

MONTECITO PLANNING COMMISSION

Staff Report for Proposed Amendments to the Montecito Land Use and Development Code (MLUDC) for Telecommunications Facilities Appurtenant to Natural Gas Distribution Facilities

Hearing Date: October 21, 2020

Staff Report Date: October 15, 2020

Case No.: 18ORD-00000-00016

Environmental Document: Exempt pursuant to State CEQA Guidelines Sections 15061(b)(3), 15301(b)(f), and 15303(d)

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1.0 REQUEST

Hearing on the request of the Southern California Gas Company (SoCalGas) for the Montecito Planning Commission to consider recommending that the Board of Supervisors (Board) amend the development standards of the County by incorporating a new MLUDC Section 35.444.030 (proposed ordinance) and amending existing Divisions 35.2, 35.4, 35.444, and 35.10 to change the development standards of the MLUDC in compliance with Chapter 35.494, Section 35-2 of Chapter 35, Zoning, of the Santa Barbara County Code, to address permitting requirements for telecommunications facilities appurtenant to natural gas distribution facilities.

1.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and recommend that the Board approve Case No. 18ORD-00000-00016, Proposed Amendments to the MLUDC for Telecommunications Facilities Appurtenant to Natural Gas Distribution Facilities, based on the ability to make the required findings. County Planning and Development Department (P&D) staff recommends approval of the proposed ordinance. The Montecito Planning Commission's motion should include the following:

1. Recommend that the Board find the adoption of the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) in compliance with Sections 15061(b)(3), 15301(b)(f), and 15303(d) of the Guidelines for Implementation of CEQA (Attachment A).
2. Adopt a resolution (Attachment B) recommending the Board adopt findings (Attachment C) to approve the proposed ordinance, which would amend the MLUDC Section 35-2 of Chapter 35, Zoning, of the Santa Barbara County Code, to address permitting requirements for telecommunications facilities appurtenant to natural gas distribution.

Refer the matter to staff if the Montecito Planning Commission takes other than the recommended actions.

2.0 JURISDICTION

The Montecito Planning Commission is considering the proposed ordinance pursuant to Sections 65854 to 65855, inclusive, of the California Government Code, pursuant to Chapter 2, Article V, Section 2-25.1(b) of the County Code, which set forth the Montecito Planning Commission's authority as the "Planning Agency", and pursuant to Sections 35.470.020 and 35.494.050 of the MLUDC, which state the Montecito Planning Commission shall review and consider MLUDC amendments and provide a recommendation to the Board.

3.0 ISSUE SUMMARY

Per California Public Utility Commission (CPUC) order,¹ SoCalGas would like to install approximately 66 wireless signal transmitting and/or receiving devices in the unincorporated, Inland Area (i.e., non-Coastal Zone) of the county, of which approximately 11 would be located in the MLUDC area. The telecommunications devices will transmit natural gas use information from customer meters and information on potential leaks in underground natural gas pipelines.

Currently, the County allows these natural gas telecommunications devices pursuant to MLUDC Section 35.444.010 (Commercial Telecommunications Facilities), which requires a natural gas company to obtain a Conditional Use Permit (CUP) for each new natural gas telecommunications device. SoCalGas requested that the County revise these regulations to create a ministerial permit path for these small devices. The Board subsequently directed P&D on April 5, 2016, to initiate an amendment to the County and Montecito LUDCs to create a ministerial permit process for the installation of the natural gas telecommunications devices in the unincorporated, inland areas of the County. (Refer to Attachment D for the April 5, 2016, Board Letter). SoCalGas subsequently drafted the proposed ordinance and associated development standards in close consultation with P&D staff and an outside consultant hired to process this ordinance amendment. The proposed ordinance applies solely to natural gas telecommunications facilities in the unincorporated, Inland Area of the county. The proposed ordinance requires a natural gas company to obtain a Zoning Clearance for new natural gas telecommunications facilities in compliance with MLUDC Section 35.472.190 (Zoning Clearances). Each application is subject to proposed development standards to determine the appropriate siting and design of the device, and to avoid environmental impacts and inconsistencies with County plans and policies. The proposed development standards include requirements for setbacks, size limits, location, lighting, construction, signage, fencing, access and parking, materials, and landscaping. If a proposed natural gas telecommunications facility does not meet the requirements for a Zoning Clearance, the applicant must obtain a Land Use Permit (LUP) in compliance with MLUDC Section 35.472.110 (Land Use Permits).

