

ATTACHMENT 4 - NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Alex Tuttle, Planning and Development Department

APNs: 079-080-001, -002, -009, -013, -022, and 081-240-049

Case Nos.: 07RZN-00000-00006, 07RZN-00000-00007, 11COC-00000-00001, 15CDP-00000-00028

Location: 10045 Calle Real, Gaviota, CA 93117

Project Title: Las Varas Ranch Project – Consistency Rezone and Conditional Certificate of Compliance

Project Description: Approval of two rezones of approximately 1,238 acres from Unlimited Agriculture (U) under Ordinance 661 to AG-II-100 in compliance with Section 35.104 of the County Land Use and Development Code, and approval of a Conditional Certificate of Compliance on a 94-acre lot zoned AG-II-100.

Name of Public Agency Approving Project: County of Santa Barbara

Name of Applicant: Paul Van Leer, Ranch Manager

Exempt Status:

- Ministerial
- Statutory Exemption
- Categorical Exemption(s)
- Emergency Project
- Declared Emergency

Cite specific CEQA and/or CEQA Guideline Sections:

The rezones can be found exempt from environmental review based upon Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines. The Conditional Certificate of Compliance can be found exempt from environmental review based upon Section 15305 of the California Environmental Quality Act (CEQA) Guidelines.

Reasons to support exemption findings: Section 15061(b)(3) exempts projects under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. 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 project site contains several inland parcels and portions of parcels that are currently zoned Unlimited Agriculture (“U”) under Ordinance Number 661, which is now obsolete and has been replaced by the County Land Use and Development Code. The subject parcels are designated Agriculture II, 100-acre minimum lot area (A-II-100) under the Comprehensive Plan. It is the practice of the County to rezone such parcels to their appropriate zoning under the Land Use and Development Code when the opportunity presents itself in the form of a discretionary application for development, which would be to Agriculture II with a 100-acre minimum lot area (AG-II-100) in this instance. Therefore, the two rezones would update the zoning of the subject parcels, or inland portions thereof, consistent with current governing ordinances and the designation in the Comprehensive Plan. The rezones are not associated with any physical development and would not change the operation of the ranch

or result in the potential for greater development of the ranch than what would otherwise be allowed. Therefore, the common sense exemption is appropriate as there is no possibility of a significant environmental effect.

The proposed Conditional Certificate of Compliance, can be found exempt from environmental review pursuant to CEQA Guidelines §15305. Class five consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent and which do not result in any changes in land use or density. The proposed Conditional Certificate of Compliance would validate the existing, illegally created lot for the purposes of sale, lease or finance. The subject parcel contains slopes of less than 20 percent. No new development is proposed as part of this project. The proposed project would not change the land use designation or intensity of use of the parcel. There is no substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment. The exceptions to the categorical exemptions pursuant to Section 15300.2 of the State CEQA Guidelines are:

- (a) **Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.**

The subject parcel is not located in an area that contains any designated, precisely mapped, and officially adopted environmental resource of hazardous or critical concern. The proposed project would allow for the validation of the subject parcel for the purposes of sale, lease, or finance. No development is proposed with or would be approved as a part of this project.

- (b) **Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.**

The proposed project is for a Conditional Certificate of Compliance to validate an existing, illegally created lot. It would not result in an increase in subdivision potential. The existing parcel would continue the current agricultural use. The cumulative impact of successive projects of this type in the same place, over time, would not be significant.

- (c) **Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.**

There are no unusual circumstances surrounding the proposed project and there is not a reasonable possibility that the project would have a significant effect on the environment due to unusual circumstances.

- (d) **Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings,**

rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The proposed project does not include any physical development and would not be visible from a designated scenic highway. The project would not result in damage to scenic resources, including but not limited to, trees, historic buildings, or rock outcroppings.

- (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.**

The project is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

- (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.**

No construction, demolition or development is proposed as a part of the project and the project would not result in any substantial adverse change in the significance of a historical resource.

Lead Agency Contact Person: Alex Tuttle

Phone #: (805) 884-6844 Department/Division Representative: _____

Date: _____

Acceptance Date: _____

distribution: Hearing Support Staff

Date Filed by County Clerk: _____.