

ATTACHMENT 2: NOTICE OF EXEMPTION

Case Nos. 20ORD-00000-00001, 20ORD-00000-00002, and 20ORD-00000-00003 and an Amendment to the *Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones*

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Jessi Steele, 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 of Santa Barbara (County) guidelines for the implementation of CEQA.

APN(s): Not applicable.

Case Nos.: 20ORD-00000-00001, 20ORD-00000-00002, and 20ORD-00000-00003 and an amendment to the *Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones* (Uniform Rules)

Location: Countywide

Project Title: Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Ordinance Amendments

Project Description:

Case No. 20ORD-00000-00001 amends Division 2, Definitions; Division 4, Zoning Districts; Division 7, General Regulations; Division 11, Permit Procedures; Division 12, Administration; Division 13, Summerland Community Plan Overlay; Division 15, Toro Canyon Plan (TCP) Overlay District; and Division 17, Gaviota Coast Plan (GAV) Overlay; of Article II, the Coastal Zoning Ordinance (CZO), of Chapter 35, Zoning, of the Santa Barbara County Code, regarding the permitting of ADUs and JADUs in compliance with Government Code (GC) Sections 65852.2 and 65852.22, respectively.

Case No. 20ORD-00000-00002 amends Article 35.2, Zones and Allowable Land Uses, Article 35.3, Site Planning and Other Project Standards, Article 35.4, Standards for Specific Land Uses, Article 35.8, Planning Permit Procedures, Article 35.10, Land Use and Development Code Administration, and Article 35.11, Glossary, of Section 35-1, the County Land Use and Development Code (LUDC), of Chapter 35, Zoning, of the Santa Barbara County Code, regarding the permitting of ADUs and JADUs in compliance with GC Sections 65852.2 and 65852.22, respectively.

Case No. 20ORD-00000-00003 amends Division 35.2, Montecito Zones and Allowable Land Uses; Division 35.3, Montecito Site Planning and Other Project Standards; Division 35.4, Montecito Standards for Specific Land Uses; Division 35.7, Montecito Planning Permit Procedures; Division 35.9, Montecito Land Use and Development Code Administration; and Division 35.10, Glossary; of Section 35-2, the Montecito Land Use and Development Code (MLUDC), of Chapter 35, Zoning, of the Santa Barbara County Code, regarding the permitting of ADUs and JADUs in compliance with GC Sections 65852.2 and 65852.22, respectively.

The proposed Uniform Rules amendment adds a new JADU definition, revises the existing ADU definition, and allows JADUs as a compatible use on lands subject to agricultural preserve contracts (Williamson Act).

Exempt Status:

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

Cite specific CEQA Guideline Section: CEQA Guidelines Sections 15282(h), 15265, and 15061(b)(3)

Reasons to support exemption findings:

CEQA Guidelines Section 15282(h) provides a statutory exemption for cities or counties to adopt ADU ordinances to implement Public Resources Code Section 21080.17, which states that CEQA "... does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code." The proposed LUDC, MLUDC, and CZO amendments revise existing development standards and permit procedures regarding ADUs and JADUs and implements GC Section 65852.2. Therefore, the proposed LUDC, MLUDC, and CZO amendments are statutorily exempt from environmental review pursuant to CEQA Guidelines Section 15282(h).

In addition, CEQA Guidelines Section 15265 statutorily exempts local government activities involving the preparation and adoption of local coastal program amendments from environmental review. The proposed CZO amendment affects portions of the county within the Coastal Zone and constitutes an amendment to the County's Local Coastal Program. Therefore, the proposed CZO amendment is also statutorily exempt from environmental review pursuant to CEQA Guidelines Section 15265.

Lastly, CEQA Guidelines Section 15061(b)(3) is the "common sense exemption," which applies to activities that do not have the potential for causing a significant effect on the environment. Specifically, CEQA Guidelines Section 15061(b)(3) states: "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." The proposed Uniform Rules amendment (1) adds new and revises existing definitions to be consistent with Government Code Sections 65852.2 and 65852.22, and (2) allows JADUs as a compatible use on lands subject to Land Conservation Act contracts in compliance with Government Code Section 65852.22. JADUs are limited to no more than 500 square feet in size, must be developed within existing one-family dwellings, and must also be located within the non-agricultural development envelope. Given the size and location of JADUs, it can be seen with certainty that there is no possibility that JADUs may have a significant effect on the environment, and, therefore, the proposed amendment to the Uniform Rules is not subject to CEQA.

Department/Division Representative _____ Date _____

Acceptance Date (date of final action on project): _____

Date Filed by County Clerk: _____