Given that SoCalGas would like to install some of the new natural gas telecommunications devices within the unincorporated, Inland Area of County LUDC, the proposed project also includes amendments to the County LUDC to create a similar permitting path for the new natural gas telecommunications devices that the applicant would like to install within this area. The amendments to

¹ *Order Instituting Rulemaking on policies and practices for advanced metering, demand response, and dynamic pricing*, filed June 6, 2002. The CPUC's rulemaking named respondents as investor-owned utilities. The Rulemaking was closed by Decision (D.) 05-11-009, dated November 18, 2005.

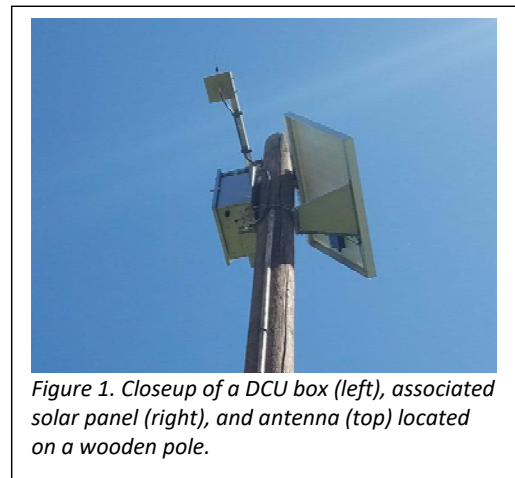
the County LUDC are within the jurisdiction of the County Planning Commission and will be presented to the County Planning Commission for recommendation to the Board. The amendments to the County LUDC will not be addressed further in this staff report and, instead, were analyzed as part of a separate staff report prepared for the County Planning Commission hearing on October 14, 2020.

With application of the proposed Zoning Clearance development standards, staff concluded new natural gas telecommunications facilities would fit within existing CEQA exemptions and thus avoid significant impacts to the environment and would be consistent with the County Comprehensive Plan, Montecito Community Plan, and MLUDC. Therefore, staff support the proposed ordinance.

4.0 BACKGROUND

Advanced Metering Infrastructure (AMI) Program

The CPUC directed investor-owned utility companies, including SoCalGas, to design and implement a program for deploying advanced metering and demand response technologies to quickly identify abnormal high gas usage to improve public safety. SoCalGas developed an AMI program to automatically read and securely transmit hourly gas usage information to SoCalGas wireless signal transmitting and/or receiving devices called Data Collector Units (DCUs) through natural gas telecommunications facilities as part of this requirement. Figure 1 shows an example of a typical DCU, antenna, and solar panel on a wooden utility pole. These natural gas telecommunications facilities monitor the operations and safety of the natural gas pipeline system and quickly determine if a leak or loss of pressure occurs. The natural gas telecommunications facilities provide remote data collection usage of end users for energy management, billing, and safety purposes. Natural gas telecommunications facilities installed under the Pipeline Safety Enhancement Plan (PSEP) program are placed along existing natural gas pipelines to transmit data associated with regional natural gas distribution and alert SoCalGas in the event of a leak.



AMI uses DCUs to take hourly readings on natural gas usage from nearby customer meters. The hourly readings are transmitted to SoCalGas four times a day. The DCUs need to be elevated and near urbanized areas, either on existing utility poles or newly constructed freestanding poles, to reach as many meters as possible and transmit readings to SoCalGas. The DCUs are battery or solar powered and each transmit a signal for less than two minutes per year. The radio frequency (RF) for the natural gas telecommunications facilities permitted under the proposed ordinance have an RF output approximately 400 times lower than a Bluetooth headset, and are required to comply with Federal Communications Commission (FCC) RF regulation.

Natural Gas Telecommunications Facilities in the County

Natural gas telecommunications facilities involve existing or new utility poles, solar panels, antennas, wireless signal transmitting and/or receiving devices, or other telecommunications facilities that are

designed for the purpose of natural gas pipeline safety and operations. Natural gas telecommunications facilities are currently considered telecommunications facilities in MLUDC Section 35.500.020 (Definitions of Specialized Terms and Phrases) and defined (in pertinent part) as “[a] facility that transmits or receives electromagnetic signals, for communication purposes including data transfer. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or reception of such signals...”

SoCalGas began installing telecommunications facilities in the County in 2013. SoCalGas has installed at least five natural gas telecommunications facilities in the County’s Coastal Zone, which were processed with applications for CUPs and Coastal Development Permits (CDP) under Article II Coastal Zoning Ordinance Section 35-144F (Commercial Telecommunications Facilities). County and SoCalGas staff considered these prior projects to inform the development of this proposed ordinance, including Board of Architectural Review (BAR) feedback on their respective Coastal Zone natural gas telecommunications facility CUP/CDP permit applications.

