

ATTACHMENT 2: ARTICLE X NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Noel Langle, Senior Planner, 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.

APN(s): Not applicable - Countywide.

Case No.: 17ORD-00000-00007

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

Project Title: Medical Marijuana Nonconforming Status Determination and Amortization Ordinance Amendment

Project Description: The project proposes to amend Article X, Medical Marijuana Regulations, of Section 35, Zoning, of the Santa Barbara County Code, to:

1. Provide that the current exemption from the prohibition against medical cannabis cultivation for medical cannabis cultivation locations that existed as of January 19, 2016, if they were legal under State law as of that date, shall terminate six months after the operative date of the applicable County ordinance regarding medical cannabis cultivation which is the subject of the Cannabis Land Use Ordinances and Licensing Program EIR (Project Case Nos.: 17ORD-00000-00009, -00010, and -00013), or a minimum of one year from the effective date of this amendment (Case No.: 17ORD-00000-00007) to Article X. The project will revise Article X to provide that:
 - a. If the County medical cannabis ordinance referenced above allows for cultivation of medical cannabis but requires a zoning permit, operators of legal, nonconforming uses who have submitted a complete application to the Santa Barbara County Planning and Development Department to permit the operator's legal, nonconforming cultivation site by the termination date listed above, may continue to operate the same existing legal, nonconforming medical cannabis cultivation site while the operator's permit application is being processed, as long as the cultivation location continues to comply with the requirements of (1) Article X as revised, (2) State law, and (3) the applicable provision of the County Land Use and Development Code Section 35.101.020 (Nonconforming Uses of Land and Structures), Montecito Land Use and Development Code Section 35.491.020 (Nonconforming Uses of Land and Structures), or Article II, the Coastal Zoning Ordinance Section 35-161 (Nonconforming Uses of Land, Buildings, and Structures), and
 - b. If the permit application is denied, the applicant shall cease all cannabis cultivation operations until a permit is obtained.
2. Include a process by which the operator of a medical cannabis cultivation location that existed as of January 19, 2016, may seek a determination from the County that the medical cannabis cultivation location is considered legal, nonconforming.

Name of Public Agency Approving Project: Santa Barbara County.

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

Exempt Status:

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

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

Providing the ability to apply for a nonconforming status determination would not result in a change to the level of development on the site if the determination is approved or denied. If approved, the site could continue to legally operate as it did in the past. If denied, then the matter would be referred for enforcement and the activity would be terminated. The draft ordinance would also allow an operator of a legal, nonconforming medical cannabis cultivation location to make minor modifications to the location to comply with State licensing requirements for medical cannabis cultivation provided that the modification does not result in an expansion or extension of the area of cultivation beyond the area existing as of January 19, 2016. This would allow an operator to modify the existing medical cannabis cultivation location (e.g., by installing odor control or security systems) to address features of the operation that might otherwise be incompatible with other uses surrounding the cannabis cultivation location without compromising the legal, nonconforming status of the cultivation location. Such modifications would not have the potential to create a significant effect on the environment, and could lessen existing impacts to the surrounding vicinity.

Therefore, it can be seen with certainty that there is no possibility that this activity may have a significant effect on the environment.

Lead Agency Contact Person: Noel Langle, Senior Planner, Long Range Planning Division

Phone No.: (806) 568-2056

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.

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

Hearing Support Staff
17ORD-00000-00007 file