



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

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

**Department Name:** Planning and  
Development  
**Department No.:** 053  
**For Agenda Of:** 12/08/2020  
**Placement:** Departmental  
**Estimated Time:** 1 hour on 12/08/2020  
**Continued Item:** N/A  
**If Yes, date from:** N/A  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** Department Lisa Plowman, Director, Planning and Development  
Director (805) 568-2086  
Contact Info: Daniel T. Klemann, Deputy Director, Long Range Planning  
(805) 568-2072

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

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors (Board):

Consider the County and Montecito Planning Commissions' recommendations to amend the County LUDC and Montecito LUDC for telecommunications facilities appurtenant to natural gas distribution facilities. The Board's action should include the following:

- a) Make the required findings for approval, including California Environmental Quality Act (CEQA) findings (Attachments 1.a and 1.b);
- b) Determine that the proposed amendments are exempt from the California Environmental Quality Act (CEQA) in compliance with CEQA Guidelines Sections 15061(b)(3), 15301(b)(f), and 15303(d) (Attachment 2); and
- c) Adopt the ordinances amending the County LUDC (18ORD-00000-00015) and Montecito LUDC (18ORD-00000-00016) (Attachments 3.a and 3.b), to address permitting requirements for telecommunications facilities appurtenant to natural gas distribution facilities.

Please refer the matter to staff if the Board takes other than the recommended actions for the development of appropriate materials and/or a report on the budgetary and other impacts that the Board's actions would have on the Long Range Planning Division Work Program.

**Auditor-Controller Concurrence**

As to form: N/A

**Summary Text:**

The Southern California Gas Company (SoCalGas) would like to install approximately 63 wireless signal transmitting and/or receiving natural gas telecommunication facilities in the Inland Area (i.e., non-Coastal Zone) of Santa Barbara County. SoCalGas would locate approximately 8 facilities in the Montecito Community Plan area and 55 facilities in the balance of the unincorporated county. The facilities would monitor and transmit natural gas use information from customer meters and underground pipelines. In part, these facilities would improve public safety by detecting gas leaks in underground pipelines.

The County and Montecito LUDCs currently require any natural gas company to obtain a Conditional Use Permit (CUP) for new natural gas telecommunication facilities. SoCalGas requested that the County create a ministerial permit process for these small facilities. The Board subsequently directed the Planning and Development Department (P&D) to initiate amendments to the County and Montecito LUDCs to address this request (Attachment 4). SoCalGas drafted the proposed ordinances in consultation with P&D staff and a consultant (Wood Environment and Infrastructure Solutions, Inc.). SoCalGas has not requested amendments to the Coastal Zoning Ordinance.

The County LUDC and Montecito LUDC proposed ordinances are nearly identical and require a natural gas company to obtain a Zoning Clearance for new natural gas telecommunication facilities. Each application would be subject to objective development standards to ensure appropriate siting and design, to ensure that the facilities would be exempt from CEQA, and to avoid inconsistencies with County plans, policies, and regulations. The development standards include requirements for setbacks, size limits, location, lighting, construction, signage, fencing, access, parking, materials, and landscaping. If a proposed natural gas telecommunication facility does not meet the requirements for a Zoning Clearance, the applicant would be required to obtain a Land Use Permit (LUP). The proposed ordinances differ only on two items: (1) each ordinance refers to the relevant section numbers of their respective County LUDC or Montecito LUDC documents, and (2) there is no airport related development standard in the proposed Montecito LUDC ordinance amendment as there are no airports within or nearby to the Montecito LUDC planning area.

During the Montecito Planning Commission hearing of October 21, 2020, the Montecito Planning Commission expressed a concern about the proximity of potential facilities adjacent to trailheads and recommended one associated revision to the Montecito LUDC ordinance to include a setback from County public walkways, as further explained below. Following the hearing, SoCalGas submitted a list of reasons it does not support the proposed revisions. County staff recommends that the Board maintain consistency between the County and Montecito LUDCs.

The proposed amendments (Attachments 3.a and 3.b), 2016 Board and SoCalGas letters (Attachment 4), technical plans (Attachment 5), Boards of Architectural Review (BAR) input (Attachment 6), and County and Montecito Planning Commissions' materials (Attachments 7, 8, 9, and 10), provide additional details on the proposed ordinances.