Additionally, SoCalGas has installed at least 51 facilities in cities within Santa Barbara County, including five in Solvang, two in Buellton, five in Lompoc, 15 in Santa Maria, one in Guadalupe, eight in Goleta, 13 in Santa Barbara, and two in Carpinteria. Figures 2 and 3 show natural gas telecommunications facilities installed in Goleta. To provide coverage to the county’s customer meters, SoCalGas anticipates installing approximately 11 more devices in unincorporated MLUDC area to provide a natural gas telecommunications system that meets the CPUC’s requirements.

Similar to those already installed (Figures 2 and 3), the DCUs will be enclosed in a rectangular container attached to a utility pole. The DCUs will be either collocated on existing utility poles or located on new poles up to 35 feet in height. An antenna structure will be attached above the DCU. The total pole height will not exceed 35 feet, including the antenna. These devices are typically powered by a solar panel located opposite the DCU (Attachment E). DCUs can also be battery powered or connect directly to existing power sources when collocated on streetlights or other support structures (e.g., building, transmission tower, or water tower). Typically, one crew truck and one side boom are needed for installations and are staged on road shoulders and other existing disturbed areas. Installation requires approximately three to four hours.

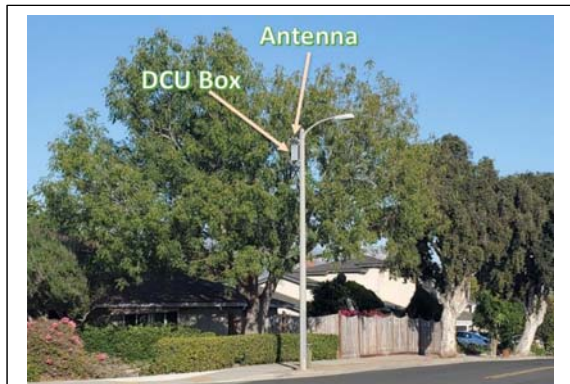


Figure 2. Example of a collocated DCU installation located in Goleta. Collocated facilities can be tied into existing power sources (e.g., streetlights) and do not require a solar panel or new support pole.

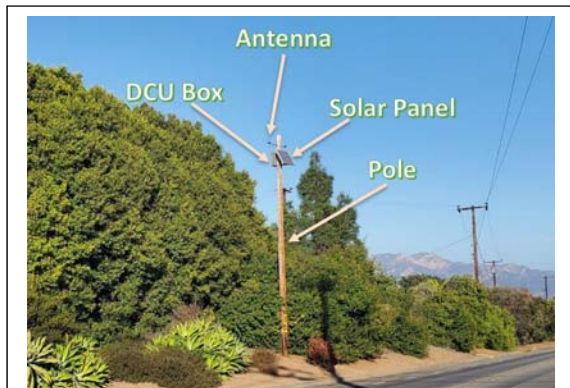


Figure 3. Example of a standalone DCU installation located in Goleta. Standalone facilities require a pole, antenna, solar panel, and DCU box, but do not require additional infrastructure (such as overhead lines).

As stated above in this staff report, currently the County allows the natural gas telecommunications facilities with the issuance of a CUP and pursuant to LUDC Section 35.44.010 (Commercial Telecommunications Facilities).

Southern California Gas Company Request for the Proposed Ordinance

By letter dated February 29, 2016, SoCalGas requested the County to create a ministerial process for approval of each natural gas telecommunications facility installation in the Inland Area of the unincorporated county (Attachment D). SoCalGas' request entails processing zoning ordinance amendments to the telecommunications sections of the County LUDC and the MLUDC. SoCalGas has not requested amendments to the Coastal Zoning Ordinance and stated SoCalGas' intention to continue to apply for CUPs and CDPs for installation of natural gas telecommunications facilities in the Coastal Zone.

In response to SoCalGas' request, on April 5, 2016, the Board directed P&D to initiate an amendment to the County LUDC and MLUDC to exempt communications facilities associated with public gas company operations for the installation of the natural gas telecommunications facilities. SoCalGas subsequently submitted a draft Ordinance to P&D for review and feedback. SoCalGas' proposed ordinance will only apply to natural gas telecommunications facilities.

SoCalGas has continued to collaborate with County staff on the proposed ordinance and assisted in the preparation and presentation of materials to all four BARs. SoCalGas and County staff have undergone continued dialogue and edits to the proposed ordinance following BAR and public feedback. P&D staff recommend approval of SoCalGas' proposed ordinance.

