

Lenzi, Chelsea

From: Lisa Bodrogi <lisa@cuvee.me>
Sent: Monday, October 8, 2018 11:05 AM
To: sbcob
Subject: Item #4 Hoop Structure Ordinance
Attachments: Ltr to the Board on Hoop Structure Ordinance.pdf; Hoop Structures P&D Director Determination - Final.pdf; AttachmentB.pdf

Please forward the enclosed Letter and Attachments to the Board of Supervisors for their consideration at tomorrow's hearing.

Kindly,

Lisa Bodrogi
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Santa Barbara County Board of Supervisors
c/o Clerk of the Board
105 E. Anapamu Street
Santa Barbara, CA 93101
Sent via e-mail to: sbcob@co.santa-barbara.ca.us

October 6, 2018

Re: Item #4 - Hoop Structure Ordinance Amendment

Dear Chair Williams and Members of the Board:

Cuvée Connections has been tracking this issue for the past several years as it has made its way through the decision-making process. We continue to assert the Environmental Impact Report is flawed and the premise for which a project was identified under CEQA is misguided.

The record is clear the direction and intent of the Board at the inception was not to regulate hoop structures less than 20' in height. While we commend the former Planning Director, under the direction of the Board of Supervisors, to issue an exemption (memo attached) there is a subtle distinction between something that is not subject to regulation vs. something that is exempt.

The premise for the Hoop Structure Ordinance is based on the lack of explicit reference to hoop structures in the table of allowed uses in the LUDC. The fact that hoops are not explicitly listed in the table of allowed uses is not an oversight, but rather, an acknowledgement that these farming implements are on par with irrigation lines, plastic coverings, and trellising.

"Cultivated agriculture, orchard, and vineyard" is referred to in the Table of Allowed Uses (please refer to Attachment B). This being a "Land Use" and acknowledging that the use of land for cultivated agriculture is exempt under the Land Use Development Plan. A use is the activity. To say that the implements to perform the use is a use is redundant and nonsensical. This would be like saying the walls of a building are a use and must be included in the table of allowed uses. Clearly, this type of logic unravels quickly.

It has been the will of your Board and the Planning Commission to acknowledge that hoop structures are integral to farming in the same manner as irrigation lines, plastic covering, or crop support implements. Practically speaking, hoops only serve to elevate the plastic covering above

the plant to improve plant growth and resource efficiencies. They are not structures, they are entirely removeable, they serve as a mechanism for the growing of plants and no more.

Santa Barbara County defines Agriculture in its purest form as the “growing of plants”. The Hoop apparatus is simply another tool, or farming implement, for the growing of plants; nothing more, nothing less.

The Board of Supervisors is charged with ensuring consistency with the Comprehensive Plan for Santa Barbara County. Goal I of the Agricultural Element states: “Santa Barbara County shall assure and enhance the continuation of Agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged. Where conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported. The Planning Commission repeatedly grappled with the fact that hoops do not precede cultivation, rather they are a tool in the production of agriculture. As such, to conclude and continue a pursuit to regulate hoop structures would contradict the County’s Agricultural Element.

The Board of Supervisors has the power and authority to determine that hoop and shade equipment is integral to the allowed use of cultivated agriculture. As such, we recommend your Board finds that hoop and shade apparatuses up to 20’ in height are not structures and are an integral component to the successful growing plants and direct staff to prepare findings to this end, to end the discussion and consideration of a Hoop Structure Ordinance.

We appreciate your consideration of this important matter to our agricultural community, the #1 economic driver, in Santa Barbara County.

Kindly,



Lisa M. Bodrogi
President, Cuvée Connections Inc.

Attachments:

- A – Planning Director Determination dated June 15, 2017
- B - Table 2-1 Chapter 35 County Land Use & Development Code

ATTACHMENT A



**County of Santa Barbara
Planning and Development**

Glenn S. Russell, Ph.D., Director

Dianne Black, Assistant Director

TO: Staff and Interested Parties
FROM: Dr. Glenn S. Russell, Director
DATE: June 15, 2017
RE: Determination that hoop structures are exempt from zoning permits in the County Land Use and Development Code

A handwritten signature in black ink, appearing to read "Glenn S. Russell". The signature is fluid and cursive, written over the "FROM:" line of the memo.

The following is a Director's Determination regarding the zoning permit requirement for hoop structures (also known as "berry hoops" and "hoop houses"). This Determination is made pursuant to Section 35.12.020 of the Land Use and Development Code ("Development Code").

The state Revenue and Taxation Code Section 6356.5 partially exempts certain "farm equipment and machinery" from California sales and use tax, and considers "single purpose agricultural or horticultural structures," such as hoop structures, to be farm equipment and machinery. As such, it is determined that hoop structures as defined in the Development Code and which are no greater than 20 feet tall are exempt from zoning permits.

Pursuant to Development Code section 35.102.040.A.3.a, this Determination may be appealed to the County Planning Commission. An appeal along with the appeal fee, must be filed no later than June 26, 2017.

Attachment B

SANTA BARBARA COUNTY CODE - CHAPTER 35 - COUNTY LAND USE & DEVELOPMENT CODE

Agricultural Zones

35.21.030

Table 2-1 Allowed Land Uses and Permit Requirements for Agricultural Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	AG-I	AG-I CZ	AG-II	AG-II CZ	

AGRICULTURAL, MINING, & ENERGY FACILITIES

Agricultural accessory structure	P	P	P	P	35.42.020
Agricultural processing - On-premise products	P	P	P	P	35.42.040
Agricultural processing - Off-premise products	—	CUP	CUP	CUP	35.42.040
Agricultural processing - Extensive	—	—	CUP(3)	—	35.42.040
Animal keeping (except equestrian facilities, see RECREATION)	S	S	S	S	35.42.060
Aquaculture	—	—	CUP	CUP	35.42.070
Cultivated agriculture, orchard, vineyard	E	E	E	E	
Grazing	E	E	E	E	
Greenhouse	P	P	P	P	35.42.140
Mining - Agricultural soil export	—	—	MCUP	—	35.82.160
Mining, extracting & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	CUP	CUP	35.82.160
Mining- Surface, less than 1,000 cubic yards	P(4)	CUP	P(4)	P	35.82.160
Mining- Surface, 1,000 cubic yards or more	CUP	CUP	CUP	P	35.82.160
Oil and gas uses	S	S	S	S	35.5
Winery	S	—	S	CUP	35.42.280

INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING

Composting facility	MCUP	—	MCUP	—	35.42.100
Fertilizer manufacturing	—	—	CUP(3)	—	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Country club	CUP	—	CUP	—	
Equestrian facilities	CUP	CUP	P	CUP	
Fairgrounds	CUP	CUP	CUP	CUP	
Golf course	CUP	CUP	CUP	CUP	
Golf driving range	CUP	CUP	CUP	CUP	
Meeting facility, public or private	CUP	—	CUP	—	
Meeting facility, religious	CUP	CUP	CUP	CUP	
Museum	CUP	—	CUP	—	
Rural recreation	—	—	CUP	CUP	35.42.240
School	CUP	CUP	CUP	CUP	
School - Business, professional or trade	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facilities	CUP	CUP	CUP	CUP	

Key to Zone symbols

AG-I	Agriculture I	CZ	Coastal Zone
AG-II	Agriculture II		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.21.030.C.
- (3) Use limited to areas designated on the Land Use Element Maps with the "Agricultural Industry overlay."
- (4) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.