

ATTACHMENT B: 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.

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 marijuana cultivation for medical marijuana cultivation locations that existed as of January 19, 2016 if they were legal under California state law as of that date shall terminate six months after the operative date of the applicable County ordinance regarding medical marijuana cultivation which is being studied by the Cannabis Land Use Ordinances and Licensing Program EIR (Project Case Nos.: 17ORD-00000-00009, -00010, and -00013). The project also proposes to revise Article X to provide that:
 - a. If the County medical marijuana ordinance referenced above allows for cultivation of medical marijuana but requires a zoning permit, legal nonconforming uses that have submitted a complete application to the Santa Barbara County Planning and Development Department to permit their legal, nonconforming cultivation site by the termination date listed above may continue to operate their same existing legal, nonconforming medical marijuana cultivation site while their permit application is being processed, as long as the cultivation location continues to comply with the requirements of Article X as revised, State law and the applicable provision of either the County Land Use and Development Code Section 35.101.020 (Nonconforming Uses of Land and Structures), the 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 marijuana cultivation operations until a permit is obtained.
2. Include a process by which the operator of a medical marijuana cultivation location that existed as of January 19, 2016 may seek a determination from the County that the medical marijuana 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.

Additionally, eliminating the existing exemption from the prohibition against medical marijuana cultivation for legal, nonconforming medical marijuana cultivation locations that existed as of January 19, 2016, will require operators of such locations, if they desire to continue to operate, to apply for and receive permits under proposed County regulations that will implement the new State law and regulations regarding the manufacture, sale, transport, and use of cannabis. The proposed County regulations will address permit requirements and development standards for the different cannabis license types that are allowed under State law and whether they are allowed within the County will ensure that existing medical marijuana cultivation locations are compatible with surrounding neighborhoods and provide for the protection of the environment. These regulations are expected to be in effect in March, 2018 for the non-Coastal Zone portion of Santa Barbara County and May, 2019 for the Coastal Zone portion of Santa Barbara County.

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