5.0 PROJECT DESCRIPTION AND ANALYSIS

Ordinance Overview

The proposed ordinance would amend the MLUDC to include objective development standards for natural gas telecommunications facility applications through a Zoning Clearance permit process. The intent is to promote the orderly development of natural gas telecommunications facilities and protect public safety as well as visual, biological, and other environmental resources. The proposed development standards are based on existing LUDC standards, CEQA guidelines, and standard conditions of approval in the County's "A Planner's Guide to Conditions of Approval and Mitigation Measures" (P&D, March 2020).

The proposed ordinance applies solely to natural gas telecommunications facilities in the unincorporated, Inland Area of the county, including the Montecito Community Plan area. As described in Section 5.0, the natural gas applicant anticipates installing approximately 11 devices in the unincorporated MLUDC area under the proposed ordinance.

The design, function, and maintenance of the facilities would be required to be consistent with all provisions of the proposed ordinance in order to obtain a Zoning Clearance. The Zoning Clearance development standards encourages DCU placement on existing poles (collocation). An undetermined

portion will be mounted on newly constructed poles where collocation is not available and feasible for one of the reasons articulated in the proposed ordinance.

Following adoption of the proposed ordinance, a natural gas applicant would be able to apply for either a Zoning Clearance or a LUP for the proposed facilities, as appropriate.

Ordinance Components

The proposed ordinance includes three primary components: 1) a statement of the purpose, intent, and applicability; (2) the required permitting process for either a Zoning Clearance or LUP; and 3) the development standards for a Zoning Clearance. The proposed ordinance's development standards include size limits, location restrictions, and collocation prioritization for the facilities. The proposed ordinance also requires demonstration of RF compliance with current federally established standards.

Size requirements for adequate operation are limited to the following:

- New poles would be limited to a maximum of 12 inches in diameter and 35 feet in height (including the antenna).
- DCU dimensions would be up to 24 inches in height, 24 inches in width, and 18 inches in depth.
- Solar panels would not exceed 30 inches in height and 35 inches in width.
- Antennas would reach a height no greater than 29 inches and a maximum length no greater than 4 feet.

The proposed ordinance includes construction development standards to avoid and minimize any potential impacts to environmental resources and the public, including:

- Limiting the quantity of excavated soil to four cubic yards (MLUDC Section 35.444.030.D.1.e.1),
- Prohibition of siting on slopes exceeding a 20 percent grade (MLUDC Section 35.444.030.D.1.e.2), and
- Critical tree root zone avoidance (MLUDC Section 35.444.030.D.1.e.3).

Permitting Process

The proposed ordinance requires a Zoning Clearance to approve new natural gas telecommunications facilities, which must comply with proposed development standards and the existing, applicable requirements in MLUDC Section 35.472.190 (Zoning Clearances). A natural gas applicant (e.g., SoCalGas) would continue to be required to apply for other permits and approvals to install the facilities (e.g., Road Encroachment Permit from the Public Works Department). Natural gas telecommunications facilities not in compliance with the proposed development standards would require approval of a LUP in compliance with MLUDC Section 35.472.110 (Land Use Permits). If an application does not comply with the established Zoning Clearance or LUP process, the natural gas applicant would be required to follow the existing telecom requirements.

Public Noticing

MLUDC Section 35.472.190 (Zoning Clearances) does not require public noticing for Zoning Clearances. However, if the facilities do not meet the requirements under the proposed ordinance and require issuance of a LUP, public noticing will be required in compliance with Chapter 35.496 (Noticing and Public Hearings) as referenced in MLUDC Section 35.472.110 (Land Use Permits).

6.0 PUBLIC OUTREACH

SoCalGas and P&D staff presented a draft version of the proposed ordinance to the Montecito BAR (MBAR) on November 14, 2019 and the Montecito Association (MA) on January 7, 2020. Attachment F contains the minutes from the MBAR meeting. The meetings provided opportunities for MBAR members, MA members, and the public to review and comment on the proposed development standards.