**Background:**

*Natural Gas Telecommunication Facilities*

The CPUC directed investor-owned utility companies, including SoCalGas, to deploy advanced metering technologies to identify abnormally high gas usage to improve public safety.<sup>1</sup> SoCalGas subsequently developed an Advanced Metering Infrastructure (AMI) program to automatically read and transmit gas use information to wireless signal transmitting and/or receiving devices called Data Collector Units (DCUs). These telecommunications facilities monitor the operations and safety of the natural gas pipeline system. They also collect customer usage information for energy management, billing, and safety purposes.

The DCUs need to be elevated and near urbanized areas to serve as many meters as possible. The radio frequency (RF) for the natural gas telecommunications facilities permitted under the proposed ordinance would have an RF output approximately 400 times lower than a Bluetooth headset, and must comply with Federal Communications Commission (FCC) RF regulation.

*Natural Gas Telecommunications Facilities in the County*

SoCalGas has installed at least 51 natural gas telecommunication facilities in cities throughout the county since 2013. It also installed approximately 5 facilities in the unincorporated area of the Coastal Zone.

Figures 1 and 2, below, show representative natural gas telecommunications facilities installed in Goleta.



Figure 1. 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.

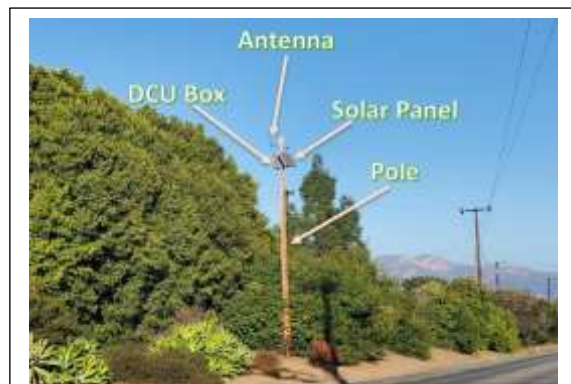


Figure 2. Example of a standalone DCU installation located in Goleta. Standalone facilities require a pole, antenna, solar panel, and DCU box, but do not require additional infrastructure (such as overhead lines).

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<sup>1</sup> “[I]n 2010, the CPUC approved the cost effective implementation of SoCalGas’ AMI [Advanced Metering Infrastructure] system to help meet the CPUC’s State energy policy objectives of increasing energy conservation and demand-side management, reducing greenhouse gas emissions, and providing customers with information and tools that allow them to manage their energy consumption.” The Rulemaking was closed by Decision On Application of Southern California Gas Company For Approval of Advanced Metering Infrastructure, D.10-04-027, 281 P.U.R.4<sup>th</sup> 239, 253, 2010 WL1609228 Cal.P.U.C April 8, 2010 (“CPUC AMI Decision”).

### *Key Ordinance Features and Recommendation*

The proposed ordinances would amend the County and Montecito LUDCs. They would require a Zoning Clearance for new natural gas telecommunications facilities, which must comply with the proposed development standards and the existing, applicable requirements in County LUDC Section 35.82.210 (Zoning Clearances) or Montecito LUDC Section 35.472.190 (Zoning Clearances). An applicant (e.g., SoCalGas) would continue to be required to apply for other permits and approvals for new 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 County LUDC Section 35.82.110 (Land Use Permits) or Montecito LUDC Section 35.472.110 (Land Use Permits).

The proposed ordinances (Attachment 3) include 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) objective development standards. SoCalGas, the consultant, and County staff based the development standards on existing LUDC standards, CEQA guidelines, and County standard conditions of approval that were developed for other telecommunications facilities. The proposed development standards include size limits, prioritization of collocation on existing poles, setbacks from environmentally sensitive habitat and cultural resources, prohibitions on lighting and signage, vegetation screening considerations, scenic highway and ridgeline measures, and ensuring continued public access.

County staff and SoCalGas considered previously installed natural gas telecommunications facilities within incorporated cities and the Coastal Zone portion of the unincorporated County, including prior BAR input, to inform development of the proposed ordinance amendments. P&D staff presented a draft version of the proposed ordinances to County departments (e.g., Public Works Department, and P&D Energy and Development Review divisions). SoCalGas presented the draft ordinance to the four BARs in November and December 2019. Attachment 6 contains the minutes from each BAR meeting. Following revisions, P&D staff presented the proposed ordinances to the County Planning Commission and Montecito Planning Commission in October 2020 (Attachments 7, 8, 9, and 10). These meetings provided opportunities for the County, BAR members, planning commissions, and the public to review and comment on the proposed development standards.

#### *County Planning Commission Review*

The County Planning Commission reviewed the proposed County LUDC ordinance on October 14, 2020. It recommended (5 to 0 vote) that the Board adopt the proposed ordinance with no modifications (Attachment 7).

