

ATTACHMENT 2: NOTICE OF EXEMPTION

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TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Matt Schneider, Deputy Director, Long Range Planning Division
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.

Case No.: 15ORD-00000-00018

Location: The proposed ordinance would apply to all of the unincorporated areas of the County of Santa Barbara.

Project Title: Medical Marijuana Regulations

Project Description: The project adds a new Article X, titled “Medical Marijuana Regulations,” to Section 35, Zoning, of the Santa Barbara County Code that prohibits the cultivation and delivery of medical marijuana in all zones, districts, properties, and areas within the unincorporated areas of Santa Barbara County with a limited exemption for qualified patients, persons with an identification card, and primary caregivers.

Name of Public Agency Approving Project: County of Santa Barbara

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

Exempt Status:

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

Cite specific CEQA Guideline Section: Section 15061(b)(3) states:

The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. 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.

Reasons to support exemption findings: As discussed further below, there is no substantial evidence that the proposed project involves unusual circumstances, including future activities, resulting in or which might reasonably result in significant impacts which threaten the environment; therefore, the project is not subject to CEQA. The proposed ordinance will add a new Article X to Section 35, Zoning, of the Santa Barbara County Code to prohibit medical marijuana cultivation and delivery, with a limited exception for personal cultivation by a

qualified patient, a person with an identification card, or that patient's or person's primary caregiver. The "medical marijuana cultivation for personal medical use exemption" will allow indoor or outdoor marijuana cultivation provided all of the following occur:

- a. The cultivation occurs on the lot that contains the lawful residential structure occupied by the qualified patient or person with an identification card;
- b. The cultivation occurs on a single cultivation site that does not exceed 100 square feet;
- c. The cultivation conforms to all applicable zoning regulations and current California and County building codes;
- d. The qualified patient, person with an identification card, or primary caregiver does not sell, distribute, donate, or provide marijuana to any other person or entity.

Of note, no commercial activities would occur. Thus, the proposed ordinance would not result in traffic generation, associated air quality impacts, or noise impacts. Areas of potential cultivation would be of small size (100 square feet) and located within a residential structure or yard such that no other adverse impacts would occur. As a result, there is no potential for a physical change to the environment directly or indirectly. Therefore, it can be seen with certainty that there is no possibility that the project would have a significant adverse effect on the environment.

Lead Agency Contact Person: Allen Bell, Supervising Planner, Long Range Planning Division

Phone #: (806) 568-2056

Department/Division Representative: Allen Bell

Date: December 8, 2015

Acceptance Date: _____
[date of final action on project]

Distribution: County Hearing Support Staff

Date Filed by County Clerk: _____