Based on recommendations provided during the MBAR and MA meeting, input from Central BAR, South BAR, and North BAR, and subsequent County department coordination, the natural gas applicant incorporated the following development standards into the proposed ordinance:

- Natural gas telecommunications facilities on new utility poles shall be clustered with existing poles, unless the applicant submits a signed statement and supporting evidence to the Department supporting it is infeasible to locate the new pole within 500 feet of an existing pole due to
 - 1) insufficient physical space for a new pole near an existing utility pole,
 - 2) if located near an existing utility pole, the required line-of-sight for the wireless signal transmitting and/or receiving device on the new pole would be obstructed,
 - 3) the applicant has been unable to obtain an agreement from the landowner near an existing utility pole on terms acceptable to the applicant,
 - 4) the site would not be close enough to existing utility customers to achieve the desired wireless signal transmitting and/or receiving coverage, or
 - 5) if located near existing utility poles, the natural gas telecommunications facility would not be able to be constructed or operated in a safe manner (MLUDC Section 35.444.030 D.1.i.9).
 - This distance requirement also would apply to new poles on a scenic highway, requiring the siting of any new poles on a scenic highway to be within 500 feet of an existing pole (MLUDC Section 35.444.030.D.1.i.1).
- New utility poles shall be located in areas of existing vegetative coverage, unless the applicant submits a signed statement and supporting evidence to the Department supporting it is infeasible to locate the new poles and wireless signal transmitting and/or receiving devices in areas with existing vegetation due to
 - 1) no vegetation of sufficient height existing in the proposed location to partially or fully screen the new poles and facilities,

- 2) the existing vegetation that would screen the new pole and facilities would obstruct the required line-of-sight for the wireless signal transmitting and/or receiving device, and/or
- 3) the existing vegetation that would screen the new pole and facilities would prevent the solar panel from receiving direct sunlight (MLUDC Section 35.444.030.D.1.i.8).

7.0 ENVIRONMENTAL REVIEW

The proposed ordinance is exempt from environmental review pursuant to State CEQA Guidelines 15061(b)(3) (Review for Exemption), 15301(b) (f) (Existing Facilities), and 15303(d) (New Construction or Conversion of Small Structures). Natural gas telecommunications facilities permitted under the proposed ordinance will involve only 1) the minor alteration of existing facilities (i.e., collocation of small devices on existing utility poles), or 2) the construction and location of a limited number of new small facilities or structures. Additionally, the proposed ordinance development standards do not trigger potentially significant effects under CEQA Guidelines Section 15300.2 (Exceptions to Exemptions). The proposed ordinance development standards will not permit natural gas telecommunications facilities to be sited in a particularly sensitive environment, will not negatively impact scenic highways or historic resources, will not be located at hazardous waste sites, will not have a significant impact due to unusual circumstances, and will not have a significant cumulative impact. Please refer to Attachment A, Notice of Exemption, for further detail.

8.0 COMPREHENSIVE PLAN CONSISTENCY

Staff reviewed the proposed ordinance amendment for consistency with the applicable policies of the Comprehensive Plan, including the Montecito Community Plan (Table 1). Table 1 uses the following abbreviations for the Montecito Community Plan: “M”. Community plan policies apply only to proposed natural gas telecommunications facilities within specific community plan area, not to the entire unincorporated county.

Table 1. County Comprehensive Plan and Montecito Community Plan	
Watershed Resources	
Policy	Discussion
Comprehensive Plan Land Use Element Hillside and Watershed Protection Policy #2 All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.	Consistent. The proposed ordinance establishes a maximum of four cubic yards of soil excavation for each site and no new facilities on existing slopes exceeding 20 percent to prevent unnecessary impacts to soils, slope stability, and geology (MLUDC Sections 35.444.030.D.1.e.1 and -2). The proposed ordinance protects native vegetation including trees by requiring facilities to be constructed to maintain and enhance existing vegetation by 1) not removing any trees as part of installation and 2) not removing vegetation that provides screening of the facilities, except when

