the recommended language adopted by the Planning Commission at their hearing of January 16, 2002. The Planning Commission conducted two public

workshops regarding wireless facilities and eight public hearings on the language of the amendments. The proposed amendments would modify the existing definitions, general regulations, processing procedures and development standards regarding the permitting of commercial and non-commercial telecommunication facilities within the unincorporated portions of Santa Barbara County. The primary issues raised to date relate to the siting and screening of wireless telecommunication facilities to minimize the potential for visual impacts, and potential health effects of radio frequency radiation (RFR).

The impetus for these amendments is Planning & Development's desire to simplify the permit process for telecommunication facilities that comply with strict development standards while at the same time protecting legitimate public interests. In many instances the decision-maker level would be reduced from the Planning Commission to the Zoning Administrator or Director of Planning and Development. Complex projects such as those that would substantially change a skyline due to their height or conflict with community policies would remain under the jurisdiction of the Planning Commission.

The Federal Telecommunications Act, adopted in 1996, prohibits local jurisdictions from setting safety thresholds/standards for RFR that differ from those established by the Federal Communications Commission (FCC). According to the Act, it is presumed that a project will not result in health and safety impacts if the project conforms to the adopted FCC safe exposure standards. The actual text of the Act {Section 704(a)(B)(iv)} states: "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with the [Federal Communications] Commission's regulations concerning such emissions."

Please refer to Attachment A for additional information regarding the proposed changes, and Attachment B for the text of the proposed regulations.

Mandates and Service Levels:

Amendments to Article 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 of Articles 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:

The work effort associated with this ordinance amendment is accounted for in Planning & Development's budget for fiscal year 2001 - 2002. There are no facilities impacts.

Special Instructions:

Planning & Development will satisfy all noticing requirements.

Concurrence:

County Counsel

Attachments:

- A. Analysis.
- B. Article III Ordinance Language.
- C. Planning Commission January 25, 2002 letter with Resolution.
- D. CEQA Guidelines Section 15162 letter with 97-ND-02.
- E. Findings for Approval.
- F. Board Resolution with Draft Ordinance Amendment 01-OA-005 (Article II, Coastal Zone)
- G. Draft Ordinance Amendment 01-OA-006 (Article III, Inland Area)
- H. Draft Ordinance Amendment 01-OA-007 (Article IV, Montecito Area)

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G:\GROUP\Dev_Rev\WP\OA\1oa005\BOS 3-26 hearing **Attachment A** Analysis.doc
G:\GROUP\Dev_Rev\WP\OA\1oa005\BOS 3-26 hearing **Attachment B** A3 Clean Copy.doc
G:\GROUP\Dev_Rev\WP\OA\1oa005\BOS 3-26 hearing **Attachment C** Commission Resolution.doc
G:\GROUP\Dev_Rev\WP\OA\1oa005\BOS 3-26 hearing **Attachment D** CEQA 15162.doc
G:\GROUP\Dev_Rev\WP\OA\1oa005\BOS 3-26 hearing **Attachment E** Findings.doc
G:\GROUP\Dev_Rev\WP\OA\1oa005\BOS 3-26 hearing **Attachment F** Resolution.doc
G:\GROUP\Dev_Rev\WP\OA\1oa005\BOS 3-26 hearing **Attachment F, Exhibit 1** (01-OA-005).doc
G:\GROUP\Dev_Rev\WP\OA\1oa005\BOS 3-26 hearing **Attachment G** (01-OA-006).doc
G:\GROUP\Dev_Rev\WP\OA\1oa005\BOS 3-26 hearing **Attachment H** (01-OA-007).doc