

ATTACHMENT 2: NOTICE OF EXEMPTION

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Daniel Klemann, 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 pursuant to the California Environmental Quality Act (CEQA) of 1970, as defined in the state and county guidelines for the implementation of CEQA.

Case No.: 17ORD-00000-00004

Location: The interim urgency ordinance will apply to all of the unincorporated areas of the County.

Project Title: Extension of the Nonmedical Marijuana Interim Urgency Ordinance of the County of Santa Barbara prohibiting any activities associated with the Adult Use of Marijuana Act (AUMA).

Project Description: The project consists of an extension for 22 months and 15 days of the interim urgency ordinance (17ORD-00000-00004) adopted on April 4, 2017, whereby the County shall not permit or allow, or process applications for, land use entitlements for any activities associated with the AUMA, or for outdoor cultivation, in all land use categories within the unincorporated areas of Santa Barbara County.

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 Guidelines Sections: The interim urgency ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) that states “[t]he 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;” and section 15308 that states the regulatory agency may make changes “...to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.”

Reasons to support exemption findings: The interim urgency ordinance is exempt under section 15061(b)(3) of the CEQA Guidelines because it has no potential for resulting in a physical change to the environment directly or indirectly since it prohibits any development

projects related to nonmedical marijuana pending completion of the County's research and study. Therefore, it can be seen with certainty that there is no possibility that this activity may have a significant effect on the environment.

Moreover, the interim urgency ordinance is exempt under section 15308 of the CEQA Guidelines because its approval will protect the environment by temporarily prohibiting outdoor cultivation and other activities related to nonmedical marijuana that would otherwise have potentially significant effects on the environment related to biological resources, agricultural resources, air pollution, and noise. Since section 15308 of the CEQA Guidelines sets forth a categorical exemption, the exceptions under section 15300.2 of the CEQA Guidelines may apply. Those exceptions are addressed below:

- (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.**

This exception only applies to certain classes and does not apply to the Class 8 exemption that is being relied upon for the interim urgency ordinance.

- (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.**

This exception does not apply since the interim urgency ordinance would not have any incremental impacts on the environment that, when evaluated together with other successive projects over time, would be cumulatively considerable. Rather, the ordinance will temporarily prevent environmental impacts related to nonmedical marijuana activities from occurring.

- (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 project and there is not a reasonable possibility that the project would have a significant effect on the environment due to unusual circumstances. Therefore, this exception to the Categorical Exemption is not applicable to the project.

- (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 project does not include any physical development. Thus, the project would not result in damage to scenic resources. The ordinance will temporarily prevent nonmedical marijuana activities that could damage scenic resources.

- (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 applies to the entire unincorporated county. While this project area may include some hazardous waste sites, the project does not propose any development or any activities on particular sites that would change the physical environment. Therefore, this exception to the Categorical Exemption is not applicable to the project.

- (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 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. Therefore, this exception to the Categorical Exemption is not applicable to the project.

Lead Agency Contact Person: Jessica Metzger, Senior Planner, Long Range Planning Division

Phone #: (805) 568-3532

Department/Division Representative: _____

Date of Final Action on the Project: _____

Distribution: County Hearing Support Staff

Date Filed by County Clerk: _____