Table 1. County Comprehensive Plan and Montecito Community Plan

<p>Comprehensive Plan Land Use Element Hillside and Watershed Protection Policy #5 Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized as rapidly as possible with planting of native grasses and shrubs, appropriate non-native plants, or with accepted landscaping practices.</p> <p>Comprehensive Plan Conservation Element Stream and Creek Policy #1 All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.</p>	<p>necessary for facility operation (e.g., to avoid signal interference or facilitate solar charging) (MLUDC Section 35.444.030.D.1.1.1 and -2).</p> <p>The proposed ordinance requires construction of the telecommunications facilities to preserve and enhance existing vegetation without increasing fire hazards, by prohibiting tree removal and removal of vegetation that provides facility screening; therefore, no new sources of vegetation-related fire hazards would be generated (MLUDC Section 35.444.030.D.1.1.1 and -2). Additionally, grading (MLUDC Section 35.444.030.D.1.e.1) and slope restrictions (MLUDC Section 35.444.030.D.1.e.2) are integrated to further reduce potential soil disturbance.</p> <p>The proposed ordinance prohibits new utility poles within 200 feet of ESH, unless the new utility pole would be installed on previously graded, compacted, graveled, cleared, sealed, or paved area in the public right-of-way and the natural gas applicant uses maintenance and installation equipment outside of the 200 feet boundary or within the previously disturbed area described above (MLUDC Section 35.444.030.D.1.i.3). ESH under the proposed ordinance—consistent with existing MLUDC requirements—includes riparian corridors, such as streams and creeks.</p> <p>Therefore, the proposed ordinance would be consistent with these policies</p>
Biological Resources	
Policy	Discussion
<p>Policy BIO-M-1.3: Environmentally Sensitive Habitat (ESH) areas within the Montecito Planning Area shall be protected, and were appropriated, enhanced.</p> <p>Policy BIO-M-1.2: The Montecito Biological Resources map shall be consulted as a reference along with other relevant information during review of development applications in order to identify areas containing potentially significant biological resources. The Montecito Biological Resources map shall be updated periodically to incorporate new information as it becomes available.</p>	<p>Consistent. The proposed ordinance would prohibit new natural gas telecommunications facilities to be placed within ESH or within 200 feet of ESH unless facilities meet one of the following:</p> <p>(1) the natural gas telecommunications facilities can be collocated on an existing support structure or installed within previously graded, compacted, graveled, cleared, sealed, or paved public right-of-way in areas located outside, but within 200 feet, of ESH; and</p>

Table 1. County Comprehensive Plan and Montecito Community Plan

<p>Policy BIO-M-1.15: To the maximum extent feasible, specimen trees shall be preserved. Specimen trees are defined for the purposes of this police as mature trees that are healthy and structurally sound and have grown into the natural stature particular to the species. Native or non-native trees that have unusual scenic or aesthetic quality, have important historic value, or are unique due to species type or location shall be preserve to the maximum extent feasible.</p> <p>Policy BIO-M-1.16: All existing native trees regardless of size that have biological value shall be preserved to the maximum extent feasible. .</p>	<p>(2) the installation and maintenance equipment can be staged and operated at least 200 feet away from the ESH, or within previously disturbed public right-of-way.</p> <p>All natural gas telecommunications facilities would require the natural gas applicant to retain a P&D-approved biologist to confirm the facilities would be located at least 200 feet away from the ESH, which would include consulting applicable biological resources maps such as the Montecito Biological Resources map, unless the proposed facility would meet the above described requirements (MLUDC Section 35.444.030 D.1.i.3).</p> <p>The proposed ordinance would not allow the natural gas applicant to construct natural gas telecommunications facilities within the critical root zone of any native or non-native tree. The critical root zone is defined consistent with existing MLUDC standards as a circle around a tree trunk with a radius equivalent to one foot for each one-inch diameter of a tree at 4.5 feet above grade (MLUDC Section 35.444.030 D.1. e.3). Additionally, no trees would be removed under the proposed ordinance during facility installation (MLUDC 35.444.030 D.1.1.1).</p> <p>Therefore, the proposed ordinance would be consistent with these policies.</p>
<i>Geology and Soils</i>	
<p>Policy LU-M-1.2: Excessive grading for the sole purpose of creating or enhancing views shall not be permitted.</p> <p>Policy GEO-M-1.2: Grading from future ministerial and discretionary projects in Montecito shall be minimized to the extent feasible in order to prevent unsightly scars in the natural topography due to grading, and to minimize the potential for earth slippage, erosion, and other safety risks.</p>	<p>Consistent. The proposed ordinance prohibits more than four cubic yards of soil excavation for new pole installation. The proposed ordinance also prohibits new poles on slopes exceeding 20 percent grade. Slopes would be measured from the existing grade to prevent pre-construction grading that may impact visual resources (MLUDC Sections 35.444.030 D.1. e.1 and -2). Therefore, the proposed ordinance would be consistent with this policy.</p>
<i>Flood Hazard Area</i>	
Policy	Discussion
Comprehensive Plan Seismic Safety and Safety Element Flood Hazard Area Policy #1: All	Consistent. The proposed ordinance will not permit development of habitable structures, and

