

ATTACHMENT B: CEQA NOTICE OF EXEMPTION

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors
FROM: Noel Langle, Senior 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 guidelines for the implementation of CEQA.

APN(s): Not applicable.

Case No.: 09ORD-00000-00001

Location: The proposed ordinance amendment would apply solely to the unincorporated area of Santa Barbara County located outside the Montecito Community Plan Area.

Project Title: Solar Energy Systems Permit Requirements Ordinance Amendment.

Project Description: 09ORD-00000-00001 proposes to amend Chapter 35.3 - Site Planning and Other Project Standards, of, and make other revisions as necessary to, Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code to revise the existing procedures for permitting solar energy systems to be consistent with Government Code Section 65850.5.

Exempt Status: (Check one)

- Ministerial
- Statutory
- Categorical Exemption
- Emergency Project
- No Possibility of Significant Effect Section 15061(b)(3)

Cite specific CEQA Guideline Section: Section 15061(b)(3), the general rule exemption, states that 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 that the activity is not subject to CEQA.

Reasons to support exemption findings: The proposed amendment implements both the stated intent of Government Code Section 65850.5 which is “to promote and encourage the use of solar energy systems and to limit obstacles to their use” and as well as the restrictions on the review and permitting of solar energy systems, including that “a city or county shall administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit.”

The amendment would shift the permit requirement for freestanding solar energy systems located in the Inland area from a ministerial Land Use Permit to being exempt from planning permits while maintaining the existing requirement for a Coastal Development Permit for freestanding solar energy systems located in the Coastal Zone to maintain consistency with the Coastal Act. Therefore, with the exception of applications for solar energy systems that may be appealed to the Coastal Commission, CEQA does not apply to the existing permit procedure and also would not apply to the proposed process. In the case of applications for solar energy systems that may be appealed to the Coastal Commission, Government Code Section 65850.5 prohibits the use of a discretionary process by local jurisdictions; however, the ability to appeal the approval of such applications to the Coastal Commission is preserved. In this manner discretionary analysis of the application by the Coastal Commission can still occur.

Additionally, the County Building Official may require the submission of any application for a Solar Use Permit if he has a good faith belief that the solar energy system could have a specific adverse impact upon the public health and safety. Solar energy systems which are exempt from planning permits are still required to be established and operated in compliance with all the setback requirements, height limits, and all other applicable standards of the County Land Use and Development Code, including those standards that implement the Comprehensive Plan including regional Community Plans and development standards that protect environmental resources.

Therefore, no significant environmental impacts are expected to result as a consequence of this ordinance amendment.

Department/Division Representative _____ Date _____

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

Date Filed by County Clerk: _____

Note: A copy of this form must be posted at Planning and Development six days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.

Distribution: (for posting six days prior to action, and posting original after project approval)

Hearing Support Staff
09ORD-00000-00001 file