

Attachment 1

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Selena Evilsizor Whitney, Senior Planner
Planning and Development Department (P&D)
County of Santa Barbara

The activity identified below is determined to be exempt from 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: N/A

Case No.: N/A

Location: Unincorporated areas of Santa Barbara County

Project Title: Interim Greenhouse Gas (GHG) Emissions Thresholds of Significance

Project Applicant: P&D

Project Description: P&D proposes interim CEQA thresholds of significance for GHG emissions impacts (interim thresholds) in accordance with the procedure for establishing generally applicable thresholds of significance set forth in State CEQA Guidelines (CEQA Guidelines) Section 15064.7(b), Thresholds of Significance. Section 15064.7(b) states (1) that lead agencies are “encouraged to develop and publish thresholds of significance” and (2) “thresholds of significance to be adopted for general use as part of the lead agency’s environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and supported by substantial evidence.”

The purpose of the interim thresholds is to provide for project-level CEQA review of discretionary development projects for compliance with the County’s 2030 GHG emissions reduction target—that is, to reduce GHG emissions in the unincorporated County areas to 50 percent below 2007 levels by 2030 (County’s 2030 GHG target). P&D expects the interim thresholds to remain in place until the Board of Supervisors adopts the 2030 Climate Action Plan to comply with the County’s 2030 GHG target. The interim thresholds are necessary to evaluate non-industrial stationary source discretionary projects for compliance with the County’s 2030 GHG target because (1) the existing Energy and Climate Action Plan (ECAP) does not address GHG emissions beyond 2020 and (2) the County only has an adopted GHG emissions threshold for industrial stationary source projects.

The interim thresholds apply to all non-industrial stationary source projects located in the unincorporated areas of Santa Barbara County that are subject to environmental review under CEQA. The proposed interim thresholds will not affect the County’s existing GHG emissions threshold for project-level review of discretionary, industrial stationary source projects.

P&D staff included additional details regarding the interim thresholds in the Board Agenda Letter dated January 26, 2021, and County Planning Commission staff report dated October 27, 2020, all herein incorporated by reference.

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Entity Carrying Out Project: County of Santa Barbara

Exempt Status:

- Ministerial
- Statutory Exemption
- Categorical Exemption
- Emergency Project
- Not a Project

Cite specific CEQA and/or CEQA Guidelines Sections:

CEQA Guidelines Section 15060 (Preliminary Review), Public Resources Code Section 21065 and CEQA Guidelines Section 15378 (Project), and CEQA Guidelines Section 15064.7 (Thresholds of Significance)

An activity is not subject to CEQA if it is not a “project” as defined in Public Resources Code Section 21065 and CEQA Guidelines Sections 15060 and 15378. Further, the CEQA Guidelines establish a procedure for lead agencies to follow when adopting thresholds of significance, which does not include a prior CEQA review of the thresholds themselves (Section 15064.7[b]).

Reasons to support exemption findings:

County staff is preparing interim GHG emission thresholds of significance for all non-exempt discretionary land use projects and plans subject to discretionary approval that are not otherwise subject to the County’s industrial stationary source threshold. CEQA Guidelines Section 15060(c)(3) states that an activity is not subject to CEQA if the activity is not a “project” as defined in CEQA Guidelines Section 15378. Public Resources Code Section 21065 and CEQA Guidelines Section 15378 defines “Project” as an action “which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” Further, CEQA Guidelines Section 15378(b)(5) states that a project does not include “[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.”

The interim thresholds are an administrative activity that will not result in any direct or reasonably foreseeable indirect change in the physical environment. They will not authorize any new development or activities that will result in a direct or indirect physical change in the environment. Therefore, the interim thresholds are not a project subject to CEQA pursuant to Public Resources Code Section 21065 and CEQA Guidelines Sections 15060(c)(3), 15378(b)(5), and 15064.7(b). Subsequent, future projects must undergo CEQA review as applicable.

The interim thresholds set forth the qualitative and quantitative criteria and procedures that the County will generally use to determine the levels at which GHG emissions impacts from non-industrial stationary sources will be deemed significant under CEQA [CEQA Guidelines Section

15064.7(a)]. However, even to the extent that the County finds future projects to be in compliance with the interim thresholds, the County will be required to consider substantial evidence that such projects may still have a significant GHG emissions impact under CEQA [*Ibid* Section 15064(b)(2)].

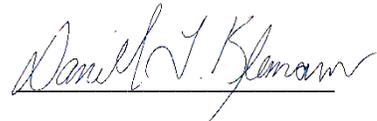
P&D's anticipated outcomes of adopting and implementing the interim thresholds include (1) standardized and consistent project-level CEQA review of GHG emissions impacts throughout the unincorporated area and (2) GHG emissions reductions from discretionary projects in alignment with the County's 2030 GHG target during the interim period before adoption of the 2030 Climate Action Plan. However, P&D does not have sufficiently detailed information available at this time regarding the design and location of future discretionary projects, the extent to which their construction or operation might be affected by the interim thresholds, or other substantial evidence related to the potential significance of their GHG emissions, to assess the indirect physical environmental changes that will result. Such an analysis at this time is too speculative to be considered reasonably foreseeable [*Ibid* Section 15064(d)(3)]. Therefore, the interim thresholds are not a project subject to CEQA because they will not result in any direct physical changes in the environment, or any indirect physical environmental changes that are reasonably foreseeable.

Additionally, the interim thresholds are not subject to CEQA because the CEQA Guidelines establish the required procedure for lead agencies to follow when adopting thresholds of significance, which does not include a prior CEQA review of the thresholds themselves [*Ibid* Section 15064.7(b)]. The required procedure directs lead agencies to adopt CEQA thresholds of significance "by ordinance, resolution, rule, or regulation" after developing the thresholds "through a public review process and supported by substantial evidence." P&D developed the interim thresholds in accordance with the procedure set forth in Section 15064.7(b), which does not include a requirement for CEQA review of thresholds.

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Department/Division Representative:



Date: January 26, 2021

Acceptance Date: _____

Distribution: Hearing Support Staff

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