Table 1. County Comprehensive Plan and Montecito Community Plan

<p>development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway unless off- setting improvements in accordance with HUD regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finish floor elevations are above the projected 100- year flood elevation, as specified in the Flood Plain Management Ordinance.</p> <p>Comprehensive Plan Seismic Safety and Safety Element Flood Hazard Area Policy #2: Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control works, i.e., dams, stream channelization’s, etc.</p> <p>Policy FD-M-2.2: New development shall be located in a manner that minimizes the need for flood control measures.</p>	<p>will not exacerbate human risk to flood hazards as excavation limitations would be significantly lower than what is allowed for projects that are exempt from the Flood Plain Management Ordinance, and would avoid impacts to soil stability and floodplain topography. No additional flood control measures would be required as a result of facility implementation due to the scale of development (MLUDC Sections 35.444.030.D.1.e.1 and -2).</p> <p>Therefore, the proposed ordinance would be consistent with these policies.</p>
<i>Historical and Archaeological Sites Policies</i>	
Policy	Discussion
<p>Comprehensive Plan Land Use Element Historical and Archaeological Sites Policy #2 When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.</p> <p>Policy CR-M-2.1: Significant cultural, archaeological, and historic resources in the Montecito area shall be protected and preserved to the extent feasible.</p>	<p>Consistent. Facilities installed on new poles under the proposed ordinance will not be allowed to locate within 500 feet of a historic-period architectural resource, as defined by CEQA Guidelines Section 15064.5(a). The applicant would be required to provide as part of the application for a Zoning Clearance a written assessment from a P&D-approved historian confirming the facility would be in conformance. At a minimum, the proposed ordinance requires a letter summarizing a records search with the Central California Information Center (CCIC), review of the County Historic Landmarks Advisory Commissions lists of Historic Landmarks and Places of Historic Merit, and consultation with local historical societies (MLUDC Section 35.444.030.D.1.i.4).</p> <p>The proposed ordinance will not allow facilities to be located within 200 feet of a known archaeological resource that may meet the criteria in CEQA Guidelines Section 15064.5(a) or qualify as tribal cultural resources as defined in Public Resources Code Section 21074. The applicant must provide a written assessment from a P&D-</p>

Table 1. County Comprehensive Plan and Montecito Community Plan

	<p>approved archaeologist as part of the application for a Zoning Clearance confirming the facility would be in conformance. The natural gas applicant must include results of a records search through the CCIC (MLUDC Section 35.444.030.D.1.i.5).</p> <p>Therefore, the proposed ordinance would be consistent with these policies.</p>
Visual Resource Policies	
Policy	Discussion
<p>Comprehensive Plan Land Use Element Visual Resource Policy #2 In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.</p>	<p>Consistent. The proposed ordinance sets forth maximum height and other dimensional limitations for new telecommunications facilities, as listed in MLUDC Section 35.444.030.D.1.b (Size Limits), to minimize impacts to the natural environment and public views. The proposed ordinance encourages the collocation of facilities to reduce the number of new poles that would be installed (MLUDC Section 35.444.030.D.1.c). The facilities would utilize nonreflective materials and be unlit (MLUDC Section 35.444.030.D.1.k).</p>
<p>Comprehensive Plan Land Use Element Visual Resource Policy #3 In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.</p>	<p>The proposed ordinance requires additional visual resource measures in order to prevent impacts in state scenic highway elements as discussed in the Scenic Highways Element Goal A below. The proposed ordinance limits the locations of new poles to not be installed on a ridgeline visible from a public viewing area (MLUDC Section 35.44.030.D.1.i.2)</p>
<p>Comprehensive Plan Land Use Element Visual Resource Policy #4 Signs shall be of size, location, and appearance so as not to detract from scenic areas or views from public roads and other viewing points.</p>	<p>The proposed ordinance will not permit installation of signage, with the exception of those required for internal utility identification or operations or required by agencies with regulatory authority, such as the CPUC and FCC (MLUDC Section 35.444.030.D.1.f).</p>
<p>Comprehensive Plan Land Use Element Visual Resource Policy # 5 Utilities, including television, shall be placed underground in new developments in accordance with the rules and regulations of the California Public Utilities Commission, except where cost of undergrounding would be so high as to deny service.</p>	<p>In accordance with CPUC requirements, the wireless telecommunications facilities under the proposed ordinance must be placed above ground to capture data across the County. Additionally, solar panels, which are the energy source for facilities placed on new utility poles, must be placed above ground to function properly. Nevertheless, collocation with existing infrastructure is required where feasible under the</p>
<p>Policy VIS-M-1.3: Development of property should minimize impacts to open space views as seen from public roads and viewpoints.</p>	