#### *Montecito Planning Commission Review*

The Montecito Planning Commission reviewed the proposed Montecito LUDC ordinance on October 21, 2020. The Montecito Planning Commission recommended (4 to 0 vote) that the Board adopt the proposed ordinance (Attachment 9), with revisions to one development standard – Montecito LUDC Section 35.444.030.D.1.(i)(7) (Attachment 10.a).

The Montecito Planning Commission raised concerns regarding a particular SoCalGas telecommunications facility in Summerland. SoCalGas sited this facility, which includes a new pole, approximately 40 feet from a trailhead. The Montecito Planning Commission expressed concerns that this and similar new telecommunications facilities could impact public views from existing trailheads. Therefore, the Montecito Planning Commission recommended the following revisions to Montecito LUDC Section 33.444.030.D.1.(i)(7):

*(7) Natural gas telecommunications facilities on new poles shall not be located in a manner that blocks or impedes encroaches upon public access walkways, including but not limited to public trails, and shall be located at least 100 feet from the trails or walkways.*

Following the hearing, SoCalGas submitted a list of reasons why it does not support the Montecito Planning Commission's proposed revisions (Attachment 11). SoCalGas' concerns include the following:

- The revisions may preclude new facilities within the public right-of-way, prohibiting the placement of any new poles under the ordinance.
- The term "walkways"<sup>2</sup> is unclear.
- The proposed language is vague and would create a discretionary development standard for a ministerial Zoning Clearance.
- Restricting poles to locations at least 100 feet from a walkway would exclude most areas typically reserved for public utility infrastructure.

Staff generally concurs with SoCalGas' concerns. Most importantly, the proposed revisions could prevent new telecommunication facilities in public right-of-ways that often include and are typically suitable for such facilities. County staff recommends that the Board maintain consistency between the County and Montecito LUDCs.

#### *Environmental Review*

The proposed ordinances are exempt from environmental review pursuant to CEQA Guidelines Sections 15061(b)(3) (Review for Exemption); 15301(b) and -(f) (Existing Facilities); and 15303(d) (New Construction or Conversion of Small Structures). Natural gas telecommunications facilities permitted under the proposed ordinances 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 development standards ensure that no exceptions would apply under CEQA Guidelines Section 15300.2 (Exceptions to Exemptions). The proposed 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 2, Notice of Exemption, for further detail.

#### **Fiscal and Facilities Impacts:**

Budgeted: Yes

As described below, funding for staff and consultant costs are budgeted in the Long Range Planning Budget Program of on page D-294 of the County of Santa Barbara Fiscal Year (FY) 2020-21 adopted budget.

County Staff: The Long Range Planning Budget Program of the adopted Fiscal Year 2020-21 budget (pages D-294) provides funding for staff expenses for the current fiscal year. Staff costs are offset by General Fund subsidy in Planning and Development's adopted budget.

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<sup>2</sup> The Montecito LUDC and Montecito Community Plan do not define the term "walkways."

**Contract Services:**

All consultant costs to prepare an amendment to the County LUDC and Montecito LUDC for telecommunications facilities appurtenant to natural gas distribution facilities was fully reimbursed by the project applicant Southern California Gas Company.

There are no facilities impacts.

**Special Instructions:**

At least five days prior to the Board of Supervisors meeting at which the ordinance amendments are to be adopted, the P&D shall publish a summary of them in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara in compliance with Government Code Section 25124. Additionally, before the expiration of 15 days after adoption of the ordinance amendments, the Clerk shall publish a summary of it together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*.”

The Clerk of the Board shall forward a copy of the minute order and an executed copy of the ordinance amendments to P&D, attention Selena Evilsizor Whitney.

**Authored by:**

Matthew Buggert, Consulting Planner, Wood Environment and Infrastructure Solutions, Inc.

**Attachments:**

1. Findings
  - a. County LUDC Findings
  - b. Montecito LUDC Findings
2. Notice of Exemption
3. Ordinances
  - a. County LUDC Ordinance (18ORD-00000-00015)
  - b. Montecito LUDC Ordinance (18ORD-00000-00016)
4. 2016 Board and SoCalGas Letters
5. Technical Plans
6. BAR Minutes
7. County Planning Commission Action Letter and Resolution dated October 14, 2020
8. County Planning Commission Staff Report dated October 8, 2020
9. Montecito Planning Commission Action Letter and Resolution dated October 21, 2020
10. Montecito Planning Commission Staff Report dated October 15, 2020
  - a. Alternative Language – Montecito LUDC Ordinance
11. SoCalGas Statement regarding MPC Recommended Language dated October 27, 2020