Table 1. County Comprehensive Plan and Montecito Community Plan

<p>Policy LU-M-2.1: New structures shall be designed, sited, graded, and landscaped in a manner which minimizes their visibility from public roads.</p> <p>Policy LU-M-2.2: Lighting of structures, roads, and properties shall be minimized to protect privacy, and to maintain the semi-rural, residential character of the community.</p> <p>Policy VIS-M-2.1: Lands which should be preserved in open space for scenic value include road-side turnouts, stream channels, equestrian and hiking trails, and mountainous areas.</p>	<p>proposed ordinance (MLUDC Section 35.444.030.D.1.c), which will further reduce the required above-ground installation.</p> <p>Therefore, the proposed ordinance would be consistent with these policies.</p>
<i>Public Facilities</i>	
Policy	Discussion
<p>Comprehensive Plan Public Facilities Policy #3 Except in case of an emergency which threatens lives or the immediate safety of persons or property, environmental review for projects allowed under these Policies shall be conducted at the earliest feasible time and should be completed prior to acquisition of any site for a public facility. The site selection process shall include criteria to avoid areas having significant environmental constraints (for example, prime agricultural soils, areas of high aesthetic value such as Scenic Highway Corridors, public service/resource limitations, geologic or hydrologic hazards, important biological resources, cultural resources), unless the public agency determines that the location of the facility or use on a specific site having such constraints is necessary to satisfy the findings required in California Code of Civil Procedure Section 1245.230 (or successor statute), or is necessary for the protection of the public health, safety, or welfare.</p> <p>Policy E-M-1.1: In reviewing permits for EMF sensitive uses (e.g., residential, schools, etc.), RMD shall require an adequate building setback from EMF-generating sources to minimize exposure hazards.</p>	<p>Consistent. The CPUC requires the natural gas applicant to improve the safety of natural gas telecommunications facilities through on-site DCUs, which collect data hourly to prevent undetected leaks.</p> <p>The natural gas applicant’s natural gas telecommunications facilities would be operated in strict conformance with all FCC and CPUC rules, regulations, standards, and guidance, including but not limited to Maximum Permissible Exposure Limits and any other requirements to ensure public protection.</p> <p>Therefore, the proposed ordinance would be consistent with these policies.</p>
<i>Designated and Eligible Scenic Highways</i>	
<p>Comprehensive Plan Land Use Element Goal A to enhance and preserve the valuable scenic resources located along roadways within the County.</p>	<p>Consistent. The proposed ordinance will not allow new facilities within a scenic highway corridor, which includes the land that extends 2,000 feet outward from the right-of-way of any state scenic highway unless the facility is 1) collocated or 2) installed within 500 feet of an existing utility pole on public right-of-way that has been previously graded, compacted, graveled, cleared, sealed, or paved (MLUDC Section</p>

Table 1. County Comprehensive Plan and Montecito Community Plan	
	35.444.030.D.1.i.1). Compliance with these standards would reduce impacts in undeveloped scenic areas adjacent to highways, ensuring concentration of installed poles adjacent to existing development. Therefore, the proposed ordinance would be consistent with this goal.
<i>Noise</i>	
Policy	Discussion
Comprehensive Plan Land Use Element Policy 1 In the planning of land use, 65 dB Day-Night Average Sound Level should be regarded as the maximum exterior noise exposure compatible with noise-sensitive uses unless noise mitigation features are included in project designs.	Consistent. Natural gas telecommunications facilities do not produce any sound. Therefore, the proposed ordinance would be consistent with this policy.

9.0 ZONING ORDINANCE CONSISTENCY

The proposed ordinance is internally consistent with existing MLUDC requirements and standards. The proposed ordinance will not change the zoning of any existing parcels and will not change the allowable uses in any existing zone. It also will not change the height or density limits for any existing zone. The proposed ordinance aligns with Sections 35.444 (Telecommunications Facilities) and 35.472.190 (Zoning Clearances). All proposed projects must comply with this ordinance, as well as any other applicable MLUDC sections. Staff reviewed the MLUDC and made revisions to Divisions 35.2, 35.4, 35.444, and 35.10 to ensure consistency of the proposed ordinance with existing Montecito standards. Amendments to Division 35.4, Chapter labels, and the addition of “natural gas telecommunications facilities” to the Glossary are also included to ensure internal consistency among the regulations set forth in the MLUDC (Attachment B).

10.0 APPEALS PROCEDURE

Ordinance amendments recommended for approval or denial are automatically forwarded to the Board of Supervisors for final action; therefore, no appeal is required.

11.0 ATTACHMENTS

- A. CEQA Notice of Exemption
- B. Montecito LUDC Resolution and Ordinance
- C. CEQA and MLUDC Consistency Findings
- D. Board Agenda Letter dated April 5, 2016, and SoCalGas Letter dated February 29, 2016
- E. Example Technical Plans
- F. MBAR Minutes

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